
STATUTES OF CALIFORNIA

FORTY-NINTH SESSION OF THE LEGISLATURE,
1931.

Began on Monday, January fifth, and adjourned on
Friday, May fifteenth, nineteen hundred thirty-one.

STATUTES OF CALIFORNIA

PASSED AT THE
FORTY-NINTH SESSION OF THE LEGISLATURE

CHAPTER 1.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the eighty-first and eighty-second fiscal years.

[Approved by the Governor January 8, 1931. In effect immediately.]

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

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for contingent expenses of the Senate for the eighty-first and eighty-second fiscal years. Appropriation Senate

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

CHAPTER 2.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the eighty-first and eighty-second fiscal years, and declaring same an urgency measure.

[Approved by the Governor January 12, 1931. In effect immediately.]

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

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

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

CHAPTER 3.

An act making an appropriation to meet a deficiency in the appropriation for support of the district court of appeal for the fourth appellate district for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
district
court of
appeal

SECTION 1. Out of any money in the state treasury, not otherwise appropriated, the sum of forty-nine thousand three hundred thirty dollars (\$49,330) is hereby appropriated to meet the deficiency in the appropriation for support of the district court of appeal for the fourth appellate district for the eighty-first and eighty-second fiscal years.

Current
expenses

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

CHAPTER 4.

An act making an appropriation for major construction and equipment at California Institution for Women, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
California
Institution
for Women

SECTION 1. The sum of sixty-four thousand dollars (\$64,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at California Institution for Women including building for prisoners and dairy buildings.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 5.

An act making an appropriation for major construction and equipment at the Veterans' Home of California, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

SECTION 1. The sum of two hundred ninety-five thousand dollars (\$295,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, and in addition thereto the sum of two hundred five thousand dollars (\$205,000) is hereby appropriated out of the athletic commission fund, for the construction and equipment of a hospital unit at the Veterans' Home of California. Appropriation
Veterans'
Home

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1, article four, of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation. Urgency

CHAPTER 6.

An act making an appropriation for major construction and equipment for adjutant general and California National Guard, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

SECTION 1. Out of any money in the state treasury, not otherwise appropriated, the sum of one hundred seventeen thousand five hundred dollars (\$117,500) is hereby appropriated, to be expended in accordance with law for major construction and equipment for the adjutant general and the California National Guard, including armories, one each at Pasadena, Salinas, and Yuba City, and the construction of buildings and improvements for a rifle range at Oakland; but if, within one year after this act takes effect, any or either of the cities of Pasadena, Salinas, and Yuba City shall have failed Appropriation
National
Guard

to donate to the state, free and clear of all encumbrances, an armory site satisfactory to the adjutant general, he may select any other city in this state in which to erect an armory, if the latter city donates to the state, free and clear of all encumbrances, an armory site satisfactory to him

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 7.

An act making an appropriation for major construction and equipment at State Narcotic Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

Appropriation
State
Narcotic
Hospital

SECTION 1. The sum of sixty-five thousand dollars (\$65,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at State Narcotic Hospital including superintendent's cottage, physician's cottage, and a ward building.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 8.

An act making an appropriation for major construction and equipment at Fresno State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

SECTION 1. The sum of two hundred sixty thousand dollars (\$260,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Fresno State Teachers College, including library, and survey, appraisal, and purchase of land for same.

Appropriation
Fresno
State
Teachers
College

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

Urgency

CHAPTER 9.

An act making an appropriation for major construction and equipment at California Polytechnic School, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

SECTION 1. The sum of forty thousand dollars (\$40,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at California Polytechnic School, including boys' dormitory.

Appropriation
Polytechnic
School

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty

Urgency

properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 10.

An act making an appropriation for major construction and equipment at San Jose State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

Appropriation
San Jose
State
Teachers
College

SECTION 1. The sum of two hundred two thousand dollars (\$202,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at San Jose State Teachers College, including new science unit.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 11.

An act making an appropriation for major construction and equipment at California School for the Deaf at Berkeley, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

Appropriation
School for
the Deaf

SECTION 1. The sum of two hundred forty-two thousand dollars (\$242,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at California School for the Deaf at Berkeley, including primary unit and dining room.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of

article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 12.

An act making an appropriation for major construction and equipment at San Diego State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

SECTION 1. The sum of two hundred five thousand dollars (\$205,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at San Diego State Teachers College, including new building and gymnasium units. Appropriation
San Diego
State
Teachers
College

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation. Urgency

CHAPTER 13.

An act making an appropriation for major construction and equipment at San Francisco State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

SECTION 1. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at San Francisco State Teachers College, Appropriation
San
Francisco
State
Teachers
College

including additional classrooms and portion of administration building foundation.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 14.

An act making an appropriation for major construction and equipment at Chico State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
Chico
State
Teachers
College

SECTION 1. The sum of one hundred twenty-four thousand dollars (\$124,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Chico State Teachers College, including library and classrooms and improvements at Mount Shasta Summer School.

Urgency

SEC. 2 This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 15.

An act making an appropriation for major construction and equipment at Humboldt State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

SECTION 1. The sum of eighty thousand dollars (\$80,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Humboldt State Teachers College, including completion and furnishing of new training school.

Appropriation
Humboldt
State
Teachers
College

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

Urgency

CHAPTER 16.

An act making an appropriation for major construction and equipment at Santa Barbara State Teachers College, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

SECTION 1. The sum of seventy thousand dollars (\$70,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Santa Barbara State Teachers College, including unit of training school.

Appropriation
Santa
Barbara
State
Teachers
College

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the

Urgency.

persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 17.

An act making an appropriation for major construction and equipment at Folsom State Prison, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
Folsom
Prison

SECTION 1. The sum of one hundred sixty-five thousand dollars (\$165,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Folsom State Prison including kitchen, commissary and cold storage unit, cottages for guards, cannery and warehouse, and foundations for new cell block.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 18.

An act making an appropriation for major construction and equipment at San Quentin State Prison, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
San
Quentin
Prison

SECTION 1. The sum of five hundred thirty thousand dollars (\$530,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at San Quentin State Prison including cell block, cottages for guards, industrial buildings, jute mill unit, new prison wall, and solitary confinement building.

SEC. 2. This act is hereby declared to be an urgency measure ^{Urgency.} necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 19.

An act making an appropriation for major construction and equipment at Agnews State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

SECTION 1. The sum of four hundred sixty-five thousand five hundred dollars (\$465,500) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Agnews State Hospital including ward building for patients, physician's cottage, and quarters for employees. ^{Appropriation Agnews State Hospital}

SEC. 2. This act is hereby declared to be an urgency measure ^{Urgency.} necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 20.

An act making an appropriation for major construction and equipment at Mendocino State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

Appropriation
Mendocino
State
Hospital

SECTION 1. The sum of two hundred twenty thousand dollars (\$220,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Mendocino State Hospital including laundry building, reconstruction of ward building, and ward building for untidy patients.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 21.

An act making an appropriation for major construction and equipment at Napa State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

Appropriation
Napa State
Hospital

SECTION 1. The sum of eighty thousand dollars (\$80,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Napa State Hospital, including remodeling and equipping dining room and kitchen unit, remodeling of amusement hall, and reflooring and improvements to ward buildings.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are

wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 22.

An act making an appropriation for major construction and equipment at Norwalk State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

SECTION 1. The sum of one hundred sixty-one thousand dollars (\$161,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Norwalk State Hospital including building for patients at farm, quarters for night employees, quarters for day employees, and physician's cottage.

Appo-
prietion
Norwalk
State
Hospital

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

Urgency

CHAPTER 23.

An act making an appropriation for major construction and equipment at Patton State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

SECTION 1. The sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Patton State Hospital including dairy unit, additions to infirmary unit, quarters for employees, and water development.

Appro-
prietion
Patton
State
Hospital

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 24.

An act making an appropriation for major construction and equipment at Stockton State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

Appropriation
Stockton
State
Hospital

SECTION 1. The sum of one hundred five thousand dollars (\$105,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Stockton State Hospital including improvements and alterations to kitchen, bakery, and refrigeration plant, and employees' quarters.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 25.

An act making an appropriation for major construction and equipment at state fair grounds, department of finance, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

SECTION 1. The sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at state fair grounds, department of finance, including additional live stock building and poultry building. Appropriation
state fair
grounds

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation. Urgency

CHAPTER 26.

An act making an appropriation for major construction and equipment at Preston School of Industry, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

SECTION 1. The sum of twenty-nine thousand dollars (\$29,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Preston School of Industry including shop building and cottage for farm foreman. Appropriation
Preston
School of
Industry.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom Urgency

or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 27.

An act making an appropriation for major construction and equipment at new state hospital in southern California, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16 1931 In effect immediately]

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

Appro-
priation
new hospital
in southern
California

SECTION 1. The sum of four hundred fifty-five thousand six hundred dollars (\$455,600) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at new state hospital in southern California for erection of unit for patients.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 28.

An act making an appropriation for major construction and equipment at Pacific Colony, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately]

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

Appro-
priation
Pacific
Colony

SECTION 1. The sum of two hundred thirty-two thousand dollars (\$232,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Pacific Colony including ward building, employees' quarters and garages, cottage for patients at farm, additions to employees' dining room, sewage treatment plant, and dairy unit.

Urgency

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

health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 29.

An act making an appropriation for major construction and equipment at Sonoma State Home, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931 In effect immediately.]

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

SECTION 1. The sum of one hundred fifty-six thousand dollars (\$156,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Sonoma State Home including ward building, fire house and equipment, school and gymnasium, and physician's cottage.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

Appropriation
Sonoma
State Home

Urgency

CHAPTER 30.

An act making an appropriation for major construction and equipment at Whittier State School, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
Whittier
State School

SECTION 1. The sum of sixty-eight thousand dollars (\$68,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Whittier State School including building for boys, warehouse, garages, and barn.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 31.

An act making an appropriation for major construction and equipment at Industrial Home for the Adult Blind, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

Appropriation
Industrial
Home for
Adult
Blind

SECTION 1. The sum of fifteen thousand dollars (\$15,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment at Industrial Home for the Adult Blind for construction of superintendent's residence.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property

for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 32.

An act making an appropriation for completing and maintaining the harbor exhibit at Exposition Park, Los Angeles, department of finance, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 16, 1931. In effect immediately.]

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

SECTION 1. The sum of eight thousand dollars (\$8,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for completing and maintaining the harbor exhibit at Exposition Park, Los Angeles, department of finance. Appropriation harbor exhibit

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

CHAPTER 33.

An act making an appropriation to meet a deficiency in the appropriation for major construction and equipment at San Jose State Teachers College for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931. In effect immediately.]

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

SECTION 1. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for major construction and equipment at San Jose State Teachers College for the eighty-first and eighty-second fiscal years. Deficiency appropriation San Jose State Teachers College

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

CHAPTER 34.

An act making an appropriation to meet a deficiency in the appropriation for support of the department of public works for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appropriation
department
of public
works

SECTION 1. The sum of twenty-six thousand four hundred twenty-nine dollars (\$26,429) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for support of the department of public works for the eighty-first and eighty-second fiscal years

Current
expenses

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

CHAPTER 35.

An act making an appropriation to meet a deficiency in the appropriation for support of secretary of state for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appropriation
secretary
of state

SECTION 1. The sum of twenty-four thousand four hundred forty dollars (\$24,440) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for support of secretary of state for the eighty-first and eighty-second fiscal years.

Current
expenses

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

CHAPTER 36.

An act making an appropriation to meet a deficiency in the appropriation for support of fuel tax division, state board of equalization, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

SECTION 1. The sum of eleven thousand five hundred dol-
 lars (\$11,500) is hereby appropriated out of money in the
 motor vehicle fuel fund to meet the deficiency in the approp-
 riation for support of fuel tax division, state board of
 equalization, payable from motor vehicle fuel fund, for the
 eighty-first and eighty-second fiscal years. Out of the amount
 herein appropriated the said state board of equalization shall
 reimburse the funds from which have been paid claims for
 support of the fuel tax division of said board in excess of
 the original appropriation for support of said division for
 the eighty-first and eighty-second fiscal years.

Approp-
 riation.
 fuel tax
 division

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

Current
 expenses

CHAPTER 37.

An act making appropriation to meet a deficiency in an act entitled "An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes and dates, produced by another in the State of California, making an appropriation therefor and declaring the same an urgency measure," approved May 20, 1929, and declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

SECTION 1. The sum of thirteen thousand one hundred
 fifty dollars (\$13,150) is hereby appropriated out of any
 moneys in the state treasury, not otherwise appropriated, to
 meet a deficiency in the appropriation in an act entitled "An
 act to provide for the licensing and bonding of dealers engaged
 in handling any deciduous fruit, including grapes and dates,
 produced by another in the State of California, making an
 appropriation therefor and declaring the same an urgency
 measure."

Approp-
 riation
 Stats 1929,
 p 665

Current
expenses

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

CHAPTER 38.

An act making appropriation to meet a deficiency in the appropriation for date scale eradication, state department of agriculture, eighty-first and eighty-second fiscal years, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appro-
priation
date scale
eradication

SECTION 1. The sum of eight thousand five hundred dollars (\$8,500) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for date scale eradication, state department of agriculture, eighty-first and eighty-second fiscal years.

Current
expenses

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

CHAPTER 39.

An act making an appropriation to meet the cost of preparing and printing a report of the exploration, investigation, and preparation of preliminary plans in furtherance of the coordinated plan for the conservation, development, and utilization of the water resources of California under the provisions of chapter 832, statutes of 1929, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appro-
priation
water
resources
plan report

SECTION 1. The sum of thirty-five thousand dollars (\$35,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet the cost of preparing and printing a report of the exploration, investigation, and preparation of preliminary plans in furtherance of the coordinated plan for the conservation, development, and utilization of the water resources of California under the provisions of chapter 832, statutes of 1929.

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

CHAPTER 40.

An act making an appropriation to meet a deficiency in the appropriation for expenses in connection with survey and acquisition of state park sites, department of natural resources, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000) is hereby appropriated to meet the deficiency in the appropriation for expenses in connection with survey and acquisition of state park sites, department of natural resources, for the eighty-first and eighty-second fiscal years.

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

CHAPTER 41.

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

[Approved by the Governor January 21, 1931 In effect immediately]

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

SECTION 1. The sum of thirty thousand fifty-two and 81/100 dollars (\$30,052.81) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for legislative printing, binding, etc., for the eighty-first and eighty-second fiscal years.

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

CHAPTER 42.

An act making an appropriation to meet a deficiency in the appropriation for the administration of an act entitled "An act to provide for the protection, welfare, and assistance of aged persons in need and resident in the State of California, providing the method therefor, making appropriation therefor, and prescribing the penalties for the violation of the provisions of this act," approved May 28, 1929, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appropriation
Stats 1929,
p 914

SECTION 1. The sum of five thousand one hundred sixty dollars (\$5,160) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for the administration of an act entitled "An act to provide for the protection, welfare, and assistance of aged persons in need and resident in the State of California, providing the method therefor, making appropriation therefor, and prescribing the penalties for the violation of the provisions of this act," approved May 28, 1929, for the eighty-first and eighty-second fiscal years.

Current
expenses

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

CHAPTER 43.

An act making an appropriation to meet a deficiency in the appropriation for the support of the department of agriculture for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appropriation
department
of agri-
culture

SECTION 1. The sum of four hundred ninety-one thousand five hundred eighty-two dollars (\$491,582) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for support of the department of agriculture for the eighty-first and eighty-second fiscal years. Out of the moneys herein appropriated the said department of agriculture shall reimburse

the funds from which have been paid claims for support of said department in excess of the original appropriation for support of said department for the eighty-first and eighty-second fiscal years.

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

Current
expenses

CHAPTER 44.

An act making an appropriation to meet a deficiency in the appropriation for printing constitutional amendments and sponsors' pamphlets, secretary of state's office, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931. In effect immediately.]

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

SECTION 1. The sum of eighteen thousand two hundred ninety-one and 86/100 dollars (\$18,291 86) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for printing constitutional amendments and sponsors' pamphlets, secretary of state's office, for the eighty-first and eighty-second fiscal years.

Appropriation
printing,
secretary
of state

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

Current
expenses.

CHAPTER 45.

An act making an appropriation to meet a deficiency in the appropriation for major construction and equipment at Humboldt State Teachers College, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931. In effect immediately.]

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

SECTION 1. The sum of thirty thousand dollars (\$30,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for major construction and equipment, Humboldt

Appropriation
Humboldt
State
Teachers
College

State Teachers College, for the eighty-first and eighty-second fiscal years. The funds from which have been paid claims for major construction and equipment of said college in excess of the original appropriation for major construction and equipment of said college for the eighty-first and eighty-second fiscal years shall be reimbursed out of the money hereby appropriated in the amount of said excess so paid from said funds.

Current
expenses

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

CHAPTER 46.

An act making an appropriation for the construction and equipment of an addition to the state printing plant, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

Appropriation
printing
plant

SECTION 1. The sum of fifty-two thousand five hundred dollars (\$52,500), appropriated under the provisions of chapter 631, statutes of 1929, is hereby reappropriated from the transfer and operators' license fund and the further sum of twenty-eight thousand five hundred dollars (\$28,500) out of any moneys in the state treasury, not otherwise appropriated, is hereby appropriated, to be expended in accordance with law in the construction and equipment of an addition to the state printing plant in the city of Sacramento.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the preservation of the public peace, health and safety, within the meaning of section 1 of article four of the constitution, and therefore shall go into immediate effect. The facts constituting such necessity are as follows: the building space available to the bureau of printing, department of finance, is inadequate to house and protect state property, and it is imperative that the construction provided for in this act be commenced immediately.

CHAPTER 47.

An act making an appropriation to meet a deficiency in the appropriation for flood control and rectification of river channels in cooperation with other agencies, special irrigation and flood control studies, and cooperative work with the federal government, department of public works, for

the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 21, 1931 In effect immediately]

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

SECTION 1. The sum of twenty thousand dollars (\$20,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for flood control and rectification of river channels in cooperation with other agencies, special irrigation and flood control studies, and cooperative work with the federal government, department of public works, for the eighty-first and eighty-second fiscal years. Appropriation. flood control, etc

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

CHAPTER 48.

An act making an appropriation to meet a deficiency in the appropriation for minor construction, improvements, and equipment of new college, San Diego State Teachers College, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 22 1931 In effect immediately]

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

SECTION 1. The sum of thirty-six thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for minor construction, improvements, and equipment of new college, San Diego State Teachers College, for the eighty-first and eighty-second fiscal years. Appropriation San Diego State Teachers College

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

CHAPTER 49.

An act making an appropriation to meet a deficiency in the appropriation for major construction and equipment at

Chico State Teachers College for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 22, 1931 In effect immediately]

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

Appropriation
Chico State
Teachers
College

SECTION 1. The sum of forty-nine thousand dollars (\$49,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for major construction and equipment at Chico State Teachers College for the eighty-first and eighty-second fiscal years.

Current
expenses

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

CHAPTER 50.

An act making an appropriation to meet a deficiency in the appropriation for major construction and equipment of new college, San Diego State Teachers College, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor January 22, 1931 In effect immediately]

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

Appropriation
San Diego
State
Teachers
College

SECTION 1. The sum of sixty thousand dollars (\$60,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for major construction and equipment of new college, San Diego State Teachers College, for the eighty-first and eighty-second fiscal years. The funds from which have been paid claims for major construction and equipment of said college in excess of the original appropriation for major construction and equipment of said college for the eighty-first and eighty-second fiscal years shall be reimbursed out of the money hereby appropriated in the amount of said excess so paid from said funds.

Current
expenses

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

CHAPTER 51.

An act to amend the act entitled "An act to be known as 'Palo Verde irrigation district act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde irrigation district,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable low lands of Palo Verde valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, as amended, by amending sections numbered 8a, 10, 26, 28, 28h, 28j, 28k, 28l, 28m, 28n, 28o, 29, 56, 59 and 64 thereof, and by repealing section 28e thereof, and by adding thereto new sections, to be numbered and providing as follows, to wit: section 10a, relating to rates of tolls and charges and section 28l¹_o, relating to partial redemption from delinquent assessments and declaring same an urgency measure.

Stats 1923,
p. 1067,
amended.

[Approved by the Governor January 26, 1931 In effect immediately]

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

Stats 1927.
p 978

SECTION 1. Section 8a of an act entitled "An act to be known as 'Palo Verde irrigation district act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde irrigation district,' for the purpose of taking over the water rights and water systems of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable low lands of Palo Verde valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, as amended, is hereby amended to read as follows:

Assessor
and collector

Sec. 8a. The board of trustees shall elect an assessor and a collector, who shall hold office at the pleasure of the board and receive such compensation as shall be fixed by the board of trustees from time to time. Each of said officers shall qualify by taking and filing with the secretary of said board the oath of office and shall give such bond to said district as shall be required by the board, provided, the bond of said collector shall be in not less than the sum of one hundred

thousand dollars, and shall be executed, at the expense of the district, by a surety company authorized to do business in this state. Each of said officers shall perform such duties as shall be required by this act and such other duties as shall be prescribed by the board of trustees. The county treasurer of the county of Riverside shall act as treasurer of said district, and the actual estimated cost of his services shall be chargeable against and paid by the district; provided that nothing herein shall affect the duty and power of the district tax collector and other district officials under section 29 hereof to deposit, keep and pay out water tolls or charges or to maintain an emergency fund.

Treasurer

SEC. 2. Section 10 of said act as amended is hereby amended to read as follows:

Stats 1927.
p 970

Sec. 10. The board of trustees of the district, in addition to all other powers and duties prescribed by this act, shall have the following powers and duties:

Powers and
duties of
trustees

1. To keep a record of all its proceedings and minutes of its meetings, which meetings shall be public, and all records of the district shall be open to the public for inspection during reasonable business hours.

Records

2. To manage and conduct the business and affairs of the district; make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and to discharge all employees. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation, protection, reclamation or other works or improvements, and the line of canals or conduits, and their incidental branches and laterals; also for the location of levees, dikes or other structures which may be deemed proper.

General

3. Said board shall also have the right to acquire, by purchase, lease or condemnation, or other lawful means, all lands and waters or water rights and other property necessary for construction, use, supply, maintenance, repair and improvements of any and all irrigation plants or systems under its control, or to be acquired or controlled by the district, or for the construction, use, supply, maintenance, repair or improvement of any and all levees, protection works, drainage or reclamation work under its control or to be acquired and controlled by the district, whether any such properties be in this or other states and also where necessary or convenient in carrying out the purposes of this act, to acquire and hold the stock of other corporations, domestic or foreign, owning waters, canals, water works, franchises, concessions or rights, levees or drainage works. Said board may enter into and do all acts necessary or proper for the performance of any agreements with the United States or any state, county or district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management,

Acquisition
of property

Agreements

maintenance, repair or operation of any levees, works or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to store water in any reservoir or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee, the right to the use of any water, the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district. And may likewise enter upon any acts necessary or proper for the performance of any agreements with the United States or any state, county, or district, corporation, firm or individual or any number of them, for the joint acquisition, construction, maintenance or repair of any levees or other protection works or drainage or other reclamation works.

Works. 4. To construct dams, reservoirs and works for the collection of water for the district, and to do any and every lawful act necessary to be done that sufficient water may be furnished to each landowner or inhabitant in the district for irrigation and domestic purposes, and may contract to supply water to any mutual water company within the district which is or may be organized to furnish water to certain specified lands within the district, provided the lands so supplied by any such mutual water company are within this district, and may contract for supplying such lands with water through such mutual water companies.

Distribution of water.

General. The board is authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of this district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, and to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof, and may appear and defend in person or by attorneys in the name of such irrigation district.

Title, use and sale of property

5 The legal title to all property acquired under the provisions of this act shall immediately, by operation of law, vest in the district, and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. And said board is hereby authorized and directed to hold, use, manage, keep and possess, said property as herein provided. The board may determine by resolution duly entered upon its minutes, that any property, real or personal, held by such irrigation district, is no longer necessary to be held for the uses and purposes thereof, and may thereafter sell such property, and a conveyance of any property held by this district, executed by the president and secretary thereof, in accordance with the resolution of the board of trustees of such district, when sold for a valuable consideration, shall convey a good title to the property so conveyed.

6. It shall be the duty of the board of trustees to establish suitable by-laws, rules and regulations for the distribution and use of water among the owners of lands, which must be printed in convenient form for the use of the district. Said board may fix and collect rates of tolls and charges, for the purposes, and in the manner in this act provided. Rules and
tolls.

Said board may provide, by uniform rules and regulations, that water shall not be furnished to persons against whom, or for use upon land on which, there are delinquent water tolls or charges or delinquent district taxes.

7. When the board of trustees deems it advisable for the best interests of the district and the convenience of the electors thereof, it may at any time, but not less than sixty days before an election is to be held in the district, divide the district into divisions or precincts for election purposes, but such divisions shall be made as nearly equal in area or population as may be practicable. The boundaries of the divisions and precincts or any subsequent changes therein must be shown on the minutes of the board. Should the district be divided into divisions or precincts by the board of trustees for the purpose of holding elections thereafter, any property-owner owning property in one or more precincts or divisions, must cast the ballots represented by his respective parcels in each precinct where such parcels are situate respectively, and if any such parcel lies partly in one precinct and partly in another, he may cast the ballots represented thereby in either, but before doing so he must notify the election board in the other precinct of his intention to do so, in order that the election board may note the ballots represented by said land as having been voted. Election
precincts

8. After the first election of trustees held in pursuance of the provisions of this act, all subsequent regular elections shall be called annually at the times fixed for the holding of the annual election, and the trustees shall cause notice of such election to be given for the period and in the manner hereinbefore prescribed in reference to the first election, and the trustees shall perform all the duties in respect to giving notice of the election, establishing election boards, providing the ballots and assessment roll records necessary for conducting the election, designating voting places, causing the returns to be canvassed, and the results declared, which have been imposed upon the supervisors in respect to the first election. Regular
elections.

Likewise, the board of trustees shall perform all the acts necessary for calling and conducting special elections provided for in this act. Special
elections.

In all elections for trustees the persons receiving the highest number of votes shall be deemed elected for the office to be filled, provided, that if among the persons receiving the highest number of votes there shall be so many persons who are not resident in said district that the aggregate number of trustees whose terms have not expired who are not resident in said district added to such number of nonresident persons voted for shall exceed three, then the nonresident or nonresidents Election of
trustees.

having the lowest number of votes shall be deemed not elected and the person or persons receiving the next highest number of votes who are resident in said district shall be deemed elected, so that not less than a majority of the trustees shall be residents of the district. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of trustees, signed by property owners owning real property assessed upon the last preceding equalized assessment roll at not less than the aggregate of five thousand dollars, requesting that a special election be called for the election of officers, the trustees of such district shall thereupon call a special election for the election of such officers, such election to be held within not less than forty days after the filing of such petition.

Official
bonds.

Each member of the board of trustees shall qualify by executing an official bond in the sum of five thousand dollars on or before noon of the tenth day following his election, which bond shall thereafter be approved by a judge of the superior court of Riverside county, and be recorded in the office of the county treasurer thereof, and filed with the secretary of the board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers, and premium thereof may be paid by the district.

Borrowing
money.

9. Said board of trustees shall have the power at any time that, in its judgment, as declared by order entered in its minutes, the expenditure of money is absolutely necessary to the welfare of the district and the accomplishment of the purposes of this act, and there is no money in the fund of said district to make such necessary expenditures or the money in said fund is insufficient to make such necessary expenditure, to borrow for any period of time, not exceeding one year, such sum, not exceeding one hundred thousand dollars as may be necessary to make such expenditure, and may evidence such indebtedness by the note or notes of said district, executed by its president and secretary, and bearing interest at not more than seven per cent per annum.

General.

10. The board of trustees shall also have power generally to perform all other such acts as shall be necessary to fully carry out the purpose of this act.

New section

Sec. 3. A new section is hereby added to said act, as amended, to be numbered 10a and to read as follows:

Wasteful
use of
water.

Sec. 10a. The board of trustees shall have the right to establish penalties and restrictions upon the excessive and wasteful use of water, for the purpose of conserving the water of said district and for the purpose of preventing injury to the lands of said district. For said purposes and/or likewise for the purpose of defraying any or all of the expenses or obligations of said district or for which said district may be liable, the board of trustees may in lieu (either in part or in whole) of levying the taxes as in this act provided for, fix rates of toll and charges for irrigation and other public uses declared by

this act, and collect the same from all persons using water for irrigation and domestic use and/or from all persons owning or possessing land within said district which may be entitled to water for irrigation or entitled to such other public uses, and, upon order of said board, may be made payable only in case of delivery of water in excess of a specified quantity of water per unit of land. Such tolls or charges may be levied and fixed (either in part or in whole) on the basis of the assessed value of land within the district (exclusive of improvements) as shown on the last preceding equalized assessment roll of the district, or otherwise as the board shall provide. If such tolls and charges are fixed and levied upon any other basis than in accordance with the use of water, the board of trustees shall provide for a hearing upon the manner, rate and amount of such tolls and charges and shall give notice thereof and of the time and place of said hearing by publication, once a week for two weeks in a newspaper published in said district, or if there be none, in the county of Riverside. The said hearing may be held on or after ten days from the first publication. Such tolls or charges shall be payable in cash and may by the board of trustees be made payable either at one time or in installments to the district tax collector separately from taxes and in such manner as the board of trustees may provide, or said board of trustees may make the same payable with either or both of the installments of annual taxes levied by the district. Whenever any tolls or charges have been established by the board of trustees, said board may make the same payable in advance, either at one time or in installments, and may refuse to furnish water unless such tolls or charges are paid in advance. Any such tolls or charges not by order or resolution of said board made payable with district taxes, remaining unpaid at the time specified for the delivery of the next ensuing assessment roll to the collector of the district may, by order of said board, be added to and become a part of the annual assessment upon the land upon which such tolls or charges are unpaid. Such unpaid tolls and charges shall be payable with and as a part of the first installment of said assessment, or equally with both installments as the board may order, but no allowance or deduction shall be made on account of such unpaid tolls or charges in levying the tax provided for in section 28 hereof.

Tolls for excess.

Payment of tolls.

All amounts added to the assessment roll under the provisions hereof shall be collected at the same time, with like effect and in like manner, with the said installment or installments of district taxes.

SEC. 4. Section 26 of said act as amended is hereby amended to read as follows: Stats 1927, p 984.

Sec. 26. The board of trustees of the district shall each year, on or before the first Monday after the eighteenth day of August, and at such other times as they may deem advisable, cause to be prepared a detailed statement showing separately the estimated amounts of money that will be required Annual budget.

before the collection of taxes for the next ensuing year to pay the following:

1. Installments of interest and principal to become due, if any, upon all outstanding bonds of Palo Verde joint levee district of Riverside and Imperial counties, California.

2. The maintenance, repair and operation of the levees and other works constructed by said levee district.

3. The installments of interest and principal to become due, if any, upon all outstanding bonds of Palo Verde drainage district.

4. Maintenance, repair and operation of the drainage and reclamation system installed or constructed by said drainage district.

5. Installments of interest and principal to become due, if any, upon all the outstanding bonds of Palo Verde Mutual Water Company.

6. Installments of interest and principal to become due, if any, upon all outstanding bonds of this district.

7. Maintenance, repair and operation of the irrigation system of the district.

8. Any other sums needed for the operation and maintenance of the district and for carrying into effect the purposes of this act for the next ensuing year.

The board of trustees, in making said detailed statement, shall deduct from the amount estimated as required in connection with each subdivision hereof except subdivisions 1, 3 and 6, the estimated amount, if any, which will be raised and available for said purposes from water tolls or charges made by said district, and they may deduct from the amount estimated as required in connection with subdivisions 1, 3 and 6, the amount, if any, which is then on hand and available for said three purposes and not needed for maintenance or operation and which has been raised from water tolls or charges.

SEC. 5. Section 28 of said act as amended is hereby amended to read as follows:

Sec. 28. On or before the first Monday after the eighteenth day of August of each year the board of trustees, taking as a basis the detailed statement required in section 26 of this act and the valuation of the lands and improvements thereon within the district and the personal property within said levee district in accordance with the district assessment roll, must levy a tax sufficient to raise the amount set forth in said detailed statement, which tax shall be levied as follows:

1. A rate shall be fixed for raising the amount necessary to meet the principal and the accruing interest on the outstanding bonds of said levee district, which said rate shall be levied upon and in accordance with the assessed value of the lands, improvements and personal property within the boundaries of said levee district.

2. A separate rate shall be fixed for raising the amount necessary for the maintenance, repair and operation of the

Stats 1927,
p. 987 See
Ch. 881,
infra.

Annual tax
levy

levees constructed by said levee district, which said rate shall be levied upon and in accordance with the assessed value of the lands, improvements and personal property within the boundaries of said levee district.

3. A separate rate shall be fixed for raising the money necessary to meet the principal and accruing interest on the bonds of said drainage district, which said rate shall be levied upon and in accordance with the assessed value of all lands within said drainage district.

4. A separate rate shall be fixed for raising the amount necessary for maintenance, repair and operation of the drainage and reclamation system installed or constructed by said drainage district, which said rate shall be levied upon and in accordance with the assessed value of all lands within said drainage district.

5. A separate rate shall be fixed for raising the amount necessary to maintain, repair and operate the irrigation system of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the boundaries of this district.

6. A separate rate shall be fixed for raising the amount necessary to meet the principal and accruing interest on the bonds of this district, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within this district.

7. A separate rate shall be fixed for raising all other amounts set forth in said detailed statement required in section 26 of this act, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within this district.

There shall be four funds of said district kept by the county treasurer: the levee district bond and interest fund; the drainage district bond and interest fund; the irrigation district bond and interest fund; and the general fund. Moneys collected from the levies for principal and accruing interest on the bonds of the levee district, drainage district and irrigation district shall be placed in the appropriate funds and used only for said respective purposes. All other moneys collected from the other levies shall be placed in the general fund.

All properties acquired by this district after its organization and all construction work and improvements in the way of providing, maintaining and operating protection work or reclamation work in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands and improvements within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed value of the real estate and improvements thereon within the district, but all construction work and improvements in the way of maintaining and operating the irrigation system in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands (excluding improvements) within

Funds

Property
subject
to tax

the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed valuation of the lands (excluding improvements) within the district.

Computation
of tax

In ascertaining the above mentioned rates of taxation, fifteen per cent shall be deducted for anticipated delinquencies from the aggregate value of the property to be levied on in respect to each separate rate, as shown by the assessment roll of the district, and then the sum necessary to be raised shall be divided by the remainder of the proper aggregate assessed value. The secretary of the board must forthwith compute and enter in a separate column of the assessment roll the respective sums in dollars and cents to be paid on the respective properties therein enumerated.

Stats 1927,
p 991.

SEC. 6. Section 28h of said act as amended is hereby amended to read as follows:

Tax notice

Sec. 28h. On or before the first Monday in October of each year the secretary must deliver the assessment roll to the collector of the district, who shall within ten days thereafter publish a notice in a newspaper published in said district, or if there be none, in the county of Riverside, that said taxes will be due and payable on the third Monday in October next thereafter, and that the first installment thereof, including all personal property taxes and one-half of the taxes on lands, and improvements and all water tolls and charges ordered by the board of trustees to be payable and collectible therewith, will become delinquent at six o'clock p.m. on the first Monday in December next thereafter, and that unless paid prior thereto, five per cent will be added to the amount thereof, and that the second installment of said taxes, being the second one-half of taxes on lands and improvements, and all water tolls and charges ordered by the board of trustees to be payable and collectible therewith, will become delinquent at six o'clock p.m. on the last Monday in April, and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which the payment of said taxes may be made. Said notice shall be published once a week for two weeks. The collector must attend at the time and place specified in the notice to receive taxes, which must be paid in gold and silver coin. The collector must mark the date of payment of said taxes on the assessment roll opposite the name of the person paying and give a receipt to such person, specifying the amount of the tax and the amount paid, with the description of the property assessed. After said first installment of taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of five per cent thereof, and, after the second installment of said taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of five per cent.

Collection

Penalties.

SEC. 7. Section 28j of said act as amended is hereby amended to read as follows: Stats 1927,
p 992

Sec. 28j. On or before the eighth day of June the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent and the amount of taxes and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that unless the taxes delinquent, together with costs and percentage are paid, the real property upon which such taxes are a lien will be sold to the district. The publication must be made once a week for three successive weeks in a newspaper published in the district, or if there be none, one published in the county of Riverside. The publication must designate the time and place of sale. Delinquent
list.

Time and
place of sale The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication of the notice, and the place must be at some point designated by the collector within the district; provided, however, that if there should occur any error in the publication of the sale of the delinquent property which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder, the collector shall at once republish the sale of the property affected by such error, making such republication conform to the provisions of this act, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication, and the place of sale must be at some point designated by the collector within the district as stated in such republication.

SEC. 8. Section 28k of said act as amended is hereby amended to read as follows: Stats 1927,
p 992

Sec. 28k. The collector must collect, in addition to the taxes shown due on the delinquent list, with the percentages hereinbefore specified added, fifty cents on each lot, piece or tract of land separately assessed. The collector may postpone the time of sale; but he must give notice thereof at the time and place fixed for the sale in the publication. He may so postpone the time of sale from day to day, but not for a period of more than three weeks; provided, that if the sale be stayed by legal proceedings, the time of the continuance of such proceedings shall not be part of the time limited for making such sale. Additional
charge

Postpone-
ment

SEC. 9. Section 28l of said act, as amended, is hereby amended to read as follows: Stats 1927,
p 993.

Sec. 28l. On the day and hour fixed for the sale in accordance with section 28j hereof, all property upon which the taxes, penalties and costs have not been fully paid shall, by operation of law and the declaration of the tax collector, be sold to the district and the tax collector shall make in appropriate columns on the assessment roll opposite each parcel of land so sold an entry, "Sold to the district," the date of sale and the total amount for which such parcel of land was sold. Sale to
district

and he shall be credited with the amount thereof in his settlement with the secretary of the board of trustees; provided, that at any time on the day of the sale the owner or person in possession of any property offered for sale for taxes due thereon may pay the taxes, penalties and costs accrued against any such property.

Subsequent
taxes.

Property so sold to the district shall be assessed each subsequent year for district taxes until the deed is made to the district therefor, in the same manner as if it had not been sold to the district, and if such taxes become delinquent, such property shall be included in the delinquent list for each such year, and if such subsequent taxes remain unpaid on the day and hour of the sale in this section referred to, sale shall again be made to the district, in the manner herein specified.

Stats 1927,
p 993

SEC. 10. Section 28m of said act as amended is hereby amended to read as follows:

Certificate
of sale.

SEC. 28m. The collector must make out in duplicate a certificate dated on the date of the sale, stating, when known, the name of the person taxed, a description of the land sold, that it was sold to the district for taxes, giving the year of the tax and the amount of the tax, penalties and costs, and specifying the time when the district will be entitled to a deed. The certificate must be signed by the collector and one copy delivered to the district and the other filed in the office of the county recorder of the county in which the land is situated.

Stats 1927,
p 994

SEC. 11. Section 28n of said act, as amended, is hereby amended to read as follows:

Record
of sale.

SEC. 28n. The collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during business hours, when not in actual use. On filing the certificate with such county recorder, the lien of the taxes vests with the district and is only divested by the payment to it of the aggregate of the taxes, penalties and costs, together with one per cent per month thereon from the date of the sale until redemption; provided, that partial redemption may be made in the manner specified in sections 28o and 28½o of this act.

Tax lien

Stats 1927,
p 994.

SEC. 12. Section 28o of said act, as amended, is hereby amended to read as follows:

Redemption

SEC. 28o. A redemption of the property sold may be made by the owner, or any party in interest, within three years from the date of the sale, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold and silver coin; provided, that such redemption may also be made in whole or in part in warrants of the district, drawn by the auditor of said Riverside county prior to the first day of July, 1931, as to taxes levied prior to the year of 1930.

Warrants so received shall be canceled, and wherever necessary partial payment thereof may be endorsed thereon.

On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On presentation of the receipt of the collector of the total amount of the redemption money, the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor must make to the district a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law by its redemption. The title acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of trustees, or said property may be sold on contract, with deferred payments, similarly executed and acknowledged; provided, that authority so to convey or contract must be conferred by resolution of the board, entered in its minutes, fixing the price and terms at which such sale or contract may be made, and for the purpose of making such sales or contracts the district may employ an agent or agents; and provided, further, that property sold to the district for delinquent taxes may be redeemed as herein provided at any time before the district has disposed of the same.

Deed to district.

Sale

SEC. 13. A new section is hereby added to said act, as amended, to be numbered 28½o, and to read as follows:

New section

Sec. 28½o. In all cases where a lot, piece or parcel of land contained in any assessment has been sold or may hereafter be sold to the district for delinquent assessments and the time for redemption has not expired, a partial redemption may be made by the owner or any person in interest separately from the whole assessment of any such lot, piece or parcel of land as follows:

Partial redemption

If such lot, piece or parcel of land has a separate valuation shown on the assessment roll, the collector shall estimate the amount due according to the valuation shown on the assessment roll, and the redemption shall be made in the manner provided for in sections 28n and 28o, as amended, of this act. If such lot, piece or parcel of land or such fractional part of such lot, piece or parcel of land does not have a separate valuation shown on the assessment roll, the collector shall submit the description of the lot, piece or parcel of land, or the fractional part thereof, upon which redemption is requested, to the assessor, who must place a valuation thereon. The collector shall then send a notice by registered mail to the person to whom the land was assessed, to his last known address, giving him notice of the proposed division, and if no protest against said division be filed with the collector within ten days from the date of the mailing of such notice, the collector shall then estimate the amount of such assessments, penalties, costs and interest due on such lot, piece or parcel of land according to

such relative or proportionate value, and such redemption shall be made in the manner provided for in sections 28n and 28o, as amended, of this act; provided, that where written protest to said division is filed by any assessment payer within said ten days, the collector shall withhold such redemption and refer the matter to the board of trustees of the district for decision. The board of trustees shall set a time for hearing said protest, and cause a notice of the date of said hearing to be mailed by the secretary to the person or persons who have filed written protest, and to the person desiring to make such redemption, at least ten days prior to the date of such hearing, and at the termination of said hearing may confirm the act of the assessor or modify or set aside the same, and its decision in the premises shall be final. In the event of such reference to the board of trustees and of their dividing the assessment, the collector shall conform to the action of the board.

Such partial redemption must be made in gold and silver coin or in whole or in part, in warrants of the district, drawn by the auditor of said county of Riverside prior to the first day of July, 1931, as to taxes levied prior to the year 1930.

Warrants so received shall be canceled, and wherever necessary partial payment thereon shall be endorsed thereon.

Stats 1927,
p 997

SEC. 14 Section 29 of said act, as amended, is hereby amended to read as follows:

Disposition
of moneys
collected

Sec 29. The collector shall deposit in the name of the district at least weekly in a reputable bank or banks in Riverside county all moneys for tolls or charges collected by him and originally made payable separately from taxes. Any portion of said tolls or charges originally made payable separately from taxes and collected for the purpose of paying principal or interest on bonds of the Palo Verde irrigation district, Palo Verde joint levee district or Palo Verde drainage district shall be forwarded by him to the county treasurer of Riverside county, as required in connection with tax moneys. All other portions of said tolls or charges originally made payable separately from taxes and collected shall be retained in said bank accounts and be used for the purposes for which they were collected upon order of the board of trustees and on checks in the name of the district signed by the president, vice president, secretary, assistant secretary, superintendent and general manager or any two of said officers thereunto duly authorized by the board of trustees. The collector shall deposit daily in a reputable bank in Riverside county all moneys received by him for taxes and from tolls or charges which were originally made payable together with taxes to be placed in an account which shall only be drawn on by his checks payable to the county treasurer of Riverside county. All moneys collected from the district, from taxes and from tolls or charges originally made payable together with taxes, shall be paid by the collector to the county treasurer of the county of Riverside and placed in the appropriate fund or funds

in the name of the Palo Verde irrigation district. It shall be the duty of said county treasurer, upon presentation of any matured bond or interest coupon of any bond of any of said three districts, to pay the same from the appropriate fund. It shall be the duty of the county treasurer of Imperial county, if and when any funds derived from the collection of taxes collected by the county tax collector of said county under the provisions of section 28a of this act, upon any property within the district located in Imperial county, are paid over to him by the tax collector of said county, to transmit the same to the county treasurer of Riverside county, to be deposited by said last named treasurer in the appropriate fund or funds above mentioned. The county treasurer of Imperial county shall not be required to transmit said funds as they accumulate oftener than every thirty days. All payments required to be made by the district in pursuance of this act, except as herein otherwise provided, shall be made upon warrants drawn by the county auditor upon the appropriate fund and based upon itemized requisitions signed by the president and secretary or assistant secretary and one member of the board of trustees other than the president and secretary, and paid by the treasurer, but accurate account shall be kept by the board of trustees of the amount of funds on hand applicable to the particular purpose for which taxes have been levied, or bonds sold, and each requisition shall show on its face the account to which the same is chargeable. The said auditor shall not become personally liable for the drawing of any warrant by reason of the fact that funds may not have been provided to pay the same.

Upon the requisition of the board of trustees, the auditor is authorized to draw a warrant from time to time, in favor of the district, for the purpose of providing an emergency fund for the payment of emergency expenses, including pay rolls and current petty expenses, and the treasurer is authorized to pay such warrant, but the trustees shall cause the same to be deposited in a reputable bank to the credit of the district, and such fund may be disbursed on checks in the name of the district, signed by the president, vice president, secretary, assistant secretary, superintendent and general manager, or any two of said officers as may be authorized by resolution of the board of trustees; but, provided, however, that the amount on deposit in said emergency fund shall never exceed five thousand dollars, and an itemized statement of the disposition of same shall be made at least every thirty days, verified by the oaths of the president and secretary, and filed with the county auditor of Riverside county; and provided, further, that the board of trustees shall at all times keep in force a good and sufficient indemnity bond, executed by a reputable corporation authorized to engage in the business of executing fidelity bonds in the State of California, in an amount fixed by the board of trustees.

Emergency
fund.

Stats 1923,
p 1112. SEC. 15. Section 56 of said act is hereby amended to read
as follows:

Lien of
bonds SEC. 56. Any bonds issued under the provisions of this act
for funding and refunding purposes, shall be a lien upon the
land within the district, and said bonds and interest thereon
shall be paid by revenue derived from an annual assessment
upon the land within the district (exclusive of improvements)
and all such property in said district shall be and remain liable
to be assessed for such payments as hereinbefore provided.

Stats 1923,
p 1113. SEC. 16. Section 59 of said act is hereby amended to read
as follows:

Tax for
bonds SEC. 59. The board of trustees shall cause to be assessed
and levied each year upon the land within the district (exclu-
sive of improvements) in addition to the levy authorized for
other purposes, a sufficient sum to pay the interest on and
principal of such refunding bonds in the same manner as
provided in this act relating to levy and collection of assess-
ments for other purposes.

Stats 1927,
p 999. SEC. 17. Section 64 of said act as amended is hereby
amended to read as follows:

Short title SEC. 64. This act may be referred to in any action, pro-
ceeding or legislative enactment as "Palo Verde irrigation
district act."

Stats 1927,
p 990. SEC. 18. Section 28e of said act as amended is hereby
repealed.

Constitu-
tionality SEC. 19. If any section, subsection, sentence, clause or
phrase of this act is for any reason held to be unconstitutional,
such decision shall not affect the validity of the remaining
portions of this act. The Legislature hereby declares that it
would have passed this act, and each section, subsection, sen-
tence, clause and phrase thereof, irrespective of the fact that
any one or more other sections, subsections, sentences, clauses
or phrases be declared unconstitutional.

Urgency SEC. 20. This act is hereby declared to be an urgency
measure necessary for the immediate preservation of the
public peace, health and safety within the meaning of sec-
tion 1 of article four of the constitution of the State of Cali-
fornia, and shall take effect immediately.

The facts constituting such urgency are as follows: The
Palo Verde irrigation district is in dire distress financially.
The lands therein have become greatly in arrears in the pay-
ment of taxes, and consequently the bonds of the Palo Verde
irrigation district, of the Palo Verde drainage district and
of the Palo Verde levee district of Riverside and
Imperial counties, California, are delinquent and the opera-
tion and maintenance funds are exhausted. If the delinquent
property in said district is not promptly returned to farming,
and if the taxes, tolls and charges are not promptly paid, the
payment of outstanding bond obligations can not be made,
the operation and maintenance of the levees, drains and irri-
gation system can not be kept up, and a great menace and

danger to life, health and property will shortly exist. The amendments to said act herein contained are necessary to accomplish the return to farming of said delinquent properties and to secure the payment of taxes, tolls and charges, and thereby to prevent the destruction of life, health and property.

CHAPTER 52.

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

[Approved by the Governor January 29, 1931. In effect immediately.]

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

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

School bonds validated.

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

Powers and duties of officers

What bonds
not legalized

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

Urgency.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money with which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school building, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstanding indebtedness of such district evidenced by bonds or warrants thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such bond elections were irregular but complying with all the provisions of this act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but was required to await until ninety days after adjournment of this Legislature.

CHAPTER 53.

An act to validate all proceedings for the formation of improvement districts within irrigation districts and all assessments heretofore made in any such improvement districts, to validate all warrants heretofore issued or to be issued, payable from the assessments levied in such improvement districts, and authorizing and directing the collection of the

assessments in such improvement districts sufficient to pay the principal and interest of said warrants, validating and confirming all acts and proceedings of the board of directors of any irrigation district in connection with the acquisition and creation of improvement districts within irrigation districts, and the acquisition, construction, operation, maintenance and repair of improvements therein, and declaring this act to be an urgency measure.

[Approved by the Governor January 29, 1931. In effect immediately]

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

SECTION 1. When in any irrigation district organized and existing under the laws of the State of California proceedings have been taken for the purpose of organizing any improvement district under the provisions of an act entitled: "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California irrigation district act; to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, as amended, all acts and proceedings of the board of directors of such irrigation district conducting the proceedings for the formation of such district and all other acts and proceedings leading up to and including the formation of such district, including the petition for such formation in the form and manner in which such petition was heretofore approved by such board of directors, and all other acts and proceedings relative to the levy of any assessment in such district and all warrants heretofore issued, or to be issued pursuant to such acts and proceedings in any such district heretofore organized are hereby legalized, confirmed and validated, and the power of the board of directors of such irrigation district conducting such proceedings in any such improvement district to make and levy and collect said assessment, and to issue warrants payable therefrom, is hereby ratified, confirmed and approved; and said warrants are hereby declared to be and shall be in the form and manner in which the same have heretofore been issued, or are to be issued, if not now outstanding, the legal and valid obligations of and against such improvement district, payable from the proceeds of the assessment levied or to be levied therein; and all other acts and proceedings heretofore taken under the provisions of said irrigation district improvement act, or purporting to be taken under said act, are hereby legalized, confirmed and validated. No error or informality in any such proceedings heretofore taken under said irrigation district improvement act shall in anywise invalidate the formation of any such improvement district, the levy of any assessment therein or the issuance of any warrants payable from such assessment

Proceedings
under
Stats. 1927,
p 1415,
validated.

or any other act or proceeding relative thereto, from and after the effective date of this act, all such proceedings and acts being hereby ratified, confirmed, approved and validated.

Powers and
duties of
officers

SEC. 2. For the purpose of paying the interest on any warrants issued by any irrigation district under the provisions of said irrigation district improvement act as the same becomes due, and the principal thereof, the assessors, treasurers, collectors, boards of directors and other officers of the respective irrigation districts organized under the laws of this state in which such improvement district shall have been organized or attempted to have been organized under said irrigation district improvement act, shall have the same powers and perform the same duties as are provided by said act for the assessment, levy and collection of the special assessments and the payment of the principal and interest of the warrants provided to be made and issued under the provisions of said act, and it shall be and hereby is made the duty of the board of directors of any irrigation district in which such improvement district shall have heretofore been organized or attempted to have been organized to levy and collect the special assessment heretofore made or to be made in such improvement district clearly sufficient to pay the principal and interest of the warrants issued or to be issued on account of such proceedings, and said boards of directors are hereby vested with power and jurisdiction to do all and singular the things herein and in said irrigation district improvement act required to be done for the purpose of providing funds sufficient to pay the principal and interest of said warrants.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall become effective immediately. The following is a statement of the facts constituting such urgency:

Many improvement districts within irrigation districts in the State of California are without funds with which to provide for the acquisition, construction, operation, maintenance and repair of improvements therein for the irrigation and drainage of lands therein. In many such improvement districts there are large acreages of land upon which many people make their homes and which with irrigation will provide large quantities of agricultural products but without irrigation are arid and unproductive. The acquisition, construction, operation, maintenance and repair of improvements provided for in said irrigation district improvement act are needed immediately for the irrigation season of 1931 and, unless the same are provided for immediately, water for irrigation purposes can not be furnished to said lands during the irrigation season of 1931 and such lands will be without water and therefore be rendered unproductive and valueless, necessitating the abandonment of homes. In many such districts,

unless the contemplated improvements for the drainage of lands therein are consummated before the irrigation season of 1931, many thousands of acres of land will become alkali- ed, water-logged and swamped and rendered permanently unfit for agricultural purposes because of the rising and high under- ground water table therein, as well as rendered dangerous to the public health by reason of the marshy and swamped lands created, which will be a breeding place for mosquitoes and malarious insects. Many such improvement districts have been created within irrigation districts for the purpose of rectifying the above conditions which now exist, but, by reason of minor defects in the proceedings for the formation of such districts and other minor irregularities not substantially affecting the rights of property owners within such districts, such districts are unable to proceed with the improvements and are unable to issue or negotiate warrants for the payment thereof, and it is essential that such improvements be made immediately without awaiting the delay of ninety days after the adjournment of this Legislature.

CHAPTER 54.

An act to provide for preserving and making available for public use as a permanent record all data, records, maps and reports made or collected pursuant to water resources investigations and studies heretofore made and authorized under chapter 889, statutes of 1921; chapters 476 and 477, statutes of 1925; chapter 809, statutes of 1927; and chap- ters 656 and 832, statutes of 1929, and making an appro- priation therefor, to take effect immediately.

[Approved by the Governor February 3, 1931. In effect immediately.]

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

SECTION 1. The department of public works is hereby authorized and instructed to assemble, arrange, classify, file, index, otherwise preserve, and to make available and readily accessible for public reference and use, as a permanent record, any and all data, records, maps and reports made or collected pursuant to water resources investigations and studies made under authority of chapter 889, statutes of 1921; chapters 476 and 477, statutes of 1925; chapter 809, statutes of 1927; and chapters 656 and 832, statutes of 1929.

SEC. 2. It shall be the duty of the department of public works to carry out and put into effect the provisions of section 1 hereof and in furtherance thereof to employ such technical and clerical assistants as may be necessary; to purchase or acquire such filing and other equipment and supplies as may

Preservation,
etc., of water
resources
records.

Duty of
department
of public
works.

be necessary; and to do any and all things necessary or expedient for accomplishing the objects and purposes of this act.

Appropriation

SEC. 3. For the purpose of carrying out the provisions of this act the sum of twenty-five thousand dollars (\$25,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, and the state controller is hereby directed to draw warrants upon such sum from time to time upon the demand of the department of public works for the purposes of this act and the state treasurer is hereby directed to pay such warrants.

Current expenses.

SEC. 4. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it shall, under the provisions of section 1 of article four of the constitution, take effect immediately.

CHAPTER 55.

An act making an appropriation to pay the cost of the preparation and printing of a complete report of data upon the methods of financing and refinancing irrigation, reclamation, and other improvement districts in agricultural regions secured pursuant to the provisions of chapter 520, statutes of 1929, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1931 In effect immediately]

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

Appropriation:
printing of
report of
districts
financing
commission

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended upon authorization of the secretary of the commission appointed under the provisions of chapter 520, statutes of 1929, for the preparation and printing of a complete report of the data upon the methods of financing and refinancing of irrigation, reclamation, and other improvement districts in agricultural regions secured pursuant to the aforementioned act.

SEC. 2. Any unexpended balance remaining from this appropriation on July 1, 1931, shall revert to and become a part of the general fund of the state.

Current expenses

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the state it is hereby declared an urgency measure and shall, under the provisions of section 1 of article four of the constitution, take effect immediately.

CHAPTER 56.

An act making an appropriation to meet a deficiency in the appropriation for subsidies of the bureau of tuberculosis of

the department of public health, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1931 In effect immediately]

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

SECTION 1. The sum of one hundred twenty thousand dollars (\$120,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for subsidies of the bureau of tuberculosis, state board of health, department of public health, for the eighty-first and eighty-second fiscal years. Appropriation bureau of tuberculosis.

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

CHAPTER 57.

An act making an appropriation to meet a deficiency in the appropriation for the construction and completion, equipment and furnishing of an addition to the state office building at San Francisco, California, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1931 In effect immediately]

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

SECTION 1. The sum of two hundred ten thousand dollars (\$210,000) is hereby appropriated out of any money in the corporation commission fund in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for the construction and completion, equipment and furnishing of an addition to the state office building at San Francisco, California. Appropriation state office building, San Francisco

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

CHAPTER 58.

An act making an appropriation for major construction and equipment at the Veterans' Home of California, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1931. In effect immediately.]

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

Appropriation-
Veterans'
Home
hospital.

SECTION 1. The sum of two hundred five thousand dollars (\$205,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the construction and equipment of a hospital unit at the Veterans' Home of California.

SEC. 2. Out of any money heretofore or hereafter appropriated out of the athletic commission fund for the construction and equipment of a hospital unit at said Veterans' Home of California the general fund in the state treasury shall first be reimbursed to the amount of the appropriation made available by this act.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1, article four, of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: The existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 59.

An act making an appropriation for major construction and equipment of border plant quarantine inspection stations in Del Norte and Siskiyou counties; declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1931. In effect immediately.]

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

Appropriation-
plant
quarantine
stations.

SECTION 1. The sum of eighteen thousand dollars (\$18,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for major construction and equipment of plant quarantine border inspection stations, department of agriculture, including at least one station which shall be located on the Redwood highway in Del Norte county and

near the state boundary, and one station which shall be located on the Pacific highway in Siskiyou county and near the state boundary.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: The existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation. Urgency.

CHAPTER 60.

An act making an appropriation to meet a deficiency for the construction of jetties at the mouth of the Russian river, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor February 3, 1931 In effect immediately.]

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

SECTION 1. Out of any moneys in the fish and game preservation fund in the state treasury, not otherwise appropriated, the sum of twenty-two thousand five hundred dollars (\$22,500) is hereby appropriated to be expended in accordance with law by the state department of public works to meet a deficiency for the construction of jetties at the mouth of the Russian river near Jenner for the purpose of opening and maintaining a permanent channel through the bar at the mouth of said river. The sum hereby appropriated shall be available in addition to any sum or sums heretofore appropriated or required for a like purpose. Appropriation
Russian
river
jetties

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

CHAPTER 61.

An act to create a state unemployment commission to study the problem of unemployment and to propose remedies therefor and to make an appropriation therefor.

[Approved by the Governor February 3, 1931 In effect immediately]

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

Unemploy-
ment
commission.

SECTION 1. A commission is created to be known as the state unemployment commission composed of five members appointed by the governor and holding office at his pleasure. They shall serve without compensation, but shall receive their actual and necessary expenses incurred in the performance of their duties. The commission has power to appoint and fix the salary of a secretary and such experts and other employees as shall be deemed necessary to carry out the purposes of this act.

Duties

SEC. 2. The commission is authorized and directed to make surveys, studies and investigations of all problems relating to unemployment, with a view to formulating such plans and recommending such legislation as will enable the state to take the proper steps toward the solution of any such problems.

Powers

SEC. 3. For the purpose of this act the commission, or any member thereof, is authorized to administer oaths and examine witnesses and to possess all the powers conferred upon the head of a department by the provisions of section 353 of the Political Code.

Public
meetings

SEC. 4. From time to time the commission shall hold public meetings throughout the state, at which meetings the people shall have an opportunity to present their views to the commission. A record shall be kept of all such meetings, and reports shall be published setting forth in detail the results of any such meeting.

Appro-
priation

SEC. 5. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars to pay the expenses of the commission authorized by this act. The chairman of the commission, to be designated by the governor, is empowered to prepare and file claims for the payment of such expenses, which claims shall be audited in the manner provided for by law.

Urgency.

SEC. 6. This act is declared to be an urgency measure deemed necessary for the immediate preservation of the public peace and safety, within the meaning of section 1 of article four of the constitution, and as such it shall take effect immediately.

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

It is immediately necessary in view of the present business depression and unemployment situation that appropriate steps be taken in some manner to alleviate the situation which has arisen—a situation which has thrown very large numbers of

the citizens of this state out of employment, which unemployment is threatening the peace and well-being of the people of the state generally. The problems presented by such depression and unemployment and the remedies therefor should be immediately considered as provided in this act, to the end that the state may enact proper legislation by way of relief.

CHAPTER 62.

An act to amend section 751 of chapter 49, statutes of 1883, entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the fifth class, to take effect immediately. Stats 1883, p 93, amended.

[Approved by the Governor February 26, 1931 In effect immediately.]

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

SECTION 1. Section 751 of chapter 49, statutes of 1883, entitled "An act to provide for the organization, incorporation and government of municipal corporations," as amended by chapter 645, statutes of 1927, is hereby amended to read as follows: Stats 1927, p 1093.

Sec. 751 The government of said city shall be vested in: Officers - 5th class cities.

A board of five trustees to be known as the city council;

A board of education, to consist of five members; and whenever a free library and reading room is established therein, five trustees thereof;

A recorder who shall be known as the city judge;

A treasurer;

A clerk;

An attorney;

A marshal, who shall be known as the chief of police;

An assessor, and such subordinate or other officers as are hereinafter provided for.

The city council may, in its discretion, by an ordinance adopted, published and recorded, as required for general ordinances, at least thirty days before a general city election at which city officers are to be elected, unite and consolidate Consolidations.

1. The city marshal elected shall be ex officio superintendent of streets, and health officer;

2. The city clerk elected shall be ex officio recorder and assessor;

3. The city treasurer elected shall be ex officio tax collector and license collector and assessor;

4. The city attorney elected shall be ex officio city clerk.

The president of the city council shall be known as the mayor.

The court conducted by the city judge shall be known as the city court.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of article four of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of the fact constituting such necessity.

Various cities of the class affected by this amendment, will hold elections to which such amendment applies in April of this year. Inasmuch as the amendment would not take effect in the ordinary course of procedure until after such elections, the act as it existed prior to the adoption of the amendment would apply.

As a consequence cities of the fifth class in which elections would be held this year would be governed for two years at least, by officers elected under a law which did not longer exist in the same form. Other cities of the same class holding elections at a later date would come under the provisions of the act as amended. There would thus be a situation in which cities of the same class would be governed under different laws.

In order to prevent the resulting confusion throughout the state, and the injustice which would require certain cities of the class affected to be governed by officers whose election was no longer provided for by the laws of this state, it is necessary that this amendment be passed by this Legislature to take effect immediately.

CHAPTER 63.

An act to carry into effect the provisions of section 18 of article thirteen of the constitution, and adding sections 3664b-1, 3664b-2, 3664b-3, and 3664b-4, to the Political Code, relating to taxation of ocean marine insurers.

[Approved by the Governor February 26, 1931. In effect immediately.]

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

New section

Tax on
ocean marine
insurance
business

SECTION 1. A new section is hereby added to the Political Code to be known as section 3664b-1 and to read as follows:
3664b-1. Every insurer transacting the business of ocean marine insurance in this state shall annually pay to the state a tax of five per centum upon that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this state bear to the gross premiums of said insurer from such insurance written within the United States, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurers, except taxes upon real property, and such other taxes as may

be assessed or levied against such insurer on account of any other class of insurance written by it.

SEC. 2. A new section is hereby added to the Political Code to be known as section 3664b-2 and to read as follows: New section

3664b-2. The term "ocean marine insurance" as used in the preceding section is hereby defined as follows:

All insurance written within this state, upon hulls, freights, or disbursements, including marine builders and war risk insurance, or upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, any portion of which said exportation, importation, transportation, navigation, transit, or shipment shall be upon any ocean, and upon all said property while being prepared for and while awaiting such shipment, and during any delays, storage, transshipment or reshipment incident to or in connection with any such shipment or transportation. "Ocean marine insurance" defined

SEC. 3. A new section is hereby added to the Political Code to be known as section 3664b-3 and to read as follows: New section.

3664b-3. The term "underwriting profit" as used in section 3664b-1 of the Political Code, shall be arrived at by deducting from the net earned premiums on such marine insurance contracts written within the United States during the calendar year (1) the losses incurred and (2) expenses incurred, including all taxes, state and federal, in connection with such net earned premiums. Net earned premiums on such marine insurance contracts written during the calendar year shall be arrived at as follows: Gross premiums on such marine insurance contracts, written during the calendar year, less any and all return premiums, any and all premiums on policies not taken and any and all premiums paid for such reinsurance. Add unearned premiums on such outstanding marine business at the end of the preceding calendar year. Deduct unearned premiums on such outstanding marine business at the end of the current calendar year. Losses incurred, as used herein, shall mean gross losses incurred during the calendar year under such marine contracts written within the United States, less reinsurance claims collected or collectible and salvages or recoveries collectible from any source applicable to the aforesaid losses. Expenses incurred shall include: Determination of "underwriting profit"

(a) Specific expenses incurred on such earned marine premiums, consisting of all commissions, agency expenses, taxes, licenses, fees, loss-adjustment expenses, and all other expenses incurred directly and specifically in connection with such premiums, less recoveries or reimbursements on account of or in connection with such commissions or other expenses collected or collectible because of reinsurance or from any other

source. (b) General expenses incurred on such earned premiums, consisting of that proportion of general or overhead expenses, such as salaries of officers and employees, printing and stationery, all taxes of this state and of the United States, except as otherwise provided herein, and all other expenses not chargeable specifically to a particular class of insurance which the net premiums of such marine insurance written bear to the total net premiums written by such insurer from all classes of insurance written by it during the current calendar year.

Limit on
expenses
deductible

Provided, however, that in arriving at the aforesaid "underwriting profit," there shall not be deducted in respect to expenses incurred, as hereinbefore defined and specified in paragraphs (a) and (b), amounts which, in the aggregate, exceed forty per centum of the aforesaid gross premiums on such marine insurance contracts.

New section

SEC. 4. A new section is hereby added to the Political Code to be known as section 3664b-4 and to read as follows:

Annual
report

3664b-4. Every insurer transacting ocean marine insurance in this state as defined in section 3664b-2 of the Political Code, shall file on or before the first Monday in March in each year with the insurance commissioner, and in the form prescribed by him, a report of all the items pertaining to its insurance business as enumerated and prescribed in the preceding section 3664b-3. To determine the basis of the tax on underwriting profit, every insurer which has been writing such marine insurance in this state for three years shall furnish the insurance commissioner a statement of all of the aforementioned items, in the form prescribed by him for each of the preceding three calendar years. An insurer which has not been writing such marine insurance for three years shall furnish to the insurance commissioner a statement of all the aforementioned items for each of the calendar years during which it has written such marine insurance

Computation
of tax

If the insurance commissioner finds the report of the insurer reporting correct, he shall, if the insurer has transacted such marine insurance for three years (1) ascertain the average annual underwriting profit, as defined in section 3664b-3, derived by the insurer from such marine insurance business written within the United States during the last preceding three calendar years, (2) ascertain the proportion which the average annual premiums of the insurer from such marine insurance written by it in this state during the last preceding three calendar years bears to the average total of such marine premiums of the insurer during the same three years, (3) compute an amount of five per centum on this proportion of the aforementioned average annual underwriting profit of the insurer from such marine insurance, and (4) report the amount of tax thus computed to the state board of equalization as hereinafter provided. The insurance commissioner shall each year compute the tax, according to the method

described in this section, upon the average annual underwriting profit of such insurer from such marine insurance during the preceding three years, so that the computation of underwriting profit for purposes of taxation under this section will be on a three-year average, provided, however, that an insurer which has not been writing such marine insurance in this state for three years shall, until it has transacted such business in this state for that number of years, be taxed on the basis of its annual underwriting profit on such marine insurance written within the United States for the calendar year, subject, however, to an adjustment in the tax as soon as the insurance commissioner, in accordance with the provisions of this section, is enabled to compute the tax on the aforementioned three-year basis; and provided, further, that in the case of mutual companies, the insurance commissioner shall not include in underwriting profit, when computing the tax prescribed by this section, the amounts refunded by such companies on account of premiums previously paid by their policyholders.

The insurance commissioner must on or before the last day of April in each year, make and file with the state board of equalization, a report showing the amount of tax computed by him as payable by each insurer transacting the business of ocean marine insurance in this state, and the state board of equalization shall thereupon assess and levy said tax, so computed by the insurance commissioner, against said respective insurers within the time provided in section 3668 of the Political Code, and record the same as provided in section 3668a of said code, and said taxes shall be payable at the time and in the manner provided in section 3668b of said code, and said insurers shall be subject to, governed by, and entitled to the benefits provided under, the provisions of sections 3668 to and including section 3669e of the Political Code relative to the enforcement, collection and adjustment of state corporation taxes and all other matters in said sections contained in so far as they are not inconsistent with the provisions of section 18 of article thirteen of the constitution, and sections 3664b-1 to and including section 3664b-4 of this code.

SEC. 5. This act, inasmuch as it provides for a tax levy, shall, under provisions of section 1 of article four of the constitution, take effect immediately.

SEC. 6. If any portion of this act is invalid the Legislature hereby declares that had it known of the invalidity of the portion at the time of this enactment, it would have passed the remainder of this act without the invalid portion, and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion thereof.

Levy and
collection
of tax

Tax levy

Consta-
tionality

CHAPTER 64.

Stats 1929,
p. 19,
amended *An act to amend sections 8 and 14 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, relating to taxes upon banks and corporations.*

[Approved by the Governor February 27, 1931. In effect immediately.]

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

Stats 1929,
p. 21. SECTION 1. Section 8 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, is hereby amended to read as follows:

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

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

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

Taxes. (c) Taxes or licenses paid or accrued during the taxable year, other than taxes paid to the state under this act or under subdivision (d) of section 14 of article thirteen of the constitution of this state, and other than taxes on income or profits paid or accrued within the taxable year imposed by the authority of (1) any foreign country, (2) any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory, and other than taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against local benefits as is properly allocable to maintenance or interest charges; provided, however, that the deduction of real and personal property taxes shall be subject to the provisions of section 26 hereof; and provided, further, that the deduction allowed for federal income taxes shall be the amount of such taxes accrued during the taxable year but shall not exceed the amount which would constitute the federal income tax liability of the taxpayer if its net income subject to federal tax were reduced by the additional allowances permitted under the provisions of subsections (f) and (g) of this section and sections 19 and 20 hereof.

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

Uncompensated losses.

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

Bad debts.

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

Depreciation

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

Depletion.

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

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

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

In the case of oil and gas wells the allowance for depletion shall be twenty-seven and one-half per centum of the gross income from the property during the taxable year. Such allowance shall not exceed fifty per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance be less than it would be if computed in the manner provided in sections 113 and 114 of said revenue act of 1928.

Dividends
from income
of intrastate
business

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

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

Return paid
by mutual
building and
loan associa-
tions

(i) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, the return paid or credited on or apportioned to the withdrawable shares of such association, but not exceeding the return such shares would receive computed at the average rate paid by all such associations in this state, or by such associations in a particular locality, as the building and loan commissioner of this state may determine, on money borrowed or obtained through the issue during the taxable year of the association

of all classes of notes and investment certificates not evidencing any proprietary interest in the association, such rate to be determined by the building and loan commissioner and certified by him to the franchise tax commissioner on or before the first day of March of each year.

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

Interest paid by mutual savings banks

(k) In the case of farmers, fruit growers, or like associations organized and operated in whole or in part on a cooperative or a mutual basis, (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing, or producing, supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or by their agents; or when done on a non-profit basis for or with nonmembers.

Income of farmers' cooperatives

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

Income of other cooperatives

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

Effect if deduction adjudged discriminatory.

SEC. 2. Section 14 of said act is hereby amended to read as follows:

Stats 1929. p 26

Sec. 14. In the case of two or more corporations or banks or of one or more banks and one or more corporations owned or controlled directly or indirectly by the same interests, the commissioner is authorized to distribute, apportion, or allocate gross income or deductions between or among such corporations.

Allocation of income or deductions among affiliated banks and corporations.

or banks, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such corporations or banks.

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

Tax levy.

SEC. 3. This act, inasmuch as it provides for tax levies for the usual current expenses of the state, shall, under the provisions of section 1 of article four of the constitution, take effect immediately.

CHAPTER 65.

Stats 1929,
p. 19,
amended.

An act to amend sections 5, 9, 13, 24, 25, 26, 27 and 32 of chapter 13, statutes of 1929, entitled "An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes," relating to taxes upon banks and corporations.

[Approved by the Governor February 27, 1931. In effect immediately.]

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

Stats 1929,
p. 20 See
Ch. 1066,
infra.

SECTION 1. Section 5 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, is hereby amended to read as follows:

"Corporation"

Sec. 5. The term "corporation," as herein used, shall include every financial corporation, other than a bank or

banking association, and every mercantile, manufacturing and business corporation of the classes referred to in subdivision 1 (c) of section 5219 of the revised statutes of the United States.

The term "bank," as hereinafter used, shall include national banking associations. "Bank "

The term "doing business," as herein used, means any transaction or transactions in the course of its business by a corporation created under the laws of this state, or by a foreign corporation qualified to do or doing intrastate business in this state, and shall include the enjoyment of the right to do business through such incorporation or qualification. "Doing business "

SEC. 2. Section 9 of said act is hereby amended to read as follows:

Stats 1929, p 24 See Ch 1066, infra.

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

Deductions not allowed

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

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

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy, but neither the amount received under such a policy by reason of the death of the insured, nor amounts received under other life insurance, endowment and annuity contracts of the type whose premiums are disallowed, equal to the total amount of premiums paid thereon, shall be included in gross income.

SEC. 3. Section 13 of said act is hereby amended to read as follows:

Stats 1929, p 1555

Sec. 13. Every bank and corporation shall, within two months and fifteen days after the close of its taxable year, transmit to the commissioner a return in a form prescribed by him, specifying, for the taxable year, all such facts as he may by rule, or otherwise, require in order to carry out the provisions of this act.

Annual return

A bank which locates or commences to do business within the limits of this state, and a corporation which commences to do business in this state, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, and upon the filing of its return within two months and fifteen days after the close of its taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year. Said return shall also, in accordance with sections 23 to 26 inclusive, be the basis for the tax of said bank or corporation for its second taxable year, except that in every case in which the first taxable year of a bank or corporation

Tax when commencing business

constitutes a period of less than twelve months, the net income to be used as the measure of the tax for the second taxable year shall be in the same proportion to the net income for the first taxable year as the number of months in the second taxable year bears to the number of months covered by the return for the first taxable year, and in no case may the term "doing business" as defined in section 5 hereof be so construed as to enable a bank or corporation to pay a less amount of tax than it would be required to pay were the last clause of section 5 omitted therefrom.

Tax when
dissolving or
withdrawing
from
business

Any bank or corporation which is dissolved and any foreign corporation which withdraws from the state during any year shall pay a tax hereunder only for the months of its fiscal year which precede such dissolution or withdrawal, according to or measured by such proportionate part of the net income of the preceding taxable year as the number of months of the year prior to such dissolution or withdrawal bears to the entire preceding taxable year. In any event, each such corporation shall pay a minimum tax of twenty-five dollars for such period.

Tax when
discontinuing
business

If any bank or corporation discontinues actual operations within the state in any year and thereafter has no net income but does not dissolve or withdraw from the state, it shall in the succeeding year and thereafter until dissolution, withdrawal or resumption of operations, pay an annual tax to the state of twenty-five dollars.

Attachment
of tax
liability

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

Stats 1929,
p 28

SEC. 4. Section 24 of said act is hereby amended to read as follows:

Interest on
unpaid taxes

Sec. 24. (a) Interest upon the amount determined as a deficiency under the provisions of section 25 of this act shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the commissioner, and shall be collected as a part of the tax, at the rate of six per centum per annum from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed.

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

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

rate of one per centum a month from the date prescribed for its payment until it is paid

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

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

SEC. 5. Section 25 of the said act is hereby amended to read as follows:

Stats 1929, p 29 See Ch 1066, infra

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

Determination of amount of tax.

Notice of additional tax.

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

Protest

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

Appeal

said board upon said appeal of the amount of the tax shall be final, and said board shall forthwith notify the taxpayer and the commissioner of its determination.

Deficiency

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

Certificate
of mailing
notices

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

Time of
mailing

Except in the case of a fraudulent return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the taxpayer within one year after the return was filed and no deficiency shall be assessed or collected with respect to the year for which such return was filed unless such notice is mailed within such period, provided however that in the case of returns filed on or before June 1, 1930, notice of additional tax proposed to be assessed may be mailed at any time on or before June 1, 1931.

Stats. 1929,
p. 30

SEC. 6. Section 26 of said act is hereby amended to read as follows:

Offsets for
local taxes

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

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

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

SEC. 7. Section 27 of said act is hereby amended to read as follows: Stats 1929,
p 31

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

If any tax or penalty has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, the commissioner shall certify to the state board of control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board, the same shall be refunded to the taxpayer, but no such refund shall be made in the case of overpayments made on or before June 1, 1930, unless a claim therefor is filed by the taxpayer with the commissioner on or before June 1, 1931, and in the case of overpayments made after June 1, 1930, unless such claim is filed within one year from the date of overpayment. Every claim for refund must be in writing under oath and must state the specific grounds upon which the claim is founded. Claims

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

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

SEC. 8. Section 32 of said act is hereby amended to read as follows: Stats 1929,
p 33 See
Ch 1060,
infra

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

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

Penalty

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

Contracts voidable

Constitutionality

SEC. 9. If any portion of this act is invalid the Legislature hereby declares that had it known of the invalidity of the portion at the time of this enactment it would have passed the remainder of this act without the invalid portion, and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion of this act.

Tax levy

SEC. 10. This act, inasmuch as it provides for tax levies for the usual current expenses of the state, shall, under the provisions of section 1 of article four of the constitution, take effect immediately.

CHAPTER 66.

An act making an appropriation to meet a deficiency in the appropriation for support of fuel tax division, state board of equalization, for the eighty-first and eighty-second fiscal years, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor March 4, 1931. In effect immediately.]

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

Appropriation fuel tax division

SECTION 1 The sum of ten thousand one hundred six dollars (\$10,106) is hereby appropriated out of money in the motor vehicle fuel fund to meet the deficiency in the appropriation for support of fuel tax division, state board of equalization, for the eighty-first and eighty-second fiscal years.

Current expenses

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

CHAPTER 67.

Stats 1913.
Ch. 592.
p 1049.
amended

An act to amend chapter 592, statutes of 1913, entitled "An act to provide for the incorporation and organization and

management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts." approved June 10, 1913, as amended, by adding a new section to be numbered 12a, relating to the annexation of county water districts to municipal utility districts enabling the legislative body of any county water district to agree upon and give effect to terms and conditions of annexation and transfer property to municipal utility districts in consideration of and upon annexation, and declaring the urgency of said amendment.

[Approved by the Governor March 9, 1931 In effect immediately]

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

SECTION 1. A new section is hereby added to chapter 592, statutes of 1913, entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts." to be known as section 12a New section

Sec 12a Any district organized under the provisions of this act may be annexed to or included within the territory of any municipal utility district organized under the provisions of that certain act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, and such annexation or inclusion shall not destroy the identity or legal existence of any district organized under this act, notwithstanding the identity of purpose or substantial identity of purpose of the municipal utility district to which or into which any district organized under this act is included or annexed. Annexation to or inclusion in municipal utility district
Stats 1921, p 245

Any such annexation may be effected pursuant to the provisions of any law now or hereafter enacted providing for the annexation of county water districts to municipal utility districts, and all such laws are hereby incorporated herein and made a part hereof. The legislative body of any county water district may agree in writing with the board of directors of said municipal utility district upon the terms and conditions of such annexation, which agreement (among other things) may provide for the payment of special taxes within the county water district to be annexed in addition to the taxes elsewhere in said municipal utility district act provided for, the fixing of rates, rentals and charges differing from those Method
Terms

fixed or existing elsewhere within said municipal utility district, the incurring or assumption of indebtedness or the making of a payment or payments or the transfer of property, real and personal, and other assets to said municipal utility district in consideration of the annexation of such county water district to said municipal utility district.

Approval by
majority
vote

If a proposition for the annexation of such county water district to said municipal utility district, in accordance with and subject to all of the terms and conditions of such agreement of annexation, is approved by a majority of the voters of such county water district at an election called and held as required by the terms of the act under which said municipal utility district is organized, said proposition and all of the terms and conditions of said agreement of annexation shall be deemed to have been carried and approved by the electors, and the legislative body of such county water district shall be empowered to comply with the terms and conditions of said agreement of annexation and to execute and deliver any and all contracts, agreements, deeds and other instruments as may be required to carry out the terms and conditions of said annexation agreement. If such agreement of annexation provides for the transfer of any property or assets of the county water district the same shall be automatically transferred to and vest in said municipal utility district by operation of law upon the annexation of said county water district.

Legal
existence
continued

If such annexation or inclusion shall be made pursuant to any agreement or contract entered into in accordance with the provisions of this act whereby the properties or assets of any district organized under this act are transferred such district shall, nevertheless, in the case of such annexation or inclusion, continue its legal existence, with all powers of a county water district under the terms of this act, until otherwise dissolved pursuant to any law now or hereafter enacted for that purpose.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall go into immediate effect. The following is a statement of the facts constituting such urgency and necessity: Various county water districts and their inhabitants are now faced with impending water shortages, and the peace, health, safety and welfare of the citizens of this state residing therein are dependent upon the immediate acquisition of an adequate and pure water supply for their public and domestic requirements, which can only be secured from certain existing municipal utility districts. Said municipal utility districts are at present without authority to enter into appropriate arrangements for supplying said citizens and districts with water, but said amendment will enable municipal utility districts to provide for their public and domestic requirements and avert impending water shortages.

CHAPTER 68.

An act making an appropriation for the mileage for members and officers of the Legislature, and declaring the urgency thereof.

[Approved by the Governor March 11, 1931 In effect immediately.]

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

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for mileage for members and officers of the Legislature. Appropriation legislative mileage

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

CHAPTER 69.

An act to amend section 6a of chapter 218, statutes of 1921, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, relating to the annexation of municipalities and county water districts to municipal utility districts, and declaring the urgency of said amendment. Stats 1921, amended

[Approved by the Governor March 12, 1931 In effect immediately.]

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

SECTION 1. Section 6a of chapter 218, statutes of 1921, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon." as added by chapter 35, statutes of 1927, is hereby amended to read as follows. Stats 1927, p 47

Sec. 6a. Any municipality or county water district not included within the boundaries of said utility district at the time of its creation may be subsequently annexed thereto in the manner following: Annexation of municipality or county water district

The legislative bodies of such municipality or county water district shall agree in writing with the board of directors of Terms

said utility district upon the terms and conditions of such annexation, which agreement (among other things) may provide for payment of special taxes within the municipality or county water district to be annexed, in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals and charges differing from those fixed or existing elsewhere within the utility district, the incurring or assumption of indebtedness or the making of a payment or payments, or the transfer of property, real and personal, and other assets to said utility district by the municipality or county water district proposed to be annexed. The corporate boundaries of the municipality or county water district to be annexed need not be coterminous with any election precincts. Such agreement shall become effective and be binding upon the utility district and the municipality or county water district to be annexed when approved in the manner hereinafter set forth.

Approval
by utility
district

(a) Approval by municipal utility district: The board of directors of said utility district shall by ordinance setting forth such agreement at length declare its intention of causing the same to be executed by said utility district. Said ordinance, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation printed and published in said utility district. The time fixed for such hearing shall be not less than thirty (30) nor more than sixty (60) days from the date of the first publication of said ordinance. At such hearing any person interested may file written objections to the execution of said agreement with the board of directors of the utility district. Upon such hearing the board of directors of the utility district shall determine whether or not said agreement shall be carried into execution and shall hear and determine all objections thereto. Failure of any person interested in said utility district or in the matter of the proposed execution of said agreement to show cause in writing as aforesaid, shall be deemed and taken as an assent on his part to a change in the boundaries of the utility district and to the execution of such agreement. Any such hearing may be adjourned from time to time by the board of directors without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of such adjournment. In the event no protests are filed or the protests filed are overruled and denied by the board of directors such board shall thereupon, by resolution, finally approve said agreement and authorize its execution, which shall become effective when executed by the other party thereto, duly authorized in the manner hereinafter provided. When so executed by the utility district the same shall be dated and an executed copy thereof filed with the secretary of said utility district, and an executed copy shall also be filed with the secretary or clerk of the municipality or county water district to be annexed.

(b) Approval by municipality or county water district to be annexed: At any time after the board of directors of the utility district has finally approved the agreement of annexation in the manner hereinabove set forth the legislative body of the municipality or county water district to be annexed shall cause an election to be held in said municipality or county water district to determine whether such municipality or county water district shall be annexed to said utility district upon the terms and conditions stated in said agreement. Notice of such election shall be published once a week for two weeks prior to the date fixed for said election, or posted at least two weeks in three public places in said municipality or county water district in the event no newspaper of general circulation is published therein. It shall not be necessary to set forth the terms and conditions of said agreement of annexation at length but the notice of said election shall state that a copy thereof is on file in the office of the secretary or clerk of the municipality or county water district proposed to be annexed, open to the inspection of all persons interested; provided, however, the legislative body of the municipality or county water district to be annexed may in its discretion set forth the terms and conditions of said agreement of annexation at length in said notice of election, but this requirement is not mandatory.

Approval by municipality or water district

Notice

The ballots for said election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition thereto shall set forth the proposition of annexation substantially as follows:

Ballots

Shall the city of ----- (or the town of ----- or the ----- county water district) be annexed to ----- municipal utility district in accordance with and subject to all of the terms and conditions of an agreement of annexation dated ----- now on file in the office of the clerk (or secretary) of ----- (city, town or county water district)?	Yes	
	No	

Said election, in all matters pertaining thereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the state so far as the same may be applicable.

Conduct of election

If upon a canvass of such election it shall be found that a majority of all votes cast at said election were cast in favor of the annexation said proposition and all of the terms and conditions of said agreement of annexation shall be deemed to have been carried and approved by the electors; provided, however, that if the terms and conditions of said agreement of annexation provide for the assumption of any indebtedness

Result

of said utility district by any municipality proposed to be annexed, said proposition of annexation shall not be deemed carried unless approved by the vote of two-thirds of all the voters voting at such election. If such proposition fails to carry the result thereof shall be entered upon the minutes of the governing body of such municipality or county water district. In the event said proposition receives the vote of the requisite majority of electors hereinabove set forth the governing body of said municipality or county water district shall enter in its minutes an order declaring the result of such election and shall thereupon cause the agreement of annexation to be executed by its duly authorized officers. Upon receipt by said utility district of a certified copy of said agreement of annexation properly executed by the municipal utility district and the municipality or county water district proposed to be annexed thereto the board of directors of said utility district shall pass a resolution declaring said municipality or county water district annexed to said utility district, and shall cause a certified copy of said resolution to be filed with the secretary of state of the State of California. From and after the date of filing of said resolution with the secretary of state the annexation of said municipality or county water district to said municipal utility district shall be complete.

Legal
existence
continued

No such annexation or inclusion of any municipality or county water district to such utility district shall operate to dissolve or terminate the legal existence of the municipality or county water district so annexed, and such municipality or county water district shall, nevertheless, retain its corporate existence until otherwise dissolved pursuant to provisions of law now or hereafter enacted for that purpose.

Levy power
of utility
district
board.

From and after the date of such annexation the board of directors of the municipal utility district shall be authorized and directed to levy upon all of the property in such municipality or county water district so annexed such taxes, tolls or charges as may be necessary in order to provide funds for the payment of the indebtedness assumed by such municipality or county water district or otherwise necessary to comply with the terms and conditions of said annexation agreement, all in addition to the general district taxes authorized elsewhere in this act to be levied and collected.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall go into immediate effect. The following is a statement of facts constituting such urgency and necessity: Various county water districts and their inhabitants are now faced with impending water shortages, and the peace, health, safety and welfare of the citizens of this state residing therein are dependent upon the immediate acquisition of an adequate and pure

water supply for their public and domestic requirements, which can only be secured from certain existing municipal utility districts. Said municipal utility districts are at present without authority to enter into appropriate arrangements for supplying said citizens and districts with water, but said amendment will enable municipal utility districts to provide for their public and domestic requirements and avert impending water shortages.

CHAPTER 70.

An act relating to the formation, organization and proceedings of bridge and highway districts; confirming the formation, organization and existence of such districts; establishing and validating the boundaries thereof; confirming the appointment of the members of the boards of directors of such districts and all acts and proceedings of such members heretofore had or taken; confirming and validating any and all acts and proceedings heretofore had or taken by such districts in connection with the issuance of bonds thereof and all bonds heretofore authorized or issued by such districts and authorizing such bonds to be sold and delivered; providing for the levy and collection of a tax sufficient to pay the principal and interest of any such bonds; and declaring this act to be an urgency measure.

[Approved by the Governor March 12, 1931 In effect immediately]

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

SECTION 1. All districts heretofore organized or attempted to be organized under the provisions of an act of the Legislature of the State of California entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, as amended, and which have been declared to be duly incorporated, formed and organized by any certificate or purported certificate of incorporation issued by the secretary of state at any time prior to the adoption of this act, which have acted as such bridge and highway districts are hereby declared to have been legally and duly incorporated, formed and organized as of the respective dates the secretary of state issued such certificates of incorporation, and the incorporation of such bridge and highway district is hereby validated and confirmed. and such bridge and highway districts shall have all the rights

Bridge and
highway
districts
organized
under
Stats 1923,
p 452,
validated

and privileges and be subject to all of the duties and obligations of duly and regularly formed, established or incorporated bridge and highway districts.

Bonded.

SEC. 2. The boundaries of every such bridge and highway district, as the same were established or defined in the certificate of incorporation of such district now on file in the office of the secretary of state of the State of California, are hereby confirmed, validated and declared to be legally established, and every such bridge and highway district shall include and comprise all of the territory (whether contiguous or not contiguous) situated within the boundaries so designated and described in the certificate of incorporation of such district now on file in the office of the secretary of state of the State of California.

Boards of directors.

SEC. 3. The members of the respective boards of directors of every such bridge and highway district heretofore appointed by the respective boards of supervisors of each county or city and county situate in whole or in part within the boundaries of such districts, and now acting as such, are hereby declared to be the duly and legally appointed members of such boards of directors, and all such appointments are hereby confirmed, ratified and approved. All acts and proceedings of such boards of directors as now or heretofore constituted (and irrespective of the time, manner or method of appointment of the members of said boards or of the number of members so appointed) are hereby ratified, confirmed and approved with like force and effect as though each and every such director had been or was a duly and regularly appointed, qualified and acting member of the board of directors of such district at the time of any such action or proceeding by said board of directors or the adoption or passage of any resolution, order or ordinance thereof.

Bonds.

SEC. 4. In all cases where any such bridge and highway district has heretofore taken any proceedings for the purpose of authorizing, issuing or selling bonds of such district for any purpose or purposes for which bonds are authorized to be issued or sold and where an election has been called and held to vote upon a proposition of incurring such bonded indebtedness of such district and more than two-thirds of the votes cast at such election upon such proposition were favorable to the incurring of such indebtedness, all of the acts and proceedings of the board of directors and officers of such district, and all of the acts and proceedings of the boards of supervisors of the respective counties or cities and counties in which such district is situated, either in whole or in part, and all of the acts and proceedings of the county clerks and registrars of voters and other officers of such counties or cities and counties relating to the such election or issuance of such bonds, are hereby legalized, ratified, confirmed and validated to all intents and purposes; and all such acts and proceedings heretofore had, although the bonds authorized to be issued thereby are

not now sold or delivered, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of directors thereof to issue and sell said bonds is hereby ratified, confirmed and declared and said bonds, the proceedings for the issuance of which are hereby ratified, whenever hereafter sold in accordance with the provisions of said act, shall be the valid and legally binding obligations of and against said district.

SEC. 5. Both the principal and interest of said bonds shall be paid from an annual tax levied upon all the taxable property within such district in the manner and under the procedure prescribed in said act, and all of the taxable property within such district shall be and remain liable to taxation for the payment of the principal and interest of said bonds as herein and in said act provided; and for the purpose of paying the principal and interest of such bonds issued or to be issued, as it becomes due, the officers of such district and the boards of supervisors, clerks, assessors, treasurers, tax collectors and other officers of the respective counties or cities and counties within which said bridge and highway district is situated in whole or in part, shall have the powers and perform the duties provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of the principal and interest of bonds of bridge and highway districts; provided, always, however, that the proceeds of sale of said bonds may be used for the payment of interest on said bonds to the extent authorized or permitted by said act, and any revenues of such bridge and highway districts may be applied to the extent to which the same are available to the payment of principal and/or interest of the bonded indebtedness of any such districts.

SEC. 6. This act shall not operate to legalize any bonds which mature more than forty (40) years from their date or dates or which will exceed the limitation of indebtedness prescribed by said act.

SEC. 7. This act is hereby declared to be an urgency measure within the meaning of section 1 of article four of the constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The following is a statement of the facts constituting such urgency: The population of this state and the traffic on the highways thereof are very rapidly increasing and in all probability will in the future continue to so increase. The facilities for transportation in this state are inadequate for the needs of the population thereof and such increased traffic, and it is essential that such facilities be immediately increased and improved by the construction of bridges and other works by bridge and highway districts; and unless such bridges are constructed in the near future the public health and safety will be endangered due to congestion of traffic on existing roads and highways in

said state. Moreover, there are at the present time a large number of persons in the State of California who are unemployed and who are without means of livelihood. The construction of bridges and other works by bridge and highway districts of this state will furnish work for a large number of such persons and prevent them from becoming public charges. If the provisions of this act become a law immediately, the sale by such bridge and highway districts of their securities will be furthered, and they will thereby be enabled to obtain without delay the necessary funds for the construction of such bridges and works, and for the employment of a large number of persons hereinabove mentioned who are now without employment, and said districts will also be materially aided in securing bids from contractors and others for the construction of such bridges and works and for the supplying of materials therefor.

CHAPTER 71.

An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bay that may be outside of the line of navigable waters.

[Approved by the Governor March 25, 1931 In effect immediately.]

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

Power of
county
supervisors
to erect
bridges

SECTION 1. The power to erect free public bridges on public county highways across navigable streams in this state, is hereby granted to the board of supervisors of the several counties of the state under the restrictions of this act. Where a navigable stream is the boundary line between the counties, the board of supervisors of such counties may join in the construction of a free public bridge upon such terms as may be agreed upon; provided, however, that in case of failure to agree, either county may build a bridge and maintain control thereof.

Declaration
of necessity

SEC. 2. The board of supervisors, or other governing body of any city and county, or county in this state shall be empowered to declare that it is necessary for the public convenience to have a bridge or bridges built across any swamp, navigable estuary, pond, or arm of bay, that may lie or extend

Location

into the county, or city and county, and prescribe the point between which said bridge or bridges shall be built, and when they shall have specified the point between which it is in their judgment necessary to build the said bridge or bridges, they

Contracts

may let contracts to build the bridges as aforesaid, and pay for the same out of the general fund of the city and county, or county. All bridges constructed under the provisions of

Tolls
prohibited

this act, shall be free public bridges, and no tolls shall ever be charged for crossing the same

With relation to each other the provisions of this act and of the act approved June 10, 1929, chapter 763, statutes of 1929, creating the California toll bridge authority shall be construed together, and if the provisions hereof conflict with or contravene the provisions of said act of 1929, the provisions of the act of 1929 must prevail, and any and all things done under the provisions of this act shall be done not only in conformity to and in compliance with the requirements hereof but also in conformity to and in compliance with applicable requirements of said act of 1929. Nothing in this act shall be construed as limiting or affecting the acquisition or construction of bridges upon state highways and over navigable streams, swamps, navigable estuaries, ponds, or arms of bay by the department of public works of the State of California.

Stats 1929,
p 1489,
controlling

Not to
affect depart-
ment of
public works

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of facts constituting such urgency: The boards of supervisors of the respective counties have no authority to erect the bridges herein referred to, and it is necessary for the public peace, health and safety that such bridges be constructed immediately.

Urgency

Under the present provisions of the law there exists in several parts of the state wholly inadequate bridge facilities—their condition is needful of immediate remedy and requires action on behalf of the county boards of supervisors to take such steps as provided in this act as will immediately correct that condition.

CHAPTER 72.

An act to amend chapter 592, statutes of 1913, entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, by amending section 2 of said act relative to the formation of districts organized thereunder and by amending sections 20 and 21 of said act relative to the levy and collection of taxes in such districts.

Stats 1913,
p 1049,
amended

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2 of chapter 592, statutes of 1913, entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby

Stats 1913,
p 1050

of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts.' is hereby amended to read as follows:

County
water
districts

Sec. 2. The people of any county, or city and county, or portion of a county, or city and county, whether such portion includes unincorporated territory or not, in the State of California, having a population of not less than three hundred inhabitants, may organize a county water district under the provisions of this act by proceeding as herein provided.

Stats 1913,
p 1062

SEC. 2. Section 20 of said act is hereby amended to read as follows:

Rates

Sec. 20. The board of directors in the furnishing of water shall fix such rate as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and, so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due; it being the intention of this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district. Provided, however, that if any district shall have heretofore or hereafter issued any bonds for the purpose of storing water for the benefit of the district or conserving water for future use or appropriating, acquiring or conserving water and water rights for any useful purpose, or to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of water used or useful for any purposes of the district or for a common benefit to the lands within the district or its inhabitants, then such district shall, so long as bonds remain outstanding and prior to the time that the district shall receive any operating revenues from the sale of such water, levy and cause to be levied in the manner hereinafter provided a tax each year until said bonds are paid, or until there shall be a sum in the treasury of said district set apart for that purpose to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general county tax levy; provided, further, that if the maturity of the indebtedness created by such issue of bonds be made to begin more than one year after the date of issuance of such bonds, such tax shall be levied and collected at the time and in the manner hereinafter provided, annually each year sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity.

Tax prior to
receipt of
revenues

Stats 1925
p 989.

SEC 3 Section 21 of said act is hereby amended to read as follows:

Taxes when
revenues
inadequate

Sec. 21. If, from any cause, the revenues of the water district shall be, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of

any bonded debt as it becomes due, or any other expenses or claims against the district, then the board of directors must, at least fifteen (15) days before the first day of the month in which the board of supervisors of the county or city and county in which such district is located is required by law to levy the amount of taxes required for county or city and county purposes, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of money required by the district for the payment of the principal of or interest on any bonded debt as it becomes due, or which, in the judgment of the board of directors, will be required by such district for the payment of such principal or interest as aforesaid, together with a description of the portion of the district benefited thereby, as stated by the board of directors in the resolution declaring the necessity to incur such bonded indebtedness, and also of the minimum amount of money required by the district for any other purpose in this section set forth, and the board of supervisors of such county or city and county must annually, at the time and in the manner of levying other county or city and county taxes and until any such bonded debt is fully paid, levy upon the property within the portion of the district so benefited and cause to be collected, a tax sufficient for the payment of the principal of and interest on such bonded indebtedness to be known as the "----- county water district bond tax"; and until all other expenses or claims are fully paid, levy upon all of the property within the district and cause to be collected a tax sufficient for the payment thereof to be known as the "----- county water district water tax." Where with relation to any such bonded indebtedness, the determination of the board of directors as expressed in its resolution shall have been to the effect that the whole of the said district was benefited by the purpose thereof, it will be sufficient for the purpose of this section to simply state that the whole of the district was so benefited.

CHAPTER 73.

An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any county water district, providing for the application of the proceeds of sale of such bonds and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

SECTION 1. Where in any county water district organized under the provisions of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water

Bonds of
county water
districts
organized
under
Stats 1913,
p 1049,
validated

rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, proceedings have been taken for the purpose of voting upon, issuing or selling bonds of such district for any purpose or purposes, all acts and proceedings of the board of directors of such district, the officers of election and all other acts and proceedings leading up to and including the issuance of such bonds, if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, confirmed and validated to all intents and purposes, and the power of such district and of the board of directors thereof to issue and sell such bonds, is hereby ratified, confirmed and approved, and said bonds heretofore sold are declared to be and shall be, in the form and manner in which said bonds have been actually sold and delivered, the legal and valid obligations of and against such district, and said bonds heretofore authorized to be issued and hereafter sold and delivered are declared to be and shall be legal and binding obligations of such district, and the full faith and credit of such district is hereby declared to be pledged for the prompt payment of the principal and interest thereof.

Use of
proceeds

SEC. 2 The proceeds of the sale of any such bonds, whether heretofore sold or hereafter sold and delivered, may be applied by the board of directors of any such district in the manner now or hereafter provided by law for the purpose of carrying out in any manner the general purposes for which such district was organized, and notwithstanding that the method of application of such proceeds was not expressly authorized by law at the time of the calling or holding of the election at which such bonds were authorized to be issued.

Taxes

SEC. 3 For the purpose of paying interest on such bonds as it becomes due, and the principal thereof on or before maturity, the board of directors of such district is hereby authorized and directed to cause taxes to be levied in the manner now or hereafter provided by the provisions of said act.

CHAPTER 74.

An act confirming, ratifying and declaring valid the formation and organization of Castro valley county water district and also all of the acts and proceedings of said district.

[Approved by the Governor March 25, 1931. In effect August 14, 1931]

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

Castro valley
county water
district
validated

SECTION 1. The formation and organization of Castro valley county water district, in the county of Alameda, State of

California, by the board of supervisors of said county of Alameda, State of California, the exterior boundaries of which district are as follows, to wit:

All that certain territory situated in Eden township, county Territory of Alameda, State of California, described as follows:

Commencing at the most northerly point on the boundary line of the town of Hayward, said most northerly point being a point on the easterly boundary line of the lands shown upon that certain map entitled "Map of the Bonnie Brae tract Hayward—Alameda Co.—Cal." etc., filed October 23, 1908, in the office of the recorder of Alameda county, California; thence southwesterly, westerly and northwesterly along the northerly boundary line of the town of Hayward and following the meanderings thereof, to an intersection with the direct production southeasterly of the center line of North Third street, as said street is delineated and so designated on that certain map entitled "Map of the Knox tract," etc., filed June 18, 1892, in the office of the recorder of Alameda county, California; thence northwesterly and northerly along last said line so drawn and along the center line of said North Third street to an intersection with the southerly boundary line of lot 1 as said lot 1 is delineated and so designated on that certain map entitled "Resubdivision of lots 1 and 2 Laurel Farm near Hayward, Eden township, Alameda Co. Cal." etc., filed June 5, 1902, in the office of the recorder of Alameda county, California, thence westerly, southwesterly and northwesterly along the southerly and southwesterly boundary lines of said lot 1 to the most southerly corner of lot 17 as said lot 17 is delineated and so designated on that certain map entitled "Map of Laurel Farm near Haywards Alameda Co." etc., filed November 22, 1884, in the office of the recorder of Alameda county, California; thence northwesterly along the southwesterly line of said lot 17 and continuing along the southwesterly line of lot 18 as shown on last said map to an intersection with the southeasterly line of the Castro valley road or county road number 248; thence northwesterly in a direct line to the most southerly corner of lot 7 as said lot 7 is delineated and so designated on that certain map entitled "Map of Stanton Tract No. 1, Castro Valley, Alameda Co. Cal." etc., filed May 3, 1892, in the office of the recorder of Alameda county, California; thence northwesterly along the southwesterly boundary line of said Stanton Tract No. 1 and along the northeasterly boundary line of the lands shown upon that certain map entitled "East Oakland terrace, Eden township, Alameda county, California," etc., filed December 23, 1925, in the office of the recorder of Alameda county, California, to an intersection with the southeasterly boundary line of the lands shown upon that certain map entitled "Valley Crest Gardens, Eden township, Alameda county, Cal." etc., filed August 10, 1909, in the office of the recorder of Alameda county, California; thence southwesterly and northwesterly along the southeasterly and southwesterly boundary lines of said Valley

Territory.

Crest Gardens to the most westerly corner thereof; thence easterly along the northerly boundary line of said Valley Crest Gardens to an intersection with the line dividing the lands now or formerly of the East Bay Water Company and Clara Tamalier; thence northerly and northeasterly along said dividing line to the most westerly point on the line dividing the lands now or formerly of the East Bay Water Company and Jean M. Davison; thence continuing northeasterly along the line dividing the lands now or formerly of the East Bay Water Company and Jean M. Davison and the direct production northeasterly thereof to an intersection with the center line of Lake Chabot road or county road number 678; thence southeasterly along the center line of said Lake Chabot road to an intersection with the direct production southwesterly of the line dividing the lands, now or formerly, of the East Bay Water Company and I. B. Parsons; thence northerly and northeasterly along last said line so drawn and along said dividing line to a corner common to the lines dividing the lands now or formerly of the said I. B. Parsons, East Bay Water Company and Elizabeth G. Parsons; thence northerly, northeasterly, easterly and southeasterly along the line dividing the lands now or formerly of the East Bay Water Company and Elizabeth G. Parsons to the most northerly point on the line dividing the lands now or formerly of the East Bay Water Company and Platt B. Elderkin; thence southeasterly along last said dividing line and the direct production southeasterly thereof to an intersection with the center line of Redwood road or county road number 957; thence northerly and northwesterly along the center line of said county road number 957 to an intersection with the direct production westerly of the southerly boundary line of that certain 126.98-acre piece or parcel of land now or formerly of the East Bay Water Company; thence easterly along last said line so drawn and along the southerly and easterly boundary line of said 126.98-acre tract to the northwesterly corner of that certain ten-acre piece or parcel of land now or formerly of M. N. Cure; thence easterly along the northerly boundary line of said ten-acre tract, to the northwesterly corner of lot B1 as said lot B1 is delineated and so designated on that certain map entitled, "Map of the Van Hoosear tract, Castro Valley, Alameda Co. Cal.," etc., filed August 28, 1899, in the office of the recorder of Alameda county, California; thence easterly along the northerly boundary line of said Van Hoosear tract to the most northerly corner thereof; thence southeasterly and southwesterly along the northeasterly and southeasterly boundary lines of said Van Hoosear tract to an intersection with the northerly boundary line of that certain 25.75-acre piece or parcel of land now or formerly of Vincent J. Strobel; thence easterly along said northerly boundary line to an intersection with center line of Cull canyon creek; thence northerly along said center line to an intersection with the northwesterly boundary line of that certain 26.01-acre piece or parcel of land

now or formerly of Harry C. Petersen; thence northeasterly, southeasterly and southerly along the northwesterly, north-easterly and easterly boundary lines of said 26.01-acre tract to the southeasterly corner thereof; thence southwesterly in a direct line to the most southerly corner of that certain 14.027-acre piece or parcel of land now or formerly of George W Pennington, said southeasterly corner being a point on the easterly boundary line of Cull canyon road; thence southeasterly in a direct line to the northwesterly corner of that certain 13.37-acre piece or parcel of land now or formerly of G. M. and S. M. Kolich; thence northeasterly along the northwesterly boundary line of said 13.37-acre tract to an intersection with center line of a ravine on the easterly boundary of said 13.37-acre tract, thence southerly along the center line of said ravine to an intersection with a line drawn parallel to the center line of county road number 1461 or Crow canyon road and distant northerly 500 feet measured at right angles thereto; thence easterly, northeasterly, northerly and northwesterly along last said line so drawn to an intersection with the direct production northwesterly of the northeasterly boundary line of that certain 6.37-acre piece or parcel of land now or formerly of A. E. Harrison; thence southeasterly along last said line so drawn and along the northeasterly boundary line of said 6.37-acre tract to an intersection with the northwesterly right of way line of county road number 6394 or Jensen road; thence southeasterly in a direct line to the most northerly corner of that certain piece or parcel of land now or formerly of L. Palmtag and C. W. Heyer; thence southeasterly along the northerly boundary line of the lands of Palmtag and Heyer and along the direct production southeasterly thereof to an intersection with a line drawn parallel to the center line of county road number 35 or Dublin road and distant southeasterly 500 feet measured at right angles thereto; thence southwesterly along last said line so drawn to an intersection with a line drawn due east from the point of intersection of the center lines of San Lorenzo creek and county road number 35 or Dublin road; thence west along last said line so drawn to the point of intersection of the center lines of said road and creek; thence in a general southwesterly direction along the center line of San Lorenzo creek and following the meanderings thereof to an intersection with the direct production northwesterly of the northeasterly boundary line of the Bonnie Brae tract above referred to; thence southeasterly along last said line so drawn to the point of commencement; together with all of the acts and proceedings of said district, are hereby approved, confirmed, ratified, legalized and declared valid.

CHAPTER 75.

Stats 1921,
p 215,
amended

An act to amend sections 6b, 8, 9, 10, 11, 18, 20 and 23 of chapter 218, statutes of 1921, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, also to add a new section to said act to be numbered 6e, relating to the limitation of time for commencing actions to contest the validity of proceedings for the annexation of territory to municipal utility districts, also to amend section 12 of said act as amended by amending subdivision eight thereof relating to incurring indebtedness by such districts and providing for refunding of deposits for extensions, and to add a new section to said act to be numbered section 12a legalizing, ratifying, confirming and declaring valid certain obligations, acts, agreements and expenditures of such districts.

[Approved by the Governor March 25, 1931 In effect August 14, 1931]

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

Stats 1927,
p 49

SECTION 1. Section 6b of chapter 218, statutes of 1921, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," as added by chapter 35, statutes of 1927, is hereby amended to read as follows:

Annexation
of unincor-
porated
territory

Sec. 6b. Unincorporated territory may be annexed to said district in the manner following:

Petition

A petition, signed by not less than fifteen per cent of the qualified electors residing in the territory proposed to be annexed; provided, however, that not more than one hundred signatures shall be required, describing said territory and asking that proceedings be taken for its annexation, shall be addressed to the board of directors and filed with the secretary of the district. Thereupon the secretary shall compare the signatures on said petition with the affidavits of registration on file with the county clerk and if he finds that said petition has been signed by the required number of electors, he shall attach his signature thereto and present said petition to the board of directors.

Terms

If the board of directors shall determine that the annexation of said territory would facilitate the acquisition or operation of any public utility for the district, or be of advantage to the said district, then said board shall also determine the terms

and conditions upon which said annexation should be made. Provision may be made (among other things) for payment of special taxes within the territory to be annexed, in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals and charges differing from those fixed or existing elsewhere within the utility district, the incurring or assumption of indebtedness or the making of a payment or payments, or the transfer of property, real and personal, and other assets to said utility district by the territory proposed to be annexed. The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts. Such terms and conditions shall become effective and be binding upon the utility district and the territory to be annexed when approved in the manner hereinafter set forth.

(a) Approval by municipal utility district: The board of directors of said utility district shall by ordinance setting forth such terms and conditions at length declare its intention of causing the same to be approved by said utility district. Said ordinance, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation printed and published in said utility district. A copy of said ordinance shall be filed with the secretary of said utility district. The time fixed for such hearing shall not be less than thirty (30) nor more than sixty (60) days from the date of the first publication of said ordinance. At such hearing any person interested may file written objections to the approval of such terms and conditions with the board of directors of the utility district. Upon such hearing the board of directors of the utility district shall determine whether or not said terms and conditions shall be approved and shall hear and determine all objections thereto. Failure of any person interested in said utility district or in the matter of the proposed annexation on the terms and conditions set forth in said ordinance to show cause in writing as aforesaid shall be deemed and taken as an assent on his part to a change in the boundaries of the utility district upon the terms and conditions set forth. Any such hearing may be adjourned from time to time by the board of directors without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of such adjournment. In the event no protests are filed or the protests filed are overruled and denied by the board of directors such board shall thereupon, by resolution, finally approve said terms and conditions and proceed with the annexation of said territory in the manner hereinafter provided.

(b) Approval by territory to be annexed: At any time after the board of directors of the utility district has finally approved the terms and conditions of annexation in the manner hereinabove set forth the said board of directors shall cause an election to be held in said territory to determine whether such territory shall be annexed to said utility district upon the

Notice

terms and conditions stated in said ordinance. Notice of such election shall be published once a week for two weeks prior to the date fixed for said election, or posted at least two weeks in three public places in said territory in the event no newspaper of general circulation is published therein. It shall not be necessary to set forth the terms and conditions of said annexation at length but the notice of said election shall state that a copy of said ordinance containing such terms and conditions is on file in the office of the secretary of the municipal utility district, open to the inspection of all persons interested; provided, however, the board of directors of the utility district may in its discretion set forth the terms and conditions of annexation at length in said notice of election, but this requirement is not mandatory.

Ballots

The ballots for said election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition thereto shall set forth the proposition of annexation substantially as follows:

Shall the territory described in the petition filed with the secretary of the ----- municipal utility district on the ----- day of ----- be annexed to said utility district in accordance with and subject to all of the terms and conditions set forth in that certain ordinance passed by the board of directors of said municipal utility district on the ----- day of -----, a copy of which is now on file in the office of the secretary of said municipal utility district?	Yes	
	No	

Conduct of election

Said election, in all matters pertaining thereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the state so far as the same may be applicable.

Result

If upon a canvass of such election it shall be found that a majority of all votes cast at said election were cast in favor of the annexation, said proposition and all of the terms and conditions set forth in said ordinance shall be deemed to have been carried and approved by the electors. If such proposition fails to carry, the result thereof shall be entered upon the minutes of the directors of said municipal utility district. In the event said proposition receives the vote of the requisite majority of electors hereinabove set forth the board of directors of said municipal utility district shall pass a resolution declaring said territory annexed to said district, and shall cause a certified copy of said resolution to be filed with the secretary of state of the State of California, from and after the date of

which filing with the secretary of state the annexation of said territory to said district shall be complete.

From and after the date of such annexation the board of directors of the municipal utility district shall be authorized and directed to levy upon all of the property in the territory so annexed such taxes, tolls or charges as may be necessary in order to provide funds for the payment of the indebtedness assumed by such territory or otherwise necessary to comply with the terms and conditions of said annexation, all in addition to the general district taxes authorized elsewhere in this act to be levied and collected.

Levy power
of utility
district
board

SEC. 2. A new section is hereby added to the above entitled act to be known as section 6e.

New section

Sec. 6e. The validity of any proceedings for the annexation of any municipality, county water district or unincorporated territory to any municipal utility district shall not be contested in any action unless such action shall have been brought within three months after the completion of such proceedings, or, in case such proceedings are completed prior to the time that this act takes effect, then within three months after this act shall have become effective.

Contest of
validity

SEC 3. Section 8 of chapter 218, statutes of 1921, as amended by chapter 40, statutes of 1927, is hereby amended to read as follows:

Stats 1927,
p 62

Sec 8. The board of directors shall have authority by resolution or ordinance to fix the boundaries of the wards or subdistricts for the purpose of electing directors therefrom, after the first election creating and establishing the district. Such wards shall be established in ample time prior to each biennial general election to permit candidates for the position of directors to circulate nominating papers.

Election
wards

SEC. 4. Section 9 of chapter 218, statutes of 1921, as amended by chapter 40, statutes of 1927, is hereby amended to read as follows:

Stats 1927,
p 62

Sec. 9. The board of directors shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability, and shall provide for the time and place of holding its meetings, which shall be held at least once each month. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business.

Board of
directors

The board of directors shall establish rules for its proceedings and may provide by ordinance or resolution that each of its members shall receive for each attendance at the meetings of the board the sum of ten dollars. They shall not receive any other compensation, and no director shall receive pay for more than two meetings in any one calendar month. The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a mem-

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

Stats 1929,
p 62.

SEC. 5. Section 10 of chapter 218, statutes of 1921, as amended by chapter 31, statutes of 1929, is hereby amended to read as follows:

Ordinances,
etc.

Sec. 10. The acts of the board of directors shall be expressed by motion, resolution or ordinance; provided, no ordinance shall be passed by said board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of at least three directors. All ordinances shall be published once a day for at least seven days in some newspaper of general circulation printed, published and circulated in such district.

The enacting clause of all ordinances shall be as follows:

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

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

Stats 1927,
p 63

SEC. 6. Section 11 of chapter 218, statutes of 1921, as amended by chapter 40, statutes of 1927, is hereby amended to read as follows:

Powers
of board

Sec. 11. The board of directors shall constitute the legislative body of such district and determine all questions of policy.

The board of directors shall supervise and regulate every utility owned and operated by such district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices and schedules, for or in connection with any service, product or commodity owned or controlled by such district.

Said board may, in its discretion, appoint a general manager, an accountant, a secretary, a treasurer, an attorney, and such other subordinate officers as they may deem necessary, and fix their compensation and duties, which appointees shall hold office during the pleasure of the said board; they shall give such bonds and in such amounts as the board of directors may require. Said board may consolidate any of said offices in one and the same person. Said board may also provide for an assistant to any officer of the district, which assistant, when appointed by the board may perform any and all acts that his principal may perform, when authorized so to do by the board.

The board of directors may from time to time contract for or employ any professional services required by this district, or by the board, or any officers of the district.

SEC. 7 Section 12 of chapter 218, statutes of 1921, as amended by chapter 31, statutes of 1929, is hereby amended to read as follows: Stats 1929.
p 63

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

First—To have perpetual succession

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

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

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

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

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

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of

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

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

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against or be assumed by the district; provided, no indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the electors voting on the proposition to incur such indebtedness; provided, however, that a further vote of the electors is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue and as to such indebtedness the proceeds of any of such bonds unexpended in the treasury of the district, or the par value of any of such bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of such district; provided further, that any district operating a utility under rules and regulations requiring applicants for extensions to advance the expenses of such extensions and facilities for serving additional territory may enter into agreements to refund to such applicants in a subsequent year the whole or any part of such expenses so advanced and such refunds may be paid out of the revenues of such subsequent years.

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

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

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

New section. SEC. 8. A new section is hereby added to chapter 218, statutes of 1921, to be known as section 12a.

Validation Sec. 12a. In all cases where any district organized pursuant to the provisions of this act has heretofore purchased the plant and assets of any public utility operating in the territory of

such district, and such district has been and is now operating such utility and is deriving revenue therefrom and has done so for a period of at least two years prior to the effective date of this act, any and all obligations incurred or assumed, or agreements or contracts executed, or expenditures or payments made, by such district for or in connection with the acquisition of such utility, and any and all acts or proceedings of the board of directors of such district in connection therewith, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes.

SEC. 9. Section 18 of chapter 218, statutes of 1921, as amended by chapter 31, statutes of 1929, is hereby amended to read as follows: Stats. 1929. p 66

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

The words "revenue producing utilities" as used in this act, shall be deemed to mean such utilities as those from which revenue is customarily or may be derived by means of charges, rates, or rentals imposed upon or collected from users, consumers or customers thereof, together with such works, facilities and appliances used or useful in connection therewith or incidental thereto. "Revenue producing utilities"

SEC. 10 Section 20 of chapter 218, statutes of 1921, as amended by chapter 31, statutes of 1929, is hereby amended to read as follows: Stats. 1929. p 67

Sec. 20. (1) If, in the opinion of the board of directors, the revenues will not be sufficient to pay the principal or interest on any bonded debt as it becomes due, or to carry out the objects and purposes of the district, then said board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation. Tax when revenues insufficient

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

(3) The board of directors may elect to avail itself of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, and may take such assessment or assessments as the basis for district taxation, and have its taxes collected by the county officials of such county or counties; provided, the board of directors shall declare its said election by resolution or ordinance and file a certified copy of the same with the auditor or auditors of the county or counties in which the district is situated, on or before the first day of August. Thereafter, Assessment and collection by county

each year, and until otherwise provided by the board of directors, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, (or county assessors and tax collectors), of the county or counties in which the district is situated. In such case, the auditor or auditors of such county or counties must, on or before the second Monday in August of each year, transmit to the board of directors of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of such county or counties for that year as equalized and corrected by the board or boards of supervisors of such county or counties. In case the board of directors shall so elect, as hereinabove provided, it shall, on or before the first week day in September, or if such week day falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor or assessors and returned to the board of directors of the district by the county auditor or auditors, as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed. Said acts by the board of directors of the district shall constitute a valid assessment of such property and a valid levy of such taxes so fixed. The board of directors of the district must immediately thereafter transmit to the county auditor or auditors of the county or counties in which the district is situated a statement of the rate of taxes so fixed by said board.

Duty of
county
auditor

Fixing
rate

Collection

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

Share of
redemption
money.

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

Tax a lien

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

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

SEC. 11. Section 23 of chapter 218, statutes of 1921, is hereby amended to read as follows: State 1921, p 260

Sec. 23. The maximum time of labor or service required of any laborer, workman, or mechanic employed upon any work of the district, whether so employed directly by the district and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day, except in case of emergency. Eight-hour day.

CHAPTER 76.

An act to enable municipalities to become annexed to municipal utility districts, to agree upon and give effect to terms and conditions of annexation and to transfer property to municipal utility districts in consideration of and upon annexation.

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

SECTION 1. Any municipality not included within the boundaries of any municipal utility district organized under that certain act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, may be subsequently annexed thereto. Any such annexation may be effected pursuant to the terms of any law now or hereafter enacted providing for the annexation of municipalities to municipal utility districts and all such laws are hereby incorporated herein and made a part hereof. Annexation of municipality to utility district organized under State 1921, p. 245

The legislative body of any municipality may agree in writing with the board of directors of said municipal utility district upon the terms and conditions of such annexation, which agreement (among other things) may provide for the payment of special taxes within the municipality to be annexed in addition to the taxes elsewhere in said municipal utility district act provided for, the fixing of rates, rentals and charges differing from those fixed or existing elsewhere within said Terms.

municipal utility district, the incurring or assumption of indebtedness or the making of a payment or payments or the transfer of property, real and personal, and other assets to said municipal utility district in consideration of the annexation of such municipality to said municipal utility district pursuant to the provisions of the municipal utility district act above referred to.

Approval by
municipality

If a proposition for the annexation of such municipality to said municipal utility district, in accordance with and subject to all of the terms and conditions set forth in such agreement, is approved by the requisite majority of the voters of the municipality, as required by the terms of the act under which said municipal utility district is organized, said proposition and all of the terms and conditions of said agreement of annexation shall be deemed to have been carried and approved by the electors, and the legislative body of such municipality shall be empowered to comply with the terms and conditions of said agreement of annexation and execute and deliver any and all contracts, agreements, deeds and other instruments as may be required to carry out the terms and conditions of said annexation agreement. If the terms and conditions of said annexation agreement provide for the transfer of any property or assets the same shall be automatically transferred to and vest in said municipal utility district by operation of law upon the annexation of said municipality.

Transfer of
property.

CHAPTER 77.

An act to add a new section to part two, title ten-a, chapter 2, of the Code of Civil Procedure, to be known as section 831j, relating to the force and effect of proceedings and judgments of municipal courts.

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

New section.

SECTION 1. There is hereby added to part two, title ten-a, chapter 2 of the Code of Civil Procedure a new section to be known as section 831j and to read as follows:

Municipal
court pro-
ceedings.

831j. The proceedings of municipal courts shall be construed in the same manner and with like intendments, as are the proceedings of superior courts; and the records, orders, judgments, and decrees of municipal courts shall have accorded to them like force and effect and like legal presumptions as are accorded to the records, orders, judgments and decrees of superior courts.

CHAPTER 78.

An act to amend sections 172b and 172d of the Civil Code, relating to the sale, mortgage, or lease of community real property by the husband or wife of an insane or incompetent person.

[Approved by the Governor March 25, 1931. In effect August 14, 1931]

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

SECTION 1. Section 172b of the Civil Code is hereby amended to read as follows: Stats 1921, p. 91.

172b. Where real property is held as community property, and either the husband or wife has been adjudged insane or incompetent, the husband or wife, not insane nor incompetent, may petition the superior court of the county in which such community real property is situated for an order permitting the husband or wife, not insane nor incompetent, to sell and convey, to mortgage, to lease, or to execute a deed of trust upon such community real property to raise moneys to provide for the support and care either of the sane or of the insane or incompetent spouse, or of their minor children, and also to raise moneys for the payment of the necessary taxes, interest and other charges incurred and required to be paid for the protection and preservation of the community estate and whenever it appears it is for the advantage, benefit and best interests of the spouses, the estate or their dependents. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane or incompetent husband or wife; a description of the premises constituting the community real property petitioned to be sold, mortgaged, leased or upon which a deed of trust is to be executed; the value of same; the county in which it is situated; and such facts in addition to the insanity or incompetency of the husband or wife, relating to the circumstances and necessities of the applicant and his or her family as he or she may rely upon in support of the petition. Petition for permit to sell, etc., community real property when spouse incompetent

SEC. 2. Section 172d of the Civil Code is hereby amended to read as follows: Stats. 1921, p. 92.

172d. If it appears to the court that such husband or wife has been adjudged insane or incompetent, the court may make an order permitting the husband or wife, not insane nor incompetent, to sell and convey, to mortgage, to lease or to execute a deed of trust upon such community real property, and thereafter any sale, conveyance, mortgage, lease or deed of trust made in pursuance of such order is as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, mortgage, lease or deed of trust. If a sale is ordered it must be reported to and confirmed by the court. Order permitting sale, etc.

Validity.

CHAPTER 79.

An act to amend sections 1269a and 1269c of the Civil Code, relating to the sale or mortgage of a homestead by the husband or wife of an insane or incompetent person.

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

Stats 1923,
p. 139.

SECTION 1. Section 1269a of the Civil Code is hereby amended to read as follows:

Petition for
order permit-
ting sale,
etc. of home-
stead when
spouse
incompetent.

1269a. In case of a homestead, if either the husband or wife becomes insane or incompetent, the husband or wife not insane or incompetent may petition the superior court of the county in which such homestead is situated for an order permitting the husband or wife, not insane or incompetent, to sell and convey, to mortgage or to execute a deed of trust upon such homestead to raise moneys to satisfy a lien or charge thereon, or to provide for the support or care either of the sane spouse or of the insane or incompetent spouse, or of their minor children, or whenever it appears it is for the advantage, benefit and best interests of the spouses, the estate or their dependents. Such petition must be subscribed and sworn to by the applicant setting forth the name and age of the insane or incompetent spouse, the number, age and sex of the children, if any, of such insane or incompetent spouse, a description of the premises constituting the homestead, the value of the homestead, the county in which it is situated, and such facts, in addition to that of the insanity or incompetence of the spouse, relating to the circumstances and necessities of the applicant and his or her family, as he or she may rely upon in support of the petition.

Stats 1905,
p 726.

SEC 2. Section 1269c of the Civil Code is hereby amended to read as follows:

Order per-
mitting
sale, etc

1269c. If it appears to the court that such husband or wife is insane or incompetent, the court may make an order permitting the husband or wife not insane or incompetent to sell and convey, to mortgage, or to execute a deed of trust upon such homestead, and thereafter any sale, conveyance, mortgage or deed of trust made in pursuance of such order is as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, mortgage, or deed of trust. If a sale is ordered it must be reported to and confirmed by the court.

Validity.

Bond.

Such husband or wife must, before executing any conveyance, mortgage, or deed of trust, give a bond to be approved by the judge of the court, in double the amount of the mortgage or deed of trust, or double the value of the property to be sold, conditioned to account for the proceeds of the mortgage, deed of trust, or sale and to apply such proceeds only as the court may direct.

CHAPTER 80.

An act to amend sections 2934 and 2935 of the Civil Code, relating to the recording of assignments of mortgages and deeds of trust and of subordination agreements and relating to payments by a debtor upon any indebtedness secured by a mortgage or deed of trust after such assignment.

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2934 of the Civil Code is hereby amended to read as follows:

Code Amdts
1873-74,
p 261.

2934. Any assignment of a mortgage and any assignment of the beneficial interest under a deed of trust may be recorded, and from the time the same is filed for record operates as constructive notice of the contents thereof to all persons; and any instrument by which any mortgage, deed of trust, lien upon or interest in real property is subordinated or waived as to priority may be recorded, and from the time the same is filed for record operates as constructive notice of the contents thereof, to all persons.

Recording of
assignment,
etc., of
mortgage or
beneficial
interest.

SEC. 2. Section 2935 of the Civil Code is hereby amended to read as follows:

Code Amdts
1873-74,
p 261.

2935. When a mortgage or deed of trust is executed as security for money due or to become due, on a promissory note, bond, or other instrument, designated in the mortgage or deed of trust, the record of the assignment of the mortgage or of the assignment of the beneficial interest under the deed of trust, is not of itself notice to the debtor, his heirs, or personal representatives, so as to invalidate any payment made by them, or any of them, to the person holding such note, bond, or other instrument.

When
recording
not notice
to debtor

CHAPTER 81.

An act to amend section 675 of the Code of Civil Procedure, relating to satisfaction of judgments.

[Approved by the Governor March 25, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 675 of the Code of Civil Procedure is hereby amended to read as follows:

Code Amdts
1873-74,
p 320

675. Satisfaction of a judgment may be entered in the clerk's docket upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction

Entry of
satisfaction
of judgment

thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor, or by his indorsement on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such indorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

CHAPTER 82.

An act establishing certain additional state highways and classifying them as secondary highways.

[Approved by the Governor March 27, 1931. In effect August 14, 1931.]

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

Secondary
state
highways.
(See also
Ch 98.)

SECTION 1. The department of public works is hereby authorized and directed to lay out and construct highways by the most direct and practicable routes between the termini stated herein, which highways are declared to be, and classified as, secondary state highways.

- (a) Alturas to Oregon state line near New Pine creek.
- (b) Quincy to State Highway Route 29, near Chats.
- (c) Vallejo to State Highway Route 8.
- (d) Walnut Creek to Oakland.
- (e) Weed to California-Oregon state line, near Calor.
- (f) Bishop to California-Nevada state line (Montgomery pass).
- (g) Bakersfield to Mojave.
- (h) Red Box Divide to Pine Flats (Route 61 to Route 62).
- (i) State Highway Route 26 near Colton via Pomona to Los Angeles.
- (j) State Highway Route 43, Waterman canyon via Santa Ana canyon to Newport Beach.
- (k) Beaumont to Riverside (Jackrabbit trail).
- (l) Riverside to San Diego (Inland route).
- (m) Pomona to Temecula.
- (n) Blythe to California-Arizona state line at the Colorado river and State Highway Route 64 to State Highway Route 26, near Indio.
- (o) National City to International boundary line near Tia Juana.
- (p) El Centro to Calexico.
- (q) Oasis to California-Nevada state line.
- (r) State Highway Route 2 near Ventura to State Highway Route 4 at Castaic junction.
- (s) From State Highway Route 31 near Cajon pass to State Highway Route 23 near Lancaster.

- (t) Pomona to Fullerton via Brea canyon.
- (u) Cambria to San Luis Obispo.
- (v) Santa Barbara to State Highway Route 2 at Zaca via San Marcos pass.
- (w) State Highway Route 14 near Crockett to American canyon route near Vallejo.

CHAPTER 83.

An act to add a new section to the "Weights and measures act," approved June 16, 1913, as amended, to be numbered 16x2, relating to the salaries of the sealer of weights and measures, and deputies, in counties of the second class. Stats 1913,
p. 1086

[Approved by the Governor March 27, 1931. In effect August 14, 1931.]

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

SECTION 1. A new section to be numbered 16x2 is hereby added to the "Weights and measures act," approved June 16, 1913, as amended, and to read as follows: New section

Sec. 16x2. In counties of the second class, whose charters provide for a department of weights and measures, the appointment of a sealer and deputies, the number of such deputies and the term of office thereof shall be as provided in said charter; provided, that the sealer shall receive for compensation the sum of six thousand dollars per annum, and one deputy, to be known as the chief deputy, shall receive as compensation the sum of three thousand three hundred dollars per annum. All other deputies shall receive as compensation the sum of two thousand seven hundred dollars per annum, each. Said salaries to be paid, respectively, in the same manner as the salaries of other county officers are paid. City and
county of
San
Francisco
sealer.

CHAPTER 84.

An act to amend section 4300l of the Political Code, relating to fees of officers, witnesses and jurors in municipal courts.

[Approved by the Governor March 27, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 4300l of the Political Code is hereby amended to read as follows: Stats 1927,
p. 605.

4300l. The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed, the following fees: Municipal
court fees

For filing the complaint, or other first paper, four dollars, to include all proceedings before trial and all services to be

performed in a judgment by default or for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon, and supplementary proceedings thereto.

For the appearance of each defendant to be paid on filing the first paper on his behalf, if a demurrer, two dollars; otherwise one dollar.

For filing the papers transmitted from another court, and all proceedings thereon, five dollars.

When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar, and a further sum equal to a fee for filing in the court to which venue is to be transferred; to be paid by the party making the motion for such change of venue at the time of filing the affidavit therefor.

For receiving and filing an abstract of judgment rendered by a justice or judge of another jurisdiction, and for subsequent services based thereon, five dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For issuing a transcript of the docket, one dollar.

For issuing an abstract of judgment, fifty cents.

For taking an acknowledgment of any instrument, for each signature, fifty cents.

For administering an oath and certifying thereto, fifty cents.

For filing any notice of intention to move for a new trial of any cause, two dollars.

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents.

For preparing a carbon copy of any record, proceeding or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents.

For certifying a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, two cents per folio.

No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record or proceeding when not otherwise specified by law; nor shall any charge be made for any service to the United States of America or any officer thereof acting in his official capacity.

Criminal
actions

Service
to United
States.

Law library.

On the commencement in or removal to the municipal court of any municipality, of any civil action or proceeding, the clerk shall collect the sum of one dollar for the law library fund, and shall pay the same to the treasurer of his county, who shall keep the same in the law library fund designated in section 4190 of this code.

Marshals of municipal courts, except as otherwise provided by law, shall charge and collect the fees provided in section 4300d, Political Code, except that for keeping property taken under legal process they shall collect the actual amount charged by any reputable warehouse or storage house for safely keeping and storing such property; but if such property shall be placed in the care of a keeper, the fee for such keeper shall be five dollars per day. Marshal

Sections 4292 to 4297, inclusive, and section 4305 of this code shall apply to officers of municipal courts and to the disposition of fees collected by such officers. Regulations

Witnesses in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to witnesses in the superior court in the county or city and county in which any such municipal court is situated. Witnesses.

Jurors in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated. Jurors.

Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.

CHAPTER 85.

An act to amend the title and sections 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 13a and 14 of chapter 267, statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," as amended to add thereto a new section to be numbered 14a, relating to failure to export motor vehicle fuel obtained for export, diversion thereof from interstate transit, improper return and sale of fuel previously exported, and prescribing penalties therefor, and providing that this act shall take effect immediately. Stats 1923,
p 571,
amended

[Approved by the Governor March 30, 1931. In effect immediately.]

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

SECTION 1. The title of chapter 267, statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts" Stats 1923,
p 571.
Title.

inconsistent herewith," approved May 30, 1923, as amended, is hereby amended to read as follows:

"An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, requiring the licensing of producers and manufacturers of casing-head gasoline, kerosene distillates or other petroleum products used in or which may be used in the blending, compounding or manufacturing of motor vehicle fuel, and of brokers, jobbers and wholesale merchants dealing in petroleum products, requiring the execution and delivery by distributors of a surety bond upon application for license, providing for the collection and disposition of license taxes, declaring unlawful the withholding from export of motor vehicle fuel obtained for export, the diversion of motor vehicle fuel from interstate transit, or the improper return of motor vehicle fuel previously exported, prescribing penalties for violation of the provisions of this act, and repealing all acts and parts of acts inconsistent herewith."

Stats 1923,
p 571

SEC 2 Section 1 of chapter 267, statutes of 1923, is hereby amended to read as follows:

Terms
defined

Section 1. The following words, terms and phrases shall, whenever used in this act, have the meaning set forth in this section.

"Motor
vehicle "

(a) "Motor vehicle" shall mean and include every vehicle operated upon the highways of this state which is propelled by the use of motor vehicle fuel.

"Motor
vehicle
fuel "

(b) "Motor vehicle fuel" shall mean and include all gasoline, distillate, benzine, naphtha, liberty fuel and other volatile and inflammable liquids produced or compounded for the purpose of, or which may be used in, operating or propelling motor vehicles except kerosene and except unfinished products requiring rerun, blending, or compounding and which are not used or sold for use in such form for the purpose of operating or propelling motor vehicles.

"Dis-
tributor "

(c) "Distributor" shall mean and include every person, firm, association or corporation who refines, manufactures, produces or compounds motor vehicle fuel in this state and sells the same in this state; also every person, firm, association or corporation who imports any motor vehicle fuel into this state and sells the same in this state whether in the original packages or containers in which it is imported or otherwise than in such original packages or containers; or imports any such fuel for his or its own use in this state; also every person, firm, association or corporation who, having acquired in this state in the original package or container motor vehicle fuel which has been imported into this state, shall distribute or sell the same, whether in such original package or container in which the same was imported or otherwise than in such original package or container.

"Producer "

(d) "Producer" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in

the business of producing or manufacturing casing-head gasoline, kerosene distillates or other petroleum products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel.

(e) "Broker" shall mean and include every person, firm, association or corporation, other than a distributor, engaged in business as a broker, jobber or wholesale merchant dealing in casing-head gasoline, kerosene distillate or other petroleum products used in or which may be used in the blending, compounding or manufacturing of motor vehicle fuel. "Broker "

(f) "Service station" is a place operated primarily for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles. "Service station "

SEC. 3. Section 2 of chapter 267, statutes of 1923, is hereby amended to read as follows: Stats 1923, p 572.

Sec. 2. Every distributor before April 1, 1931, and after this act becomes effective every person, firm, association or corporation before becoming a distributor shall make an application to the state board of equalization for a license authorizing such distributor, person, firm, association or corporation to engage in business as a distributor. Applications for such licenses must be made to the state board of equalization on forms to be prescribed, prepared and furnished by said board. It shall be unlawful from and after April 1, 1931, for any person, firm, association or corporation to be a distributor without first securing from the state board of equalization a license for which provision is made in this section. Before granting any license authorizing any person, firm, association or corporation to engage in business as a distributor, the state board of equalization must require such person, firm, association or corporation to file with said board, in such form as shall be prescribed by said board, a bond duly executed by such person, firm, association or corporation as principal and a corporation such as is mentioned in section 1056 of the Code of Civil Procedure of this state, as surety, payable to the people of the State of California, conditioned upon faithful performance of all of the requirements of this act and expressly providing for the payment of all license taxes, penalties and other obligations of such person, firm, association or corporation arising out of this act. Distributors' license
Application
Bond.

The total amount of the bond or bonds required of any distributor shall be fixed by the state board of equalization and may be increased or reduced by said board at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the state board of equalization must require a bond or bonds equivalent in total amount to twice his estimated monthly license tax determined in such manner as said board may deem proper; provided, however, that, subject to such terms and conditions as the state board of equalization may prescribe, any distributor may undertake to pay on each Tuesday the license tax accruing on all of his distributions of motor vehicle Amount of bond
If weekly payment undertaken

fuel during the week ending the Saturday next preceding, and, if any distributor shall so bind himself, said board shall fix his bond or bonds in a total amount equivalent to one and one-half times the license tax accruing on account of his estimated weekly distributions determined in such manner as said board may deem proper; and further provided that the total amount of the bond or bonds required of any distributor shall never be less than one thousand dollars nor more than one hundred thousand dollars. No recoveries on any bond or any execution of any new bond shall invalidate any bond and no revocation of any license shall affect the validity of any bond. In lieu of any such bond or bonds in total amount as fixed hereunder, any distributor may deposit with the state treasurer, under such terms and conditions as said board may prescribe, a like amount of lawful money of the United States, or bonds or other obligations of the United States, the State of California, or any county or city and county of this state, of an actual market value not less than the amount so fixed by said board. All licenses issued to distributors under this section shall be valid until revoked by the state board of equalization.

Validity of
bond

Deposit in
lieu of bond

Monthly
statement

Nothing in this section shall be construed as relieving any distributor of the duty of filing the sworn monthly statement required by section 6 of this act. The assessment of any distributor who makes weekly payments shall be shown on the assessment roll prepared under said section 6 in the same manner as the assessments of other distributors are shown thereon, and the controller shall apply such payments to the credit of such distributor on the assessment roll for the month during which the distributions covered by such payments were made. Whenever any distributor undertaking to pay his license tax in weekly installments, as provided in this section, shall fail to pay the full amount thereof in accordance with the terms and conditions prescribed by the state board of equalization, his license may be revoked forthwith, unless he complies immediately with the requirement of this section relating to the filing of a bond or bonds equivalent in total amount to twice the estimated monthly license tax. In the event of nonpayment of any weekly installment of the license tax, or any part thereof, pursuant to the undertaking of any distributor, the full amount of the license tax accrued against such distributor shall become immediately due and payable and the controller and the attorney general shall proceed forthwith to collect the license tax due from such distributor in the manner prescribed by section 4 of this act with reference to delinquency in the payment of the monthly license tax. All provisions of said section 4 shall apply with full force and effect to collections required to be made under this section.

Default
in weekly
payment

Existing
licenses
canceled

All licenses heretofore issued to distributors under the provisions of this act shall be of no further force and effect from and after April 1, 1931, and shall be surrendered promptly thereafter to the state board of equalization.

Every producer and every broker before April 1, 1931, and thereafter every person, firm, association or corporation before becoming a producer or broker shall register as such with the state board of equalization and make application for a license on forms to be prepared and furnished by the state board of equalization. Each such application shall be accompanied by a registration fee of ten dollars. Producers' and brokers' license.

Upon the receipt of the application of any such producer or broker, accompanied by such license fee, the state board of equalization shall issue to every such applicant a license to engage in such business from the date of the issuance thereof, until and including the following December 31st, and on or before January 1st, of each and every year and before any such producer or broker shall engage in business, an application shall be filed and a license obtained for the calendar year. Any license so issued may be revoked by the state board of equalization as hereinafter provided. All registration fees collected under the provisions of this section shall be credited to the "Fuel tax enforcement fund" hereinafter created.

SEC. 4. Section 4 of chapter 267, statutes of 1923, as amended by chapter 359, statutes of 1925, is hereby amended to read as follows: Stats 1925, p. 659.

Sec. 4. License taxes herein required to be paid shall be payable in monthly installments to the state controller for the month ending April 30, 1931, and each and every calendar month thereafter. The license tax shall be a lien upon all property of the distributor, attaching at the time of delivery or distribution subject to said license tax, having the effect of an execution duly levied against all property of the distributor, and remaining until the license tax is paid, or the property sold in payment thereof. The amount of such license tax for each month shall be paid on or before the first day of the second calendar month thereafter, and if not paid prior thereto, shall become delinquent at five o'clock in the afternoon of said day, and ten per cent penalty shall be added thereto for delinquency. In the event that any distributor is delinquent in the payment of his license tax hereunder, the controller may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such distributor, or owing any debts to such distributor, at the time of receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, other personal property or debts until the controller shall have given his consent to a transfer or disposition, or until twenty days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the controller of any and all such credits, Payment of tax. Tax a lien on distributor's property. When delinquent Penalty Notice to debtors, etc.

other personal property or debts, in their possession, under their control or owing by them, as the case may be.

Collection of
tax if
delinquent:

Seizure of
property.

Notice
of intended
sale.

Whenever any distributor shall be delinquent in the payment of the license tax herein provided, the controller or his duly authorized representative shall proceed forthwith to collect the license tax due from such distributor in the following manner: The controller shall seize any property, real or personal, used by such distributor in the operation of his business, and thereafter sell at public auction such property so seized, or a sufficient portion thereof, to pay the tax due hereunder, together with any penalty or penalties imposed hereby for such delinquency, and any and all costs that may have been incurred on account of such seizure and sale. Notice of such intended sale and the time and place thereof, shall be given to such delinquent distributor in writing at least ten days before the date set for such sale by enclosing a form of such notice in an envelope addressed to said distributor at his last known place of business in this state if any, and depositing the same in the United States mail, postage prepaid, and by publication for at least ten days before the date set for such sale in a newspaper of general circulation published in the county or city and county in which the property seized is to be sold; provided, however, that if there be no newspaper of general circulation in such county or city and county, then by the posting of such notice in three public places in such county or city and county for said ten day period. The said notice shall contain a description of the property to be sold, together with a statement of the amount of the taxes, penalties and costs, the name of the distributor, and the further statement that, unless such taxes, penalties and costs are paid on or before the time fixed in said notice for such sale, said property, or so much thereof as may be necessary, will be sold in accordance with law and said notice.

Sale.

At any such sale, the property shall be sold by said controller or his duly authorized agent in accordance with law and said notice, and the controller shall deliver to the purchaser a bill of sale for the personal property, and a deed for any real property so sold, and such bill of sale or deed shall vest title in the purchaser. The unsold portion of any property so seized may be left at the place of sale at the risk of the distributor. If, upon any such sale, the moneys so received shall exceed the amount of all license taxes, penalties and costs due the state from such distributor, any such excess shall be returned to the distributor, and his receipt therefor obtained. If, for any reason, the receipt of such distributor shall not be available, the controller shall deposit such excess moneys with the state treasurer, as trustee for such owner, subject to the order of such distributor, his heirs, successors or assigns.

Forfeiture
of bond or
deposit

The controller must also immediately transmit notice of such delinquency to the attorney general who shall at once proceed to collect all sums due to the state from any such

distributor hereunder by bringing suit against the necessary parties to effect forfeiture of the bond or bonds of the distributor or of the money or securities deposited by the distributor with the state treasurer in accordance with the terms of section 2 of this act, reducing any deficiency to judgment against the distributor.

It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the controller or the attorney general shall be or be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act. In any suit brought to enforce the rights of the state hereunder the assessment roll prepared by the state board of equalization pursuant to section 6 of this act, or a copy of so much thereof as is applicable in such suit, duly certified by the controller showing unpaid license taxes assessed against any distributor, shall be prima facie evidence of the assessment of the license tax, the delinquency thereof, the amount of the license tax, penalties and costs due and unpaid to the state, that the distributor is indebted to the people of the State of California in the amount of such license tax and penalties therein appearing unpaid and that all the forms of law in relation to the assessment and levy of such license tax have been fully complied with by all persons required to perform administrative duties under this act.

Sec. 5. Section 5 of chapter 267, statutes of 1923, is hereby amended to read as follows:

Sec. 5. Every distributor must keep a true and accurate record in such form as the state board of equalization may prescribe, of all stocks of petroleum products on hand, of all raw gasoline, gasoline stock, kerosene distillates, casing-head gasoline and other petroleum products used in, or which may be used in, compounding, blending or manufacturing motor vehicle fuel; of the amount of crude oil refined, the gravity of the crude oil refined and the yield from said crude oil, as well as of such other matters relating to transactions in petroleum products as said board may direct. Every distributor must take a physical inventory of the petroleum products on hand on the first day of every calendar month and must have the record of such inventory and of the other matters mentioned in this section, available at all times for the inspection of said board or its representatives. Upon demand of said board or its representatives every distributor must furnish a statement under oath reflecting the contents of any records to be kept under this section.

Every producer must keep a true and accurate record in such form as the state board of equalization may prescribe of all manufacture and distribution of casing-head gasoline, kerosene distillates and other petroleum products used in, or which may be used in, the blending, compounding or manufacturing of motor vehicle fuel, and every broker must likewise keep a true and accurate record of all purchases of such

Remedies cumulative.

Assessment roll as evidence

Stats 1923, p. 573.

Distributor's record.

Monthly inventory

Producer's record

petroleum products in such manner as to disclose the vendor, the quantity purchased, the correct description of the commodity and the means of transportation to said broker, as well as all of the sales of such petroleum products in such manner as to disclose the vendee, the quantity sold, the correct description of the commodity and the means of transportation from said broker to the vendee. All such records required by this section must be available at all times for the inspection of said board or its representatives, who may require a statement under oath reflecting the contents thereof.

Stats 1923,
p. 573

SEC. 6. Section 6 of chapter 267, statutes of 1923, is hereby amended to read as follows:

Distributor's
monthly
statement

Sec. 6. Each distributor shall on or before the fifteenth day of May, 1931, and on or before the fifteenth day of each and every month thereafter, file on forms prescribed, prepared and furnished by the state board of equalization, a sworn statement showing the total number of gallons of motor vehicle fuel refined, manufactured or compounded by such distributor within this state and sold during the preceding calendar month by such distributor within this state; the total number of gallons of motor vehicle fuel imported into this state by such distributor and sold or distributed within this state by such distributor during such month, when sold or distributed otherwise than in the original packages or containers in which imported into this state or used by such importer; also the number of gallons of such fuel acquired by him in the original package or container in which the same was imported into this state and thereafter sold, distributed or used by him; and such other information as the state board of equalization may require. If any distributor shall fail, neglect or refuse to file said report, the state board of equalization must note such failure, neglect, or refusal upon the tax roll hereinafter described, and must estimate the motor vehicle fuel distributions of said distributor, assessing the license tax thereon, adding to said license tax a penalty of fifteen per cent thereof for failure, neglect or refusal to report, and said distributor shall be estopped from complaining of the amount of said estimate. Said penalty for failing to report shall not be in lieu of the penalty for delinquency prescribed by section 4 of this act, but the penalty for delinquency shall not apply to or be charged against the penalty for failure to report. The state board of equalization shall, on or before the twenty-second day of May, 1931, and on or before the twenty-second day of each calendar month thereafter, assess the license tax due hereunder, and prepare and complete an assessment roll showing the amount of the license tax assessed against each distributor, and immediately deliver said assessment roll to the state controller.

Estimate
and penalty
if statement
not filed

Monthly
assessment
of tax

Stats 1925,
p. 659.

SEC. 7. Section 7 of chapter 267, statutes of 1923, as amended by chapter 359, statutes of 1925, is hereby amended to read as follows:

What fuel
also to be
considered
sold.

Sec. 7. All motor vehicle fuel distributed by any distributor to any of its service stations, or other agencies, tank

trucks, wagons, boats, barges, or other facilities operated by such distributor in this state shall for the purposes of this act be considered in the same manner and the same license tax shall be paid upon such motor vehicle fuel as though the same had been sold and delivered by such distributor; provided, that the amount of motor vehicle fuel distributed during any calendar month to any such agency, tank truck, wagon, boat, barge, or other facility operated by the distributor is hereby defined to mean the amount thereof thereafter found to have been sold and delivered therefrom during such month plus one-ninety-ninth thereof but excluding therefrom deliveries to service stations operated by such distributor.

All motor vehicle fuel used by a distributor in the operation of any motor vehicle shall for all the purposes of this act be considered in the same manner and the same license tax shall be paid upon such motor vehicle fuel as though the same had been sold by such distributor; provided, however, that in lieu of the collection and refund of the tax upon such fuel used for exempt purposes a credit may be given such distributor upon his tax return and assessment.

Nothing in this act shall be construed as requiring the payment of the license tax herein specified upon more than one sale, distribution or transfer of the same motor vehicle fuel.

SEC. 8. Section 9 of chapter 267, statutes of 1923, as amended by chapter 48, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 113.

Sec. 9. If the license tax and such penalties as may have been incurred thereon chargeable to any distributor are not fully paid by the delinquent date specified in section 4 of this act, the controller shall notify forthwith the state board of equalization, who must cite said distributor to appear within ten days before said board and show cause why his license under section 2 of this act should not be revoked, as prescribed by section 14 hereof. Proceedings
if tax not
paid.

SEC. 9. Section 10 of chapter 267, statutes of 1923, as amended by chapter 716, statutes of 1927, is hereby amended to read as follows: Stats 1927,
p. 1309.

Sec. 10. The provisions of this act requiring the payment of license taxes shall not be held or construed to apply to motor vehicle fuel imported into this state in interstate or foreign commerce and intended to be sold in the original and unbroken tank cars or other original receptacles, containers or packages and so sold while the same are in interstate or foreign commerce, nor to any motor vehicle fuel exported from this state by the distributor or delivered by the distributor to any vessel clearing from a port of this state for a port outside of this state and actually exported from this state in such vessel, nor to any motor vehicle fuel sold to the government of the United States or any department thereof for official use of said government, but every distributor shall be required to report such exports and sales to the state board of equalization in such detail as that board may require. What sales
exempt
from tax.

Export
certificates

In support of any exemption from license taxes claimed under this section on account of the exportation of motor vehicle fuel, every distributor must execute an export certificate in such form as shall be prescribed, prepared and furnished by the state board of equalization, containing a sworn statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the State of California, and giving such details with reference to such shipment as said board may require. All export certificates must be completed and on file in the principal office of the distributor in this state within forty-five days after the close of the calendar month in which the shipments to which they relate are made, and no certificate not completed and filed within such period shall be recognized for any purpose by the State of California or any agency thereof. The state board of equalization may demand of any distributor such additional data as are deemed necessary by said board in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate.

Sale to
United
States

Any claim for exemption based on a sale to the United States government or any department thereof may be made by the distributor at any time within six months from the date of sale, but no claim made after the expiration of said period of six months shall be recognized for any purpose by the state or any agency thereof.

Stats 1927,
p 1309.

SEC. 10. Section 11 of chapter 267, statutes of 1923, as amended by chapter 716, statutes of 1927, is hereby amended to read as follows:

Refunds

Sec. 11. Any person, firm, association or corporation who shall buy and use any motor vehicle fuel for purposes other than in motor vehicles operated, or intended to be operated, upon the public highways of the State of California or export the same for use outside of this state; also any person, firm, association or corporation who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mails, and who shall have paid any license tax for such motor vehicle fuel hereby required to be paid, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of such license tax to the price of such fuel, shall be reimbursed and repaid the amount of such license tax paid by him or it upon presenting to the state controller an affidavit supported by the original invoice or invoices showing such purchase, which affidavit shall be verified by the oath of the claimant and shall state the total amount of such fuel so purchased and that the same has been used by said consumer for the transportation of rural free delivery mails or for uses other than in motor vehicles operated upon any of the public highways in the State of California; provided, however, that any motor vehicle fuel carried from this state in the fuel tank of a motor vehicle shall

Affidavit

not be considered as exported from this state. The state controller, upon the presentation of such an affidavit and such invoice or invoices shall cause to be paid to such claimant, from the license taxes collected in accordance with the provisions of this act, an amount equal to the license taxes collected hereunder on such motor vehicle fuel; provided, however, that the state controller shall have the right if he so desires, in order to establish the validity of any claim, to examine the books and records of the claimant for such purpose and the failure upon the part of the claimant to accede to such demand shall constitute a waiver of all right to the refund claimed on the account of the transactions questioned. Such examination may be made either through employees of the office of the state controller or of the office of the state board of equalization. All such applications for refund based upon exportation of motor vehicle fuel from this state must be filed with the state controller within forty-five days from the date of exportation; all other applications shall be filed within twelve months from the date of the purchase of such motor vehicle fuel. Any application filed after the times herein prescribed shall not be considered for any purpose by the state controller, the state treasurer or the State of California.

SEC. 11. Section 12 of chapter 267, statutes of 1923, as amended by chapter 716, statutes of 1927, is hereby amended to read as follows: Stats. 1927,
p. 1310

Sec. 12. The state board of equalization shall have the power, and it is hereby authorized to make any and all such examinations of the records of distributors and such other investigations as it may deem necessary in carrying out the provisions of this act. If such examinations or investigations made by said board shall disclose that any reports of distributors of motor vehicle fuel theretofore filed with said board by said distributors pursuant to the requirements of this act, have shown incorrectly the amount of gallonage of motor vehicle fuel distributed or the tax accruing thereon, said board shall have the power, and is hereby authorized, to make such changes in subsequent assessments of said distributors under this act as it may deem necessary to correct the errors disclosed by its examination of the records of said distributors or its investigations as hereinbefore authorized. Examination
of records,
etc

Changes in
assessments
to correct
errors

The state board of equalization may appoint attorneys, accountants, auditors, investigators and such other expert and clerical assistance as it may from time to time deem necessary to enforce its powers and perform its duties under this act. Assistants

SEC. 12. Section 13 of chapter 267, statutes of 1923, as amended by chapter 779, statutes of 1929, is hereby amended to read as follows: Stats. 1929,
p. 1551 See
Ch. 1082,
infra.

Sec. 13. All money received by the state controller in payment of license taxes under the provisions of this act shall be by him deposited in the state treasury and credited to the "Motor vehicle fuel fund," which fund is hereby created. "Motor
vehicle fuel
fund."

"Fuel tax enforcement fund."

Out of the gross amount deposited in said "Motor vehicle fuel fund" the state treasurer shall transfer, upon order of the controller, the amounts heretofore or hereafter appropriated by the Legislature for the support of the fuel tax division of the state board of equalization into the "Fuel tax enforcement fund," which fund is hereby created; provided, however, that before ordering the transfer of the amounts so appropriated the controller shall offset against said amount the amount of the registration fees credited to said "Fuel tax enforcement fund" under section 2 of this act during the biennial period next preceding the period for which said appropriations are made. The amounts so transferred by the controller into said "Fuel tax enforcement fund," together with the amount of the registration fees credited to said fund under section 2 of this act, shall be used by the state board of equalization to pay the expenses of the enforcement of the duties of said board under this act, such moneys to be available to the state board of equalization on warrants drawn by the controller upon demands made by said board and allowed and audited as provided by the rules of the state board of control. One-half of all moneys remaining in said "Motor vehicle fuel fund" after the payments into the "Fuel tax enforcement fund" shall have been made and the refunds herein provided for shall have been paid, is hereby appropriated to the counties of this state and shall be paid to the counties as hereinafter provided. The payments to the counties shall be based upon the number of vehicles registered in each of the counties as determined by the places of residence of the owners to whom the registration certificates for such vehicles have been issued by the state during the current year, and it is hereby made the duty of the motor vehicle department to furnish to the state controller a record of the number of such registrations by counties.

Appropriation to counties

Basis of appropriation

Out of said appropriation each county shall first be paid five thousand dollars for each quarter of a year for the first three thousand five hundred registrations or fraction of three thousand five hundred if the county has less than three thousand five hundred registrations. The balance remaining in said appropriation, after making such apportionment of five thousand dollars quarterly for the first three thousand five hundred registrations or fraction thereof, shall be apportioned to those counties having a registration greater than three thousand five hundred, in the proportion that the registration greater than three thousand five hundred registrations in each of such counties bears to the total number of registrations above three thousand five hundred in all such counties. All such amounts so paid to the several counties shall be paid into a special road improvement fund. Such fund shall be expended by the county receiving it exclusively in the construction and maintenance of roads, bridges and culverts in each such county. In the event that any such county has not established such a road fund, its proportion of such fund

Special road improvement fund.

shall be retained by the state until provision for such a road fund has been made, and it shall then be paid over to such county.

In the months of January, April, July and October of each year, the controller shall ascertain the gross amounts received and the net receipts remaining after the payment of the refunds for which provision is made in section 11 of this act during the preceding three months, and thereupon the controller shall draw his warrant upon the "Motor vehicle fuel fund" in favor of each county in the state for the amount to which each such county is entitled. The controller shall not draw such warrant in favor of any county which shall not have established such a road fund as is herein required or which shall be delinquent in its annual report to the state department of public works as hereinafter required.

Quarterly
distribution
to counties.

The board of supervisors of each county shall make an annual report to the state department of public works not later than three months after the close of the county's fiscal year upon forms to be provided by such department, showing the amount of moneys received from the "Motor vehicle fuel fund" during the preceding fiscal year and the disposition of said moneys, giving such details as to the disposition of said moneys as may be required by said department. Whenever such report shall not have been duly filed in the manner and form herein provided for at or before the time herein specified, the state controller shall not draw his warrant in favor of the treasurer of such county until said report has been filed.

Annual
report of
county
supervisors.

All moneys in the "Motor vehicle fuel fund" other than those hereinbefore appropriated, are hereby appropriated to and shall by the state treasurer be paid into the "State highway maintenance fund," which fund is hereby created, and shall be used for the maintenance, repair, widening, resurfacing and reconstruction of the state highways, and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be drawn from the state highway maintenance fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction, upon warrants drawn by the state controller upon demands made by the department of public works, division of highways, and allowed and audited as provided by the rules of the state board of control.

"State
highway
maintenance
fund"

SEC. 13. Section 13a of chapter 267, statutes of 1923, as added by chapter 552, statutes of 1929, is hereby amended to read as follows:

Stats 1920,
p 958.*

Sec. 13a. The state board of equalization may, without at the time furnishing vouchers and itemized statements, draw from the "Fuel tax enforcement fund," a sum not to exceed five thousand dollars; and the department of public works, division of highways, may, in like manner, draw five hundred

Revolving
funds

* See Sec 1, Stats 1929, Ch 552, p 955, adding Sec. 13a to Stats 1927, Ch 795, p 1565.

thousand dollars from the "State highway maintenance fund." The sum or sums so drawn shall be used as a revolving fund where cash advances are necessary.

Stats 1925,
p 661

SEC. 14. Section 14 of chapter 267, statutes of 1923, as amended by chapter 359, statutes of 1925, is hereby amended to read as follows:

Penalties

Sec. 14. Any person, firm, association or corporation or any officer or agent thereof failing to pay the license tax as herein provided, or violating any of the other provisions of this act, or unlawfully making any false statement, or concealing any material fact in any record, report, affidavit or claim provided for herein, shall be guilty of a misdemeanor, unless such act is by any other law of this state declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

The state board of equalization shall have power to revoke the license of any distributor, producer, or broker, refusing or neglecting to comply with the provisions of this act.

New section

SEC. 15. A new section is hereby added to chapter 267, statutes of 1923, to be numbered 14a and to read as follows:

Penalties

Sec. 14a. Any person, firm, association or corporation, or any officer or agent thereof who, through false statement, trick or device, or otherwise, obtains motor vehicle fuel for export and fails to export the same, or any portion thereof, or causes said motor vehicle fuel or any thereof not to be exported, or who diverts said motor vehicle fuel or any thereof, or who causes to be diverted from interstate or foreign transit begun in this state, or who unlawfully returns said fuel or any thereof to this state and sells or uses said fuel or any thereof in this state or causes said fuel or any thereof to be used or sold in this state and fails to notify the distributor from whom such motor vehicle fuel was originally purchased of his act, and any distributor or other person who conspires with any person, firm, association or corporation, or any officer or agent thereof, to withhold from export, or divert from interstate or foreign transit begun in this state, or to return motor vehicle fuel to this state for sale or use so as to avoid any of the taxes imposed by this act, shall be guilty of a misdemeanor, unless such act is by any other law of this state declared to be a felony, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Each such shipment illegally diverted or illegally returned shall be construed a separate offense, and the unit of each shipment shall be the cargo of one vessel, or one railroad carload, or one automobile truck load, or such truck and trailer load, or one drum, or one barrel, or one case, or one can.

SEC. 16. For the purpose of the assessment and collection of all license taxes due or to become due under that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, on account of distributions of motor vehicle fuel made up to and including the thirty-first day of March, 1931, the provisions of said act, as it existed prior to the amendments thereto made by this act, shall be considered as remaining in full force and effect. Saving clause

SEC. 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality

SEC. 18. This act, inasmuch as it provides for the levy and collection of taxes for the current expenses of the state, shall, under the provisions of section 1 of article four of the constitution, take effect immediately. Tax levy.

CHAPTER 86.

An act to amend sections 2 and 3 of chapter 795, statutes of 1927, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled, 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as amended, and providing that this act shall take effect immediately. Stats 1927,
p 1565,
amended

[Approved by the Governor March 30, 1931. In effect immediately.]

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

SECTION 1. Section 2 of chapter 795, statutes of 1927, is hereby amended to read as follows: Stats 1927,
p 1566.

Sec. 2. All moneys so credited to said state highway construction fund shall be allocated and expended by the department of public works, division of highways, for the acquisition Use of receipts.

of rights of way for and the construction and improvements of state roads and highways in accordance with that certain act entitled, "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of state highways, classifying the highways in the state system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of state highways," passed at the forty-seventh session of the Legislature or as subsequently amended. All money withdrawn from the state highway construction fund shall be upon warrants drawn by the state controller upon demands made by the department of public works, division of highways, and allowed and audited by the state board of control of this state; provided, however, that the department of public works, division of highways, may, without at the time furnishing vouchers and itemized statements, draw from the state highway construction fund, a sum not to exceed two hundred thousand dollars. The sum or sums so drawn may be used as a revolving fund where cash advances are necessary.

Stats. 1927,
p. 1582.

Stats. 1929,
p. 368

SEC. 2. Section 3 of chapter 795, statutes of 1927, as amended by chapter 208, statutes of 1929, is hereby amended to read as follows:

Incorporation
by reference

SEC. 3. All provisions, penalties and requirements now contained in said "original act," as amended, not inconsistent herewith, are hereby adopted and made a part of this act.

Tax levy.

SEC. 3. This act, inasmuch as it provides for the levy and collection of taxes for the current expenses of the state, shall, under the provisions of section 1 of article four of the constitution, take effect immediately.

CHAPTER 87.

An act to add a new section to be numbered 784a to the Penal Code of the State of California providing for and relating to the jurisdiction of criminal actions for slander and in what county or counties such criminal actions shall be commenced and tried.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

New section. SECTION 1. A new section to be numbered 784a is hereby added to the Penal Code to read as follows:

Slander by
radio or
other device.

784a. The jurisdiction of a criminal action for slander which is uttered into, or is communicated through or by any radio, or connected radios or any other mechanical or other devices, is in the county where the slander is so uttered, or in the county wherein the person slandered resided, or the

educational, literary, social, fraternal, benevolent or religious corporation, association or organization slandered was located, at the time of the utterance of the alleged slanderous words.

CHAPTER 88.

An act to repeal section 32½ of the California irrigation district act, relating to election on sale of bonds at less than par. Stats 1897, p. 254, amended.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 32½ of the California irrigation district act is hereby repealed. Stats 1913, p. 1000.

CHAPTER 89.

An act repealing chapter 489, statutes of 1919, entitled "An act to authorize irrigation districts to refund outstanding bonded indebtedness," approved May 25, 1919. Stats 1919, p. 1004, repealed.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

SECTION 1. Chapter 489, statutes of 1919, entitled "An act to authorize irrigation districts to refund outstanding bonded indebtedness," approved May 25, 1919, is hereby repealed. Repeal

SEC. 2. This repeal does not affect any right existing or accrued nor the validity of any bonds heretofore issued under the provisions of the act hereby repealed. Saving clause.

CHAPTER 90.

An act to repeal chapter 254, statutes of 1897, entitled "An act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an act of the Legislature of the State of California entitled 'An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same," approved April 1, 1897, as amended. Stats 1897, p. 394, repealed.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

SECTION 1. Chapter 254, statutes of 1897, entitled "An act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Repeal.

act of the Legislature of the State of California entitled 'An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes, approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same,' approved April 1, 1897, as amended, is hereby repealed.

Saving
clause

SEC. 2. This repeal does not affect any right existing or accrued nor the validity of any bonds heretofore issued under the provisions of the act hereby repealed.

CHAPTER 91.

Stats. 1897,
Ch. 189,
p. 254,
amended

An act to amend section 39 of the California irrigation district act, relating to the levying of assessments.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 26.

SECTION 1. Section 39 of the California irrigation district act is hereby amended to read as follows:

Amount of
assessment

Sec. 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates, on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; also sufficient to pay in full all sums due or that will become due from the district before the close of the next ensuing calendar year on account of rentals, or charges for lands, water, water rights or other property acquired by said district under lease or contract; also sufficient to pay in full all sums due or that will become due from the district, before the close of the next ensuing calendar year on account of contracts entered into by the district for power or fuel used or to be used for the pumping of water for the irrigation of land within the district; provided, the payment of the cost of such power or fuel has not been provided for by the levying of tolls or charges for the use of water or otherwise; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligations of the district which shall have been reduced to judgment; also such an amount as the board of directors may determine is necessary, to be set aside as a depreciation fund for the

replacement or reconstruction of any specific unit or units of its works; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for any of the purposes of this act. The board of directors may also include in any annual assessment such an amount as it may deem proper, not exceeding one per centum of the total assessed value of the land in the district, to be apportioned to the bond fund and to be used as provided in section 52 of this act, for the redemption or purchase of bonds of the district not yet due, or for the creation of a sinking fund to pay any of such bonds as they become due; provided, however, that notwithstanding any provision of this act or any act amendatory hereof, or supplementary hereto, the board of directors may in lieu, either in whole or in part, of levying the annual assessment for the payment of interest on or principal of bonds, or for any other purposes of this act, use any income or revenue of the district derived from the sale of electric power or from the sale or lease of water or the use of water for power purposes.

Use of
certain
revenue in
lieu of tax.

CHAPTER 92.

An act to amend section 6 of the California irrigation district act, relating to election on organization.

Stats 1897
Ch 189,
p 254,
amended.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 6 of the California irrigation district act is hereby amended to read as follows:

Stats 1887
p 256

Sec. 6. Said board of supervisors shall then call and cause notice to be given of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act, and to elect persons to fill the offices of said proposed district in case it shall be organized. Such notice shall describe the boundaries so established and shall designate a name for the proposed district, and specify the offices for which candidates may be voted for at said election. Said notice shall be published three times, to wit, once a week for three weeks, previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. For the purposes of said election the board of supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Election officers for said election shall be appointed, candidates for the offices of

Notice of
election

Precincts

Officers and
conduct of
election.

said proposed district shall be nominated, ballots and other supplies shall be provided and such election shall be conducted as nearly as practicable in accordance with the provisions of this act concerning general irrigation district elections, unless herein otherwise particularly provided, excepting, however, that the board of supervisors shall act in place of the board of directors and the clerk of the board of supervisors shall act in place of the secretary of the board of directors. On the ballots provided for said election shall be printed a proposition substantially as follows: "Shall the proposed ----- irrigation district be organized?" followed by the words "Yes" and "No," with voting space thereafter. No informalities in the conduct of said election or in any matters relating thereto shall invalidate said election or the result thereof if notice thereof shall have been given substantially as herein provided and said election shall have been fairly conducted.

Ballots.

Informalities

CHAPTER 93.

Stats. 1919, p. 671, repealed An act to repeal chapter 341, statutes of 1919, entitled "An act to be known as 'The California irrigation act,' providing for cooperation between the State of California and the United States, and independent proceedings, in the storage and diversion of water, the distribution thereof for irrigation and other beneficial uses and purposes, the generation and manufacture of electric power; creating an irrigation board, and providing for the formation of irrigation districts and conservation districts, and the conversion of irrigation districts, reclamation districts, drainage districts and other political subdivisions of the state organized for the purpose of promoting irrigation, reclamation and drainage, into irrigation districts under this act; and empowering said irrigation board to make and approve contracts and agreements, to construct reservoirs and other works, divert, distribute and sell water and lease and sell water rights, and generate, lease and sell electric power, to apportion to the constituent units of conservation districts the water and electric power to be produced and generated by conservation district works, to levy assessments, and issue bonds of irrigation districts and conservation districts; providing for the management, control and supervision of such irrigation districts and conservation districts and of the works constructed pursuant to this act; directing the state department of engineering relative to such works; and generally providing a policy relating to the storage, diversion and use of water and the manufacture or generation of electric power, and adopting a plan for providing revenues therefor; and repealing the California irrigation act approved June 4, 1915, and chapter 646 of the

statutes of 1917, approved May 28, 1917, amendatory thereof," approved May 16, 1919.

[Approved by the Governor March 30, 1931 In effect August 14, 1931.]

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

SECTION 1. Chapter 341, statutes of 1919, entitled "An ^{Repeal} act to be known as 'The California irrigation act,' providing for cooperation between the State of California and the United States, and independent proceedings, in the storage and diversion of water, the distribution thereof for irrigation and other beneficial uses and purposes, the generation and manufacture of electric power; creating an irrigation board, and providing for the formation of irrigation districts and conservation districts, and the conversion of irrigation districts, reclamation districts, drainage districts and other political subdivisions of the state organized for the purpose of promoting irrigation, reclamation and drainage, into irrigation districts under this act; and empowering said irrigation board to make and approve contracts and agreements, to construct reservoirs and other works, divert, distribute and sell water and lease and sell water rights, and generate, lease and sell electric power, to apportion to the constituent units of conservation districts the water and electric power to be produced and generated by conservation district works, to levy assessments, and issue bonds of irrigation districts and conservation districts; providing for the management, control and supervision of such irrigation districts and conservation districts and of the works constructed pursuant to this act; directing the state department of engineering relative to such works; and generally providing a policy relating to the storage, diversion and use of water and the manufacture or generation of electric power, and adopting a plan for providing revenues therefor; and repealing the California irrigation act approved June 4, 1915, and chapter 646 of the statutes of 1917, approved May 28, 1917, amendatory thereof," approved May 16, 1919, is hereby repealed.

CHAPTER 94.

An act to amend section 1 of chapter 234, statutes of 1913, entitled "An act authorizing and empowering any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California to donate and grant to the State of California any real property owned by it, or which it may hereafter acquire, within its corporate limits, for a site upon which the State of California may erect public buildings or maintain grounds in connection therewith; and also authorizing and empowering any of the same to use such part of its funds as deemed

Stats 1913
p. 388,
amended

necessary toward the acquisition of such a site, also authorizing the incurring of indebtedness for any of the purposes aforesaid, and validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purpose, and all of the proceedings leading up to the issuance and the proposed issuance of bonds for any such purpose," to authorize counties, cities and counties and cities to acquire property to be granted to the State of California by purchase or proceedings in eminent domain.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

Stats 1913,
p. 388.

SECTION 1. Section 1 of an act entitled "An act authorizing and empowering any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California to donate and grant to the State of California any real property owned by it, or which it may hereafter acquire, within its corporate limits, for a site upon which the State of California may erect public buildings or maintain grounds in connection therewith; and also authorizing and empowering any of the same to use such part of its funds as deemed necessary toward the acquisition of such a site, also authorizing the incurring of indebtedness for any of the purposes aforesaid, and validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purpose, and all of the proceedings leading up to the issuance and the proposed issuance of bonds for any such purpose," approved June 5, 1913, statutes 1913, page 388, is hereby amended to read as follows:

Grant of
land by
city or
county
to state

Section 1. Any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to donate and grant to the State of California any real property owned by it or which it may hereafter acquire within its corporate limits for a site upon which the State of California may erect public buildings or maintain grounds in connection therewith. Any real property proposed to be acquired for the State of California by any county, city and county, or city under this act may be purchased or may be condemned by proceedings in eminent domain in the name of the county, city and county, or city in the manner authorized by law. The title to such property may be taken in the name of the state or of the county, city and county, or city. If title is not taken in the name of the state, it may thereafter be conveyed to the state.

Eminent
domain

CHAPTER 95.

An act to amend sections 3197 and 3198 of the Political Code, relating to trade-marks.

[Approved by the Governor March 30, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 3197 of the Political Code is hereby amended to read as follows: Stats. 1911,
p. 427.

3197. Any person may record any trade-mark by filing with the secretary of state his claim to the same, and a copy and description of such trade-mark with his affidavit attached thereto, certified to by any officer authorized to take acknowledgments of conveyances, setting forth that he (or the firm or corporation of which he is a member) is the exclusive owner, or agent of the owner of such trade-mark. Recording
trade-marks.

SEC. 2. Section 3198 of the Political Code is hereby amended to read as follows: Stats. 1909,
p. 150.

3198. The secretary of state must keep for public examination a record of all trade-marks filed in his office, with the date when filed and name of claimant; and must at the time of filing issue to the claimant a certificate of such filing under the great seal of the state, and collect from such claimant, a fee of five dollars, as provided for in section 416 of this code; provided, however, the secretary of state shall refuse to file any trade-mark identical with, or so similar to any trade-mark already filed as to be calculated or liable to deceive. Record
and fee

Deceptive
trade-marks.

CHAPTER 96.

An act establishing certain additional state highways and classifying them as secondary highways.

[Approved by the Governor April 1, 1931. In effect August 14, 1931.]

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

SECTION 1. The department of public works is hereby authorized and directed to lay out and construct highways by the most direct and practicable routes between the termini stated herein, which highways are declared to be, and classified as, secondary state highways. Secondary
state
highways
(See also
Ch 82)

- (a) Alturas to Oregon state line near New Pine creek.
- (b) Quincy to State Highway Route 29, near Chats.
- (c) Vallejo to State Highway Route 8.
- (d) Walnut Creek to Oakland.
- (e) Weed to California-Oregon state line, near Calor.
- (f) Bishop to California-Nevada state line (Montgomery pass).
- (g) Bakersfield to Mojave.

- (h) Red Box Divide to Pine Flats (Route 61 to Route 62).
- (i) State Highway Route 26 near Colton via Pomona to Los Angeles.
- (j) State Highway Route 43, Waterman canyon via Santa Ana canyon to Newport Beach.
- (k) Beaumont to Riverside (Jackrabbit trail).
- (l) Riverside to San Diego (Inland Route).
- (m) Pomona to Temecula.
- (n) Blythe to California-Arizona state line at the Colorado river and State Highway Route 64 to State Highway Route 26, near Indio.
- (o) National City to International boundary line near Tia Juana.
- (p) El Centro to Calexico.
- (q) Oasis to California-Nevada state line.
- (r) State Highway Route 2 near Ventura to State Highway Route 4 at Castaic junction.
- (s) From State Highway Route 31 near Cajon pass to State Highway Route 23 near Lancaster.
- (t) Pomona to Fullerton via Brea canyon.
- (u) Cambria to San Luis Obispo.
- (v) Santa Barbara to State Highway Route 2 at Zaca via San Marcos pass.
- (w) State Highway Route 14 near Crockett to American canyon route near Vallejo.

CHAPTER 97.

An act to amend sections 4005c and 4006 of the Political Code, relating to the population and classification of counties.

[Approved by the Governor April 1, 1931. In effect August 14, 1931.]

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

Stats 1921,
p. 2.

SECTION 1. Section 4005c of the Political Code is hereby amended to read as follows:

Population
of counties.

4005c. The population of the counties of this state is hereby ascertained and determined to be and is as follows:

1.	Los Angeles	2,208,492
2.	San Francisco	634,394
3.	Alameda	474,883
4.	San Diego	209,659
5.	Santa Clara	145,118
6.	Fresno	144,379
7.	Sacramento	141,999
8.	San Bernardino	133,900
9.	Orange	118,674
10.	San Joaquin	102,940
11.	Kern	82,570
12.	Riverside	81,024

13. Contra Costa	78,608
14. Tulare	77,442
15. San Mateo	77,405
16. Santa Barbara	65,167
17. Sonoma	62,222
18. Imperial	60,903
19. Stanislaus	56,641
20. Ventura	54,976
21. Monterey	53,705
22. Humboldt	43,233
23. Marin	41,648
24. Solano	40,834
25. Santa Cruz	37,433
26. Merced	36,748
27. Butte	34,093
28. San Luis Obispo	29,613
29. Siskiyou	25,480
30. Kings	25,385
31. Placer	24,468
32. Yolo	23,644
33. Mendocino	23,505
34. Napa	22,897
35. Madera	17,164
36. Sutter	14,618
37. Shasta	13,927
38. Tehama	13,866
39. Lassen	12,589
40. Yuba	11,331
41. San Benito	11,311
42. Glenn	10,935
43. Nevada	10,596
44. Colusa	10,258
45. Tuolumne	9,271
46. Amador	8,494
47. El Dorado	8,325
48. Modoc	8,038
49. Plumas	7,913
50. Lake	7,166
51. Inyo	6,555
52. Calaveras	6,008
53. Del Norte	4,739
54. Mariposa	3,233
55. Trinity	2,809
56. Sierra	2,422
57. Mono	1,360
58. Alpine	241

SEC. 2. Section 4006 of the Political Code is hereby amended to read as follows: Stats. 1921, p. 3.

4006. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population as Classification for purpose of regulating compensation.

ascertained and determined in section 4005c of this code as follows, to wit:

Classification
of counties.

Counties containing a population of nine hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of five hundred thousand and under nine hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of four hundred thousand and under five hundred thousand shall belong to and be known as counties of the third class.

Counties containing a population of two hundred thousand and under four hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of one hundred forty-five thousand and under two hundred thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of one hundred forty-three thousand and under one hundred forty-five thousand shall belong to and be known as counties of the sixth class.

Counties containing a population of one hundred forty thousand and under one hundred forty-three thousand shall belong to and be known as counties of the seventh class.

Counties containing a population of one hundred thirty thousand and under one hundred forty thousand shall belong to and be known as counties of the eighth class.

Counties containing a population of one hundred ten thousand and under one hundred thirty thousand shall belong to and be known as counties of the ninth class.

Counties containing a population of one hundred thousand and under one hundred ten thousand shall belong to and be known as counties of the tenth class.

Counties containing a population of eighty-two thousand and under one hundred thousand shall belong to and be known as counties of the eleventh class.

Counties containing a population of eighty thousand and under eighty-two thousand shall belong to and be known as counties of the twelfth class.

Counties containing a population of seventy-eight thousand and under eighty thousand shall belong to and be known as counties of the thirteenth class.

Counties containing a population of seventy-seven thousand four hundred twenty-five and under seventy-eight thousand shall belong to and be known as counties of the fourteenth class.

Counties containing a population of seventy-five thousand and under seventy-seven thousand four hundred twenty-five shall belong to and be known as counties of the fifteenth class.

Counties containing a population of sixty-five thousand and under seventy-five thousand shall belong to and be known as counties of the sixteenth class.

Counties containing a population of sixty-two thousand and under sixty-five thousand shall belong to and be known as counties of the seventeenth class. Classification of counties.

Counties containing a population of sixty thousand and under sixty-two thousand shall belong to and be known as counties of the eighteenth class.

Counties containing a population of fifty-five thousand and under sixty thousand shall belong to and be known as counties of the nineteenth class.

Counties containing a population of fifty-four thousand and under fifty-five thousand shall belong to and be known as counties of the twentieth class.

Counties containing a population of fifty-three thousand and under fifty-four thousand shall belong to and be known as counties of the twenty-first class.

Counties containing a population of forty-three thousand and under fifty-three thousand shall belong to and be known as counties of the twenty-second class.

Counties containing a population of forty-one thousand and under forty-three thousand shall belong to and be known as counties of the twenty-third class.

Counties containing a population of forty thousand and under forty-one thousand shall belong to and be known as counties of the twenty-fourth class.

Counties containing a population of thirty-seven thousand and under forty thousand shall belong to and be known as counties of the twenty-fifth class.

Counties containing a population of thirty-five thousand and under thirty-seven thousand shall belong to and be known as counties of the twenty-sixth class.

Counties containing a population of thirty thousand and under thirty-five thousand shall belong to and be known as counties of the twenty-seventh class.

Counties containing a population of twenty-seven thousand five hundred and under thirty thousand shall belong to and be known as counties of the twenty-eighth class.

Counties containing a population of twenty-five thousand four hundred and under twenty-seven thousand five hundred shall belong to and be known as counties of the twenty-ninth class.

Counties containing a population of twenty-five thousand and under twenty-five thousand four hundred shall belong to and be known as counties of the thirtieth class.

Counties containing a population of twenty-four thousand and under twenty-five thousand shall belong to and be known as counties of the thirty-first class.

Counties containing a population of twenty-three thousand six hundred and under twenty-four thousand shall belong to and be known as counties of the thirty-second class.

Counties containing a population of twenty-three thousand and under twenty-three thousand six hundred shall belong to and be known as counties of the thirty-third class.

Classification
of counties.

Counties containing a population of twenty-two thousand and under twenty-three thousand shall belong to and be known as counties of the thirty-fourth class.

Counties containing a population of fifteen thousand and under twenty-two thousand shall belong to and be known as counties of the thirty-fifth class.

Counties containing a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirty-sixth class.

Counties containing a population of thirteen thousand nine hundred and under fourteen thousand shall belong to and be known as counties of the thirty-seventh class.

Counties containing a population of thirteen thousand and under thirteen thousand nine hundred shall belong to and be known as counties of the thirty-eighth class.

Counties containing a population of twelve thousand and under thirteen thousand shall belong to and be known as counties of the thirty-ninth class.

Counties containing a population of eleven thousand three hundred twenty-five and under twelve thousand shall belong to and be known as counties of the fortieth class.

Counties containing a population of eleven thousand and under eleven thousand three hundred twenty-five shall belong to and be known as counties of the forty-first class.

Counties containing a population of ten thousand seven hundred fifty and under eleven thousand shall belong to and be known as counties of the forty-second class.

Counties containing a population of ten thousand five hundred and under ten thousand seven hundred fifty shall belong to and be known as counties of the forty-third class.

Counties containing a population of ten thousand two hundred fifty and under ten thousand five hundred shall belong to and be known as counties of the forty-fourth class.

Counties containing a population of nine thousand and under ten thousand two hundred fifty shall belong to and be known as counties of the forty-fifth class.

Counties containing a population of eight thousand four hundred and under nine thousand shall belong to and be known as counties of the forty-sixth class.

Counties containing a population of eight thousand three hundred and under eight thousand four hundred shall belong to and be known as counties of the forty-seventh class.

Counties containing a population of eight thousand and under eight thousand three hundred shall belong to and be known as counties of the forty-eighth class.

Counties containing a population of seven thousand five hundred and under eight thousand shall belong to and be known as counties of the forty-ninth class.

Counties containing a population of seven thousand and under seven thousand five hundred shall belong to and be known as counties of the fiftieth class.

Counties containing a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the fifty-first class.

Counties containing a population of six thousand and under six thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties containing a population of four thousand and under six thousand shall belong to and be known as counties of the fifty-third class.

Counties containing a population of three thousand and under four thousand shall belong to and be known as counties of the fifty-fourth class.

Counties containing a population of two thousand five hundred and under three thousand shall belong to and be known as counties of the fifty-fifth class.

Counties containing a population of two thousand four hundred and under two thousand five hundred shall belong to and be known as counties of the fifty-sixth class.

Counties containing a population of one thousand and under two thousand four hundred shall belong to and be known as counties of the fifty-seventh class.

Counties containing a population less than one thousand shall belong to and be known as counties of the fifty-eighth class.

CHAPTER 98.

An act making an appropriation for completing the construction, furnishing and equipping of the state building at Los Angeles, California, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 1, 1931. In effect immediately.]

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

SECTION 1. The sum of six hundred seven thousand three hundred fifty dollars (\$607,350), out of any money in the state treasury not otherwise appropriated, is hereby appropriated for completing the construction, furnishing and equipping of the state building at Los Angeles, California.

Appropriation
state
building at
Los Angeles

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

Urgency

CHAPTER 99.

An act making an appropriation to meet a deficiency in the appropriation for the support of the department of public works for the eighty-first and eighty-second fiscal years, declaring the urgency thereof and providing that the act shall take effect immediately.

[Approved by the Governor April 1, 1931. In effect immediately.]

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

Appropriation
department
of public
works.

SECTION 1. The sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet a deficiency in the appropriation for the support of the department of public works for the eighty-first and eighty-second fiscal years.

Current
expenses

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

CHAPTER 100.

An act making an appropriation for survey, appraisal, and purchase of land, and construction and equipment of dairy unit at Preston School of Industry, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 1, 1931. In effect immediately.]

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

Appropriation
dairy unit
at Preston
School of
Industry.

SECTION 1. The sum of sixty thousand dollars (\$60,000), out of any money in the state treasury not otherwise appropriated, is hereby appropriated for survey, appraisal, and purchase of land, and construction and equipment of dairy unit at Preston School of Industry.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety, within the meaning of section 1 of article four of the constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: the existing buildings, structures, and equipment are wholly insufficient and inadequate to enable the state to discharge its duty properly to house, care for, and protect the persons and property for whom or for which housing facilities or accommodations will be made available by this appropriation.

CHAPTER 101.

An act to amend section 634 of the Penal Code, relative to the protection of fish and game.

[Approved by the Governor April 2, 1931. In effect immediately.]

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

SECTION 1. Section 634 of the Penal Code is hereby amended to read as follows:

Stats 1929,
p 1709. See
Ch 757,
infra.

634. 1. Every person who takes, catches or kills in any manner or possesses any salmon other than as provided for in this act is guilty of a misdemeanor.

Salmon

2. It shall be unlawful to take, catch or kill any salmon on any spawning bed or within ten miles of any salmon spawning station, (the division of fish and game is hereby authorized to designate spawning areas as intended in this act), or in state waters at the mouth of any interstate stream within three miles north and south of a line drawn due west from the center of the mouth of said stream; or to use nets at any time of the year between sunrise Saturday and sunset of the following Sunday; or in districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen and eighteen to take, catch, kill or have in possession any chinook salmon (*Oncorhynchus tshawytscha*) less than twenty-seven inches in length, or any silver salmon (*Oncorhynchus kisutch*) less than twenty-four inches in length, measured from the tip of the snout to the extreme tip of the tail, or to bring any salmon ashore in such condition that its length can not be measured. All salmon under legal size accidentally caught must be landed by means of a landing net or scoop net, and all salmon under legal size must be returned to the water unharmed. It shall be unlawful to operate any salmon trolling boat not equipped with a landing net or scoop net, or, to gaff, club, or injure any salmon under the legal size.

Spawning
areas.

Districts, 6,
7, 8, 9, 10,
11, 15, 16,
17 and 18

3. Salmon taken in districts one, one and one-half, two, two and one-half, three, twelve "A" and the Klamath river fish and game district except in tidewater can not be sold at any time. The sale of salmon legally taken in all other fish and game districts in California, or shipped into the state from Oregon or Washington or any state or foreign country is not prohibited. Between September sixteenth and November fourteenth salmon must be held or sold only under such regulations as may be prescribed by the division of fish and game.

Districts 1,
1½, 2, 2½, 3,
12 "A" and
Klamath
river
Sale

4. It shall be unlawful to take salmon other than with hook and line in fish and game districts three and twelve "A" and other than with hook and line and spear in fish and game districts one, one and one-half, two, two and one-half and Klamath river fish and game district (above tidewater).

Districts 3,
12 "A," 1,
1½, 2, 2½
and Klamath
river.

- District 1. 4a. In district one, salmon may be taken with spear and hook and line between the twenty-ninth day of May and the thirty-first day of October, both dates inclusive. Not more than two salmon may be taken per day.
- District 1½. 4b. In district one and one-half, salmon may be taken with hook and line between the twenty-ninth day of May and the thirty-first day of December, both dates inclusive. Spears may be used only between the first day of August and the thirty-first day of October, both dates inclusive. Not more than two salmon may be taken per day.
- Districts 2 and 2½. 4c. In districts two and two and one-half salmon may be taken with hook and line between the first day of May and the last day of February, both dates inclusive. Spears may be used only between the first day of November and the last day of February, both dates inclusive. Not more than two salmon per day may be taken.
- District 3. 4d. In district three, salmon may be taken only with hook and line between the first day of May and the thirty-first day of October, both dates inclusive. Not more than two salmon per day may be taken.
- Klamath river. 4e. Above tidewater in the Klamath river district salmon may be taken between the twenty-ninth day of May and the thirty-first day of December with hook and line. Spears may be used only between August first and October thirty-first, both dates inclusive. Not more than two salmon per day may be taken.
- District 5. 5. In district five, salmon may be taken with gill nets and seines of not less than five and one-half inch mesh between the fifteenth day of August and the thirty-first day of October, both dates inclusive; with no bag limit.
- Districts 6, 7, 8, 9, 10, 11, 15, 16, 17 and 18. 6. Except as provided in paragraph two, salmon may be taken with hook and line only, with no bag limit, in fish and game districts, six, seven, eight and nine between the first day of May and the fifteenth day of September, both dates inclusive, and in fish and game districts ten and eleven between the first day of May and the fifteenth day of August, both dates inclusive, and in fish and game districts fifteen, sixteen, seventeen and eighteen between the fifteenth day of March and the thirtieth day of June, both dates inclusive, provided, that in fish and game districts fifteen, sixteen, seventeen and eighteen, after June thirtieth, 1931, the open season shall be April first to June thirtieth, both dates inclusive. No salmon may be brought from the high seas through fish and game districts six, seven, eight and nine between the sixteenth day of September and the thirtieth day of April of the year following, both dates inclusive, or through fish and game districts ten and eleven between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, or through fish and game districts fifteen, sixteen, seventeen and eighteen between the first day of July and the thirty-first day of March of the year following, both dates inclusive.

7. In tidewater in the Klamath river district salmon may be taken with hook and line between the twenty-ninth day of May and the thirty-first day of December, both dates inclusive, or with gill nets of not less than seven and one-half inch mesh between the first day of July and the fifth day of September, both dates inclusive; provided that no nets may be used between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September, both dates inclusive. During the netting season there shall be no bag limit, but at other times there shall be a bag limit of two per day. For the purpose of this act tidewater on the Klamath river shall be that portion of the river between its mouth and the Douglass memorial bridge. Klamath river.

8. Every person who, in fish and game districts twelve and thirteen, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game district twelve "B" between the sixteenth day of June and the thirty-first day of July, both dates inclusive, and every person who in fish and game districts twelve, twelve "B" and thirteen between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, or between May sixteenth and June fifteenth, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length is guilty of a misdemeanor. Districts 12, 12"B" and 13.

9. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes. Taking for propagation

10. For the purpose of this act and all acts relating thereto, only such fish as belonging to the genus *Oncorhynchus* shall be considered salmon. Definition

11. Any violation of any of the provisions of this act shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not to exceed six months in the county in which the conviction shall be had, or by both such fine and imprisonment. Penalty.

SEC. 2. Urgency measure. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety, within the meaning of section 1 of article four of the constitution of the State of California, and as such it shall take effect immediately. Urgency.

Urgency

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

On February fourteenth of this year, the state supreme court handed down a decision in the case of Swenson et al. vs Engelke et al., the effect of which is to nullify that portion of section 634 of the Penal Code which is designed to give protection to salmon in the ocean fish and game districts on the coast of California during certain closed seasons. The present law intended to provide a closed season of eight and one-half months during which time it would be unlawful to take or possess salmon in the ocean districts of the state. The greatest destruction to small and immature salmon is caused by fishing during this closed time and it was for the purpose of preventing this great destruction that the closed seasons were imposed.

The decision was made strictly on an interpretation of the statute, it being the judgment of the court that the present statute does not prohibit the possession of salmon in these closed districts which have been caught on the high seas beyond the jurisdiction of the state. It is impossible to enforce the closed term in these districts unless the possession of salmon is at the same time prohibited. Therefore, as a result of this decision, there is no closed season in these districts and great destruction to salmon, which are desperately in need of this protection, will result.

There is one exception to this statement, however, in the case of Monterey bay, which is one of the most important salmon trolling regions. The bay of Monterey and three miles beyond are within the jurisdiction of the state and as practically all the commercial salmon trolling is here carried on within this area, the present closed seasons can be fairly well enforced, a condition which does not exist in the other trolling areas of the state, where much of the trolling is carried on on the high seas outside the three mile limit and where the laws can not be enforced to any great extent within the three mile limit, thus bringing about a condition which discriminates against the Monterey and Santa Cruz fishermen and places them at a great disadvantage.

It so happens that the present open season of three and one-half months for the Monterey bay area is not the right season in that it opens too late to enable the fishermen to catch the fish which are mature, and for that reason their fishing is in a large part unprofitable and covers a time during which the destruction to small salmon is excessive.

The Monterey fishermen have just passed through a disastrous sardine season and many of them are so greatly in need of profitable employment that a serious emergency exists. The present urgency measure is designed to fix the open season for the Monterey bay region at the proper time and for this present year to open it on March fifteenth to relieve the distress now existing among these fishermen.

The bill, if passed as an emergency measure, also will prevent the excessive destruction of immature salmon both at Monterey and in the districts to the north and will enable the officers of the state to enforce the laws without the dissatisfaction and probable resistance on the part of the fishermen. There are over one thousand commercial fishermen affected.

CHAPTER 102.

An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

[Approved by the Governor April 3, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 4286 of the Political Code is hereby amended to read as follows: Stats 1929, p 1070

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit: Mono county salaries

1. The county clerk, one thousand two hundred dollars per annum. Clerk
2. The sheriff, two thousand six hundred dollars per annum. Sheriff
3. The recorder, nine hundred dollars per annum. Recorder. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording any and all instruments required to be filed and recorded in said county recorder's office: provided that during the months of May, June, July, August, September, and October of each year, the said copyist shall receive additional compensation in an amount not to exceed the sum of forty dollars in any one month, and the compensation of said copyist shall be paid out of the salary fund of said county in the same manner and at the same time as the county recorder is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of said county recorder, and it is intended that the same shall apply immediately to the present incumbent.

4. The auditor, nine hundred dollars per annum. Auditor.

5. The treasurer, one thousand five hundred dollars per annum. Treasurer.

6. The tax collector, one thousand two hundred dollars per annum. Tax collector.

- Assessor. 7. The assessor, one thousand five hundred dollars per annum.
- District attorney. 8. The district attorney, two thousand dollars per annum.
- Coroner. 9. The coroner, such fees as are or may hereafter be allowed by law.
- Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools. 11. The superintendent of schools, six hundred dollars per annum.
- Surveyor. 12. The surveyor, four hundred dollars per annum.
- Classification of townships. 13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class; provided, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.
- Justices of the peace and constables 14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars, to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables

aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

15. Each member of the board of supervisors, sixty dollars ^{Supervisors.} per month, and thirty cents per mile one way to board meetings.

16. Jurors' fees in criminal cases shall be as follows: For ^{Jurors.} attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, five dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 103.

An act to amend section 991 of the Civil Code, relating to trade-marks.

[Approved by the Governor April 3, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 991 of the Civil Code is hereby ^{Code Amdts. 1873-74, p 224.} amended to read as follows:

991. One who produces or deals in a particular thing, ^{Trade-marks} may appropriate to his exclusive use, as a trade-mark, any form, symbol, or name, which has not been so appropriated by another, to designate the origin thereof; but he can not exclusively appropriate any designation, or part of a designation, which relates only to the name, quality, or the description of the thing, or the place where the thing is produced.

CHAPTER 104.

An act to amend section 19x9 of the juvenile court law, relating to probation officers in counties of the ninth class. ^{Stats 1915, p 1225, amended.}

[Approved by the Governor April 3, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 19x9 of the juvenile court law is ^{Stats 1927, p 333 (formerly Sec. 19x10).} hereby amended to read as follows:

Sec. 19x9. In counties of the ninth class there shall be one probation officer, whose salary shall be two hundred fifty dollars per month, and also three assistant probation officers. ^{Orange county probation officer} Salaries of the assistant probation officers shall be as follows, to wit: One assistant probation officer two hundred dollars per

month; one assistant probation officer, one hundred seventy-five dollars per month; one assistant probation officer one hundred twelve dollars and fifty cents per month.

The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 105.

Stats. 1913,
p. 1086,
amended.

An act to amend section 16x9 of the weights and measures act relating to sealers of weights and measures in counties of the ninth class.

[Approved by the Governor April 3, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 1835
(formerly
Sec. 16x10)

SECTION 1. Section 16x9 of the weights and measures act is amended to read as follows:

Orange
county
sealer.

Sec. 16x9. The sealer of weights and measures in counties of the ninth class shall receive a salary of one hundred fifty dollars per month and shall have one deputy sealer of weights and measures who shall receive a salary of one hundred fifty dollars per month.

CHAPTER 106.

An act to amend section 2322x9 of the Political Code, relating to the office of agricultural commissioner in counties of the ninth class.

[Approved by the Governor April 3, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 333 (for-
merly Sec
2322x10).
Orange
county:
agricultural
commis-
sioner.

SECTION 1. Section 2322x9 of the Political Code is amended to read as follows:

2322x9. In counties of the ninth class, the commissioner shall receive a salary of four thousand eight hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Three deputy agricultural commissioners at a salary of three thousand dollars each per annum.

(b) One deputy agricultural commissioner for bacteriological work at a salary of two thousand four hundred dollars per annum.

(c) The commissioner is also authorized and empowered to appoint not to exceed eleven inspectors at a monthly salary of one hundred seventy-five dollars each during the time actually employed, three inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, two inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, and five inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all of such inspectors shall not exceed thirty-five thousand two hundred eighty dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed, one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed four thousand five hundred dollars.

CHAPTER 107.

An act to add a new section to be numbered 9a9, to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the ninth class.

Stats 1911,
p. 80,
amended.

[Approved by the Governor April 3, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 9a9 is hereby added to the act cited in the title hereto, to read as follows:

Stats 1927,
p. 303 (for-
merly Sec.
9a10)

Sec. 9a9. In counties of the ninth class the salary of the county librarian shall be two thousand one hundred dollars per annum, payable monthly as other county officers are paid.

Orange
county
librarian.

The provisions of this act so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 108.

An act to amend section 3716 of the Political Code, relating to the operation of taxes as a judgment or lien against property.

[Approved by the Governor April 3, 1931. In effect August 14, 1931.]

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

Pol. Code,
1872, vol. 2,
p. 24.

Tax liens

SECTION 1. Section 3716 of the Political Code is hereby amended to read as follows:

3716. Every tax has the effect of a judgment against the person, and every lien created by this title has the force and effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied nor the lien removed until the taxes are paid or the property sold for the payment thereof; provided, that effective one year from the time this act takes effect, the lien of every tax whether now existing or hereafter attaching shall cease to exist for all purposes after thirty years from the time said tax became a lien;

Limitation.

And provided further that effective one year from the time this act takes effect, every tax whether now existing or hereafter levied shall be conclusively presumed to have been paid after thirty years from the time the same became a lien, unless the property subject thereto has been sold in the manner provided by law for the payment of said tax.

CHAPTER 109.

Stats. 1903,
Ch. 359,
p. 476,
amended.

An act to amend section 2 of chapter 359, statutes of 1903, entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, as amended, relating to official bonds of deputies, clerks and subordinate officers in county offices and institutions.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Stats. 1903,
p. 476.

SECTION 1. Section 2 of chapter 359, statutes of 1903, entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, as amended, is hereby amended to read as follows:

County
employees'
bonds.

Sec. 2. In counties wherein deputies, clerks and subordinate officers are appointed and hold their respective offices and employments under a system providing for appointment

based upon merit and fitness after examination and for discharge or removal only for cause shown or for reasons required to be stated, said system being commonly known as "civil service" under authority of a county charter adopted pursuant to the constitution of this state, the board of supervisors may require any deputy, clerk or subordinate officer included within such civil service system to give an official bond in an amount to be prescribed by said board. Instead of an individual bond, any deputy, clerk or subordinate officer in any county office or institution may be included with other such deputies, clerks and subordinate officers in a general bond to be in force so long as such person is named therein, commonly known as a "schedule bond," executed by a qualified corporate surety and inuring to the benefit of the county and of the officer through and under whom such deputy, clerk or subordinate officer holds office or employment. The liability of the surety on any such schedule bond shall not be affected by any change of the person holding any principal office or in the membership of any board or commission but shall continue so long as any person named in such schedule bond shall be included therein and shall continue to exercise the duties of his office or employment.

Schedule bond.

Surety's liability.

The premium on any official bond of any deputy, clerk or subordinate officer in any county office or institution may, and if such bond shall be a schedule bond as herein provided shall, be paid by the county, whether such bond be given pursuant to section 985, Political Code, or otherwise.

Payment of premium.

CHAPTER 110.

An act to amend sections 2, 3, 4 and 6, and to add a new section to be numbered section 23, of chapter 210, statutes of 1901, entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended, relating to residence of indigent persons, the bringing of indigents into the state, and the reimbursement of counties for aid advanced indigents.

Stats 1901, p. 636, amended.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2 of chapter 210, statutes of 1901, entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated

Stats. 1929, p. 507.

persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended is hereby amended to read as follows:

"Residence" Sec. 2. The term "residence" as used in this act, shall be taken to mean, and shall be considered to mean the residence of each of such persons to be determined in accordance with the rules prescribed in this act.

A person shall be deemed to be a lawful resident of the State of California within the meaning of this act, who shall have lived continuously in the state for a period of three years without receiving any public or private relief or support from friends, charitable organizations, hospitals, clinics or relatives (other than from parents in the case of minors), and with the intent to make it his or her home and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in this state; provided, however, that the time spent in a public institution or on parole therefrom or in a private charitable institution or while dependent on public or private relief or support shall not be counted in determining the matter of residence in this or another state.

Transportation of nonresident

Where a pauper or poor or indigent or incapacitated or incompetent person as herein designated is not a lawful resident of the State of California, all expenses incurred in temporarily supporting and in transporting such person to another state may be paid by the county where such person applies for aid unless it appears that other funds are available.

New section

SEC. 2. A new section to be known as section 2½ is hereby added to the above entitled act.

Determination of residence

Sec. 2½. Every person has, in law, a residence. In determining the place of residence the following rules are to be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose;

2. There can only be one residence;

3. A residence can not be lost until another is gained;

4. The residence of the father during his life, and after his death the residence of the mother, while she remains unmarried, is the residence of the unmarried minor child; and the residence of an orphan is that of the last deceased parent;

5. The residence of the husband is the residence of the wife;

6. The residence of an unmarried minor who has a parent living can not be changed by either his own act or that of his guardian;

7. The residence can be changed only by the union of act and intent.

SEC. 3. Section 3 of the above entitled act is hereby amended to read as follows: Stats 1901, p. 636.

Sec. 3. Every person, firm or corporation, or the officers, agents, servants, or employees of any person, charitable organization, firm or corporation, bringing into or leaving within, or procuring the bringing into or the leaving within, or aiding in the bringing into or the leaving within, of any pauper or poor or indigent or incapacitated or incompetent person as hereinbefore mentioned, in any county or city and county in the State of California, wherein such person is not lawfully settled or not lawfully residing as herein defined, knowing him to be such pauper, poor, indigent, or incapacitated or incompetent person, shall be guilty of a misdemeanor. Bringing in paupers.

SEC. 4. Section 4 of the above entitled act is hereby amended to read as follows: Stats 1901, p. 636.

Sec. 4. If any person shall become chargeable as a pauper, or poor, or indigent, or incapacitated, or incompetent person as herein designated, in any county, or city and county, who did not reside therein (as herein specified) at the commencement of one year immediately preceding his becoming so chargeable, but did at that time reside (as herein specified) in some other county, or city and county in this state, it shall be the duty of the county clerk of said first-mentioned county or city and county to send written notice by mail or otherwise to the county clerk of the county or city and county in which such person so resided, requesting the proper authorities of such county or city and county to remove such person forthwith, and to pay the expenses accruing or to accrue, in taking care of such person; and such county or city and county, wherein such person resided at the commencement of the one year immediately preceding such person's becoming chargeable as a poor, indigent, or incapacitated, or incompetent person as herein designated, shall pay to the county or city and county so taking care of such person all reasonable charges for the same, and such amount may be recovered by suit in any court of competent jurisdiction by such county or city and county. Return of nonresident paupers.

SEC. 5. Section 6 of the above entitled act is hereby amended to read as follows: Stats 1901, p. 636.

Sec. 6. In case such person shall be or shall thereafter become the owner of property, real, personal, or mixed, it shall be the duty of the district attorney of the county, or city and county, or the city and county attorney thereof, in which such person shall become a public charge, in whole or in part, to cause the entire or partial support as hereinafter provided to be fixed, of such person to be made out of such property, and to that end shall procure by suit or otherwise the assignment and payment for such purpose of all annuities and pensions; and in case such person shall be incompetent or a minor, within the provisions of the codes relating to the guardianship of the persons and estates of incompetent persons Property of pauper.

Minor or
incompetent

and minors, it shall be the duty of the district attorney of such county, or city and county, or the city and county attorney thereof, to apply to the proper court for the appointment of a general guardian of the person and estate, or either, of such person or minor. Such application and appointment shall be made in the manner as provided by the codes of this state for the application for the appointment of guardians of infants and incompetent persons, and all proceedings thereunder, except as herein expressly declared otherwise, shall be in accordance with such provisions of said codes, and the public support of such minor or such incompetent shall be deemed one of the grounds for which an application may be made on behalf of such person for the sale of his property, as in the Code of Civil Procedure provided. From the proceeds of the property of said person or from such other funds as such guardian may obtain, or from such funds as the district attorney of the county, or the city and county, or the city and county attorney thereof, may be able to collect, there shall be paid into the county treasury of the county, the sum per month fixed by the board of supervisors of such county or city and county, quarterly in advance, for the maintenance and support of any such person or pauper; and there shall also be paid out of the proceeds of such sale or such other funds, such clothing and other supplies as may have been furnished to such person or pauper.

Liability of
kindred

If any pauper, indigent, poor, incompetent, or incapacitated person has kindred of the degree of husband, wife, children (other than minors), father or mother, brother or sister, grandchildren, or grandparents living within this state, of sufficient pecuniary ability, such kindred in the order above named shall support such person by paying into the county treasury of such county, the sum per month fixed on by the board of supervisors or the actual amount of aid given to said persons, quarterly in advance, for the maintenance and support of such pauper, indigent, poor, incompetent or incapacitated person, and shall in the order above named, also pay for the clothing and other supplies, if any, furnished to such person. And if it shall be that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person or pauper, but are able to contribute something, they shall be required to pay a sum in proportion to their ability.

CHAPTER 111.

An act creating a game refuge to be known as the Huntington lake game refuge providing for the conservation and protection of game within such district, and providing penalties for violation of the act.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. For the protection, conservation and propa-^{“Huntington lake game refuge.”}gation of game birds and mammals there is hereby created and established a district to be known as the “Huntington lake game refuge,” the boundaries of which shall be as follows:

Commencing at the confluence of Big creek and the San^{Boundaries.} Joaquin river in section 27, township eight south, range twenty-four east, Mount Diablo Meridian, thence easterly along Big creek to Huntington lake, thence along south shore of Huntington lake to Rancheria creek, thence easterly along Kaiser pass road to Kaiser pass, thence westerly along Kaiser divide to Nellie lake, thence northwesterly along Daulton creek to its confluence with the San Joaquin river, thence southerly down the San Joaquin river to point of beginning.

SEC. 2. Any person who shall:

(1) Hunt, pursue, take, catch, kill or destroy any species^{Restrictions.} of bird or mammal within the refuge without a permit from the department of natural resources; or

(2) Have in his possession either within or without the refuge any species of bird or mammal taken or killed within the refuge without a permit from the department of natural resources; or

(3) Discharge any firearm within or into such game refuge for any reason whatsoever shall be guilty of a misdemeanor;

SEC. 3. The department of natural resources may issue^{Permits to hunt or capture} permits:

(1) For the destruction of predatory or destructive birds or mammals; or

(2) For the taking of birds or mammals for propagation or for scientific purposes.

SEC. 4. It shall be lawful to possess within the refuge any^{Possession of game, firearms.} species of game bird or mammal lawfully taken without the boundaries of the refuge, and it shall be lawful, except as otherwise provided by law, to possess firearms within the refuge and such firearms shall not be required to be sealed.

This act is not intended to modify in any manner the law^{Fishing.} relating to fishing as it previously existed within the refuge.

SEC. 5. All fines collected for any violation of the provisions of this act must be paid into the state treasury to the^{Disposition of fines} credit of the fish and game preservation fund.

CHAPTER 112.

An act to amend section 4041.18 of the Political Code, relating to construction of public buildings.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Stats. 1929, p 1459
Powers of supervisors
Buildings
County free libraries.
Stats 1911, p. 80
Construction in excess of \$500
Bids

SECTION 1. Section 4041.18 of the Political Code is hereby amended to read as follows:

4041.18 (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the board of supervisors, in their respective counties, shall have the jurisdiction and powers to construct or lease, build or rebuild, furnish or refurnish or repair hospital and almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building or buildings for exhibiting and advertising farming, mining, manufacturing, live stock raising, and other resources of the county, stadium and such other public buildings as may be necessary to carry out the work of the county government, and to provide all necessary officers, employees, attendants, and supplies for the proper maintenance of the same; provided, with respect to county free libraries that are now or may be hereafter maintained either under the provisions of this section or under the provisions of an act of the Legislature of the State of California entitled "An act to provide for the establishment and the maintenance of county free libraries," approved February 16, 1911, the provisions of said act shall control except as to section 12 thereof and said libraries shall be maintained under either the provisions of this section or said section 12 at the option of the board of supervisors. Whenever the cost of construction of any bridge, wharf, chute, or other shipping facilities, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building or buildings, stadium or other public buildings, or the cost of any repairs thereto or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, and any contract therefor shall be void unless the same shall be let as hereinafter provided. The board of supervisors shall adopt plans and specifications, strain sheets and working details therefor, and must advertise for bids for the performance of the said work in a newspaper of general circulation published in the county. Such advertisement shall be published for at least ten consecutive times in a daily newspaper of general circulation published in the county or for at least two consecutive times in a weekly newspaper published in the county. In case there is no newspaper published in said county, then such notice shall be given by posting in three pub-

lic places for at least two weeks. All bidders shall be afforded ^{Award.} opportunity to examine such plans and specifications, strain sheets and working details, and said board shall award the contract to the lowest responsible bidder, and the person, firm or corporation to whom the contract shall be awarded must perform the work in accordance with the said plans and specifications, strain sheets and working details, unless the same be modified by a four-fifths vote of the members of the board of supervisors; and in every such case if the cost of the work be reduced by reason of the modification, compensation must be made to the county therefor, and the person, firm or corporation, to whom the contract shall be awarded must execute a bond to be approved by the said board for the faithful performance of such contract; provided, that for the construction of ^{Rejection of bids} any bridge, wharf, chute, or other shipping facilities, or any repairs thereto if the board of supervisors shall be advised by the county surveyor or engineer that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and direction of the said surveyor or engineer; provided, that the road ^{Roads.} commissioners or road overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; provided, further, ^{Emergency.} that in case of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without adopting the plans and specifications, strain sheets, or working details or giving notice for bids to let contract; the work to be done by day labor under the direction of the board, or by contract, or by a combination of the two; if wholly or in part by contract, the contractor to be paid the actual cost of material and labor expended by him in doing the work, plus not more than fifteen per cent to cover all profits, supervision, use of machinery, and tools, and other expenses; provided, that no more than the lowest current market prices shall be paid for materials; provided, ^{Purchasing agent} however, that in counties employing a purchasing agent, furnishings, materials and supplies used in the work mentioned in this subdivision costing not more than two thousand dollars, may be purchased by said purchasing agent in accordance with the provisions of section 4041.13 of this code without the formality of obtaining bids, letting contracts, preparing specifications and doing the other things required by this section for purchases costing more than five hundred dollars.

(2) To purchase, acquire, construct, equip and maintain all ^{Machinery.} necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other machinery necessary or proper to facilitate the performance of the work in the county.

CHAPTER 113.

An act to provide for the sale and conveyance of certain swamp and overflowed, salt marsh and tidelands lying in the county of Alameda, State of California.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Sale of state
property in
Alameda
county.

SECTION 1. The state department of finance is hereby authorized and empowered to sell and dispose of, upon such conditions as to price and terms of sale as the director of finance may deem to be most advantageous to the state, all those certain lots, pieces and parcels of swamp and overflowed salt marsh and tidelands, situate, lying and being within the county of Alameda, State of California, and more particularly described as follows:

Parcel 1.

Parcel 1. Beginning at the point of intersection of the southern line of lot numbered 10, in section numbered 14, in township 3 south, in range 3 west, of the Mount Diablo base and meridian, with the line of limit of jurisdiction of tideland commissioners, as said lot and line are shown on "Sale map number 10 of salt marsh and tidelands situate in the county of Alameda, State of California." filed in the office of the recorder of Alameda county, California, June 9, 1888; and running thence northeasterly along said limit line north $31\frac{1}{2}^{\circ}$ east 8.32 chains; thence north $28\frac{1}{2}^{\circ}$ east 14.53 chains to the southeastern boundary line of tideland survey number 90; thence northeasterly along the last named line north 45° east 15.08 chains to the southeastern corner of swamp and overflowed land survey number 224; thence along the eastern boundary line of said survey number 224 north 19 chains; thence continuing along the boundary line of said survey number 224 north 71° west 12.21 chains to an angle point therein; thence continuing along the eastern boundary line of said survey number 224 north 6.00 chains to the southwest corner of swamp and overflowed land survey number 290; thence along the south boundary of said survey number 290 east 1.07 chains to the northwest corner of swamp and overflowed land survey number 120; thence following the western boundary line of said survey number 120 south $26\frac{3}{4}^{\circ}$ east 4.47 chains; thence continuing along the boundary line of said survey number 120 east 5 chains; thence continuing along the western boundary line of said survey number 120 south $57\frac{1}{2}^{\circ}$ east 7.46 chains; thence continuing along the western boundary line of said survey number 120 south 21.66 chains to the most northern corner of tideland survey number 89; thence following the western boundary line of said tideland survey number 89 south 28° west 21.10 chains, to an angle point therein; thence continuing along the western boundary line of said survey number 89 south 11 chains to the north

boundary of tideland survey number 104; thence along said north boundary west 14.64 chains to the point of beginning, containing 37.49 acres.

Parcel 2. Beginning at the point of intersection of the northern boundary line of lot 28 in section 10, township 3 south, range 3 west, Mount Diablo base and meridian, with the southwestern boundary line of tideland survey number 90 in Alameda county, State of California, and running thence along the said northern boundary line of said lot 28 and the northern boundary lines of lots 27, 26 and 25 in said section 10, west 2568.10 feet to the northwestern corner of said lot 25; thence north $33^{\circ} 41'$ west 396.58 feet to the southwestern corner of lot 17 in section 9, township and range aforesaid; thence along the southern boundary line of said lot 17 and the southern boundary lines of lots 24, 23, 22 and 21 in section 10, township and range aforesaid, east 2495.46 feet to the aforesaid southwestern boundary line of tideland survey number 90; and thence along the last said line south $41^{\circ} 45'$ east 442.32 feet to the point of beginning, containing 19.174 acres, and being portions of sections 9 and 10 of township 3 south, range 3 west, Mount Diablo base and meridian. Said lots, sections, townships and said survey are delineated and so designated on that certain map entitled "Sale map number 10 of salt marsh and tidelands situated in the county of Alameda, State of California," filed June 9, 1888, in the office of the recorder of Alameda county, California.

Parcel 3. Beginning at the point of intersection of the northern boundary line of lot 16 in section 15, township 3 south, range 3 west, Mount Diablo base and meridian, with the southwestern boundary line of tideland survey number 90 in Alameda county, State of California, and running thence along the northern boundary line of said lot 16 and the northern boundary lines of lots 15, 14, 13, 12 and 11 in said section 15, west 3164.84 feet to the northwestern corner of said lot 11; thence north $33^{\circ} 41'$ west 609.14 feet to the southwestern corner of lot 6, section 15, township and range aforesaid; thence along the southern boundary line of the said lot 6 and the southern boundary lines of lots 5, 4, 3 and 2 in said section 15 east 3050.28 feet to an intersection with the aforesaid southwestern boundary line of tideland survey number 90; and thence along the last said line south $41^{\circ} 45'$ east 679.14 feet to the point of beginning, containing 36.154 acres, and being a portion of section 15, township 3 south, range 3 west, Mount Diablo base and meridian. Said lots, sections, townships and said survey are delineated and so designated on that certain map entitled "Sale map number 10 of salt marsh and tidelands situated in the county of Alameda, State of California," filed June 9, 1888, in the office of the recorder of Alameda county, California.

SEC. 2. The owners of lands abutting upon said parcels shall be preferred purchasers for a period of sixty days following the date upon which the director of finance shall give

Preference of
abutting
owners.

notice by publication in one or more newspapers of general circulation published in said county that he has determined the price and conditions of sale of said parcels of land, such publication to be made for not less than five consecutive days.

Mode of sale. In the event said parcels of land shall remain unsold at the end of said sixty-day period, the director of finance shall thereupon proceed to offer the same for sale, and to sell the same, after giving notice of such sale, at public auction, to the highest bidder, for cash, in the manner prescribed by section 1274 of the Code of Civil Procedure; provided, that no bid which is less than the sum determined by the director of finance to be the value of the parcels for which it is offered shall be accepted. The director of finance is hereby authorized to execute on behalf of the state such deed or other conveyance as may be necessary to pass title to the purchaser or purchasers of such parcels, reserving to the State of California one-sixteenth of all coal, oil, gas and other mineral deposits contained in said lands, as provided by an act of the Legislature approved May 25, 1921 (chapter 303, statutes of California, 1921), and subject to the conditions prescribed in section 25 of article one and article fifteen of the constitution of the State of California and in subordination to the public rights of commerce, navigation, fishing and hunting, in, over and upon all tidelands.

Execution of deeds

CHAPTER 114.

An act to amend section 653ac of the Civil Code, relating to the election and approval of trustees or directors of corporations formed to receive bequests, gifts, and donations.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Stats 1927,
p. 1324

SECTION 1. Section 653ac of the Civil Code is hereby amended to read as follows:

Powers and
organization
of library
corporations

653ac. Such corporation shall not issue capital stock and its business shall not be carried on for profit. It shall have the capacity and right to receive and take any gift, bequest, devise or conveyance of property either as grantee for its own use or as trustee and to be or be made the beneficiary of a trust. The trustees or directors of any such corporation shall compose its members and shall have control and management of its affairs and property. Said trustees or directors shall elect officers of the corporation from their number, fill by election vacancies occurring in their own number by death, incapacity, retirement or otherwise, subject to the approval of the commissioner of corporations of the State of California, and may fix the charges to be paid by persons using the property and quarters of the corporation.

CHAPTER 115.

An act to amend section 3881 of the Political Code, relating to assessor's books and maps.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 3881 of the Political Code is hereby amended so as to read as follows: Stats 1917,
p 968

Sec. 3881. Defects in description or defects in form or clerical omissions of the assessor, or clerical errors of the assessor, in any assessment book, when it can be ascertained from the assessment book, or from the assessor's maps or block books, or other papers in the assessor's office, what was intended, or what should have been assessed, may, with the written consent of the district attorney, be supplied or corrected by the assessor at any time after the assessment was made, prior to the sale for delinquent taxes; provided, that where said change will decrease the amount of taxes charged against the taxpayer by reason of said assessment, the consent of the board of supervisors shall also be necessary to said change; and provided, further, that where said change will increase the amount of taxes charged against the taxpayer by reason of said assessment, the person so charged shall be given at least five days' notice of the time when the matter will be heard by the board of supervisors and he may at such time present any objections he may have to such change to the board of supervisors, and their decision in the matter shall be conclusive. The date and nature of every such correction shall be entered on the assessment book opposite said assessment and the written authority therefor shall be filed by the assessor with the auditor and preserved by the auditor as a public record, and he shall make the proper charges or credits in his account with the tax collector. In the city and county of San Francisco the written consent of the city attorney shall have the same force and effect as the written consent of the district attorney, and in counties having a county counsel, or other officer with similar powers and duties, said written consent may be given by such county counsel or officer. Correction of
errors in
assessment
book.

CHAPTER 116.

An act to amend section 900 of the Code of Civil Procedure, relating to the lien of judgments rendered in justices' courts.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 532

Creation of
lien by
justice's
court
judgment

SECTION 1. Section 900 of the Code of Civil Procedure is hereby amended to read as follows:

900. A judgment rendered in a justice's court creates no lien upon any lands of the defendant, unless such an abstract is filed in the office of the recorder of the county in which the lands are situated. When so filed, and from the time of filing, the judgment becomes a lien upon all the real property of the judgment debtor, not exempt from the execution, in such county, owned by him at the time, or which he may afterward, and before the lien expires, acquire. The lien shall continue during a period of five years from the date of the rendition of the judgment unless, the enforcement of the judgment is stayed on appeal by the execution of a sufficient undertaking as provided in this code, or the judgment is previously satisfied or the lien is otherwise discharged, in which cases the lien of the judgment, created as aforesaid, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, ceases.

CHAPTER 117.

An act to amend section 692 of the Code of Civil Procedure, relating to the giving of notice of the sale of property under execution or under the provisions of any deed of trust.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Stats 1923,
p. 754 See
Ch 1187,
infra.

Notice of
execution
sale.

SECTION 1. Section 692 of the Code of Civil Procedure is hereby amended to read as follows:

692. Before the sale of property on execution or under power contained in any deed of trust, notice thereof must be given as follows:

Perishable
property.

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the township in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the township in which the property is to be sold for not less than five days nor more than ten days

Other
personal
property.

3. In case of real property: by posting a similar notice particularly describing the property for twenty days, in three public places in the city where the property is to be sold if the property is to be sold in a city, or, if not, then in three public places in the township in which the property is to be sold, and publishing a copy thereof once a week for the same period, in some newspaper of general circulation printed and published in the city in which the property or a part thereof is situated, if any part thereof is situated in a city, and if not, then in some newspaper of general circulation printed and published in the township in which the property is situated, or in case no newspaper of general circulation be printed and published in the city or township, as the case may be, then in some newspaper of general circulation printed and published in the county. Provided that where real property is to be sold under the provision of any deed of trust the copy of said notice shall be posted in some conspicuous place on the property to be sold, at least twenty days before date of sale.

Real
property.

Kind of
money.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 118.

An act to amend section 4238 of the Political Code, relating to compensation of county and township officers in counties of the ninth class.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 4238 of the Political Code is hereby amended to read as follows:

Stats. 1929,
p. 1518
(formerly
Sec. 4238).

4238. In counties of the ninth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Orange
county
salaries

1. Clerk. The county clerk four thousand five hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court, which offices are hereby created, as provided in section 4290 of the Political Code of the State of California, said deputies shall be

Clerk.

appointed by said county clerk, shall be court room clerks of the departments of the superior court, and shall each receive a salary of two thousand four hundred dollars per annum. There shall be also, and is hereby allowed the said county clerk one deputy, who shall be known and designated as "chief deputy," and one deputy to be known and designated as "master calendar deputy," and four office deputies and one copyist, which offices are hereby created. Said deputies shall be appointed by the county clerk; the chief deputy shall receive a salary of three thousand dollars per annum; the master calendar deputy shall receive a salary of two thousand seven hundred dollars per annum; one of the office deputies to receive a salary of two hundred dollars per month, one of the office deputies to receive a salary of one hundred sixty dollars per month, and two of the office deputies, each, to receive a salary of one hundred fifty dollars per month, and the copyist to receive a salary of one hundred twenty-five dollars per month, all of the said salaries shall be paid by the said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held, the county clerk may appoint assistant clerks which offices are hereby created, and whose compensation shall not exceed the sum of three thousand dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All of the provisions of this paragraph are to apply to present incumbents.

Sheriff

2. Sheriff. The sheriff, three thousand four hundred dollars per annum and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of this county; provided, that in counties of this class there shall be and hereby is allowed to the sheriff twenty-one deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of two thousand seven hundred dollars per annum; one deputy sheriff, to act as fingerprint expert and photographer, at a salary of two thousand seven hundred dollars per annum; one deputy sheriff, to act as assistant fingerprint expert and photographer, at a salary of eighteen hundred dollars per annum; one deputy sheriff to act as assistant fingerprint expert and stenographer at a salary of one thousand six hundred fifty dollars per annum; one deputy sheriff to act as chief criminal deputy at a salary of two thousand seven

hundred dollars per annum; six deputy sheriffs at a salary of two thousand one hundred dollars each per annum; one deputy sheriff to act as jailer at a salary of two thousand one hundred dollars per annum; two deputy sheriffs to act as assistant jailers at a salary of one thousand eight hundred dollars each per annum; two deputy sheriffs to act as turnkeys in the jail at a salary of one thousand eight hundred dollars each per annum; one deputy sheriff to act as office deputy at a salary of one thousand nine hundred twenty dollars per annum; three deputy sheriffs to act as court bailiffs in the several departments of the superior court at a salary of one thousand five hundred dollars each per annum; one deputy sheriff at a salary of one thousand eight hundred dollars per annum. The salaries of all said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions, except as hereinbefore in this paragraph mentioned, shall be turned over to the county and become the property of the county. All paragraphs relating to salaries of deputies shall apply to incumbents.

3. Recorder. The recorder, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder seven deputies, who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy (who shall have charge of the Torrens title work), at a salary of two thousand one hundred dollars per annum; three deputies at a salary of one thousand nine hundred twenty dollars each per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of five cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed; provided, also, that in counties of this class, there shall be and is hereby allowed the recorder such additional assistants and deputies as the recorder may require to properly and efficiently care for the work of the office, and whose compensation in the aggregate shall not exceed three thousand dollars in any one year. All fees and commissions received by this office shall be turned over to the county and become the property of the county, except that the recorder shall be and is hereby allowed for his services such compensation as is allowed by section 3079 of the Political Code. Recorder.

Auditor.

4. Auditor. The auditor, four thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand seven hundred dollars per annum; three deputies, one thousand eight hundred dollars each per annum; one deputy, one thousand five hundred dollars per annum, and such other assistants as the auditor may require, provided, that the compensation of such assistants shall not in the aggregate exceed the sum of five thousand four hundred dollars in any one year; and provided, further, that the auditor shall file with the county clerk a certified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. Treasurer. The treasurer, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer two deputies which offices are hereby created, who shall be appointed by the treasurer and receive the following salaries: One chief deputy, two thousand five hundred and fifty dollars per annum; one deputy, two thousand one hundred dollars per annum; and also such assistants as the treasurer may require, provided, that the compensation of such assistants shall not in the aggregate exceed the sum of one thousand five hundred dollars in any one year; and provided, further, that the treasurer shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the treasurer is paid. All fees received by this office shall be turned over to the county and become the property of the county, except that the treasurer shall have, and is hereby allowed for his services the fees, commissions and compensation allowed to him by the inheritance tax act of California.

Tax collector.

6. Tax Collector. The tax collector, four thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the tax collector the following deputies whose offices are hereby created and who shall be appointed by the tax collector: One chief deputy at a salary of two thousand five hundred fifty dollars per annum; one deputy at a salary of one thousand nine hundred twenty dollars per annum; one deputy at a salary of one thousand six hundred twenty dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum, and such assistants as the tax collector may require; provided, that the compensation of such assistants shall not in the aggregate exceed the sum of twenty

thousand dollars in any one year; and provided, further, that the tax collector shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

7. Assessor. The assessor, four thousand five hundred dollars per annum. ^{Assessor} In counties of this class there shall be allowed to the assessor, the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of three thousand dollars per annum; two office deputies at a salary of two thousand one hundred dollars each per annum; and such office and field deputies as the assessor may require and whose compensation in the aggregate shall not exceed forty thousand dollars per annum; and provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any one year the sum of three hundred dollars. The salaries of such deputies shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as county officers are paid. All fees and commissions, including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county. The provisions of this paragraph relating to deputies shall apply to incumbents.

8. District attorney. The district attorney, four thousand five hundred dollars per annum. ^{District attorney.} In counties of this class there shall be and there is hereby allowed to the district attorney, one chief deputy to be known as assistant district attorney, and four deputies, all to be appointed by the district attorney, all of whom shall be regularly admitted to practice before the courts of the State of California, the said assistant shall receive a salary of three thousand six hundred dollars per annum; one deputy to receive a salary of three thousand six hundred dollars per annum; one deputy to receive a salary of three thousand three hundred dollars per annum; one deputy to receive a salary of three thousand dollars per annum; and one deputy to receive a salary of two thousand four hundred dollars per annum, which said salaries shall be paid by the county in equal monthly installments at the same time, in the same manner and out of the same funds as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney one secretary at a salary of two thousand one hundred dollars per annum, one stenographer at a salary of one thousand five hundred dollars per annum; and one clerk to act as stenographer

and telephone operator at a salary of one thousand two hundred dollars per annum, all to be appointed by the district attorney; and a detective, to be known as county investigator, to be appointed by the district attorney, who shall receive a salary of two thousand four hundred dollars per annum; said detective shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code. All of said salaries shall be paid in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. Provided, further, that in counties of this class, the district attorney in addition to the salary herein fixed shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime, the prosecution of criminal and civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. The provisions of this paragraph relating to deputies and assistants shall apply to incumbents.

Coroner

9. Coroner. The coroner shall be entitled to such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator

10. Public administrator. The public administrator shall be entitled to such fees as are now or may hereafter be allowed by law.

Superin-
tendent
of schools

11. Superintendent of schools. The superintendent of schools, three thousand eight hundred dollars per annum and his actual traveling expenses when visiting the schools of the county. In counties of this class there shall be and there is hereby allowed to the superintendent of schools the following deputies: One office deputy at a salary of one thousand nine hundred fifty dollars per annum; one office deputy at a salary of one thousand six hundred fifty dollars per annum, which offices are hereby created, and who shall be appointed by the said superintendent of schools. The salaries of the said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid. All fees pertaining to this office shall be paid to the county. The provisions of this paragraph relating to deputies shall apply to the incumbents.

Surveyor

12. Surveyor. The surveyor shall receive as compensation ten dollars per day for each day actually employed by the county.

Justices of
the Peace

13. Justices. Justices of the peace shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them as such officers: (1) In townships having a population of thirty thousand or over, one hundred seventy-five dollars per month;

(2) in townships having a population of more than twenty thousand and not exceeding thirty thousand, one hundred seventy-five dollars per month; (3) in townships having a population of more than fifteen thousand and not exceeding twenty thousand, one hundred fifty dollars per month; (4) in townships having a population of more than twelve thousand and not exceeding fifteen thousand, one hundred twenty-five dollars per month; (5) in townships having a population of more than nine thousand and not exceeding twelve thousand, one hundred dollars per month; (6) in townships having a population of more than six thousand and not exceeding nine thousand, seventy-five dollars per month; (7) in townships having a population of more than three thousand and not exceeding six thousand, fifty dollars per month; (8) in townships having a population of less than three thousand, twenty-five dollars per month.

13½. In townships having a population of thirty thousand or more, there is hereby created an office to be known as clerk of the justice's court, which office shall consist of one clerk and one deputy clerk, both to be appointed by the justice of the peace to hold office during the pleasure of said justice of the peace, who shall receive the following salaries: The clerk of the justice's court one hundred fifty dollars per month; the deputy clerk one hundred twenty-five dollars per month; said salaries to be paid monthly as the salaries of other county officers are paid. Each of said clerks shall give a bond in the sum of three thousand dollars to be approved by a judge of the superior court of the county in which said township is situated, conditioned upon the faithful discharge of the duties of the office. The clerk of the justice's court shall keep a record of the proceedings of the said court and shall have custody of all records and papers in said justice's court; shall be authorized in all actions to issue, sign, certify and file all pleadings, summons, writs, writs of attachments, writs of execution, notices, subpoenas, abstracts, certificates, transcripts, records, papers and proceedings, which are required to be issued, signed, certified or filed by the justice of the peace of said township; enter default judgments; enter satisfaction of judgments; shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceeding in said justice's court; shall prepare bonds, and justify bail when the amount has been fixed by the court; and all such instruments shall be issued and signed in substantially the following form:

Justice's
clerk.

Justice of the Peace.

Attest: -----

Clerk of Justice Court.

By -----

Deputy.

and said clerk shall collect and receive all civil fees, all fines and forfeitures in criminal cases and pay the same to the authorities regularly entitled to receive them at the time and in the manner provided by law.

Constables

14. Constables. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as other officers are paid, which salaries shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of thirty thousand or over, one hundred seventy-five dollars per month; (2) in townships having a population of more than twenty thousand and not exceeding thirty thousand, one hundred seventy-five dollars per month; (3) in townships having a population of more than fifteen thousand and not exceeding twenty thousand, one hundred fifty dollars per month; (4) in townships having a population of more than twelve thousand and not exceeding fifteen thousand, one hundred twenty-five dollars per month; (5) in townships having a population of more than nine thousand and not exceeding twelve thousand, one hundred dollars per month; (6) in townships having a population of more than six thousand and not exceeding nine thousand, seventy-five dollars per month; (7) in townships having a population of more than three thousand and not exceeding six thousand, fifty dollars per month; (8) in townships having a population of less than three thousand, twenty-five dollars per month; provided, further, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court, or to the county jail, and such expenses shall be in lieu of all other fees or charges for services within the county. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter, be allowed by law for all services performed by him in civil actions; provided, in counties of this class in townships having a population of thirty thousand or more there shall be one deputy constable who shall act as office deputy for the constables' office, said deputy constable to be appointed by the constables of said townships, subject to the confirmation of such appointment by the board of supervisors, said deputy constable to receive one hundred dollars per month, the said salary to be paid monthly as salaries of other officers are paid.

Supervisors

15. Supervisors. Each supervisor shall receive three thousand dollars per annum, payable in monthly installments, and the necessary and actual expenses incurred by him while engaged in county business outside of his own district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Live stock
inspector

16. Live stock inspector. A live stock inspector to be appointed by the board of supervisors and who shall receive for his services one thousand eight hundred dollars per annum, which shall be in full payment for all expenses incurred and services rendered by said inspector.

17. Population of townships. For purposes of subdivisions 13 and 14 of this section the population of the several judicial townships shall be determined by the United States census taken in 1930; provided, that the board of supervisors of said county may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables. ^{Township population}

18. Jurors. In counties of this class grand and trial jurors, ^{Jurors} in superior courts, shall receive for each days attendance, per day, the sum of three dollars. In justice's courts in civil cases jurors shall receive for each days attendance, per day, the sum of two dollars. In justice's courts and recorder's courts in criminal cases jurors shall receive for each days attendance, per day, the sum of one dollar and fifty cents, and all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once each day during any session of the court where such jurors serve; provided, however, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorder's court shall be paid by the municipality in which such court is or may be established.

19. In counties of this class the presiding judge of the superior court may appoint a court interpreter, which office is hereby created. ^{Court interpreter} Said interpreter shall receive a salary of two hundred dollars per month in full compensation for all services rendered by him, and shall pay all fees received by him into the county treasury.

20. Constitutionality. If any paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not effect the validity of the remaining portions of this section. ^{Constitutionality} The Legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases is declared unconstitutional.

CHAPTER 119.

An act to amend section 694h of the Political Code, relating to the state board of agriculture.

[Approved by the Governor April 6, 1931 In effect August 14, 1931.]

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

Stats 1929,
p 1886 Sec
Ch 971,
infra
State
board of
agriculture

SECTION 1. Section 694h of the Political Code is hereby amended to read as follows:

Appoint-
ments

694h. The state board of agriculture is hereby expressly continued in force; provided, however, that after the date upon which this act becomes effective said board shall consist of nine members, eight of whom shall be appointed by the governor after this act becomes effective. The governor shall not appoint more than one such member from any one congressional district nor more than one from any one county; nor shall he appoint more than one such member from, nor as a representative of, any one branch of the agricultural industry.

Membership

The members of the board shall be residents and citizens of the State of California. The eight appointive members shall be specially qualified for this service through actual farm business or economic agricultural training. The ninth member of said board shall be the president of the board of directors of the state agricultural society, and shall also be the president of said state board of agriculture and an ex officio member of the Regents of the University of California. The members shall serve without pay, but shall be allowed necessary traveling and incidental expenses incurred in the discharge of their duties, said expenses to be paid by the state department of agriculture out of the appropriation for support of said department.

Terms
of office

The terms of office of the eight members first appointed to said board shall be two for one year, two for two years, two for three years and two for four years. Thereafter, appointive members shall serve for a term of four years or until their successors are appointed; provided, however, appointments made to fill vacancies shall be made for the remainder of the unexpired terms; provided, further, that after the initial appointment of the entire board following the effective date of this act, all subsequent appointments shall be confirmed by the Senate at the next regular session thereof, all appointments made during recess or adjournment of any regular or special session of the Legislature shall be effective until confirmed or rejected by the Senate at the next regular or special session of the Legislature.

Meetings

The board shall hold meetings at least once in every month in the office of the director of agriculture at Sacramento. Such meetings shall be held within the week preceding the regular monthly meeting of the governor's council. Special

or adjourned meetings may be held at the place of regular meeting, or at such other places in the State of California as the chairman may deem necessary. Meetings of the board shall also be called by the chairman at any time upon the written request of four members of the board.

CHAPTER 120.

An act to amend section 818 of the Penal Code, relating to the issuance of warrants.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 818 of the Penal Code is amended to read as follows: Code Amnts 1880, p 33

818. If a warrant is issued by a justice of the supreme court, justice of a district court of appeal, judge of a superior court, or judge of a municipal court, or other court of record, it may be directed generally to any sheriff, constable, marshal, or policeman in the state, and may be executed by any of those officers to whom it may be delivered. Warrants of courts of record

CHAPTER 121.

An act to amend section 1600 of the Penal Code, relating to the confinement of prisoners by the sheriff.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1600 of the Penal Code is hereby amended to read as follows: Pen Code 1872

1600. A prisoner committed to the county jail for trial or for examination, or upon conviction for a public offense, must be actually confined in the jail until he is legally discharged; and if he is permitted to go at large out of the jail, except by virtue of a legal order or process, it is an escape, provided, however, that during the pendency of a criminal proceeding, the court before which said proceeding is pending may make a legal order, good cause appearing therefor, for the removal of the prisoner from the county jail in custody of the sheriff, and provided further that the superior court of the county may make a legal order, good cause appearing therefor, for the removal of prisoners confined in the county jail, after conviction, in the custody of the sheriff. Confinement of prisoners in county jail Removal.

CHAPTER 122.

An act to amend section 1714½ of the Civil Code, relating to negligence on the part of state officers, agents and employes of the state, counties, cities and counties, municipal corporations, the state compensation insurance fund, irrigation districts, school districts, districts established by law and political subdivisions of the state, and authorizing the issuance of insurance covering such liability.

[Approved by the Governor April 6, 1931 In effect August 14, 1931.]

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

Stats 1929.
p 565

SECTION 1. Section 1714½ of the Civil Code is hereby amended to read as follows:

Liability of
state,
districts and
political
subdivisions
for negligent
operation of
motor
vehicles

1714½. Hereafter the state, and every county, city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state owning any motor vehicle shall be responsible to every person who sustains any damage by reason of death, or injury to person or property as the result of the negligent operation of any said motor vehicle by an officer, agent, or employee or as the result of the negligent operation of any other motor vehicle by any officer, agent or employee when acting within the scope of his office, agency or employment; and such person may sue the state, county, city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state, as the case may be, in any court of competent jurisdiction in this state in the manner directed by law. In every case where a recovery is had under the provisions of this section against the state, any county, city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state, then the state, or the county or city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state shall be subrogated to all the rights of the person injured, against the officer, agent or employee, as the case may be, and may recover from such officer, agent or employee, the total amount of any judgment and costs recovered against the state, county, city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state in such case, together with costs therein.

Subrogation

Insurance.

And the state, county, city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state may insure their liability in any insurance

company authorized to transact the business of such insurance in the State of California, and the premium for such insurance shall be a proper charge against the respective general fund of the state, county, city and county, municipal corporation, the state compensation insurance fund, irrigation district, school district, district established by law and political subdivision of the state, as the case may be.

CHAPTER 123.

An act to provide for the compilation of, printing, binding, publishing, and distribution of a legislative manual or handbook, and to repeal all acts in conflict herewith.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

SECTION 1. The secretary of the Senate and the chief clerk of the Assembly are hereby authorized and directed to compile, or cause to be compiled, during the constitutional recess, and to publish and distribute a legislative manual or handbook, in such manner as they may determine. Said legislative manual or handbook to be of the size and style uniform with similar publications of previous sessions, and shall contain a list of state officers, members and officers of both houses of the Legislature, lists of committees, and rules of both houses and the joint rules, together with such other information as the secretary of the Senate and the chief clerk of the Assembly may deem to be of use to members of the Legislature. Compilation
of handbook

SEC. 2. The manual shall be distributed as follows: To each senator, fifty copies; to each member of the Assembly, twenty-five copies; to each elective state officer, one copy; the state library, five copies; to each free public library in the state, one copy; the congressional library at Washington, D. C., five copies. The secretary of the Senate and the chief clerk of the Assembly shall each retain such number of the manuals as may be needed in the respective houses for use in said houses, and they shall each retain a sufficient number of manuals for distribution to the members of the Senate and Assembly for the succeeding session of the Legislature. The remainder of the volumes published shall be sold at a price to be fixed by the state printer, which shall be sufficient to cover the cost of printing and binding the same, and the amount received by the state printer from the sale of any such manual shall be deposited in the state treasury to the credit of the legislative printing fund. Distribution
and sale.

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

CHAPTER 124.

An act to amend sections 1148 and 1193 of the Penal Code, relating to the appearance of the defendant in criminal cases upon the return of the verdict therein and upon the pronouncement of judgment therein.

[Approved by the Governor April 6, 1931. In effect August 14, 1931.]

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

Code Amdts
1880, p 24

SECTION 1. Section 1148 of the Penal Code is hereby amended to read as follows:

Presence of
defendant
on receiving
verdict

1148. If charged with a felony the defendant must, before the verdict is received, appear in person, unless, after the exercise of reasonable diligence to procure the presence of the defendant, the court shall find that it will be in the interest of justice that the verdict be received in his absence. If for a misdemeanor, the verdict may be rendered in his absence.

Stats 1923,
p 626

SEC. 2. Section 1193 of the Penal Code is hereby amended to read as follows:

Pronounce-
ment of
judgment.

1193. Judgment upon persons convicted of the commission of crime shall be pronounced according to the provisions of this section, as follows:

Felony.

1. For felony. If the conviction be for a felony, the defendant must be personally present when judgment is pronounced against him, unless, after the exercise of reasonable diligence to procure the presence of the defendant, the court shall find that it will be in the interest of justice that judgment be pronounced in his absence; provided, that when any judgment imposing the death penalty is stayed by an appeal taken therefrom, and such judgment be affirmed by the appellate court, sentence may be reimposed upon the defendant in his absence by the court from which such appeal was taken, and in the manner following, to wit: Upon receipt by the superior court from which such appeal is taken of the certificate of the appellate court affirming such judgment, the judge of the said superior court shall forthwith make and cause to be entered an order pronouncing sentence anew against the defendant, and appointing a day upon which the judgment shall be executed, which must not be less than sixty days nor more than ninety days from the time of making such order; and that, within five days thereafter, a certified copy of such order, attested by the clerk, under the seal of the court, must, for the purpose of execution, be transmitted by registered mail to the warden of the state prison having the custody of the defendant.

Misdemeanor

2. For misdemeanor. If the conviction be of a misdemeanor, judgment may be pronounced against the defendant in his absence.

CHAPTER 125.

An act providing for the appointment of an additional notary public for the city and county of San Francisco for the accommodation of the inhabitants of said city and county residing at the Presidio of San Francisco.

[Approved by the Governor April 6, 1931 In effect August 14, 1931]

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

SECTION 1. The governor is authorized to appoint and commission one additional notary public for the city and county of San Francisco who shall keep an office for the transaction of business in that portion of the city and county known as the Presidio.

Additional
notary for
San
Francisco

CHAPTER 126.

An act concerning the completion of unfinished public buildings now in process of construction by this state, permitting alterations of and additions to the original plans for the construction thereof, and permitting the execution of contracts for the construction thereof and for the purchase of materials for use therein without publishing notice of such work and without calling for or receiving bids therefor, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor April 9, 1931. In effect immediately]

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

SECTION 1. If, in the case of a public building of the State of California which is unfinished and in process of construction at the time this act takes effect, and in respect to which, after the adoption of plans therefor, the plans were modified by omitting a portion of the building and a contract, or contracts were let for the construction of only a portion of the building as contemplated in the original plans, and subsequently and heretofore additional moneys have been appropriated by the state for the completion, construction, furnishing or equipping thereof, the state director of public works with the approval of the director of finance shall, if in his judgment the public good require, proceed with the completion of the construction of the building in accordance with the plans as originally adopted, including the construction of such omitted portion or such part of said portion as shall be designated by him. And in furtherance thereof he shall have power to let and to enter into contracts for the construction and completion in whole or in part of said portion or portions, or for the purchase of materials for use in said building in accordance with such original plans, or as they may be altered or

Completion
of unfinished
public
buildings
when plans
changed

modified by him, without publishing notice of such work or calling for or receiving bids therefor. When any such public building or buildings shall have been completed in accordance with such plans as so altered, modified or restored, such building or buildings shall be deemed to have been completed.

Urgency

Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of section 10, article four of the constitution of California and shall take effect immediately.

The facts constituting such necessity are as follows:

The state originally drew plans for the construction of a state building at Los Angeles. However, owing to a lack of sufficient funds, a portion of the building, known as wings, was temporarily omitted from the original plans and contracts were let for the construction of the main portion of the building, with the intention that subsequently and as soon as funds should become available therefor said wings would be added to the building. Subsequently, and heretofore, a sum in excess of six hundred thousand dollars has been appropriated for the construction and completion of the building, including said wings, in accordance with the original plans.

Inasmuch as the building is in course of construction, a saving of approximately two hundred thousand dollars to the state can be effected if the state can at once proceed with the completion of the entire building in accordance with the original plans, as is authorized by this act, a saving which can not be effected if such work of completion is delayed by following the procedure prescribed therefor by existing provisions of law or if this act does not take effect immediately.

CHAPTER 127.

Stats 1897,
p 251.
amended

An act to amend sections 52 and 67 of the California irrigation district act, relating to the redemption or purchase of bonds and payment of interest, and to the creation of funds, and declaring the urgency thereof.

[Approved by the Governor April 10, 1931. In effect immediately]

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

Stats 1919,
p 667

SECTION 1. Section 52 of the California irrigation district act is hereby amended to read as follows:

Redemption
of bonds

Sec. 52. Upon presentation of any matured bond of the district, the treasurer shall pay the same from the bond principal fund, and upon presentation of any matured interest coupon of any bond of the district, the treasurer shall pay the same from the bond interest fund. If money is not available in the fund designated for the payment of any such matured bond or interest coupon, it shall draw interest at the rate of

seven per cent per annum from the date of its presentation for payment until notice is given that funds are available for its payment, and it shall be stamped and provision made for its payment as in the case of a warrant for the payment of which funds are not available on its presentation.

Whenever there is in any fund of the district money in excess of that required for the purposes of such fund up to the time when any part of the next annual assessment levied in the district will become delinquent, the board of directors of the district may purchase with such surplus money, or any part thereof, any of its bonds not then due, and may cancel the bonds so purchased or hold the same as a part of its assets until such time as the board may determine that it is for the best interests of the district that such bonds or any of them be sold, or shall cancel the same at their date of maturity.

Investment
of surplus

SEC. 2. Section 67 of said act is hereby amended to read as follows: Stats 1897,
p 276

Sec. 67. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned, to wit: bond principal fund, bond interest fund, construction fund, general fund. Funds
created

SEC. 3. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and as such it shall take effect immediately. Urgency

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

Under the continuance of the conditions brought on by the agricultural depression many irrigation districts in this state have experienced an increased delinquency in the payment of assessments, which has brought about the necessity for an eventual refunding of their bonded obligations. Under the law as it at present exists a bond fund of an irrigation district may be exhausted by the presentation of maturing bonds, whereas the fund was created by the assessment for paying both principal and interest. This situation has brought about a condition in some of these districts where the land owner, unable to meet the full obligation of principal and interest and seeing himself in a complete default with danger of losing his home and lands, refuses to pay any of the assessment levied upon his land. This brings about a condition of breakdown in the functioning of the district, with the failure to supply water for domestic, irrigation and other purposes, detrimental in the extreme to the peace, health and safety of the communities involved. It is believed that through the passage of this bill before the semiannual period for payment of interest, on July 1st, districts will be enabled to continue their efforts toward refinancing without a breakdown of their functions as irrigation districts.

CHAPTER 128.

Stats 1921,
p. 1221,
revised

An act to revise chapter 712, statutes of 1921, entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

Revision

SECTION 1. Chapter 712, statutes 1921, entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violation of the provisions hereof," approved June 3, 1921, as amended, is hereby revised to read as follows:

Short title

Section 1. This act shall be known and may for all purposes be cited as "The California seed act."

Definition of terms

Sec. 2. Certain terms when used in this act, shall, unless such construction be inconsistent with the context, be construed as follows:

(a) "Agricultural seeds," all domesticated grasses, cereals, legumes such as alfalfa, sweet clover, red clover, crimson clover, alsike clover, white clover, field peas, cow peas, beans, soybeans, and vetches, and the seeds of all other crops that are or may be grown commercially on a field scale in this state, not including flower, sugar beet, and garden vegetable seeds.

(b) "Primary noxious weeds," any of the following named plants:

1. Johnson grass (*Sorghum halepense*).
2. Camel's thorn (*Alhagi camelorum*).
3. Hoary cress (*Lepidium draba*).
4. Morning glory (*Convolvulus arvensis*).
5. Canada thistle (*Carduus arvensis*).
6. Russian knapweed (*Centaurea repens*).

(c) "Secondary noxious weeds," any of the following named plants:

1. Yellow star thistle (*Centaurea solstitialis*).
2. Poverty weed (*Iva axillaris*).
3. Goat grass (*Aegilops triuncialis*).
4. Coast dandelion, cat's ear (*Hypochaeris radicata*).
5. Russian thistle (*Salsola pestifer*).
6. Silver leaf night shade (*Solanum elaeagnifolium*).
7. Creeping sow thistle (*Sonchus arvensis*).
8. Klamath weed, St. John's wort (*Hypericum perforatum*).
9. Nut grass (*Cyperus* spp.).

10. White or creeping mallow (*Sida hederacea*).

11. Dodders (*Cuscuta* spp.).

12. Puncture vine (*Tribulus terrestris*).

(d) "Weed seeds," any and all noxious weed seeds and any and all seeds not included in the definition of agricultural seeds.

(e) "Label," a tag or label affixed in a conspicuous place on the exterior of a package or other container, plainly written or printed in the English language in type not smaller than seven point.

Sec. 3. Every lot of agricultural seeds of an amount of five pounds or more by weight, except as herein otherwise provided, when sold, offered or exposed for sale in bulk, packages or other containers must bear a label stating:

(a) The commonly accepted name of such agricultural seed.

(b) The approximate percentage, by weight, of purity meaning the freedom of such agricultural seeds from other kinds of seeds distinguishable by their appearance and from inert matter.

(c) The approximate total percentage by weight of weed seeds.

(d) The name and number per pound of each kind of seeds of primary noxious weeds which are present.

(e) The name of each kind of seed or bulblet of secondary noxious weeds which are present singly or collectively, as follows:

(1) In excess of one seed in each five grams of timothy, redtop, tall meadow oat grass, orchard grass, crested dog's tail, Canada blue grass, Kentucky blue grass, fescues, brome grasses, perennial and Italian rye grass, western rye grass, crimson clover, red clover, white clover, alsike clover, sweet clover, alfalfa, and all other grasses and clovers not otherwise classified; (2) in excess of one seed in each twenty-five grams of millets, rape, flax, sudan grass and other seeds not specified in (1) or (3) of this subsection; (3) in excess of one seed in each one hundred grams of wheat, oats, rye, barley, buckwheat, vetches and other seeds as large or larger than wheat.

(f) The approximate percentage of germination of such agricultural seeds together with the month and year said seed was tested.

(g) The full name and address of the vendor of such agricultural seed.

Sec. 4. Mixtures of agricultural seeds of an amount of five pounds or more by weight, which contain not more than two kinds of such seed in excess of five per cent by weight of each, when sold, offered or exposed for sale as mixtures in bulk, packages or other containers must bear a label stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of five per cent by weight of the total mixture.

(c) The approximate percentage by weight of weed seeds.

(d) The name and number per pound of each kind of seeds of primary noxious weeds which are present in such mixture.

(e) The name of each kind of seeds or bulblets of secondary noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen grams of such mixture.

(f) The approximate percentage of germination of each kind of agricultural seed present in such mixture in excess of five per cent by weight, together with the month and year said seed was tested.

(g) The full name and address of vendor of such mixture.

Label
on special
mixtures

Sec. 5. Special mixtures of agricultural seeds, in an amount of eight ounces or more by weight, except as specified in section 4 of this act, when sold, offered or exposed for sale as mixtures, in bulk, packages or other containers must bear labels stating:

(a) That such seed is a special mixture.

(b) The name of each kind of agricultural seed which is present in proportion of five per cent or more of the total mixture

(c) The approximate total percentage by weight of weed seeds.

(d) The approximate percentage by weight of inert matter.

(e) The name and number per pound of each kind of seeds of primary noxious weeds which are present in such special mixture.

(f) The name of each kind of seeds or bulblets of secondary noxious weeds which are present singly or collectively in excess of one seed or bulblet in each fifteen grams of such special mixture.

(g) The full name and address of the vendor of such special mixture

Seeds
exempt

Sec. 6. Agricultural seeds, mixtures or special mixtures of the same shall be exempt from the provisions of this act:

(a) When possessed, exposed for sale, or sold for food or manufacturing purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes

(c) When in store for the purpose of recleaning, or not possessed, sold or offered for sale for seeding purposes within the state.

(d) When any lot of wheat, oats, rye or barley, which has been produced within the State of California, is sold, offered or exposed for sale it shall be exempt from the requirements of subsection (f) of section 3 of this act, but all other information required under section 3 of this act shall be stated on the label, and each lot of California grown wheat, oats, rye or barley, when sold, offered or exposed for sale shall bear on said label the words, "Grown in California"

Enforcement
of act.

Sec. 7. The duty of enforcing this act and carrying out its provisions and requirements shall be vested in the state director

of agriculture. The director of agriculture is hereby empowered, by himself or through his duly authorized agents or through the county agricultural commissioners of the state and their deputies and inspectors acting under the supervision and control of the state director of agriculture to enforce the provisions of this act, to adopt, from time to time, such reasonable rules and regulations not in conflict with law as he may deem necessary to carry out the provisions of this act by setting forth such rules and regulations in a proclamation, which proclamation shall be published in the agricultural bulletin of the state department of agriculture. The said director of agriculture shall maintain a laboratory with proper equipment for the making of laboratory tests under this act. He may publish or cause to be published the results of the examination, analysis and test of any sample of agricultural seed, mixture or special mixture of such seed drawn in accordance with these regulations.

Sec. 8. It shall be the duty of the said director of agriculture, either by himself or his duly authorized agents, to inspect, examine and make analysis of and test any agricultural seed sold, offered or exposed for sale within this state for seeding purposes within this state, at such time and place, and to such extent as he may determine. The director of agriculture and his agents shall have free access at all reasonable hours to any premises or structures to make examination of any such agricultural seeds, whether such seeds are upon the premises or in the possession of any warehouse, elevator, railway, steamship, or transportation company, and he is hereby given authority in person or by his agents, upon notice to the dealer, his agent or the representative of any warehouse, elevator, railway, steamship or transportation company, if present, to take for analysis a composite sample of such agricultural seeds upon payment of a reasonable purchase price for the same when demanded.

Inspection
of seed.

Said sample shall be thoroughly mixed and two official samples taken therefrom. Each official sample shall be securely sealed. One of said samples shall be left with or upon the premises of the party in interest, and the other retained by said director of agriculture or his agent for analysis.

In case a sample drawn as provided herein upon test or analysis is found to fall below the statement on the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this act, the vendor or consignee of said lot of seed shall be notified and a copy of said notice shall be mailed to the person, firm or corporation whose tag or label was found affixed thereto.

Sec. 8a. Any person, firm or corporation who appears to have violated any of the provisions of this act shall, before the filing of a complaint against said person, firm or corporation, be granted opportunity for a hearing before the director of

Violation
hearing

agriculture under such rules and regulations as may be adopted by said director which shall include the giving of proper written notice. At the hearing said person, firm or corporation may be represented by counsel.

Violation-
removal
from sale

Sec. 9. Any lot of agricultural seed offered or exposed for sale in violation of the provisions of this act must, in accordance with rules and regulations which shall be set forth by the director of agriculture, be removed from sale or exposure for sale by the vendor thereof upon his receiving notice from the director of agriculture of such violation. The vendor must withhold such agricultural seed from sale or exposure for sale until such violation has been corrected.

Samples.

Sec. 10. Any citizen of this state shall have the privilege of submitting to the director of agriculture samples of agricultural seeds for test and analysis, subject to such rules and regulations as may be adopted by said director of agriculture. The director may by such regulations fix the maximum number of samples that may be tested free of charge for any one citizen in any period of time and fix charges for tests or samples submitted in excess of those tested free of charge.

Penalty

Sec. 11. Any person, firm or corporation who violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months or both such fine and imprisonment. For a second or subsequent offense a fine, if imposed, shall not be less than one hundred dollars nor more than one thousand dollars.

Repeal

Sec. 12. All acts or parts of acts inconsistent with this act are hereby repealed.

Constitutionality

Sec. 13. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 129

An act to amend section 2640 of the Political Code, relating to opening and improving roads.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 191

SECTION 1. Section 2640 of the Political Code is hereby amended to read as follows:

Opening or
improving
road

2640. Whenever it is determined by a four-fifths vote of the board of supervisors of any county that the public convenience and necessity demand the acquisition or construction

of a new road or the grading, regrading, paving, macadamizing, surfacing, repairing or maintaining of any existing road, and that the cost of such new road when acquired and constructed, or the cost of grading, regrading, paving, macadamizing, surfacing, repairing or maintaining such existing road, is too great to pay out of the road fund of the district, the board of supervisors may, by resolution passed by a four-fifths vote of said board determine to acquire or construct such new road, or grade, or regrade, pave, macadamize, surface, repair or maintain such existing road, and charge the cost thereof to the general county fund, the general road fund or the district fund of the district or districts benefited.

Whenever it shall be determined that any grading, gravel-^{Plans.} ing, macadamizing, ditching, sprinkling or other work upon any highway is necessary, the estimated cost of which exceeds the sum of two thousand dollars (\$2,000), the board of supervisors must order definite surveys of the proposed work made and direct the preparation of profiles, cross-sections, plans and specifications.

Upon receipt of the profiles, cross-sections, plans and speci-^{Bids.} fications, the board of supervisors must advertise for sealed bids for the performing of the work specified. A notice calling for the bids for the doing of said work referring to said profiles, cross-sections, plans and specifications, and setting a time at which bids will be opened. Said notice shall be published for at least ten consecutive times in a daily newspaper of general circulation printed and published in the county or for at least two consecutive times in a weekly newspaper printed and published in the county. At the time specified in said notice, the board of supervisors shall publicly open the bids received and shall award the contract for the work to the lowest responsible bidder; unless it shall appear to the board that the bids are too high, and the work can be done more cheaply by day labor, in which case the bids must be rejected and the work ordered done by the road commissioner or commissioners in whose district or districts the work may be situated; provided, however, that said board may reject all bids and readvertise; provided, further, that if the estimated cost of the work to be done is less than two thousand dollars, the board of supervisors may let a contract for the said work without calling for bids as hereinbefore provided, or may purchase the materials and do the work by day labor.

Provided, however, that in those counties employing a com-<sup>Road com-
missioner</sup> petent engineer as road commissioner, the board of supervisors may have any work to be done upon highways of the county done under the supervision and direction of said engineer, either

1. By letting a contract, in which event it must be let to the lowest responsible bidder as hereinbefore provided;

2. By purchasing the material and letting a contract for the doing of the work; or

3. By purchasing the material and having the work done by day labor.

CHAPTER 130.

An act to amend section 4041f of the Political Code, relating to powers of counties as to facilities for veterans.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

Stats 1927,
p 207.

Veterans'
homes and
meeting
places

SECTION 1. Section 4041f of the Political Code is hereby amended to read as follows:

4041f. Any county may provide and maintain (1) a home or homes for veteran soldiers, sailors and marines who have served the United States honorably in any of its wars; (2) buildings, memorial halls, or meeting places, or memorial parks or recreation centers, for the use or benefit of patriotic, fraternal and benevolent associations of such persons. For these purposes the board of supervisors of any county shall have jurisdiction and power:

(a) To purchase, receive by donation, take by condemnation, lease or otherwise acquire, real or personal property necessary for such building or buildings, memorial parks or recreation centers, and to improve, preserve, take care of, manage and control the same.

(b) To purchase, construct, or lease, build or rebuild, furnish or refurnish, or repair any and all such buildings, and to provide all necessary custodians, employees, attendants and supplies for the proper maintenance of the same.

(c) To clear, grade, plant, irrigate, fence, and improve any and all such memorial parks or recreation centers, and to provide all necessary custodians, employees, attendants, and supplies for the proper maintenance of the same.

(d) To furnish sites for such building or buildings to be built by or for such organizations, and to furnish such sites when deemed advisable by the said county authorities, for the erection thereon of such building or buildings, the funds for which are supplied by county authorities or from other sources. And any part or portion of any public lot, block, or park, may be used for such purpose.

(e) To levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the county, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes hereof.

(f) To establish a fund or funds for the purposes hereof, and to transfer from the general fund to such fund

or funds, from time to time, such moneys as the board may deem necessary.

(g) To incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof.

(h) To combine with any incorporated city within its own boundaries, in the accomplishment of the above-named purposes and to that end to hold jointly with any such city any property acquired as above provided, and to expend money in conjunction with any said city in accomplishing the above-named objects.

CHAPTER 131.

An act to amend sections 868, 870, 871, 872, 874, 875, 876, 878, 879, 880, 881, 883 and 884 of chapter 49, statutes of 1883, entitled, "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to cities and towns of the sixth class. Stats 1883, p 93, amended

[Approved by the Governor April 10, 1931. In effect August 14, 1931]

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

SECTION 1. Section 868 of chapter 49, statutes of 1883, entitled, "An act to provide for the organization, incorporation, and government of municipal corporations," as amended by chapter 163, statutes of 1915, is hereby amended to read as follows: Stats 1915, p 331.

Sec. 868. The council shall have the power to declare what constitutes a nuisance, and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance, and shall have the power by ordinance to make the expense of abatement of nuisances a lien against the property on which a nuisance is maintained, as well as to make such expense a personal obligation against the owner of such property. Said council shall also have power by ordinance to require and provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost thereof a lien or charge upon the abutting property and to make provision for the enforcement of such lien by the sale of property or otherwise; and said council likewise shall have power by ordinance to require or provide for the removal from property, lands, or lots of all weeds, rubbish or other material which may endanger or injure neighboring property or the health or welfare of residents of the vicinity, and to make the cost thereof a lien and charge upon such property, lands or lots and to make provision for the enforcement of such lien by the sale of such property, lands or lots or otherwise. Nuisance
Weeds, etc

Stats 1901,
p 12

SEC. 2. Section 870 of chapter 49, statutes of 1883, as amended by chapter 22, statutes of 1901, is hereby amended to read as follows:

Streets,
rights of
way, etc

Sec. 870. Whenever it shall become necessary for the city or town to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city or town, or for the purpose of rights of way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams, or the improvement of water fronts, or the acquisition or maintenance of public harbors, the council may direct proceedings to be taken under section 1237 and following sections, to and including section 1263 of the Code of Civil Procedure, to procure the same.

Stats 1905,
p 89

SEC. 3. Section 871 of chapter 49, statutes of 1883, as amended by chapter 90, statutes of 1905, is hereby amended to read as follows:

Taxes

Sec. 871. The council shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city or town taxes not inconsistent with the provisions of this chapter. All taxes shall be collected by the chief of police or treasurer, as may be determined by the council by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; provided, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for nonpayment of state taxes.

Liens

Stats 1883,
p 93

SEC. 4. Section 872 of chapter 49, statutes of 1883, is hereby amended to read as follows:

Equalization

Sec. 872. The council shall meet at their usual place of holding meetings on the second Monday of August of each year, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion raise any assessment, upon notice to the party whose assessment is

to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Notice shall be given of the time and place of sitting as such board, or the same may be established by ordinance.

SEC. 5. Section 874 of chapter 49, statutes of 1883, as amended by chapter 294, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p 598

Sec. 874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays, or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditures required for the same exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period; such notice shall distinctly and specifically state the work contemplated to be done, provided, that the council may reject any and all bids presented and readvertise, in their discretion: provided, further, after rejecting bids, the council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and provided, further, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, the council may, by resolution passed by vote of four-fifths of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency. Public work.

Contract

Day labor.

Emergency

The council shall annually, at a stated time, contract for doing all city printing, and advertising, which contract shall be let to the lowest responsible bidder, after notice, as provided in this section. Printing

SEC. 6. Section 875 of chapter 49, statutes of 1883, as amended by chapter 163, statutes of 1915, is hereby amended to read as follows: Stats 1915,
p 331

Sec. 875. In the absence of the president of the council from any meeting of said council, or in the event of his President
of the
council

inability to act, a president pro tempore, may be chosen by the council. The president or the president pro tempore shall preside at the meetings of the council, shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said city or town. The president pro tempore may sign or approve any ordinance with the same force and effect as if signed by the president. The president or president pro tempore shall have power to administer oaths and affirmations, to take affidavits and to testify the same under their hands. The president or president pro tempore shall sign all conveyances made by said city or town, and all instruments which shall require the seal of the city or town. The president or president pro tempore is authorized to acknowledge the execution of all instruments executed by said city or town that require to be acknowledged.

Stats 1913,
p 33

SEC. 7. Section 876 of chapter 39, statutes of 1883, as amended by chapter 29, statutes of 1913, is hereby amended to read as follows:

Treasurer

Sec. 876. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said money on warrants signed by the proper officers, and not otherwise, except interest on coupon bonds. He shall make quarterly settlements with the city clerk. He shall collect all taxes levied by the council if so required by ordinance.

Stats 1883,
p 93 See
Ch 1015,
infra
Clerk

SEC. 8. Section 878 of chapter 49, statutes of 1883, is hereby amended to read as follows:

Records

Sec. 878. It shall be the duty of the clerk to keep a full, true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book, marked "Records of the council." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the board of equalization." He shall also keep a book, which shall be marked "City or town accounts," in which shall be entered as a credit all moneys received by the city or town for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book marked "Account of the chief of police," in which he shall charge the chief of police with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the chief with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a book, marked "Treasurer's account," in which he shall keep a full account of the transactions of the city or town with the treasurer. He shall also keep a book marked "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall keep a book marked "Ordinances,"

Ordinances.

into which he shall copy all city or town ordinances, with his certificate annexed to said copy stating the foregoing ordinance is a true and correct copy of an ordinance of the city or town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the board of trustees and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The clerk shall also keep a book marked "Demands and warrants," in which he shall note every demand against the city or town, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed, and a warrant drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city or town, and the levying of the tax thereon, the clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the chief of police a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths or affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city or town, and certify the same without charge. He shall be the custodian of the seal of the city or town.

He shall make a quarterly statement in writing, showing the receipts and expenditures of the city or town for the preceding quarter, and the amount remaining in the treasury. He shall at the end of every fiscal year make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial conditions of the affairs of the city or town, which shall be published. He shall perform such other services as this act and the ordinances of the council shall require.

SEC. 9. Section 879 of chapter 49, statutes of 1883, as amended by chapter 247, statutes of 1921, is hereby amended to read as follows:

Sec. 879. It shall be the duty of the attorney to advise the city or town authorities and officers in all legal matters

pertaining to the business of said city or town, to frame all ordinances and resolutions required by the council, and perform such other legal services as said council may require from time to time. Said attorney shall receive such compensation as may be allowed by the council.

Stats 1921,
p 630

SEC. 10. Section 880 of chapter 49, statutes of 1883, as amended by chapter 432, statutes of 1921, is hereby amended to read as follows:

Police
department

Sec. 880. The department of police of said city or town shall be under the direction and control of the chief of police and for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers, and watchmen in said city or town, and every citizen shall also lend his aid, when required for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the city or town court all breaches or violations of or non-compliance with any ordinance which shall come to his knowledge. He shall collect all taxes levied by the council, except as is herein provided, and shall, if practicable, mark the post-office address of each absentee property owner on the assessment roll. He shall, at the expiration of any month, pay to the treasurer all taxes and other funds of said city or town collected by him during said month. He shall, upon the payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any chain-gang which may be established by the council. He shall for service of any process receive the same fees as constables, but his fees for services in any criminal action or proceeding upon process issued from the police court shall not be a charge against the county. He may appoint, subject to the approval of the council, one or more deputies, for whose acts he and his bondsmen shall be responsible. He may also, with the concurrence of the president of the council, when the same may be by them deemed necessary for the preservation of the public order, appoint additional policemen. He shall perform such other services as this act and the ordinances of the council shall require.

Duties of
chief of
police

SEC. 11. Section 881 of chapter 49, statutes of 1883, is hereby amended to read as follows: Stats 1883.
p 93

Sec. 881. The council shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers. Council
duties

The compensation of all officers may be fixed by resolution or ordinance.

SEC. 12. Section 883 of chapter 49, statutes of 1883, as amended by chapter 464, statutes of 1929, is hereby amended to read as follows: Stats 1929.
p 829

Sec. 883. The city or town judge shall be judge of the city or town court, and shall have the powers and perform the duties of a magistrate. City judge

He may administer and certify oaths of affirmation, and take and certify acknowledgments. A justice of the peace may, at the same time, hold the office of city or town judge.

SEC. 13. Section 884 of chapter 49, statutes of 1883, is hereby amended to read as follows: Stats 1883.
p 93

Sec. 884. In all cases in which the city or town judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the city or town judge may call in a justice of the peace, residing in the city or town to act in his place and stead; or if there be no justice of the peace residing in the city or town, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which such city or town may be situated. City judge
disquali-
fication

CHAPTER 132.

An act to amend sections 851, 852, 852a, 853, 854, 855, 857, 858, 859, 860, 861, and 862 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to cities and towns of the sixth class. Stats 1883.
p 93.
amended

[Approved by the Governor April 10, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 851 of chapter 49, statutes of 1883, entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended by chapter 294, statutes of 1929, is hereby amended to read as follows: Stats 1929.
p 598

Sec. 851. The government of such city or town shall be vested in: Officers.

1. A council composed of five members.

2. A clerk who shall be ex officio assessor.
3. A treasurer.
4. A chief of police who shall be appointed by the council, and who shall be ex officio tax and license collector.
5. A judge who shall be appointed by the council, and
6. Such subordinate or other officers as are hereinafter provided for.

The president of the council shall be known as the mayor

Stats 1927,
p 427. SEC. 2. Section 852 of chapter 49, statutes of 1883, as amended by chapter 237, statutes of 1927, is hereby amended to read as follows:

Officers
election, etc

Sec. 852. The members of the council and the clerk and treasurer shall be elected by the qualified electors of said city or town at a general municipal election. Such a general municipal election shall be held therein on the second Monday in April in each even-numbered year. Members of the council and the clerk and the treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The respective terms of the members of the first council elected under the provisions of this section shall be determined as follows: The two members elected by the highest number of votes shall hold office for four years, and the three members elected by the lowest number of votes shall hold office for two years. In the event that two or more persons should be elected by the same number of votes, the respective terms of each shall be decided by lot. The council shall appoint the chief of police and the judge; they may also, in their discretion, appoint an attorney, a superintendent of streets, a civil engineer, and such other subordinate officers as in their judgment may be deemed necessary, and fix their compensation. Said officers shall hold office during the pleasure of said council.

Deputies

The council may also designate the number of deputies, one or more, to be appointed by any of the officers of said municipality, other than the judge, and fix the compensation to be paid such deputies from the municipal treasury. The deputies so designated shall be appointed by the respective officers for whom such deputies act, subject to the approval of the council, and such deputies shall hold office subject to the pleasure of such council and of their respective principals, and cease to hold office at the pleasure of either their principals or of the council.

Stats 1927,
p 183

SEC 3. Section 852a of chapter 49, statutes of 1883, as amended by chapter 95, statutes of 1927, is hereby amended to read as follows:

Government.

Sec. 852a. The council may at any time submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to divide the administration of the municipality into five departments and

provide for the assignment of its several members to be the heads of such respective departments and to be appointed as the commissioners of such respective departments; provided, ^{Commissioners} that if a department of public health be created the commissioner in charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinances shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation, the amount of same to be fixed by said ordinance. The council may, by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "Shall the administration of the municipality be divided into five departments as follows:" (Insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive.) "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter.

The council may at any time submit to the electors at any municipal or special election, an ordinance providing for the establishment of the city manager form of government. ^{City manager.} Such ordinance shall define the powers and duties of the manager and may fix his compensation or amount of the minimum thereof. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "Shall the city or town adopt the city manager form of government?" with the words "Yes" and "No" printed in connection therewith so that the voters may vote for or against such question. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at such election were in favor of the ordinance, the same shall go into full force and effect on the tenth day thereafter. Thereupon the council shall, within sixty days thereafter, appoint a city manager, who need not be a resident of the city or town at the time of his appointment. Upon his appointment the terms of the other

subordinate officers theretofore appointed by the council shall cease unless they be reappointed by the manager, who shall have the power to appoint and dismiss the marshal, judge and other subordinate officers except the clerk, attorney and treasurer.

Initiative

The ordinances provided for in this section may be submitted directly by the people under the general laws providing for exercise of the initiative. Any city or town adopting the commission plan or city manager plan of government as herein authorized may, by subsequent vote of the electors, abolish the same in the like manner as herein provided for their adoption.

Stats 1883,
p 93

SEC. 4. Section 853 of chapter 49, statutes of 1883, is hereby amended to read as follows:

Official
bonds.

Sec. 853. The clerk, treasurer, and chief of police shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city or town in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter ex officio incumbent; such bonds shall be approved by the council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the president of the council. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such city or town, before entering upon the duties of the office, shall take and file with the clerk the constitutional oath of office.

Stats 1911,
p 58.

SEC. 5. Section 854 of chapter 49, statutes of 1883, as amended by chapter 41, statutes of 1911, is hereby amended to read as follows:

Offices
vacancy

Sec. 854. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the council; but in the event of said council failing to fill such vacancy by appointment within thirty days after vacancy occurs, they must, if said office be an elective one, immediately after the expiration of said thirty days cause an election to be held to fill said vacancy, provided, however, that any person appointed or elected to fill such vacancy shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the council is absent from the city for the period of ninety days, unless by permission of the council, his office shall by the council be declared vacant, and the same filled as in case of other vacancies.

Stats 1909,
p 148.

SEC. 6. Section 855 of chapter 49, statutes of 1883, as amended by chapter 100, statutes of 1909, is hereby amended to read as follows:

Council
compensation

Sec. 855. The members of the council shall receive no compensation whatever; provided, that in all such cities, or towns the question of whether the members of such council or any

of them shall receive any compensation for his services as such member and the amounts thereof, may be submitted to the qualified electors of such cities or towns at any general election, and if a majority of such electors voting at such election shall vote in favor thereof, then such councilman or councilmen shall receive the compensation specified in the call submitting such question at such election; such compensation to begin on the first day of the month next succeeding the canvass of the return of such election and the amount so fixed shall, from such date, be a regular charge against such city or town payable the same as other fixed salaries are paid. Such compensation may be increased or diminished at any general election thereafter, by submission of such question in the same manner and by the same vote as herein provided for the original creation of such compensation.

The clerk, treasurer, chief of police, and judge shall severally receive, at stated times, a compensation, to be fixed by ordinance or resolution by the council, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the council from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the council.

Officers compensation

SEC. 7. Section 857 of chapter 49, statutes of 1883, as amended by chapter 30, statutes of 1913, is hereby amended to read as follows:

Stats 1913, p 34

Sec. 857. No person shall be eligible to hold the office of councilman in such city or town, unless he be a resident and elector therein, and shall have resided in such city or town for one year next preceding the date of his election.

Councilmen eligibility

SEC. 8. Section 858 of chapter 49, statutes of 1883, as amended by chapter 221, statutes of 1913, is hereby amended to read as follows:

Stats 1913 p 375

Sec. 858. The council shall meet on the Monday next succeeding the date of said general municipal election, shall take the oath of office, shall choose one of their number president, and shall hold regular meetings at least once in each month at such times as they shall fix by ordinance or resolution, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called at any time by the president of the council or by three councilmen by written notice delivered to each member at least three hours before the time specified for the proposed meeting; all meetings of the council shall be held within the corporate limits of the city or town at such place as may be designated by ordinance and shall be public.

Council meetings

Stats 1919,
p 158

SEC. 9. Section 859 of chapter 49, statutes of 1883, as amended by chapter 115, statutes of 1919, is hereby amended to read as follows:

Council
quorum

SEC. 859. At any meeting of the council a majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance; and in the absence of all of the council from any meeting the clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon give to each of the councilmen written notice of the time to which the meeting has been adjourned, which notice may be delivered personally to the councilman or may be left at his known residence or place of business at least six hours before the time to which the meeting has been postponed. The president of the council shall preside at all meetings of the council, and in case of his absence the council may appoint a president pro tempore, and in case of the absence of the clerk, the president or president pro tempore shall appoint one of the members of the council clerk pro tempore.

Stats 1883,
p 93

SEC. 10. Section 860 of chapter 49, statutes of 1883, is hereby amended to read as follows:

Council
proceedings

SEC. 860. The council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of any member shall cause the ayes and noes to be taken on any question, and entered on the journal.

Stats 1883,
p 93 See
Ch 1034,
infra

SEC. 11. Section 861 of chapter 49, statutes of 1883, is hereby amended to read as follows:

Franchises,
etc

SEC. 861. No ordinance, and no resolution granting any franchise for any purpose, shall be passed by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. And no such ordinance, resolution, or order shall have any validity or effect unless passed by the votes of at least three councilmen.

Stats 1925,
p 124

SEC. 12. Section 862 of the act cited in the title hereof is hereby amended to read as follows:

Council
powers

SEC. 862. The council of said city or town shall have power:

Ordinances

1. To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

Acquire
property.

2. To purchase, lease, or receive such real estate situated inside or outside of the city limits and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the

city or town; provided, they shall not have power to sell or convey any portion of any water front.

3. To contract for supplying the city or town with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes therein. Water supply.

4. To establish, build, and repair bridges; to acquire by purchase or otherwise lands for squares, parks, playgrounds and places within the city or town, and to improve, equip and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, and other public highways, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or on any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways, tunnels, and places; and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payments of the costs and expenses of the whole or any part of such work or improvement. Streets, parks, bridges, etc

4a. To acquire property required for the opening and laying out of any street, alley, lane or tunnel from the point where the continuity of such street, alley, lane or tunnel ceases, to the point where such street, alley, lane or tunnel again commences; to lay out and improve said street, alley, lane or tunnel; and to pay the cost and expense incurred in the acquisition of the required property out of the general fund of the city or town. Streets

5. To construct, establish, and maintain drains and sewers. Sewers

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires. Fire protection

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of the city. Poll tax

8. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city. Dog tax

9. To levy and collect annually a property tax, which shall not, without the assent of two-thirds of the qualified electors of such city or town voting at an election to be held for that purpose exceed one dollar on each one hundred dollars; provided, however, that in cities or towns which have constructed or may hereafter construct embankments, sea walls, or other works to protect such cities from overflow, said council may levy and collect annually a property tax which Property tax.

shall not exceed twenty cents on each one hundred dollars, which, when collected, shall be kept in a separate fund and used for the construction and maintenance of embankments, sea walls, or other works to protect such city from overflow and for no other purpose.

Licenses

10. To license, for the purpose of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in such city or town, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Rivers,
harbors

11. To improve the rivers and streams flowing through such city or town or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to acquire and improve public mooring places for water craft; to improve the water front of the city or town; including the ocean front thereof, and to build and construct breakwaters, jetties and sea wall; to construct and maintain embankments and other works, to protect such city or town from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable bay, lake, inlet, river, creek, slough, or arm of the sea within the corporate limits of such city or town or contiguous thereto, wharves, chutes, piers, breakwaters, bathhouses and life-saving stations.

Public
buildings

12. To erect and maintain buildings for municipal purposes, and to acquire and maintain cemeteries, situated outside or inside of said city.

Public
utilities

13. To acquire, own, construct, maintain and operate bus lines, street railways, steam railway spur tracks, telephone and telegraph lines, gas and other works for light, power and heat; public libraries, museums, gymnasiums, parks, and baths, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, or other power thereon, and the laying of gas and water pipes in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

Fines

14. To impose fines, penalties, and forfeitures for any and all violations of ordinances; and for any breach of violation of any ordinance; to fix the penalty by fine or imprisonment, or both: but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

Prisoners

15. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property, or works within the city or town.

Fire limits

16. To establish and maintain fire limits, and regulate building and construction and removal of buildings within the municipality.

Building
regulation

16a. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to regulate the erection, construction, reconstruction, conversion,

repair or alteration of any building or buildings, as provided in section 84 of the state housing act; to prevent the erection and maintenance of insecure or unsafe building walls, chimneys, stacks, or other structures, and to provide for their summary abatement, destruction or removal; to provide for the abatement, destruction or removal of unsightly or partially destroyed buildings; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes and materials used for piping buildings or other structures for the purpose of supplying the same with water, gas or electricity, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

16b. To regulate the exhibition, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures; or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate the suspension of banners, flags, signs, advertisements, posters, pictures, or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures; to prohibit and prevent encroachments upon or obstruction in or to any sidewalks, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

16c. To compel the owner, lessee, or occupant of buildings, grounds, or lots to remove dirt, rubbish, weeds and rank growths from the sidewalk opposite thereto, and from the buildings or grounds, and on his default, after such notice as the council may prescribe, to authorize the removal or destruction thereof by some officer of the city or town at the expense of such owner, lessee or occupant, and by such procedure as the council may prescribe, to make such expense a lien upon such buildings or grounds.

17. To issue subpoenas for the attendance of witnesses, or the production of books or other documents, for the purpose of producing evidence or testimony in any action or proceeding pending before the council, which subpoenas must be signed by the mayor, and attested by the city or town clerk and may be served in the same manner as subpoenas are served in civil actions. Whenever any person duly subpoenaed to appear and give evidence, or to produce any books or any documents as herein provided, shall neglect or refuse to appear, or to produce such books or documents, as required by such subpoena, or shall refuse to testify before such council, or to answer any questions which a majority thereof shall decide to be proper and pertinent, it shall be the duty of the mayor to report the

fact to the judge of the superior court of the county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Music. 18. To expend such sum as the council shall deem proper, not to exceed five per cent of the property tax levy in any one fiscal year, for music and promotion.

Cemeteries
Trust fund. 19. To accept such contributions of money, each contribution to be at least fifty dollars (\$50), as may be tendered them, to be held in trust, the income from which to be used for the perpetual care and upkeep of a designated plot or plots in the local city and/or community cemetery; said contributions to be placed in the city or town treasury in a fund designated as "the cemetery fund." The council shall appoint the city or town clerk or any competent resident of the city to administer said fund, the person so appointed to execute an official bond in the amount of a sum prescribed by said council, and to receive annually one dollar for each plot cared for, said expenditure to be made only from the income of said fund. Any moneys remaining in said fund after the expenditures for care and upkeep of the designated plot or plots and the payment to the person administering said fund shall be used in the care and upkeep of the roads, walks or other portions of the cemetery.

If the city or town should at any time disincorporate, the trust fund shall be turned over to the board of supervisors of the county within which the cemetery is located, in which event said board of supervisors shall act as trustees until such time as they may appoint some suitable organization to take charge of the fund.

Other acts 20. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

CHAPTER 133.

An act to amend section 537e of the Penal Code, relating to the purchase or sale of manufactured articles from which identification marks have been removed.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section numbered 537e of the Penal Code is hereby amended to read as follows: Stats 1927,
p. 538.

537e. Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, a firearm, safe or vacuum cleaner, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor. Articles
minus
identification
marks

CHAPTER 134.

An act to amend section 4075 of the Political Code of the State of California relating to claims against counties.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 4075 of the Political Code of the State of California is hereby amended to read as follows: Stats 1915,
p. 1185

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular service rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board, or with the auditor, according to the procedure prescribed for the particular county, within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact and give time to have the claim itemized and reverified; provided, that the verification of claims may be dispensed with as provided in section 4076 of this code. Claims
against
county to be
itemized

Presentment
of claims

All claims against any county or against any public officer in his official capacity payable out of any public fund under the control of the board of supervisors, whether such claim be founded upon contract, express or implied, or upon any act or omission of the county or any officer or employee thereof, or of any district or public entity the funds of which are controlled by the board of supervisors, or of any officer or employee of any such district or public entity, shall be presented to the board of supervisors as herein provided before any suit may be brought on any such claim, and no suit shall be brought on any such claim until said claim has been presented as herein provided and rejected in whole or in part. In presenting any claim not founded upon contract full details as to the nature of the claim, the time and place when and where it arose, the public property and public officers or employees alleged to be at fault, the nature, extent and amount of the injury or damage claimed, and all other details necessary to a full consideration of the merit and legality of such claim shall be stated in writing signed by the claimant or someone authorized by him, and in all other respects such claims shall be presented and acted upon in the same manner as claims founded upon contracts.

CHAPTER 135.

An act to amend the Political Code by adding thereto a new section to be numbered 4041k, relating to power of the board of supervisors to vacate or abandon drainage or sewage easements

[Approved by the Governor April 10, 1931 In effect August 14, 1931]

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

New section

SECTION 1. The Political Code of the State of California is hereby amended by adding thereto a new section to be numbered 4041k, to read as follows:

Abandonment
of easements

4041k. The board of supervisors in any county shall have the power to vacate or abandon easements for sewage or drainage purposes whenever said board determines that said easements are no longer required for public use.

CHAPTER 136.

Stats 1929,
p 992,
amended

An act to amend section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and

boulevards," approved May 31, 1929, statutes 1929, page 992.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of an act entitled "An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards," approved May 31, 1929, statutes 1929, page 992, is hereby amended to read as follows: Stats 1929,
p 992

Section 1. Any county in this state may purchase or lease with the consent of the owner, or obtain by gift and hold, improve and maintain land for the uses and purposes of public parks, or public boulevards, or both. Real
property for
parks, etc

Nothing in this act shall affect the right of any county to acquire property within such county by proceedings in eminent domain in the manner prescribed by law.

CHAPTER 137.

An act to amend sections 1 and 3 of an act entitled "An act providing for the creation of revolving funds in the counties of the state," approved May 9, 1923, statutes of 1923, page 289, relating to the amount and purposes of such funds. Stats 1923,
p 289,
amended

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the state," approved May 9, 1923, is hereby amended to read as follows: Stats 1923,
p 289 See
Ch 1204,
infra

1. The board of supervisors of any county desiring to establish a revolving fund for the use of any officer of the county may do so by adopting a resolution setting forth the necessity for the revolving fund, the office or institution for which such fund shall be available, and the amount of such fund, which amount shall not exceed the sum of one thousand dollars; provided that, in their discretion, the board of supervisors in counties having a population of ninety thousand or more according to the latest federal census may establish any such fund in any sum not exceeding five thousand dollars. Certified copies of such resolution shall be transmitted to the county auditor and county treasurer. Revolving
funds for
county
officers

Stats 1923,
p 289

SEC. 2 Section 3 of said act is hereby amended to read as follows.

Use of fund

Sec. 3. It shall be the duty of the county auditor to draw his warrant in favor of the officer for whose benefit the revolving fund was created, upon the filing of the bond hereinabove referred to, and the county treasurer shall cash said warrant. The officer entrusted with said fund shall not be authorized to expend any portion thereof except for services or material, the securing or purchase of which is a legal charge against the county, and no expenditure in excess of one dollar shall be made unless a receipt is obtained therefor, setting forth the date and purpose of the expenditure and the amount expended. Said officer may be authorized to use said fund, or a portion or portions thereof, for making change, when necessary in carrying on his official work. Demand shall be made upon the county for the reimbursement of said fund in the same manner that other demands are made, such demands to be supported by the receipts hereinabove referred to. All sums received in satisfaction of said demands shall be returned to the revolving fund and each officer entrusted with said fund shall upon demand of the auditor or board of supervisors give account of said fund.

CHAPTER 138.

An act to repeal section 4230 of the Political Code, relating to salaries of officers in counties of the first class.

[Approved by the Governor April 10, 1931. In effect August 14, 1931]

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

Stats 1913,
p 1236

SECTION 1. Section 4230 of the Political Code is hereby repealed.

CHAPTER 139.

Stats 1913,
p 279,
amended

An act to amend section 46 of the workmen's compensation insurance and safety act, approved May 26, 1913, relating to insurance carriage of the state and certain political subdivisions, public corporations and quasi public corporations.

[Approved by the Governor April 10, 1931. In effect August 14, 1931]

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

Stats 1915,
p 1098

SECTION 1. Section 46 of the workmen's compensation insurance and safety act, approved May 26, 1913, is hereby amended to read as follows:

Countries,
etc. may
insure

Sec. 46. The state and each county, city and county, city, school district or other public corporation or quasi public corporation within the state not including, however, any public

utility corporation, may insure against its liability for compensation with the state compensation insurance fund and not with any other insurance carrier unless such fund shall refuse to accept the risk when the application for insurance is made, and the premium therefor shall be a proper charge against the general fund of each such political subdivision of the state.

CHAPTER 140.

An act to amend section 529 of the Code of Civil Procedure, relating to injunctions.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 529 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1907,
p. 342.

529. On granting an injunction, the court or judge must require, except when it is granted on the application of the people of the state, a county, a municipal corporation, or either spouse against the other in an action for divorce or separate maintenance, a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the party enjoined such damages, not exceeding an amount to be specified, as such party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled thereto. Within five days after the service of the injunction, the person enjoined may except to the sufficiency of the sureties, and unless within five days thereafter, upon notice of not less than two days to the person enjoined, such sureties, or others in their place, justify before a judge of the court or county clerk at a time and place designated in such notice, the order granting the injunction must be dissolved. Security
upon
injunction.

CHAPTER 141.

An act to amend section 453j of the Civil Code, relating to insurance.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 453j of the Civil Code is amended to read as follows: Stats. 1929,
p. 352.

453j. Every contract of insurance issued by a corporation doing business under this chapter must be founded upon written application therefor, and, except where the application is for health, accident or casualty insurance Medical
examination

Penalty.

only, or for three thousand dollars or less life insurance, such application must be accompanied by the report of a reputable physician, containing a detailed statement of his examination of the applicant, showing the applicant to be in good health, and recommending the issuance of a contract of insurance; provided, however, that in the cases of policies issued upon the group plan, medical examination shall be discretionary with the board of directors of the association. Any solicitor, agent, employee, examining physician, or other person, making a false or fraudulent statement to any corporation doing business under this chapter, with reference to any application for insurance, or for the purpose of obtaining any money or benefit from such corporation, is guilty of a misdemeanor; and any person who makes a false statement of any material fact or thing in a sworn statement as to the death or disability of a contract holder, in any such corporation for the purpose of procuring or aiding the beneficiary or beneficiaries or contract holder in procuring the payment of a benefit named in the contract, is guilty of a misdemeanor.

CHAPTER 142.

An act to amend section 820 of the Penal Code, relating to warrants of arrest.

[Approved by the Governor April 10, 1931 In effect August 14, 1931]

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

Code Amdts
1880, p 33

Indorsement
on warrant
of arrest

SECTION 1. Section 820 of the Penal Code is hereby amended to read as follows:

820. The indorsement mentioned in the last section, can not, however, be made unless the warrant of arrest be accompanied with a certificate of the clerk of the county where such warrant was issued, under the seal of the superior court thereof, as to the official character of the magistrate, or, unless upon the oath of a creditable witness, in writing, indorsed on or annexed to the warrant, proving the handwriting of the magistrate by whom it was issued. A certificate of a city clerk under oath with the seal of his city attached thereto as to the official character of a police judge (or city judge) or justice of the peace of his city shall be deemed a compliance with the requirements of this section. Upon such proof, the magistrate endorsing the warrant is exempted from liability to a civil or criminal action, though it afterwards appear that the warrant was illegally or improperly issued.

CHAPTER 143.

An act to amend sections 1, 2, 3, 4, 5 and 6 of an act entitled Stats 1923.
p 429.
amended
*“An act to create the office of state fire marshal, to provide
 for his powers and duties, and to repeal all acts or parts of
 acts inconsistent therewith,” approved May 23, 1923,
 relating to the office of state fire marshal.*

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of the act cited in the title hereof Stats 1923.
p 429 See
Ch 427,
infra
 is hereby amended to read as follows:

Section 1. Within thirty days after this act takes effect, the State fire
marshal
 governor shall appoint a qualified person who shall be known
 as the “state fire marshal,” which office is hereby created.
 The person so appointed shall hold office at the pleasure of the
 governor and shall receive no compensation therefor. The
 state fire marshal shall submit monthly reports, as well as
 an annual report, to the governor.

SEC. 2. Section 2 of the act cited in the title hereof is Stats 1923.
p 429
 hereby amended to read as follows:

Sec. 2. For the purpose of safeguarding life and property, Duties
 it shall be the duty of the state fire marshal to aid in the
 enforcing of all laws and ordinances relating to fires and fire
 prevention and protection and to attend, if possible, fires
 other than forest, brush or grain fires occurring outside the
 corporate limits of any city or town maintaining a fire depart-
 ment, for the purpose of taking charge of and protecting all
 property which may be imperiled thereby.

It shall also be his duty to make and enforce orders, rules
 and regulations not inconsistent with any existing law or
 ordinance relating to

(a) The protection from fire in the design and construction
 of all state institutions; the means and adequacy of exits there-
 from, and the installation and maintenance of fire alarm and
 fire extinguishment systems therein;

(b) The installation of equipment and furnishings that
 present unusual fire hazards, and the means and adequacies
 of exits in case of fire, from factories, asylums, hospitals, sani-
 tarianums, churches, schools, halls, theaters, amphitheaters and
 all other places where large numbers of persons work, live or
 congregate for any purpose.

It shall also be his duty to carry on educational work
 throughout the state, encouraging the adoption of fire pre-
 vention measures, and to prepare or cause to be prepared
 information relating to the subject of the fire prevention
 and extinguishment, for dissemination.

Stats 1923,
p 429
Protection
of property

SEC. 3. Section 3 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 3. The state fire marshal may during the time of any fire protect property being affected thereby until the arrival of the owner or claimant thereof, and in case the owner or claimant of such property does not take charge of same within twenty-four hours, the state fire marshal may have such property stored at the owner's or claimant's expense.

Stats 1923,
p 429.

SEC. 4. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Incendiary
fires

Sec. 4. In all cases where there is reason to believe that fires are the result of crime or that crime has been committed in connection therewith the state fire marshal must report the same, in writing, to the district attorney of the county in which the fire occurred.

Stats 1923,
p 429

SEC. 5. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Deputies

Sec. 5. The state fire marshal shall have power to appoint the active chiefs of fire departments, city fire marshals and/or his salaried field assistants, as he may deem necessary, to serve as assistant or deputy state fire marshals. The state fire marshal and the assistant or deputy state fire marshals shall exercise the functions of police officers.

Authority

The state fire marshal and his regularly appointed and salaried assistants shall have authority to enter any factory, asylum, hospital, sanitarium, church, school, hall, theater, amphitheater or other place where large numbers of persons work, live or congregate at any reasonable hour for the purpose of enforcing this act or any other act which has been or may be enacted by the Legislature designating the state fire marshal as enforcing officer thereof.

The state fire marshal shall also have the power to employ such salaried office and field assistants as he may deem necessary.

All compensation for salaried employees, and all necessary office, travel and other expenses shall be paid out of the state fire marshal's fund, and not out of the general fund of the state treasury.

Stats 1923,
p 429

SEC. 6. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Constitutionality

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

CHAPTER 144.

An act to amend section 4282 of the Political Code, relating to salaries and fees of officers of counties of the fifty-third class.

[Approved by the Governor April 10, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 4282 of the Political Code is hereby amended to read as follows:

4282. In counties of the fifty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Stats 1929,
p 1292
(formerly
Sec. 4283).

1. The county clerk, three thousand dollars per annum. A deputy county clerk to be appointed by the county clerk and be paid a salary of one thousand dollars per annum. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county. A Del Norte
county.
salaries
clerk

2. The sheriff, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed two deputies who shall be appointed by the sheriff and be paid a salary of one hundred dollars per month; said salaries to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid. Sheriff

3. The recorder, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created, and which copyist shall be appointed by the recorder and be paid the salary of seventy-five dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the recorder is paid; and provided, further, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of three thousand six hundred dollars per annum, and said auditor and recorder shall pay his own deputy or copyist. Recorder

4. The auditor, three thousand dollars per annum; provided, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder. Auditor

5. The treasurer, two thousand four hundred dollars per annum. Treasurer.

Tax
collector

6. The tax collector, two thousand four hundred dollars per annum; a deputy to be appointed by the tax collector and be paid a salary of fifty dollars per month.

Assessor

7. The assessor, three thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid.

District
attorney

8. The district attorney, two thousand seven hundred dollars per annum and such fees as are now or may hereafter be paid to that officer; a deputy district attorney to be appointed by the district attorney and be paid a salary of seventy-five dollars per month; and said salary to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner

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

Public
adminis-
trator

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

Superin-
tendent of
schools
Surveyor

11. The superintendent of schools, one thousand eight hundred dollars per annum.

12. The county surveyor, twenty dollars per day from and after the day on which this act becomes effective to the thirty-first day of December, 1927, when engaged in county work. On and after the first day of January, 1928, he shall receive ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Justices of
the peace

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows:

Townships having a population of one thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand five hundred shall belong to and be known as townships of the second class.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1930. Justices of the peace shall receive the following salaries:

In townships of the first class the justices of the peace shall receive a salary of one hundred dollars per month and the supervisors may allow for rent, light and fuel of such justice, in the maintenance of his office, a sum not to exceed monthly twenty per cent of his salary.

In townships of the second class the justices of the peace shall receive a salary of three hundred dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

14. Constables, twenty-five dollars per month and such fees ^{Constables} as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, twelve hun- ^{Supervisors.} dred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; provided, that only one mileage shall be allowed for any session, regular or special, of the board.

16. In counties of this class the official reporter of the ^{Reporter} superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroners' inquests, a monthly salary not to exceed one hundred fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

17. The fees of grand jurors and trial jurors in the superior ^{Jurors.} courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 145.

Stats 1911,
p 80,
amended

An act to add a new section to be numbered 9a53 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to libraries in counties of the fifty-third class.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

Stats 1921,
p 52
(formerly
Sec. 9).
Del Norte
Librarian

SECTION 1. Section 9a53 is hereby added to the act cited in the title hereto, to read as follows:
Sec. 9a53. In counties of the fifty-third class, the salary of the county librarian shall be five hundred dollars per annum.

CHAPTER 146.

Stats 1915,
p 1225,
amended

An act to add section 19x53 to the juvenile court law relating to probation officers in counties of the fifty-third class.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

Stats 1921,
p 1062
(formerly
Sec 19x33)
Del Norte
probation
officer.

SECTION 1. Section 19x53 is added to the juvenile court law to read as follows:
Sec. 19x53. In counties of the fifty-third class there shall be one probation officer whose salary shall be thirty-five dollars per month.

CHAPTER 147.

An act to amend section 2322x53 of the Political Code, relating to the office of agricultural commissioner in counties of the fifty-third class.

[Approved by the Governor April 10, 1931. In effect August 14, 1931.]

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

Stats 1929,
p 1411
(formerly
Sec
2322x54).
Del Norte
county
agricultural
commis-
sioner.

SECTION 1. Section 2322x53 of the Political Code is amended to read as follows:
2322x53. In counties of the fifty-third class, the commissioner shall receive a salary of two thousand dollars per annum.

CHAPTER 148.

An act to transfer all property which was acquired in any manner for the use of the California Industrial Farm for Women to the Sonoma State Home.

[Approved by the Governor April 13, 1931. In effect August 14, 1931.]

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

SECTION 1. All property purchased for the California Industrial Farm for Women, under the authority given by chapter 165 of the statutes of 1919, is hereby transferred to the use and jurisdiction of the Sonoma State Home.
Sonoma State Home: property.

CHAPTER 149.

An act authorizing a contract between the State of California and the state of Arizona for the joint purchase of that certain highway bridge across the Colorado river, at or near Ehrenburg, Arizona, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 13, 1931. In effect immediately.]

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

SECTION 1. The department of public works of the State of California, acting by and through the director of public works, is hereby authorized and empowered to contract and agree with the state of Arizona, for and on behalf of the State of California, for the joint purchase with the state of Arizona from the California-Arizona Bridge Company of that certain highway bridge across the Colorado river, at or near Ehrenburg, Arizona, and for the future maintenance thereof, and the act of said department of public works and said director of public works in entering into such contract and agreement with the state of Arizona for the purchase of said bridge is hereby ratified and approved.
Purchase of bridge across Colorado river

SEC. 2. That portion of said bridge within the State of California when thrown open to the public as a free bridge according to the terms of said contract and agreement shall immediately become a part of the secondary state highway system.
Free bridge

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1 of article four of the constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health, and safety, that this law shall go into immediate effect. The following is a statement of facts constituting such urgency: The Sunkist trail now designated as the Pacific coast link of U. S. 60 trans-
Urgency.

continental highway running from the Atlantic coast to the Pacific coast is one of the main highway entrances into California, but has been in a long neglected and dangerous state due to lack of funds. The federal government offers to release the sum of eight hundred thousand dollars of federal aid road moneys to make said highway safe and satisfactory only upon the condition that said bridge now a privately owned toll bridge, be made a publicly owned free bridge forthwith; that the state of Arizona has already enacted into law an urgency measure in similar terms and this act is essential to immediately consummate the transaction; that the release of the federal aid road improvement funds will furnish work for a large number of persons thereby relieving the prevailing unemployment situation and further promoting public peace, health, and safety.

CHAPTER 150.

Stats 1927,
p 528,
amended

An act to amend section 1 of chapter 316, statutes of 1927, entitled "An act to regulate the method of nominating, voting for and electing candidates for judicial offices at primary and general elections by giving each office a designating number for the purpose of elections where two or more judges or justices of any court of record are to be elected for the same term at the same election." approved May 2, 1927, to include justice of the peace court and all other inferior courts now existing or which may hereafter be provided by law.

[Approved by the Governor April 15, 1931. In effect August 11, 1931]

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

Stats 1927,
p 528

SECTION 1. Section 1 of chapter 316, statutes of 1927, entitled "An act to regulate the method of nominating, voting for and electing candidates for judicial offices at primary and general elections by giving each office a designating number for the purpose of elections where two or more judges or justices of any court of record are to be elected for the same term at the same election," is hereby amended to read as follows:

Numerical designation of judicial offices at elections

Section 1. In any election hereafter held at which two or more judges or justices of any court of record, or of any justice of the peace court, or of any other inferior court now existing or which may hereafter be provided by law, are to be elected for the same term, and in the primary election preceding such election, it shall be deemed for all purposes of such election and primary election, and all stages and proceedings thereof, including the canvass of returns and the declaration of the result, that there are as many separate judicial offices to be filled as there are judges or justices

of said court to be elected, each of said separate offices shall be designated by a distinguishing number not greater than the total number of such judges or justices to be elected for the same term at the same election.

Such designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination papers, certificate of nomination, ballots, certificate of election and on all election papers referring to such office. ^{Use}

After election and the issuance of the certificates of election such designating number shall have no further significance.

CHAPTER 151.

An act to add a new section to be numbered section 693 to the Political Code, relating to the preparation and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, and to repeal "An act relating to the advertising and publication of notices, publications and advertisements by state officers, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the state board of control and vesting in the state board of control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all acts and parts of acts in conflict herewith," approved December 18, 1911. ^{Stats Ex Sess 1911, p 11}

[Approved by the Governor April 15, 1931 In effect August 14, 1931]

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

SECTION 1. A new section to be numbered section 693 is ^{New section} hereby added to the Political Code, to read as follows:

693. Whenever under the laws of the State of California it is now, or may hereafter be, the duty of any state officer, board, commission, bureau or department to prepare any notice, advertisement or publication, authorized or directed by law to be prepared, advertised, published, noticed or inserted in any newspaper or other medium, the said state officer, board, commission, bureau or department shall as now authorized or directed by law, or as may hereafter be authorized or directed by law, properly prepare, in all respects and in due form and within due time, in order to accomplish the purposes thereby intended, the said notice, advertisement or publication. When said notice, advertisement or publication shall have been so properly prepared it shall thereupon be the duty of ^{Official state advertisements}

Approval of
department
of finance

said state officer, board, commission, bureau or department to deliver the same to the state department of finance of the State of California. Thereupon the said state department of finance of the State of California, after having approved the said notice, advertisement or publication, shall cause the same to be advertised, published or noticed in such newspaper or newspapers or other medium as may be now or hereafter required by law, and said state department of finance shall have the sole and exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of any and all such advertisements, publications, and notices. Any and all authority heretofore given by law to any state officer, board, commission, bureau or department for the advertising, noticing or publication, of any and all advertisements, publications or notices in newspapers or other mediums or for the insertion of the same in newspapers or other mediums, is hereby expressly revoked and such authority is hereby vested exclusively in the state department of finance, and shall be assumed, performed and exercised by said state department of finance.

Repeal.

SEC. 2. Chapter 5, statutes of 1911, extra session, entitled "An act relating to the advertising and publication of notices, publications and advertisements by state offices, boards, commissions, bureaus and departments, directing that all notices, advertisements and publications when prepared be delivered to the state department of control and vesting in the state department of control the exclusive charge, control, supervision, direction, designation, management and regulation of the giving, advertising, noticing and publication of all advertisements, publications and notices to be inserted in newspapers or other mediums, revoking all such authority heretofore given to any state officer, board, commission, bureau or department, and repealing all acts and parts of acts in conflict herewith," is hereby repealed.

CHAPTER 152.

Stats 1915,
p 698,
amended

An act to amend sections 1 and 9 of chapter 426, statutes of 1915, entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," as amended, relating to license fees and the issuance, suspension and revocation of licenses.

[Approved by the Governor April 15, 1931. In effect immediately.]

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

Stats 1915,
p 698

SECTION 1. Section 1 of chapter 426, statutes of 1915, entitled "An act to insure the better education of dental sur-

geons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, is hereby amended to read as follows:

Section 1. It shall be unlawful for any person to engage ^{Dentist's license} in the practice of dentistry in the State of California unless such person shall have obtained a license from the board of dental examiners of the State of California, as hereinafter provided, except that the license of any dentist, existing at the time of the passage of this act shall continue in force until forfeited in the manner hereinafter provided and the annual fee paid by any such dentist under the terms of the laws of the State of California existing at the time of the passage of this act shall keep such license in force until the expiration of the time for which the same was paid, and thereafter the holder of such license shall be subject to the annual fee in this act provided. Nothing herein contained shall be construed to exempt from the payment of the annual fee any person authorized to practice dentistry in the State of California, and every person practicing dentistry in this state shall, irrespective of the time when he was licensed or first had the right to lawfully practise dentistry in this state or elsewhere, pay an annual fee of five dollars as hereinafter provided.

SEC. 2. Section 9 of chapter 426, statutes of 1915, as ^{Stats 1929, p 1944} amended by chapter 878, statutes of 1929, is hereby amended to read as follows:

Sec. 9. Before any person can practice dentistry in this ^{Application fee} state, he shall obtain a license to do so from the board of dental examiners. Each application for license shall be accompanied by a fee of twenty-five dollars; provided, that the fee shall be fifty dollars for applicants presenting credentials of graduation from dental schools other than in California, which shall in no case be refunded, except that in the case of applicants requiring examination the said fee shall be refunded if the applicant shall be found ineligible to take such examination. Such license shall remain in force until the following first day of May and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual fee but not otherwise, and notwithstanding the payment of such fee such license may at any time be forfeited or revoked for a violation of the further requirements of this act. To provide a fund for the enforcement of ^{Annual license fee.} the provisions of this act every person holding a license to practice dentistry in this state without exception shall pay an annual license fee for the year commencing with the first day of May next following the issuance of such license and annually thereafter. Such payment to be effective shall be made prior to the commencement of the year for which the same accrues and the receipt of the secretary of the board shall be indispensable evidence that the same has been made. The annual license fee shall be five dollars but the board may

reduce said fee to not less than three dollars. The failure, neglect or refusal of any person who was a regularly licensed dentist to pay in advance said annual fee during the time his or her license remained in force shall ipso facto work a forfeiture of his or her license, and it shall not be restored except upon a written application therefor and the payment to said board of ten dollars, except that such person shall not be required to submit to any examination.

Urgency.

SEC. 3. Inasmuch as this act concerns and is necessary to the immediate preservation of the public health and safety, for the reason that it is imperative, at the earliest possible date, to provide adequate funds for the functioning of the board of dental examiners of California, the present funds being nearly depleted, and the existing rate of annual fee for that purpose being inadequate, the rate in this act fixed, if made effective prior to May 1, 1931, will make possible the accomplishment of the intended object, this act shall take effect immediately.

CHAPTER 153.

An act to add four new sections to the Political Code, to be numbered 690a, 690b, 690c, and 690d, relating to the division of land settlement and the state department of finance.

[Approved by the Governor April 15, 1931. In effect August 14, 1931]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 690a, and to read as follows:

Succession of department of finance to division of land settlement and land settlement board

690a. From and after the date upon which this act takes effect the department of finance shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the department of agriculture in so far as land settlement matters are concerned; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon said department of agriculture in so far as land settlement matters are concerned, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of finance with the same force and effect as though the title of said department of finance had been specifically set forth in said statute or in said law; and the state land settlement board and the positions of all officers, deputies and employees under the division of land settlement of the department of agriculture are and each of them is hereby abolished.

New section

SEC. 2. A new section is hereby added to the Political Code, to be numbered 690b and to read as follows:

Succession to property

690b. The department of finance shall be in possession of all records, books, papers, equipment, supplies, moneys, funds,

appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of the department of agriculture as successor to the state land settlement board, and the division of land settlement of the department of public works in connection with state land settlements, and the title to all such property is hereby transferred to the department of finance.

SEC 3. A new section is hereby added to the Political Code to be numbered 690c and to read as follows: New section.

690c. All assets acquired by the department of finance from the department of agriculture under the provisions of this act shall be placed under the administration of the division of state lands of the department of finance. The director of finance is hereby authorized and empowered, upon such terms and subject to such conditions as in his judgment shall be for the best interests of the State of California, to sell for cash or on deferred payments, to farm or lease for cash rental or share rental, to manage, repair, insure against fire and otherwise to control or dispose of any or all of the properties, real or personal, tangible or intangible, acquired by the department of finance as successor to the department of agriculture, the state land settlement board, the division of land settlement of the department of public works, or other governmental authority created by an act of the Legislature approved June 1, 1917, known as the "land settlement act" (statutes of 1917, chapter 755) or by amendment thereto, or by sections 361e to 361i, inclusive, of the Political Code; to grant easements and rights of way affecting any of said lands and to acquire easements and rights of way for the benefit of any of such lands; and for and on behalf of the State of California and in the name of the State of California or the department of finance, to negotiate, release, receive, accept, execute and deliver, leases, contracts, notes, deeds of trust, mortgages, assignments, bills of sale or other instruments, to commence, prosecute and defend suits, to liquidate indebtedness, foreclose or cause to be foreclosed mortgages and deeds of trust, and to do every other thing necessary or expedient, for the performance of the purposes of this act. The director of finance shall have the power to employ such clerical and other assistance as may in his opinion, be necessary to perform the provisions of this act. Adminis-
tration by
division of
state lands.

Authority
of director
of finance

Stats 1917,
p 1566

SEC. 4. A new section is hereby added to the Political Code, to be numbered 690d and to read as follows: New section

690d. From and after the date on which this act takes effect all provisions in past appropriation acts appropriating money to the state land settlement fund relative to the repayment of money to the general fund within fifty years, at four per cent interest, and relative to any charges of interest on funds withdrawn for use in land settlement administration, shall be, and the same are hereby repealed, and all unpaid charges of interest arising as a result of said provisions are hereby canceled, and such moneys in the land settlement fund, as, in the Adjustments
land
settlement
funds

opinion of the director of finance, shall not be necessary for the administration of the property or assets acquired in connection with land settlements, shall revert from said fund to the general fund of the state from time to time and in such amounts as the director of finance may deem advisable; and the department of finance is hereby authorized to close any adjustments with purchasers of properties purchased under the state land settlement act or amendments thereof, or purchased prior to May 1, 1930, under the provisions of sections 361e to 361i inclusive, of the Political Code, which adjustments have been approved by the state land settlement board and which may not be fully closed at the time of the transfer of land settlement assets from the department of agriculture to the department of finance, as provided in this act; and the department of finance is hereby authorized to prosecute such litigation as may be pending at the time of such transfer or as may be necessary in connection with the assets acquired as a result thereof.

Repeal

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 154.

Stats 1913.
p 563.
amended

An act to amend sections 2 and 3 of chapter 301, statutes of 1913, entitled "An act providing for the designation of money in the state treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," approved June 10, 1913, as amended, relating to surplus money in the state treasury.

[Approved by the Governor April 15, 1931. In effect August 14, 1931]

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

Stats 1913.
p. 563

SECTION 1. Section 2 of chapter 301, statutes of 1913, entitled "An act providing for the designation of money in the state treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," is hereby amended to read as follows:

Designation
of "surplus
money" in
treasury

Sec. 2. The state treasurer, and the director of finance shall at such times as they deem necessary, determine whether any portion of the money then in the state treasury is not necessary for immediate use, and if so, the amount thereof, which amount shall thereupon be designated as "surplus money"; provided, however, that the amount so fixed and determined as surplus money shall not at any time be in

excess of seventy-five per cent of the least amount of money shown by the records in the treasurer's office to have been in the state treasury at the end of any day's transactions during the twelve months' period next preceding compiled in accordance with the provisions of section 660 of the Political Code. The director of finance shall, by executive order, with the approval of the state treasurer, designate the amount of money so determined by them to be surplus money within the meaning of this act, and thereupon the state department of finance shall proceed to invest the same in the purchase of bonds of any of the classes described in section 1 of this act.

Purchase of bonds.

SEC. 2. Section 3 of chapter 301, statutes 1913, as amended by chapter 478, statutes 1921, is hereby amended to read as follows:

Stats 1921, p 728.

Sec. 3. Any bonds purchased or held under the provisions of this act may be sold or exchanged for other bonds of any of the classes described in section 1 of this act, and the money received from any such sale may be reinvested by the state department of finance in the purchase of any such bonds; provided, that no such sale or exchange shall be made at a price less than the market price of such bonds so sold or exchanged; and provided, further, that any interest or premium collected or received by the state from any bonds purchased or held under the provisions of this act shall be credited by the state treasurer to the general fund. All moneys in the "bond investment fund," at the time this act takes effect, shall be transferred to the general fund, and the said "bond investment fund" is hereby abolished.

Exchange of bonds

Abolition of "bond investment fund"

CHAPTER 155.

An act authorizing the department of finance to sell all of the right, title and interest of the State of California in and to certain real property situate in the county of San Joaquin, State of California.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

SECTION 1. The department of finance is hereby authorized and empowered to sell upon such terms and conditions as shall appear in the judgment of the director of finance to be for the best interests of the State of California, all the right, title and interest of the State of California in and to those certain parcels of real property lying and situate in the county of San Joaquin, State of California, described as follows:

Department of finance to sell San Joaquin property

Beginning at a point on the bank of what was formerly the San Joaquin river on a small island that was cut off from Rough and Ready island, San Joaquin county, California,

Description

Description

which is south two degrees five minutes west (S. $2^{\circ} 05' W.$) two thousand one hundred twenty-eight and four-tenths feet (2128.4') and north four degrees twenty-nine minutes east (N. $4^{\circ} 29' E.$) one hundred ninety-four and five-tenths feet (194.5') from United States engineer department bench mark No. 202 $\frac{1}{2}$, from which bench mark the center of the spire of the courthouse at Stockton, California, bears south seventy-six degrees thirty-seven seconds east (S. $76^{\circ} 00' 37'' E.$) at a distance of twenty-one thousand six hundred forty-nine and three-tenths feet (21,649.3'); from the said point of beginning thence along the shore line of the left bank of which was formerly the San Joaquin river which passes through the points connected by the following straight lines, north nine degrees twenty minutes east (N. $9^{\circ} 20' E.$) seven hundred ninety-six feet (796.0'); north eleven degrees six minutes east (N. $11^{\circ} 6' E.$) three hundred ninety-six and one-tenth feet (396.1'); north thirteen degrees fifty-six minutes west (N. $13^{\circ} 56' W.$) one hundred ninety-six and one-tenth feet (196.1'); north forty-nine degrees twenty-six minutes west (N. $49^{\circ} 26' W.$) two hundred thirty-four and six-tenths feet (234.6'); north sixty-seven degrees thirty-nine minutes west (N. $67^{\circ} 39' W.$) one hundred sixty-two and five-tenths feet (162.5'); north seventy-three degrees forty-seven minutes west (N. $73^{\circ} 47' W.$) five hundred thirty-nine and nine-tenths feet (539.9); south eighty-four degrees fourteen minutes west (S. $84^{\circ} 14' W.$) one hundred twenty-eight and seven-tenths (128.7) feet; south fifty-eight degrees twenty minutes west (S. $58^{\circ} 20' W.$) three hundred sixty-six and nine-tenths feet (366.9') to a point on the shore line of left bank of what was formerly the San Joaquin river, which point was also in the middle of what was an earlier bed of the San Joaquin river; thence following the center line of this earlier bed of the San Joaquin river south six degrees eighteen minutes east (S. $6^{\circ} 18' E.$) two hundred six and three-tenths feet (206.3'); south six degrees forty-eight minutes west (S. $6^{\circ} 48' W.$) three hundred eighty-five and five-tenths feet (385.5'); thence leaving the earlier bed of the San Joaquin river south fifty degrees fifty-three minutes east (S. $50^{\circ} 53' E.$) one thousand four hundred eighty-four and nine-tenths feet (1484.9') to the point of beginning, containing thirty-five and fifty-three hundredths (35.53) acres more or less;

Beginning at a point on the bank of the San Joaquin river on Rough and Ready island, San Joaquin county, California, bearing S. $2^{\circ} 05' W.$ at a distance of 2128.4 feet more or less from United States engineer department bench mark No. 202 $\frac{1}{2}$ from which bench mark the center of the spire of the courthouse at Stockton, California, bears S. $76^{\circ} 00' 37'' E.$ at a distance of 21,649.3 feet; from the said point of beginning thence following the meandering bank of the San Joaquin river to a point bearing N. $4^{\circ} 29' E.$ at a distance of 194.5 feet in a straight line; thence N. $50^{\circ} 53' W.$ 1484.9 feet more or less

to the center of the old channel of the San Joaquin river; thence following the meander line of the center of the old channel of the San Joaquin river to a point bearing S. 6° 30' W. at a distance of 190.0 feet in a straight line; thence S. 50° 53' E. 1493.0 feet more or less to the point of beginning; containing 5.39 acres.

SEC. 2. The director of finance of the State of California ^{Deeds.} is hereby authorized and empowered for and on behalf of and in the name of the State of California to execute, acknowledge and deliver and to receive and accept any and all deeds, conveyances, releases and other instruments and do any and all other acts and things necessary to effectuate the purposes hereof.

SEC. 3. Any proceeds derived from the sale of the herein- ^{Proceeds} before described real property shall be deposited in the state treasury to the credit of the general fund.

CHAPTER 156.

An act to add a new section to the Political Code to be numbered 2545a, relating to the compensation of employees of railroads controlled by the board of state harbor commissioners.

[Approved by the Governor April 15, 1931 In effect August 14, 1931.]

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

SECTION 1. A new section is hereby added to the Political ^{New section} Code to be numbered 2545a, and to read as follows:

2545a. When any trainman or engineman employed on any ^{Trainmen overtime compensation} railroad under the control of the state board of harbor commissioners works more than eight hours in any twenty-four hours, as the employee of such railroad, he shall receive one and one-half times as much compensation for every hour more than eight as he does for each hour of the first eight.

CHAPTER 157.

An act to repeal article I, embracing sections 4.460 to 4.468, ^{Sch. Code. D 347} both inclusive, and article II, embracing sections 4.480 to 4.485, both inclusive, of chapter IV of part III of division IV of the School Code, and to repeal chapter 620 of the statutes of 1929, entitled "An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district," approved

May 31, 1929, all relating to special building funds and special school funds of elementary school districts.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

Repeal

SECTION 1. Article I, embracing sections 4.460 to 4.468, both inclusive, of chapter IV of part III of division IV of the School Code is hereby repealed.

Repeal

SEC. 2. Article II, embracing sections 4.480 to 4.485, both inclusive, of chapter IV of part III of division IV of the School Code is hereby repealed.

Sch Code,
p 347

SEC. 3. Chapter 620 of the statutes of 1929, entitled "An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district," approved May 31, 1929, is hereby repealed.

CHAPTER 158.

An act to repeal article I, embracing sections 3.150 to 3.156, inclusive, of chapter II of part II of division III of the School Code, relating to contracts by governing boards of elementary school districts for the education of children.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

Repeal

SECTION 1. Article I, embracing sections 3.150 to 3.156, inclusive, of chapter II of part II of division III of the School Code is hereby repealed

CHAPTER 159.

An act to amend section 4.320 of the School Code, relating to claims or demands against school districts.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

Sch Code,
p. 165.

SECTION 1. Section 4.320 of the School Code is hereby amended to read as follows:

Claims
sufficiency
of funds

4.320. When any claim or demand against any school district shall be presented to the superintendent of schools of any county, or city and county, no requisition upon the county auditor shall be drawn thereon unless there is sufficient money in the fund against which such order or demand is drawn to pay the same in full.

CHAPTER 160.

An act to amend sections 3.441 and 3.620 of the School Code and to repeal sections 3.442, 3.443, 3.444, 3.445, 3.446 thereof, relating to the furnishing of instruction to physically handicapped children.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 3 441 of the School Code is hereby amended to read as follows: Sch. Code, p 124.

3.441. The superintendent of public instruction is empowered to employ such help as is necessary and incur such additional charges as may be needed to promote and superintend such instruction. Additional help

SEC. 2. Sections 3.442, 3.443, 3.444, 3.445, 3.446 of the School Code are hereby repealed. Repeal

SEC. 3. Section 3.620 of the School Code is hereby amended to read as follows: Sch. Code, p 135

3.620. The governing board of any school district of whatsoever kind or class in this state shall have power to provide educational opportunities which shall be suitable for the needs of physically handicapped individuals, including those with speech defects, as the state superintendent of public instruction may designate. Physically handicapped persons

CHAPTER 161.

An act to amend section 2.620 of the School Code, relating to the holding of elections by union or joint union districts to determine the question of becoming a part of a union or joint union high school district.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2.620 of the School Code is hereby amended to read as follows: Sch. Code, p 62.

2.620. If a union or joint union district shall hold an election to determine the question of becoming a part of a union or joint union high school district as provided for in article VIII of chapter VI of this part, and if at such election the union or joint union district shall vote not to become a part of a high school district, then at any time after the election and prior to the first day of the following September any of the districts composing the union or joint union district may hold an election to determine whether or not the district shall become a part of a union or joint union high school district. Elections in union school districts.

CHAPTER 162.

Stats 1915,
p 1225,
amended

An act to add section 19x22 to the juvenile court law, relating to probation officers in counties of the twenty-second class.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

Stats 1921,
p 940
(formerly
Sec 1911)
Humboldt
county
probation
officer

SECTION 1. Section 19x22 is added to the juvenile court law to read as follows:

Sec. 19x22. In counties of the twenty-second class there shall be one probation officer, whose salary shall be one hundred fifty dollars per month.

CHAPTER 163.

An act to amend section 4251 of the Political Code, relating to the salaries and compensation in counties of the twenty-second class.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

Stats 1929,
p 1077
(formerly
Sec 4249)
Humboldt
county
salaries

SECTION 1. Section 4251 of the Political Code is hereby amended to read as follows:

4251. In counties of the twenty-second class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are now allowed said clerk by the United States bureau of naturalization; provided, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: Three deputies at a salary of one hundred fifty dollars per month each, and one stenographer at a salary of one hundred and twenty-five dollars per month and one copyist at a salary of one hundred dollars per month; and one deputy at a salary of one hundred dollars per month; and provided, further, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly

verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors.

2. The sheriff shall receive four thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; five deputy sheriffs, each at a salary of one thousand eight hundred dollars per annum; one matron at a salary of one thousand two hundred dollars per annum; provided, that there is hereby created in counties of the twenty-second class a fund to be known as the "sheriff's special fund" in the sum of one thousand dollars for each fiscal year which shall be available for use by the sheriff for expenses incurred in criminal cases in the detection of crime; and it shall be the duty of the board of supervisors within thirty days after this act takes effect and annually thereafter at the beginning of the fiscal year to transfer from the general fund to the sheriff's special fund such sum as may be necessary so that there shall be in such fund at the beginning of each fiscal year the said sum of one thousand dollars. The sheriff shall file vouchers with the auditor at the end of each fiscal year showing what disposition he has made of any money received from such fund and the particular purpose for which it was spent.

3. The recorder shall receive three thousand three hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder three deputies who shall be appointed by the recorder; one chief deputy who shall be paid two thousand one hundred dollars per annum; one deputy who shall be paid one thousand eight hundred dollars per annum; one deputy who shall be paid one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of all records or papers; provided, that the total amount paid to such copyists shall not exceed one thousand two hundred dollars in any one year, and such copyists shall be paid on presentation and filing with the board of supervisors of said county duly verified claims therefor.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; provided, that the recorder shall file monthly with the auditor

a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

Auditor

4. The auditor shall receive three thousand six hundred dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor; one deputy who shall be paid two thousand one hundred dollars per annum, and one who shall be paid one thousand six hundred twenty dollars per annum, and one who shall be paid one thousand five hundred dollars per annum; and it is further provided, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county by the auditor he shall be allowed the further sum of one hundred dollars; provided, further, that in addition to the duties of the auditor in counties of the twenty-second class as provided by law it shall also be the duty of the auditor to inspect, examine and audit the books and accounts of all township officers charged with the receipt, safe-keeping or disbursement of public moneys, in townships having a population of more than three thousand persons, at least once each month and also to inspect the books and accounts of all other county or township officers in said county charged with the receipt, safe-keeping or disbursement of public moneys as often as in his discretion it may be deemed necessary and to require all persons who have received any money belonging to the county and who have not accounted therefor to settle their accounts. It shall be the duty of the auditor to collect all rentals and franchise fees due the county. The auditor shall establish and maintain a complete budget system of accounts in his office. For the purpose of carrying into effect the additional duties imposed upon the auditor, he shall be allowed an extra deputy at a salary of one thousand eight hundred dollars per annum, who shall perform any and all work required by the auditor. The actual traveling expenses of such deputy, or of the auditor, in making such inspection and audits shall be paid by the county as other county bills are paid. The auditor may provide such additional assistants as he may deem fit, whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum.

Treasurer.

5. The treasurer shall receive three thousand dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum.

Tax collector

6. The tax collector shall receive three thousand dollars per

annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand eight hundred dollars per annum; and there shall be and there hereby is allowed one copyist to the tax collector who shall receive a salary of one thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the tax collector an additional sum of six hundred dollars per annum to be used for extra help as needed, to be paid on presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor.

7. The license collector shall receive ten per cent of all licenses collected by him, and the duties of this office shall be performed by the tax collector. License collector.

8. The assessor, four thousand dollars per annum; provided, that in counties of this class there should be allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum; and such office and field deputies as the assessor may require, whose compensation shall not in the aggregate exceed the sum of fourteen thousand dollars per annum. Said field deputies shall not be allowed a compensation of more than eight dollars per diem; and provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid; said assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties and the expense thereof shall be a charge against the county. It is hereby further provided, that the said assessor shall retain no commissions for the collection of personal property taxes or road poll taxes, but that all such collections shall be paid into the county treasury and become the property of the county; the assessor and deputies shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties outside incorporated cities, but not to exceed in the aggregate five hundred dollars in any one year. Assessor.

9. The district attorney shall receive four thousand eight hundred dollars per annum and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties, and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary District attorney

of three thousand dollars per annum; one deputy to be appointed by him who shall receive a salary of two thousand four hundred dollars per annum, and there is hereby allowed the district attorney one detective to be appointed by him, who shall receive a salary of two thousand four hundred dollars. Said detective shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code. There shall be and there is hereby allowed to the district attorney the sum of not to exceed two thousand one hundred dollars per annum to be used for such clerical and stenographic help as may be needed.

Coroner. 10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Public administrator. 11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Superintendent of schools. 12. The superintendent of schools, three thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand five hundred dollars per annum.

Surveyor. 13. The surveyor shall receive three thousand six hundred dollars per annum and necessary traveling expenses while in the performance of duties of his office; and said surveyor shall devote his entire time during office hours to the work of the county, and is prohibited from engaging in private work within such office hours.

Librarian 13a. The county librarian shall receive two thousand dollars per annum, and shall be allowed actual and necessary traveling expenses.

Supervisor. 14. Each supervisor one thousand eight hundred dollars per annum, and mileage at twenty cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars.

Reporter 15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. One of the official shorthand reporters shall be designated by the judges of the superior court to have general supervision of the work and duties to be performed by the official shorthand reporters in said county. Whenever one reporter shall be appointed to and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of three thousand four hundred dollars per annum.

In addition thereto he shall receive for transcribing notes, the sum of twenty cents per folio for the original, and five cents per folio for all copies thereof.

Justices of the peace 16. In townships having a population of seven thousand or over, two justices of peace shall be elected, and each shall receive a salary of one hundred twenty-five dollars per month.

In townships having a population less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of fifty dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars. Justices' fees.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on dock, per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over three thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. Constables

In all other townships there shall be but one constable, who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit:

(1) For serving summons and complaints, for each defendant served, fifty cents. Constables' fees

(2) For each copy of summons made by him, twenty-five cents.

Constables'
fees.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints and subpoenas, per folio fifteen cents; provided, that when correct copies are furnished by him for use, no charge shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; and the actual cost of the transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; provided, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court, actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the twenty-second class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors were in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors
superior
court

19. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court, in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors
justice's
court.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

Salaries

CHAPTER 164.

Stats 1923,
p. 21.
amended

An act to amend sections 2 and 10 of chapter 16, statutes of 1923, entitled "An act to authorize and control the deposits in banks of moneys belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to the deposit of money belonging to or in the custody of the state.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

Stats 1923,
p. 21.

SECTION 1. Section 2 of chapter 16, statutes of 1923, entitled "An act to authorize and control the deposits in banks of moneys belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," is hereby amended to read as follows:

Disposition
of interest

Sec. 2. The interest to be paid by any such depository bank shall be on the average daily balances of such moneys kept on deposit therewith, and shall be paid and credited to the state monthly on the first day of each and every month. The amounts of such interest shall be reported by such depository bank to the state controller on the first day of each and every month and the state controller shall order such interest paid into the state treasury as a credit to the general fund; provided, that if any moneys belonging to the state school fund or the state school land fund shall at any time be deposited under the provisions of this act, the interest received thereon shall be ordered paid into the state treasury as a credit to the state school fund.

Stats 1923,
p. 21.

SEC. 2. Section 10 of said act is hereby amended to read as follows:

Deposit of
state
moneys

Sec. 10. All moneys belonging to or in the custody of the state under the control of any officer or employee of the state, other than the state treasurer, may be deposited as active deposits in such state or national bank or banks in this state and under such conditions as the state director of finance may fix; provided, this section shall not be construed to repeal or amend any provision of law now requiring officers or employees to make daily, weekly or monthly settlements. Any bank receiving deposit under the provisions of this section may be required to deposit with the state treasurer such security as is hereinbefore provided in the case of active depositaries.

CHAPTER 165.

Stats. 1929.
p. 1728,
amended.

An act to amend section 1 of an act entitled "An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same. for a consideration, to owners and operators of motor

vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith," approved June 15, 1929.

[Approved by the Governor April 15, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of the act cited in the title hereto is hereby amended to read as follows: Stats. 1929,
p 1728.

Section 1. The following words and phrases, when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context of the act clearly indicates that they shall have a different meaning: Definitions

"Commissioner." The commissioner of insurance of the State of California or his assistants or deputies or other persons authorized to act for him.

"Company." Any person, firm, copartnership, company, association or corporation engaged in selling, furnishing or procuring, either as principal or agent, for a consideration, motor club service as herein defined

"Agent." Whoever solicits the purchase of service contracts, as herein defined, or transmits for another any such contract or application therefor to or from the company, or acts or aids in any manner in the delivery or negotiation of any such contract, or of the renewal or continuance thereof.

"Towing service." Any act or acts by a company, as herein defined, consisting of the drafting or moving of a motor vehicle from one place to another under other than its own power.

"Emergency road service." Any act or acts by a company, as herein defined, consisting of the adjustment, repair or replacement of the equipment, tires or mechanical parts of an automobile so as to permit it to be operated under its own power.

"Insurance service." Any act or acts by a company, as herein defined, consisting of the selling or giving with a service contract, as herein defined, or as a result of membership in or affiliation with a company, as herein defined, a policy of insurance covering liability or loss by the holder of a service contract with any such company as the result of injury or damage to the person or property of such service contract holder or to any other person following an accident resulting from the ownership, maintenance, operation or use of a motor vehicle.

"Bail bond service." Any act or acts by a company, as herein defined, the purpose of which is to furnish or procure for any person accused of violation of any law of this state a cash deposit, bond or other undertaking required by law in order that the accused might enjoy his personal freedom pending trial.

"Discount service." Any act or acts by a company, as herein defined, resulting in the giving of special discounts,

Definitions rebates or reductions of price on gasoline, oil, repairs, insurance, parts, accessories or service for motor vehicles, to holders of service contracts with any such company.

“Financial service.” Any act or acts by a company, as herein defined, whereby loans or other advances of money, with or without security, are made to holders of service contracts with any such company.

“Buying and selling service.” Any act or acts by a company, as herein defined, whereby the holder of a service contract with any such company is aided in any way in the purchase or sale of an automobile.

“Theft service.” Any act or acts by a company, as herein defined, the purpose of which is to locate, identify or recover a motor vehicle owned or controlled by the holder of a service contract with any such company which has been or may be stolen or to detect or apprehend the person guilty of such theft.

“Map service.” Any act or acts by a company, as herein defined, by which road maps are furnished without cost to holders of service contracts with any such company.

“Touring service.” Any act or acts by a company, as herein defined, by which touring information is furnished without cost to holders of service contracts with any such company.

“Motor club service.” The rendering, furnishing or procuring of towing service, emergency road service, insurance service, bail bond service, discount service, financial service, buying and selling service, theft service, map service and touring service, or any one or more thereof, as herein defined, to any person or persons in connection with the ownership, operation, use or maintenance of a motor vehicle by such other person or persons in consideration of such other person or persons being or becoming a member or members of any company, rendering, procuring or furnishing the same, or being or becoming in any manner affiliated therewith, or being or becoming entitled to receive membership or other motor club service therefrom by virtue of any agreement or understanding with any such company.

“Service contract.” Any written agreement whereby any company, as herein defined, for a consideration promises to render, furnish or procure for any other person or persons, whether they be members of such company or otherwise, motor club service, as herein defined.

“Claim adjustment service.” Any act or acts by the company, the purpose of which is to adjust claims for the holder of a service contract with any such company, as the result of injury or damage to the person or property of such service contract holder or to any other person, following an accident resulting from the ownership, maintenance, operation and use of a motor vehicle.

CHAPTER 166.

An act to amend the California irrigation district act by amending sections 35, 37, 38, 41 and 78 thereof, relating to assessments and exclusion of land, and by adding two new sections thereto to be numbered 35b and 35c, relating to assessments. Stats 1897. p 254. amended

[Approved by the Governor April 16, 1931. In effect August 14, 1931]

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

SECTION 1. Section 35 of the California irrigation district act is hereby amended to read as follows: Stats 1917. p 764

Sec. 35. The assessor must, between the first Monday in March and the first Monday in June, in each year, assess all land in the district, which shall include city and town lots, to the persons who own, claim or have possession or control thereof, at its full cash value, as follows: He must prepare an assessment book with appropriate headings, in which must be listed all such property within the district, giving: (1) the name of the person to whom the property is assessed, and if the name is not known to the assessor, the property shall be assessed to "unknown owners"; (2) a description of the land sufficient to identify it, with an estimate of the number of acres, except in the case of city or town lots; (3) the cash value of the land. A column or columns with the headings "Lot" and "Block" or either of them may be provided for the designation of the lots and blocks, or either of them, in any city or town or recorded subdivision. If any land in the district is subject to a different rate of assessment from the other lands in the district it shall be separately designated and described. Said book shall also contain a column for showing the valuations after equalization by the board of directors, and shall be arranged to show such other facts as the board of directors may require. Improvements on any land within the districts shall be exempt from assessment for any of the purposes mentioned in this act. The term improvements as used in this section includes trees, vines, alfalfa and all growing crops and all buildings and structures of whatever class or description. Duty of assessor Assessment book.

SEC 2 A new section is hereby added to said act, to be numbered 35b to read as follows: New section

Sec. 35b. Any land which may have escaped the payment of any assessment, whether because of the omission of the land from the assessment book or because of illegality in the levying thereof or any proceedings relating thereto, shall, in addition to its assessment for the then current year, be entered in the assessment book by the assessor at the valuation which he may deem proper for the year of the escaped assessment. Such additional assessment shall be subject to equalization as is provided in this act for the current assessment, and at the Omitted assessments

time of levying the assessment for the current year the board of directors of the district shall levy on said land an assessment at the rate fixed in the year of the escaped assessment, or, if no rate was legally fixed in that year, the board shall levy an assessment on said land at the rate which should have been computed in that year to raise the amount of money then required by the district. Any such additional assessment shall be payable at the same time or times as the current assessment, and if not paid, shall be subject to like penalties and proceedings to enforce its collection.

New section

SEC. 3. A new section is hereby added to said act, to be numbered 35c and to read as follows:

**Assessments.
special rate**

Sec. 35c. Anyone having an interest in any land within the district may file with the secretary of the board of directors a verified petition, alleging that said land, or some described portion thereof, was, when it became a part of the district, irrigated from another system of works than the works of or proposed for the district and has continued ever since to be exclusively so irrigated and is entitled to a special rate of assessment, and praying the board to determine what proportion or part of the regular rates of assessment in the district should be used in levying assessments on the land described

Hearing

in the petition. The board shall set a time and place for the hearing of said petition, or of all of the petitions so filed if more than one has been filed, and shall cause notice thereof to be given in a newspaper published in the county wherein the office of the district is located. The notice shall state that a petition has been, or petitions have been presented to the board praying for a determination that certain lands described therein, but which need not be described in the notice, are entitled to a special rate or rates of assessment and giving the names of the petitioner, or petitioners, and the time and place set for the hearing. The board shall meet at the time and place so set and proceed in such order as it may deem proper, to hear the petition or petitions and shall hear all competent and relevant evidence offered in support of any petition or in opposition thereto, and may adjourn the hearing from time to time. A fee of ten dollars must be paid to the secretary before the filing of any such petition, and the money shall be applied to the cost of the publication of the notice and other expenses of the hearing. If there shall be any balance after the conclusion of the hearing, it shall be returned to the petitioner or divided among the petitioners contributing thereto in proportion to the respective areas described in their petitions. After the conclusion of the hearing, if the board shall find that any of the land described in any petition or petitions has been irrigated as alleged and is not and will not be so benefited by the operations of the district as to justify its assessment at the same rate as other lands in the district not so irrigated, which rate may be referred to as the regular rate of assessment, the board shall, in an order or resolution

Fee.

which shall be entered in full upon its minutes, describe the land entitled to a special rate of assessment, or the respective parcels thereof if separate parcels are to be assessed, and shall determine and fix the proportion or part of the regular rate of assessment which shall be applied in levying assessments on said land, or on each parcel thereof if various parcels are found to be entitled to different special rates, in order that the assessments to be levied on said land may be in accordance with the benefits which it receives or will receive from the operations of the district. If the board shall determine that any land is entitled to a special rate of assessment, a certified copy of the order or resolution so determining shall be delivered to the assessor, and thereafter, until notified of a change in such determination, he shall enter the land described therein separately in the assessment book and so designate it that it may readily be distinguished from other land not entitled to a special rate. If such a determination is made in any year too late for the land to be separately described in the assessment book, but before the annual assessment has been levied, the board shall direct the secretary to make such entries in the assessment book as will enable him to compute the assessments at the special rate or rates determined by the board. If the board shall have determined that any land is entitled to a special rate of assessment, the rates of assessment in the district shall be so computed as to be sufficient to produce the sum to be raised after deducting fifteen per cent from the assessed valuation as provided in section 60 of this act. The determination of the board with respect to any land after a hearing as aforesaid shall not be changed unless the board, on petition of a party affected, shall consent to another hearing, or on its own motion shall cause notice to be served on the owner of the land to show cause why the determination should not be changed, in either of which cases another hearing shall be advertised and held as hereinabove provided.

SEC 4. Section 37 of said act is hereby amended to read Stats 1897.
p. 254. as follows:

Sec. 37 On or before the first Monday in August in each year, the assessor must complete his assessment book, and deliver it to the secretary of the board, who must immediately give notice thereof, and of the time when the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication at least two times in a newspaper published in the county in which the office of the district is located, and if the district includes land in more than one county, then said notice shall be published at least two times in a newspaper in each county in which any portion of the district is situated. Said notice or notices shall be first published at least twenty days and not more than thirty days before the time fixed for said meeting. Failure so to publish such notice in any county other than that in which the office of the district is located shall not affect the validity Equalization
of assess-
ments.

of any assessment on land in a county in which notice was published as herein provided. In the meantime the assessment book must remain in the office of the secretary for the inspection of all persons interested.

Stats 1897,
p 254.

SEC 5 Section 38 of said act is hereby amended to read as follows:

Hearing

Sec. 38. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from time to time, as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation, acreage, or any matter pertaining to the assessment as may come before them; and the board may make such changes thereof as may be just. The secretary of the board shall be present during its session, and make all changes ordered in the assessment book; and within ten days after the close of the session he shall have the total values, as finally equalized by the board, extended into columns and added

Stats 1929,
p 1170

SEC 6 Section 41 of said act is hereby amended to read as follows:

Notice.

Sec. 41. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall within twenty days start the publication of a notice that said assessments are due and payable and will become delinquent at six o'clock p.m. on the last Monday of December next thereafter, except as provided in section 41c hereof, and that unless paid prior thereto ten per cent of the amount thereof will be added as a penalty for delinquency. Said notice shall also state the time and place at which payment of assessments may be made. Said notice shall be published at least two times; to wit, once a week for two successive weeks, in a newspaper published in the county in which the office of the district is located, and if the district includes land in more than one county, then said notice shall be published as aforesaid in a newspaper in each county in which any portion of the district is situated. Failure to publish notice as aforesaid in any county other than that in which the office of the district is located shall not affect any assessment on land in a county in which notice was published as herein required. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the last Monday in December at six o'clock p.m. of each year, except as provided in section 41c hereof, all unpaid assessments are delinquent and thereafter the collector must collect thereon, for the use of the district, an addition of ten per cent of the amount thereof as a penalty for delinquency.

Penalty.

SEC. 5. Section 78 of said act is hereby amended to read as follows: Stats. 1915,
p. 836.

Sec. 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; provided, that it shall be the duty of said board to order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom which in the judgment of the board will not be benefited by the operations of the district. Exclusion
of lands.

CHAPTER 167.

An act to add a new section to the Penal Code to be numbered section 347b, relating to the sale and use of any alcoholic solution of a potable nature containing any deleterious or poisonous substance, and declaring the urgency thereof.

[Approved by the Governor April 16, 1931. In effect immediately.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered section 347b and to read as follows: New section.

347b. It shall be unlawful for any person, firm or corporation to manufacture, sell, furnish, or give away, or offer to manufacture, sell, furnish, or give away any alcoholic solution of a potable nature containing any deleterious or poisonous substance, and the burden of proof shall be upon the person, firm, or corporation manufacturing, selling, furnishing, or giving away, or offering to manufacture, sell, furnish, or give away, any such alcoholic solution of a potable nature containing any deleterious or poisonous substance, to show that such alcoholic solution of a potable nature did not contain any deleterious or poisonous substance. Every person who violates any of the provisions of this section is guilty of a misdemeanor, Poisonous
alcoholic
solutions.

Penalty.

and shall be punished by a fine of not less than five hundred dollars or more than two thousand dollars or by imprisonment for not less than thirty days or more than two years, or by both such fine and imprisonment.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of facts constituting such urgency: During the month of February, 1931, a total of two hundred cases of paralysis and two deaths have resulted in Los Angeles county alone from the use, for beverage purposes, of the alcoholic solutions of a potable nature containing deleterious or poisonous substances. There are no penal statutes of this state which control the sale of said alcoholic solutions and it is necessary that immediate action be taken to prevent their improper use in order to prevent further loss of life and to protect the health of the public.

CHAPTER 168.

An act providing for the granting of franchises in counties or cities and counties for the disposal or destruction, or both, of garbage and other waste, and declaring same an urgency measure.

[Approved by the Governor April 17, 1931. In effect immediately.]

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

Franchise for
garbage
disposal

SECTION 1. Franchise by legislative body. Every franchise or privilege for the disposal or destruction, or both, of garbage, waste, offal and debris, shall be granted by the legislative body of any county or city and county under the terms and conditions in this act provided, and not otherwise.

Bids.

SEC. 2. Best bid may be called for. Any such governmental subdivision may, by resolution of its legislative body, call for bids for the granting of a franchise, exclusive or otherwise, for the disposal or destruction, or both, of garbage, waste, offal and debris, according to the terms and conditions set forth in such resolution, for a period of time not to exceed twenty-five years. Thereafter said legislative body shall cause to be published once a week for two successive weeks a notice which shall set forth all of the terms and conditions embraced in said resolution and the time, date and place for the receiving and opening of sealed bids, which shall not be sooner than four full weeks from date of the first publication of said notice. Upon examination by the legislative body of said bids, the franchise may be awarded to the best bidder. Said legislative body may postpone the granting of said franchise from time to time until said legislative body shall have

had a full and complete opportunity to examine into the merits of each bid.

SEC. 3. Bond. The successful bidder shall file with the said legislative body, upon grant of the franchise, a bond running to the governmental subdivision in an amount and under such terms and conditions as may be prescribed by said legislative body. Bond.

SEC. 4. Grantor may impose additional terms. The grantor may, in such resolution and advertised notice, impose terms and conditions other than those mentioned herein so long as they shall not be in conflict with the provisions hereof. Additional terms.

SEC. 5. Grantee's terms. The grantee may in his franchise bid set forth such propositions, terms and conditions as he may desire to offer, or receive the benefit from, which may be in addition to, or in conflict with, those mentioned in the resolution or advertised notice calling for bids, so long as they shall not be in conflict with the provisions hereof. Grantee's terms.

SEC. 6. Repeal. The provisions of any law in conflict with this act are to that extent hereby repealed. Repeal.

SEC. 7. Constitutionality of act. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases may be declared unconstitutional. Constitutionality.

SEC. 8. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public health and safety, within the meaning of section 1 of article four of the constitution of the State of California, and as such it shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency.

There exist in several parts of the state inadequate facilities for the disposal or destruction of garbage, waste, offal and debris, a condition which is needful of immediate remedy, and requires action on the part of the legislative bodies of governmental subdivisions herein mentioned to take such steps, as are authorized by the provisions of this act, as will immediately correct this condition.

CHAPTER 169.

An act to amend section 14 and section 21 of chapter 228, statutes of 1923, entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of

Stats. 1923.
p. 452.
amended

taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, as amended, relating to bridge and highway districts; and declaring this act to be an urgency measure.

[Approved by the Governor April 21, 1931. In effect immediately.]

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

Stats. 1923,
p. 452.

SECTION 1. Section 14 of the act of the Legislature of the State of California entitled, "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, as amended, is hereby amended to read as follows:

Taxes.

Sec. 14. The board of directors shall in the month of July of each year determine the amount necessary to be raised by taxation, and shall fix a rate of taxes to be levied which will raise the amount of money required by the district, not exceeding, however, the rate of ten cents on each one hundred dollars of assessed valuation when the purpose of such taxes is to supply funds for investigating the project prior to the issuance of bonds and the payment of the officers and employees of the district prior to the time when the works of the district are earning revenue: provided, however, that all running expenses of the district prior to the time the works of the district are earning revenue, being a part of the cost of constructing and/or acquiring the works, may be paid from the proceeds of the bonds, and within a reasonable time previous to the time when the boards of supervisors are required by law to fix their tax rates, to certify to the boards of supervisors of each county within the district, or having a portion of its territory within the district, the rates so fixed with a direction that at the time and in the manner required by law for the levying of taxes for county purposes such board of supervisors shall levy and collect a tax in addition to such other tax as may be levied by such board of supervisors at the rate so fixed and determined, and it is made the duty of the officer or body having authority to levy taxes within each county or city and county to levy the tax so required, and it shall be the duty of all county or city and county officials charged with the duty of collecting taxes to collect such taxes in the time, form and manner as county or city and county taxes are collected, and when collected to pay the same to the district ordering its levy and collection, and such payments shall be made through the secretary of the district, and paid into the depository thereof, or into the state treasury

to the credit of the district. Such taxes shall be a lien upon ^{Lien.} all property within the territory comprising the district, and of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for county taxes; provided, that no taxes shall be levied by the board under the provisions of this section for the purpose of carrying out new projects after the original project for which the district was formed has been completed.

SEC. 2. Section 21 of said act is hereby amended to read ^{Stats. 1925,} as follows: _{p. 720.}

Sec. 21. (a) Interest during construction. At or before ^{Interest during construction.} the time of issuing any bonds the board of directors shall estimate (1) the total cost of constructing and/or acquiring the works for which such bonds are to be issued, (2) the period of construction of such work and (3) the amount of bonds which will be required to pay such total estimated cost and to pay interest on the bonds during such estimated period of construction and six months thereafter. No bonds shall be issued if such estimated amount of bonds required to pay such estimated cost and interest shall exceed the total amount of bonds authorized to be issued as provided in this act; provided, however, that no error or informality in such estimate shall invalidate any bonds of the districts; and provided further that if such estimated amount of bonds required to pay such estimated cost and interest shall exceed the total amount of bonds theretofore authorized, the board of directors may in their discretion submit to the electors of the district as provided in this act the proposition of authorizing additional bonds for the purpose aforesaid. Bonds may be issued at any time or from time to time and shall be issued in such amount or amounts not exceeding the total amount of bonds authorized as will produce a sum sufficient to pay the cost of constructing and/or acquiring such works and interest on the bonds so issued during the period of construction and six months thereafter; provided, however, that failure to issue the full amount of bonds herein specified shall not invalidate any bonds of the district. If during the month of July next preceding the ^{Tax.} expiration of the period so estimated for the construction of the works it shall appear to the board of directors that the construction of the works is likely to be delayed beyond the period so estimated the board shall estimate the period of such delay and cause a tax to be levied and collected in the manner provided in section 14 hereof sufficient to produce the amount required to pay one year's interest on the bonds or, if such estimated period of delay shall be less than one year, the amount required to pay the interest which will accrue on the bonds during such estimated period of delay, and provided, further, that the amount of such tax shall be reduced to the extent that the district has funds on hand and available for the purpose of paying such interest.

Surplus
of bond
proceeds

(b) Surplus of bond proceeds. If there shall remain a surplus of the proceeds of bonds issued by the district, including premium, if any, after paying the cost of constructing and/or acquiring such works and interest on the bonds during the actual period of construction and for a period of six months thereafter, there shall be set aside out of such surplus in a reserve interest fund an amount equal to one year's interest on the bonds, or, if such surplus shall be less than one year's interest on the bonds, all of such surplus shall be so set aside. Such fund shall be deposited as other funds of the district or invested in securities which are or may hereafter be made legal for the security of public funds when deposited in banks, and shall be used solely for the payment of interest on such bonds whenever there shall be a deficit in the revenues of the works and only to the extent of such deficit. If such surplus shall exceed one year's interest on the bonds, the balance shall be placed in the fund for the payment of such bonds.

Pledge of
revenues

(c) Pledge of revenues. The board of directors shall in each fiscal year set aside in separate funds out of the revenues of the works sufficient sums

- (1) To pay the operating expenses of the district,
- (2) To provide for repairs and depreciation of the works,
- (3) To pay the interest of such bonds as it becomes due, and
- (4) To provide a sinking or other fund for the payment of such bonds as they become due, and the revenues of the works are hereby pledged to such purposes.

Revenues.
deficit.

(d) Provisions for deficit of revenues. For the purpose of paying the principal or interest of bonds due or to become due within four months, and not otherwise adequately provided for, the district may borrow money in anticipation of the receipt of either the revenues and taxes of the fiscal year in which the loan is made or the revenues and taxes of the next succeeding fiscal year, and such loan shall be payable not later than the end of such next succeeding fiscal year. Negotiable notes shall be issued for all money so borrowed, which notes may be renewed from time to time, and money may be borrowed upon new notes from time to time after the payment of any indebtedness evidenced thereby; but all such notes and loans shall mature within the time limited for the payment of the original loan. No money shall be so borrowed at a rate of interest exceeding the maximum rate permitted by law. Such notes may be disposed of in such manner as the board of directors may determine. All such notes shall be authorized by a resolution of the board of directors, which shall fix the actual or maximum face amount of the notes, the actual or maximum rate of interest to be paid upon the amount borrowed and the actual or approximate maturity of the notes. The form and manner of execution of such notes shall be determined by the board of directors.

Notes.

After the expiration of the period which was estimated, as above provided, before the issuance of any bonds as the period

for the construction of the works, the board of directors shall, in the month of July in each year, cause a tax to be levied and collected in the manner provided in section 14 in an amount, after deducting any available and applicable moneys on hand (but in no event moneys in the reserve interest fund) and the estimated amount of revenues of the works for the ensuing twelve months, such estimated amount not to exceed the actual revenues for the preceding twelve months (or, if the works shall not have been in operation for as long as twelve months, not to exceed an amount computed on the basis of the average daily revenues for such lesser period), sufficient to produce the sums required by paragraph (c) of this section to be set aside into separate funds, as well as any deficit in such funds and the principal and interest of any outstanding revenue and tax anticipation notes; provided, however, that until the construction of the works is completed it shall not be necessary to levy a tax to provide for repairs and depreciation of the works.

The taxes herein required to be levied and collected shall be ^{Taxes.} in addition to all other taxes levied for county or city and county purposes, and all taxable property of the district shall be and remain liable to be taxed as herein provided until the entire principal and interest of the bonded indebtedness of the district has been paid in full.

(e) Surplus of revenues. To the extent, if any, that the revenues of the works for any fiscal year shall contain a surplus over and above an amount sufficient to provide the sums required to be set aside out of such revenues as hereinabove provided and the amount of any deficit of revenues for any preceding fiscal year and a sum equal to the estimated operating expenses of the district and repairs of the works for the ensuing six months, there shall be set aside out of such surplus and deposited in the reserve interest fund a sum equal to one year's interest on the bonds then outstanding less the amount already contained in such reserve interest fund. Any remainder of such surplus shall be divided by the board of directors and apportioned to each county or city and county within the district in the proportion which the assessed value of property within such county, city and county, or part of a county within the district bears to the total assessed value of property within the district; in case a part only of a county is located within the district, the amount so apportioned to such county shall be deemed a partial payment of county taxes for the current or next succeeding year upon property situate within that portion of the district which lies within such county, and be credited pro rata against such taxes. ^{Surplus of revenues.}

(f) Miscellaneous. Prior to the preparation of definitive ^{Temporary bonds.} bonds the board may issue temporary bonds under the same restrictions imposed as to definitive bonds, with or without coupons and in any denomination or denominations, which temporary bonds shall be exchangeable for definitive bonds upon the issuance of the latter. If, after any bond has been

duly signed by any officer or officers thereunto authorized, such officer or officers shall cease to hold such office, such bond may nevertheless be delivered with like effect as if the same had been signed by the one or more holding such office or offices at the time of delivery. The bonds may be made registerable as to principal alone or as to both principal and interest under such terms and conditions as may be fixed by the board prior to the issuance thereof. The board is authorized to purchase any bonds from moneys in the sinking or other fund for the payment of bonds, at not more than the par value thereof. All bonds so purchased shall be canceled and shall not again be issued.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure within the meaning of section 1 of article four of the constitution of the State of California, and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The following is a statement of the facts constituting such urgency: The population of this state and the traffic on the highways thereof are very rapidly increasing and in all probability will in the future continue to so increase. The facilities for transportation in this state are inadequate for the needs of the population thereof and such increased traffic, and it is essential that such facilities be immediately increased and improved by the construction of bridges and other works by bridge and highway districts; and unless such bridges and other works are constructed in the near future the public health and safety will be endangered due to congestion of traffic on existing roads and highways in said state. Moreover, there are at the present time a large number of persons in the State of California who are unemployed and who are without means of livelihood. The construction of bridges and other works by bridge and highway districts of this state will furnish work for a large number of such persons and prevent them from becoming public charges. If the provisions of this act become a law immediately, the sale by such bridge and highway districts of their securities will be furthered and they will thereby be enabled to obtain without delay the necessary funds for the construction of such bridges and works and for the employment of a large number of persons hereinabove mentioned who are now without employment, and said districts will also be materially aided in securing bids from contractors and others for the construction of such bridges and works and for the supplying of materials therefor.

CHAPTER 170.

An act to amend section 365d of the Political Code, relating to highways.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 365d of the Political Code is hereby amended to read as follows: Stats 1925,
p. 381.

365d. The California highway commission shall take and have full possession and control of all roads and highways which have been declared and adopted state roads and state highways and all state roads and state highways which may hereafter be acquired or constructed. Said commission is hereby granted the power to acquire rights of way, also to alter or change the route of any road and to abandon any portion thereof, under its jurisdiction when in its opinion such abandonment shall be necessary or advisable, by reason of alteration or revision in alignment of portions of routes of state roads or highways, or shall be for the best interests of the state. Said commission may also abandon any lands or parts thereof or rights in lands which have been taken or acquired by the state for state road or highway purposes. Said abandonment shall be by resolution adopted by such California highway commission and a copy of such resolution may be recorded in the office of the county recorder of the county where such route or land to be abandoned is located, without acknowledgment, certificate of acknowledgment or further proof, and no fee shall be charged for such recording by said county recorder, and thereupon the title to the land so abandoned shall revert to the owner of the fee. Said commission is further empowered to relinquish to any county, city, or city and county, any portion of any state road or highway within said county, city, or city and county, with the consent of the board of supervisors of such county or city and county or governing body of such city and thereupon the title to said portion of said road or highway so relinquished shall revert to said county, city or city and county, as a county road or city street as the case may be. California
highway
commission.

Rights
of way.

Said California highway commission is hereby directed to maintain all traversable roads which now are or that may be hereafter included in the state highway system, and said commission is expressly authorized to do any and all things necessary or proper for the erection, construction, maintenance, management and control of all roads, highways and other properties which are now or hereafter may be placed under its control, including the construction and maintenance of detour roads, and subject to the approval of the board of control, the purchasing, leasing, renting or otherwise obtaining all tools, implements and supplies which it shall Maintenance
of roads.

deem necessary or proper for the performance of the duties imposed upon it by law.

Markers

It shall be the duty of the state highway commission with respect to state highways and local authorities with respect to streets and highways under their jurisdiction, to keep in repair or cause to be kept in repair, all objects or markers adjacent to a public highway which have been erected to mark registered historical places and to keep such markers free from all vegetation which may obscure them from view.

Signs.

It shall be the duty of the commission or local authorities to erect and maintain or cause to be erected and maintained upon the public highways suitable signs of statewide uniform type indicating the direction and distance to all state registered landmarks of historical interest not adjacent to and visible from a state highway. Such signs shall be placed to properly direct motorists from the state highway to such registered landmarks over the most direct and best route.

CHAPTER 171.

**Stats. 1897,
p. 254,
amended.**

An act to amend section 55 of the California irrigation district act, relating to tolls and charges for water.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

**Stats. 1927,
p. 205.**

SECTION 1. Section 55 of the California irrigation district act is hereby amended to read as follows:

**Charges
for water.**

Sec. 55. For any of the purposes of this act, or of any act supplementary hereto, the board of directors of any irrigation district may, in lieu (either in whole or in part) of levying assessments as herein provided, fix and collect rates of tolls or charges for the use of water which may include a stand-by or carrying charge notwithstanding the water is not actually used, or any other public use of which the district is in charge, under such reasonable rules and regulations as the board may prescribe, which may provide, in the case of water for irrigation, that tolls or charges will be payable only in case of the delivery of water in excess of a specified quantity per unit of land.

CHAPTER 172.

An act to amend sections 61b and 61c of the California irrigation district act, relating to the acquiring of property and the exchange of bonds therefor and the judicial determination of the legality of such bonds.

Stats 1897,
p. 254,
amended.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 61b of the California irrigation district act is hereby amended to read as follows:

Stats 1917,
p. 769

Sec. 61b. The board of directors of irrigation districts may acquire, by purchase or condemnation, the irrigation system, canals and works through which lands in such districts have been or may be supplied with water for irrigation, or other property necessary or proper for the purposes of the district, and may exchange bonds of such irrigation district for such system or canals or works or other property or for any portion thereof, or for any interest therein or for the capital stock of any corporation owning such system or other property or any portion thereof, upon such terms and conditions as the said board of directors may deem best. Such irrigation system, canals and works or other property necessary for the purposes of the district may be acquired and held subject to any liens, incumbrances or obligations thereon at the time of such acquiring.

Purchase of
irrigation
works.

SEC. 2. Section 61c of the California irrigation district act is hereby amended to read as follows:

Stats. 1915,
p 1291.

Sec. 61c Where the board of directors of an irrigation district have exchanged bonds or have agreed to exchange bonds for property rights in any irrigation system or works or other property or for any interest therein under the provisions of section 61b of this act, the court shall, in any proceeding brought under the provisions of section 68 of this act, by its decree determine the validity of all bonds issued or to be issued under any contract or contracts for the exchange of bonds for property interests and by its decree shall determine whether the bonds provided for in said contracts, when delivered to the person or corporation entitled thereto under the terms of any such contract, shall constitute valid obligations of said irrigation district as against all persons.

Validity
of bonds.

CHAPTER 173.

An act to amend sections 3.625, 3.632 and 3.634 of the School Code, relating to home instructors for physically handicapped persons.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

Sch. Code,
p. 135

Instruction
for
physically
handicapped
persons.

SECTION 1. Section 3.625 of the School Code is hereby amended to read as follows:

3.625. The instruction of physically handicapped individuals may be provided through special classes or through the employment of home instructors, and by any other method or methods approved by the state department of education. For those with defective or diminished vision, sight saving classes may be organized in addition to any other methods used.

Sch. Code,
p. 136.

Average
daily
attendance

SEC. 2. Section 3.632 of the School Code is hereby amended to read as follows:

3.632. Physically handicapped pupils instructed by home instructors or through the cooperation of the rehabilitation division of the state board of education shall have their average daily attendance recorded, and this attendance shall be reported with the attendance of other physically handicapped pupils as hereinafter provided.

Sch. Code,
p. 136

Computation

SEC. 3. Section 3.634 of the School Code is hereby amended to read as follows:

3.634. The average daily attendance of pupils instructed by home instructors shall be found in the following manner: Whenever a home instructor is employed to give instruction to physically handicapped pupils as provided in this article such instructor shall keep a record of the number of sixty-minute hours devoted to such work, and the units of average daily attendance for such pupils shall be construed to be the quotient arising from dividing the total number of hours devoted to such work by the number of days school was actually taught in the regular day schools of the district during said year.

CHAPTER 174.

An act establishing and validating the organization and existence of irrigation districts.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

Validation
of irrigation
districts

SECTION 1. In case the board of supervisors of any county in this state has heretofore declared any territory to be organized as an irrigation district under the California irrigation

district act and has designated a name for such district and has declared certain persons elected as the officers thereof, and the persons declared elected as directors thereof have organized as a board and said board has acted as the board of directors of such district for at least one year before this act takes effect, all acts and proceedings of such board of supervisors and of all public officers in or in connection with the organization of such district are hereby validated, confirmed and declared sufficient and such district is hereby recognized and established as an irrigation district with the name designated by said board of supervisors and with the boundaries established by said board of supervisors or with such modifications of said boundaries as may have been made by order of the board of directors of such district on petition or petitions for the inclusion of land therein or the exclusion of land therefrom.

CHAPTER 175.

An act to repeal chapter 264 of the statutes of 1905, approved March 18, 1905, as amended, entitled "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor." Stats 1905, p. 235, repealed

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

SECTION 1. Chapter 264, statutes of 1905, as amended, Repeal. entitled "An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making the appropriation therefor," is hereby repealed.

CHAPTER 176.

An act to amend section 7 of an act entitled "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery Stats 1921, p. 1191, amended

products and fixing penalties for violation of the provisions thereof," approved June 2, 1921, relating to the handling and sale of bread.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

Stats. 1921.
p 1191.

SECTION 1. Section 7 of an act entitled "An act regulating the sanitary conditions of bakeries, prescribing conditions connected with the manufacture and sale of bakery products and fixing penalties for violation of the provisions thereof," approved June 2, 1921, is hereby amended to read as follows:

Sale of
bakery
products

Sec. 7. All handling or sale of bread or other bakery products and all practices connected therewith shall be conducted at all times so as to prevent the distribution of contamination or disease among consumers, so as to prevent the distribution of the infection in bread commonly known as "rope" or other bakery infections. No bakery products other than hearth-baked bread and rolls, except as hereinafter provided shall be returned from any consumer or other purchaser to the dealer or baker nor from any dealer to the baker, and no baker or dealer shall directly or indirectly accept any returns or make any exchange of bakery products other than hearth-baked bread and rolls from any dealer, restaurant or hotel-keeper, consumer or any other person and all bread and all other bakery products shall be kept moving to the consumer in as direct a line as may be practicable and without unreasonable delay and without any exchange, return or practice whatsoever which may disseminate contamination, disease or fraud among consumers or infection among bakeshops. The state board of health shall make such reasonable rules as may be necessary for carrying into effect the foregoing provisions of this section; provided, that this section shall not be construed to apply to such bakery products where the product is so packed or sealed in a wrapper or container at the place of production as to fully protect the freshness and wholesomeness of the product and to protect it from contamination, adulteration, deterioration and fraud in the channels of trade and which remains in the original unbroken package in which such bakery product has been packed; provided, further, that the state board of health may by rules establish such exemptions as may be necessary to facilitate the sale of any accumulated or unsold stocks of wholesome bread or other bakery products, but any such exemptions or sales shall not be in violation of the expressed purposes of this section.

Return

Wrapped
products.

CHAPTER 177.

An act to add to the Penal Code a new section numbered 438, relating to taxation of transportation companies and passenger stage corporations.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

SECTION 1. A new section numbered 438 is hereby added New section. to the Penal Code to read as follows:

438. Any company mentioned in section 3664aa of the Tax receipts. Political Code that owns, operates or manages any automobile, truck or auto truck, jitney bus or auto stage and fails, at any time during the year for or in respect to which the tax is paid, to keep at its principal office in this state and available for inspection by the state board of equalization and the railroad commission or any authorized representative of either thereof, all receipts for taxes paid by such company or corporation under or pursuant to the provisions of section 3664aa Penalty of the Political Code is guilty of a misdemeanor.

CHAPTER 178.

An act to amend section 19x15 of the juvenile court law, relating to probation officers in counties of the fifteenth class. Stats. 1915, p. 1225, amended.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 19x15 of the juvenile court law is Stats. 1921, p. 1079 (formerly Sec. 19x21). amended to read as follows:

19x15. In counties of the fifteenth class there shall be one San Mateo county probation officer probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, one hundred seventy-five dollars per month; assistant probation officer, seventy-five dollars per month.

CHAPTER 179.

An act to amend section 2322r15 of the Political Code, relating to the office of agricultural commissioner in counties of the fifteenth class.

[Approved by the Governor April 21, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 1883
(formerly
Sec.
2322r21).
San Mateo
county;
agricultural
commis-
sioner.

SECTION 1. Section 2322x15 of the Political Code is amended to read as follows:

2322x15. In counties of the fifteenth class, the commissioner shall receive a salary of two thousand seven hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a monthly salary of one hundred dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand four hundred dollars.

CHAPTER 180.

An act to amend section 78 of the Political Code, relating to senatorial and assembly districts.

[Approved by the Governor April 22, 1931. In effect August 14, 1931.]

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

Stats 1927,
p. 1757.

SECTION 1. Section 78 of the Political Code is hereby amended to read as follows:

78. The state is divided into forty senatorial and eighty assembly districts, which shall be designated and constituted as follows:

SENATORIAL DISTRICTS.

Senatorial
districts.

1. The counties of Modoc, Lassen and Plumas shall constitute the first senatorial district.

2. The counties of Del Norte and Siskiyou shall constitute the second senatorial district.

3. The county of Humboldt shall constitute the third senatorial district.

4. The counties of Mendocino and Lake shall constitute the fourth senatorial district.

5. The counties of Trinity and Shasta shall constitute the fifth senatorial district.

6. The county of Butte shall constitute the sixth senatorial district.

7. The counties of Sierra, Nevada and Placer shall constitute the seventh senatorial district. Senatorial districts.
8. The counties of Tehama, Glenn and Colusa shall constitute the eighth senatorial district.
9. The counties of El Dorado, Amador and Alpine shall constitute the ninth senatorial district.
10. The counties of Yuba and Sutter shall constitute the tenth senatorial district.
11. The counties of Napa and Yolo shall constitute the eleventh senatorial district.
12. The county of Sonoma shall constitute the twelfth senatorial district.
13. The county of Marin shall constitute the thirteenth senatorial district.
14. The city and county of San Francisco shall constitute the fourteenth senatorial district.
15. The county of Solano shall constitute the fifteenth senatorial district.
16. The county of Alameda shall constitute the sixteenth senatorial district.
17. The county of Contra Costa shall constitute the seventeenth senatorial district.
18. The county of Santa Clara shall constitute the eighteenth senatorial district.
19. The county of Sacramento shall constitute the nineteenth senatorial district.
20. The county of San Joaquin shall constitute the twentieth senatorial district.
21. The county of San Mateo shall constitute the twenty-first senatorial district.
22. The county of Stanislaus shall constitute the twenty-second senatorial district.
23. The county of Santa Cruz shall constitute the twenty-third senatorial district.
24. The counties of Merced and Madera shall constitute the twenty-fourth senatorial district.
25. The counties of Monterey and San Benito shall constitute the twenty-fifth senatorial district.
26. The counties of Tuolumne, Mariposa and Calaveras shall constitute the twenty-sixth senatorial district.
27. The county of Kings shall constitute the twenty-seventh senatorial district.
28. The counties of Mono and Inyo shall constitute the twenty-eighth senatorial district.
29. The county of San Luis Obispo shall constitute the twenty-ninth senatorial district.
30. The county of Fresno shall constitute the thirtieth senatorial district.
31. The county of Santa Barbara shall constitute the thirty-first senatorial district.
32. The county of Tulare shall constitute the thirty-second senatorial district.

33. The county of Ventura shall constitute the thirty-third senatorial district.

34. The county of Kern shall constitute the thirty-fourth senatorial district.

35. The county of Orange shall constitute the thirty-fifth senatorial district.

36. The county of San Bernardino shall constitute the thirty-sixth senatorial district.

37. The county of Riverside shall constitute the thirty-seventh senatorial district.

38. The county of Los Angeles shall constitute the thirty-eighth senatorial district.

39. The county of Imperial shall constitute the thirty-ninth senatorial district.

40. The county of San Diego shall constitute the fortieth senatorial district.

ASSEMBLY DISTRICTS.

Assembly
districts

1. The counties of Del Norte, Humboldt and Mendocino shall constitute the first assembly district.

2. The counties of Siskiyou, Modoc, Lassen, Shasta, Trinity, Sierra and Plumas shall constitute the second assembly district.

3. The counties of Tehama, Glenn, Colusa and Yolo shall constitute the third assembly district.

4. The counties of Butte, Yuba and Sutter shall constitute the fourth assembly district.

5. The counties of Lake, Napa and Solano shall constitute the fifth assembly district.

6. The counties of Placer, El Dorado, Amador, Alpine, Nevada, Mono, Calaveras, Tuolumne, Mariposa and Inyo shall constitute the sixth assembly district.

7. The counties of Sonoma and Marin shall constitute the seventh assembly district.

8. All that portion of the county of Sacramento, included within the city of Sacramento as of January 1, 1927, lying north of the center of "K" street, and east of the center of Thirty-first street, and south of the center of "Y" street and east of the center of Franklin boulevard, and all that portion of said Sacramento county included within the boundaries of "American township," "Brighton township," "Center township," and "Granite township," as said townships existed on the first day of January, 1927, shall constitute the eighth assembly district.

9. All that portion of the county of Sacramento not included in the eighth assembly district, as fixed and defined by this section, shall constitute the ninth assembly district.

10. The county of Contra Costa shall constitute the tenth assembly district.

11. All that portion of the county of San Joaquin comprising the city of Stockton as of January 1, 1927, shall constitute the eleventh assembly district.

12. All that portion of the county of San Joaquin not included in the eleventh assembly district, as fixed and defined by this section, shall constitute the twelfth assembly district.

Assembly
districts.

13. All of that portion of the county of Alameda lying southerly and easterly of a line described as follows:

Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly, northeasterly and easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence in a general northerly direction along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Seminary avenue; thence northeasterly along the center line of Seminary avenue to the center line of Mountain boulevard; thence northeasterly and southeasterly along the center line of Mountain boulevard to its intersection with the line known as the Brothers line, being the dividing line between the A. M. Peralta and Ygnacio Peralta portion of the Rancho San Antonio; thence northeasterly along said Brothers line to the line between Eden and Brooklyn townships on the northeasterly boundary line of the city of Oakland; thence following the northeast boundary line of the city of Oakland in a northwesterly direction, to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the thirteenth assembly district.

14. All of that portion of the county of Alameda described as follows:

Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly, northeasterly and easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to its intersection with the center line of Fruitvale avenue; thence northeasterly along the center line of Fruitvale avenue to its intersection with the center line of Foothill boulevard; thence westerly along the center line of Foothill boulevard to its intersection with the center line of Fourteenth avenue; thence southwesterly along the center line of Fourteenth avenue to its intersection with the center line of Foothill boulevard; thence northwesterly along the center line of Foothill boulevard to its intersection with the center line of Thirteenth

Assembly
districts

avenue; thence northeasterly along the center line of Thirteenth avenue to its intersection with the center line of Hopkins street; thence northwesterly along the center line of Hopkins street to its intersection with the center line of Excelsior avenue; thence northwesterly along the center line of Excelsior avenue and along its direct extension northwesterly to the northwesterly line of Lake Shore avenue; thence southwesterly along the northwesterly line of Lake Shore avenue to a point where it is intersected by the direct extension easterly of the southerly shore line of Lake Merritt; thence westerly along said direct extension of the southerly shore line of Lake Merritt and along the southerly shore line of Lake Merritt to its intersection with the line dividing Oakland and Brooklyn townships; thence southwesterly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda county; thence southeasterly along said county boundary line to the point of beginning, shall constitute the fourteenth assembly district.

15. All that portion of the county of Alameda described as follows, to wit:

Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of Foothill boulevard, in the city of Oakland; thence northeasterly along the center line of Thirteenth avenue to the intersection with the center line of Park boulevard; thence northeasterly along the center line of Park boulevard and along its direct extension northeasterly to an intersection with the center line of Sausal creek; thence northeasterly and southeasterly along the center line of Sausal creek to its intersection with the center line of Park boulevard; thence northeasterly along the center line of Park boulevard to its intersection with the center line of Saroni drive; thence northwesterly along the center line of Saroni drive to its intersection with the center line of the right of way of the San Francisco and Sacramento Railway; thence northeasterly along said right of way center line to its intersection with the boundary line between Alameda county and Contra Costa county; thence in a general southeasterly direction along said boundary line to its intersection with the line dividing Eden and Brooklyn townships; thence in a general southeasterly direction along said township dividing line to a point where the same would be intersected by the dividing line between the A. M. Peralta and Ygnacio Peralta portion of the Rancho San Antonio, also known as the Brothers line; thence southwesterly along said Brothers line to the center line of Mountain boulevard; thence northwesterly and southwesterly along the center line of Mountain boulevard to the center line of Seminary avenue; thence southwesterly along the center line of Seminary avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East

Fourteenth street to the center line of Fruitvale avenue; thence northeasterly along the center line of Fruitvale avenue to the center line of Foothill boulevard; thence westerly along the center line of Foothill boulevard to the center line of Fourteenth avenue; thence southwesterly along the center line of Fourteenth avenue to the center line of Foothill boulevard; thence northwesterly along the center line of Foothill boulevard to the center line of Thirteenth avenue, the point of beginning, shall constitute the fifteenth assembly district.

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districts.

16. All that portion of Alameda county described as follows, to wit:

Beginning at a point where the center line of Broadway is intersected by the center line of Twentieth street, in the city of Oakland; thence southeasterly along the center line of Twentieth street and the direct extension southeasterly thereof to the west shore line of Lake Merritt; thence southeasterly, southerly and southeasterly along said shore line of Lake Merritt and its direct production southeasterly to its point of intersection with the westerly line of Lake Shore boulevard; thence in a general northeasterly direction along the westerly line of Lake Shore boulevard to its intersection with the direct production westerly of the center line of Excelsior avenue; thence easterly along said production and along the center line of Excelsior avenue to its intersection with the center line of Hopkins street; thence easterly along the center line of Hopkins street to its intersection with the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue to its intersection with the center line of Park boulevard; thence northeasterly along the center line of Park boulevard to its intersection with the direct production southeasterly of the northerly boundary of the city of Piedmont; thence northwesterly along said production to the northeast corner of the city of Piedmont; thence northwesterly and southwesterly along the northerly boundary line of the city of Piedmont to its intersection with the northerly boundary line of the city of Oakland as it existed prior to December 8, 1909; thence in a general northwesterly direction along said northerly boundary line to the center line of Clifton street; thence northwesterly along the center line of Clifton street to the center line of Broadway; thence southwesterly along the center line of Broadway to its intersection with the center line of College avenue; thence northerly along the center line of College avenue to its intersection with the center line of Clifton street; thence northwesterly along the center line of Clifton street to the center line of Claremont avenue; thence southwesterly along the center line of Claremont avenue to the center line of Telegraph avenue; thence northerly along the center line of Telegraph avenue to the center line of Fifty-second street; thence westerly along the center line of Fifty-second street to the center line of Grove street; thence southeasterly and southerly along the center

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districts.

line of Grove street to the center line of Twentieth street; thence southeasterly along the center line of Twentieth street to the center line of Broadway and the point of beginning, shall constitute the sixteenth assembly district.

17. All that portion of the county of Alameda, described as follows, to wit:

Beginning at a point on the westerly boundary line of the county of Alameda where it is intersected by the line dividing Alameda and Oakland townships; thence easterly along said line dividing Alameda and Oakland townships, to its intersection with the line dividing Oakland and Brooklyn townships; thence northeasterly along the line dividing Oakland and Brooklyn townships to its intersection with the southerly shore line of Lake Merritt; thence westerly, northerly and northwesterly along the westerly shore line of Lake Merritt to its intersection with the center line of Twentieth street extended easterly; thence westerly along said extension of the center line of Twentieth street and along the center line of Twentieth street to the center line of Grove street; thence northerly and northwesterly along the center line of Grove street to the center line of Fifty-second street; thence westerly along the center line of Fifty-second street to its intersection with the center line of Temescal creek; thence northwesterly along the center line of Temescal creek to the extreme east corner of the city of Emeryville in said Temescal creek; thence westerly and northerly along the line dividing the cities of Emeryville and Oakland to the line dividing the cities of Emeryville and Berkeley; thence westerly along the line dividing the cities of Emeryville and Berkeley along its direct extension westerly to the westerly boundary of the county of Alameda; thence southerly along the westerly boundary of the county of Alameda to the line dividing Alameda and Oakland townships, the point of beginning, shall constitute the seventeenth assembly district.

18. All that portion of Alameda county described as follows, to wit:

Beginning at a point where the easterly boundary line of the city of Berkeley intersects the northern boundary line of the county of Alameda; thence in a general southeasterly direction along the northeasterly boundary line of Alameda county to its intersection with the center line of the right of way of the San Francisco and Sacramento Railway; thence southwesterly along said right of way center line to its intersection with the center line of Saroni drive; thence southeasterly along the center line of Saroni drive to its intersection with the center line of Park boulevard; thence southwesterly along the center line of Park boulevard to its intersection with the center line of Sausal creek; thence northwesterly and southwesterly along the center line of Sausal creek to its intersection with the direct extension northeasterly of the center line of Park boulevard; thence southwesterly along said extension and along

the center line of Park boulevard to its intersection with the direct extension southeasterly of the northerly boundary of the city of Piedmont; thence northwesterly along said extension to the northeast corner of the city of Piedmont; thence northwesterly and southwesterly along the northerly boundary line of the city of Piedmont, to the northern boundary of the city of Oakland as it existed prior to December 8, 1909; thence northwesterly along said northern boundary line to the center line of Clifton street; thence northwesterly along the center line of Clifton street to the center line of Broadway; thence southwesterly along the center line of Broadway to its intersection with the center line of College avenue; thence northerly along the center line of College avenue to its intersection with the center line of Clifton street; thence northwesterly along the center line of Clifton street to its intersection with the center line of Claremont avenue; thence southwesterly along the center line of Claremont avenue to its intersection with the center line of Telegraph avenue; thence northerly along the center line of Telegraph avenue to its intersection with the center line of Fifty-second street; thence westerly along the center line of Fifty-second street to its intersection with the center line of Temescal creek; thence northwesterly along the center line of Temescal creek to the extreme east corner of the city of Emeryville in said Temescal creek; thence westerly and northerly along the line dividing the cities of Emeryville and Oakland to the line dividing the cities of Emeryville and Berkeley; thence westerly along the line dividing the cities of Emeryville and Berkeley and along its direct extension westerly to the westerly boundary line of the county of Alameda; thence northwesterly along the westerly boundary line of the county of Alameda to a point where said boundary line would intersect the direct extension westerly of the center line of Dwight way; thence easterly along said extension and along the center line of Dwight way and its direct extension easterly to the easterly boundary line of the city of Berkeley; thence northerly along the easterly boundary line of the city of Berkeley to the northern boundary line of the county of Alameda, and the point of beginning, shall constitute the eighteenth assembly district.

19. All that portion of Alameda county described as follows, to wit:

Beginning at a point where the east boundary line of the city of Berkeley intersects the northern boundary line of the county of Alameda; thence northwesterly, southwesterly and southeasterly along the northern and western boundary line of the county of Alameda to a point where said boundary line would intersect the direct extension westerly of the center line of Dwight way; thence easterly along said extension and along the center line of Dwight way and its direct extension easterly, to the eastern boundary line of the city of Berkeley; thence northerly along the easterly boundary line of the city

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of Berkeley to the northern boundary line of the county of Alameda, and the point of beginning, shall constitute the nineteenth assembly district.

20. All that portion of the city and county of San Francisco described as follows :

Commencing at a point at the intersection of the center line of Market street with the center line of Eleventh street ; thence along the center line of the following named streets, to wit : Market street to Powell, Powell to the shore line of the San Francisco bay ; thence southerly along the shore line of said bay to its intersection with the center line of Army street ; thence along the center line of Army street, Potrero avenue, Division street and Eleventh street to the point of beginning, shall constitute the twentieth assembly district.

21. All that portion of the city and county of San Francisco described as follows :

Commencing at a point at the intersection of Twenty-ninth street and Mission streets ; thence along the center line of the following named streets :

Mission to Army streets, Army to Bryant, Bryant to Precita avenue, Precita avenue to Potrero, Potrero to Army, Army to San Francisco bay ; thence southerly along the shore line of the San Francisco bay to the boundary line dividing the city and county of San Francisco and the county of San Mateo ; thence along the said boundary line westerly to the center line of Mission street ; thence along Mission street to the place of beginning, shall constitute the twenty-first assembly district.

22. All that portion of the city and county of San Francisco bounded as follows :

Commencing at a point at the intersection of the center line of Market street with the center line of Eleventh street ; thence along the center line of the following named streets, to wit :

Market street to Laguna street, Laguna street to McAllister street, McAllister street to Broderick street, Broderick street to Pine street, Pine street to Van Ness avenue, Van Ness avenue to the San Francisco bay ; thence easterly along the shore line of the San Francisco bay to the intersection with the center line of Powell street ; thence along the center line of Powell street to Market street. Market street to Eleventh street, the point of beginning, shall constitute the twenty-second assembly district.

23. All that portion of the city and county of San Francisco bounded as follows :

Commencing at a point at the intersection of Mission street and Twenty-ninth street, continuing along the center lines of the following named streets, to wit : Mission street to Army street, to Bryant street to Precita avenue, to Potrero avenue, to Davison street to Eleventh street, to Market street, to Laguna, Laguna to McAllister, McAllister street to Fillmore, Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth street, Eighteenth street

to Dolores, Dolores street to Twenty-ninth and Mission streets, the place of beginning, shall constitute the twenty-third assembly district.

24. All that portion of the city and county of San Francisco bounded as follows:

Commencing at a point at the intersection of Twenty-ninth and Mission streets; thence along the center line of the following named streets, to wit:

Mission street to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the waters of the Pacific ocean; thence along the shore line of the said Pacific ocean and the northerly line of Sloat boulevard; thence along the center lines of the following named streets, to wit:

Sloat boulevard to Portola drive, Portola drive to Burnett avenue, Burnett avenue to Twenty-fourth street, Twenty-fourth street to Dolores street, Dolores street to Twenty-ninth street, Twenty-ninth street to Mission street, the point of beginning, shall constitute the twenty-fourth assembly district.

25. All that portion of the city and county of San Francisco bounded as follows:

Commencing at a point in the intersection of Fulton street and Masonic avenue; thence along the center line of the following named streets, to wit:

Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Portola drive, Portola drive to Sloat boulevard, Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said Pacific ocean and northerly to the center line of Fulton street, Fulton street to Masonic avenue, the point of beginning, shall constitute the twenty-fifth assembly district.

26. All that portion of the city and county of San Francisco bounded as follows:

Commencing at a point at the intersection of Pine street and Broderick street; thence along the center line of the following named streets, to wit:

Broderick street to McAllister street, McAllister street to Fillmore street, Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth street, Eighteenth street to Dolores street, Dolores street to Twenty-fourth street, Twenty-fourth street to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton street to Ashbury street, Ashbury street to Piedmont street, Piedmont street to Masonic avenue, Masonic avenue to Fulton street, Fulton street to Parker avenue, Parker avenue to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Broderick street, the point of beginning, shall constitute the twenty-sixth assembly district.

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27. All that portion of the city and county of San Francisco bounded as follows:

Commencing at a point at the intersection of Pine street and Van Ness avenue; thence along the center line of the following named streets, to wit:

Van Ness avenue to the bay of San Francisco; thence along the shore line of said bay to the waters of the Pacific ocean; thence along the shore line of said Pacific ocean to Lobos creek; thence along the line of Lobos creek to the southerly boundary line of the Presidio reservation; thence along said boundary line to Arguello boulevard; thence along Arguello boulevard to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the twenty-seventh assembly district.

28. All that portion of the city and county of San Francisco bounded as follows:

Commencing at a point at the intersection of Fulton street and Parker avenue; thence along the center line of the following named streets, to wit:

Parker avenue to California street, California street to Arguello boulevard, Arguello boulevard to the southwesterly line of the Presidio reservation; thence along the southerly boundary of the Presidio reservation to Lobos creek; thence along the center line of Lobos creek to the waters of the Pacific ocean; thence westerly and southerly along the said shore line to Fulton street, Fulton street to Parker avenue, the point of beginning, together with the islands known as the Farallon islands, shall constitute the twenty-eighth assembly district.

29. The county of San Mateo shall constitute the twenty-ninth assembly district.

30. All that portion of the county of Santa Clara embraced within the following precincts, as constituted at the general election of 1930, to wit: Agnews, Alviso, Barron, Bay View, Berryessa, Burbank, Calderon, Cupertino, Encina, Farwell, Fremont numbers one and two, Fruitvale, Jefferson numbers one and two, Linda Vista numbers one and two, Los Altos numbers one to three inclusive, Midway, Milpitas numbers one and two, Miramonte, Mount Hamilton numbers one and two, Mountain View numbers one to five inclusive, Orchard, Pala, Palo Alto numbers one to twenty-three inclusive, Purissima, Red Mountain, San Jose numbers one to thirty-three inclusive, and numbers ninety-one to one hundred seven inclusive, Santa Clara numbers one to nine inclusive, San Tomas, Saratoga numbers one and two, Seale, Stanford numbers one and two and Sunnyvale numbers one to four inclusive, shall constitute the thirtieth assembly district.

31. All that portion of the county of Santa Clara not included in the thirtieth assembly district as fixed and defined

by this section, shall constitute the thirty-first assembly district. Assembly districts.

32. The county of Stanislaus shall constitute the thirty-second assembly district.

33. The counties of Merced and Madera shall constitute the thirty-third assembly district.

34. The counties of San Benito and Santa Cruz shall constitute the thirty-fourth assembly district.

35. The counties of Monterey and San Luis Obispo shall constitute the thirty-fifth assembly district.

36. All that portion of the county of Fresno bounded as follows: Commencing at the point of intersection of the center line of Ashlan avenue and the center of the main line track of the Southern Pacific railroad running between the cities of San Francisco, Merced and Fresno; thence along the center line of the following named streets, to wit: Easterly on Ashlan avenue to Winery avenue; southerly on Winery avenue to McKinley avenue; westerly on McKinley avenue to Chestnut avenue; southerly on Chestnut avenue to Church avenue; westerly on Church avenue to Hughes avenue; northerly on Hughes avenue to the center of the main line track of the Southern Pacific railroad named above; northwesterly along the center line of said track to the point of beginning, shall constitute the thirty-sixth assembly district.

37. All that portion of the county of Fresno not included in the thirty-sixth assembly district shall constitute the thirty-seventh assembly district.

38. The counties of Kings and Tulare shall constitute the thirty-eighth assembly district.

39. The county of Santa Barbara shall constitute the thirty-ninth assembly district.

40. The county of Ventura shall constitute the fortieth assembly district.

41. The county of Kern shall constitute the forty-first assembly district.

42. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the northwesterly boundary of the county of Los Angeles as the same existed January 19, 1931, and the northerly line of section 8 township 1 south range 19, west, San Bernardino meridian; thence northeasterly along the boundary of said county and following the same in all its various courses to the township line between townships 3 and 4 north, San Bernardino meridian, thence westerly along said township line to the northerly prolongation of the easterly line of section 3 township 2 north range 13, west, San Bernardino meridian; thence southerly along said prolongation to the northeasterly corner of said section 3; thence southerly along section lines and the southerly prolongation thereof to the northerly boundary of the city of Glendale as the same existed January 19, 1931; thence westerly along the boundary

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of said city and following the same in all its various courses to the easterly boundary of the city of Burbank as the same existed on above mentioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the most southerly corner of said last mentioned city, being also an angle point in the city of Los Angeles as the same existed on above mentioned date; thence southeasterly along the southwesterly boundary of the aforesaid city of Los Angeles to the most northerly corner of tract No. 7354 as shown on map recorded in book 89, pages 89 and 76 to 81 of maps records of Los Angeles county; thence southeasterly along the northeasterly line of said tract to the most easterly corner of lot 311 of said tract: thence due east to the center line of Hollywood way; thence southwesterly along the center line of Hollywood way to a point in the northerly boundary of that certain territory annexation to the city of Los Angeles May 22, 1915, known as the San Fernando addition; thence easterly along the boundary of said annexation and following the same in all its various courses to a point in the southeasterly prolongation of the northeasterly line of that portion of Woodrow Wilson drive extending from Cahuenga boulevard to Holly trail; thence northwesterly along said prolongation and northeasterly line of said Woodrow Wilson drive to a point in the southerly boundary of the aforesaid San Fernando annexation to the city of Los Angeles; thence westerly along the boundary of said annexation and following the same in all its various courses to an angle point in the boundary of the city of Los Angeles as the same existed January 19, 1931, said point being also the most easterly corner of fractional section 33, township 1, north range 16, west, San Bernardino meridian; thence southwesterly along the boundary of said last mentioned city to the southerly line of fractional section 18, township 1, south range 16, west, San Bernardino meridian; thence westerly along section lines to the southeast corner of section 13, township 1 south, range 19, west, San Bernardino meridian; thence northerly and westerly along the easterly and northerly lines of said section 13 to the southeast corner of section 11 said last mentioned township, and range; thence northerly along the easterly line of said section 11 to the northeast corner thereof; thence westerly along section lines to the point of beginning, shall constitute the forty-second assembly district.

43. All that portion of the county of Los Angeles described as follows:

Beginning at the most westerly corner of the city of Burbank as the same existed on January 19, 1931; thence easterly along the boundary of said city and following the same in all its various courses to an angle point in the boundary of the city of Glendale as the same existed on above mentioned date at or near the northwesterly corner of lot 124 of the Scott tract as shown on map recorded in book 43, pages 47 to 59 of

miscellaneous records of Los Angeles county; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in the boundary of the city of Los Angeles as the same existed on above mentioned date, at or near the northeasterly corner of lot 41 of "Addition to Rockdale" as shown on map recorded in book 23, page 40 of miscellaneous records of said county; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the most southerly corner of aforesaid city of Burbank; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the forty-third assembly district.

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44. All that part of the county of Los Angeles, within the following described boundaries:

Beginning at the intersection of the center lines of Dallas street and Riverside drive, in the city of Los Angeles, as the same existed January 19, 1931; thence northeasterly along the center line of Dallas street and northeasterly prolongation thereof to the center line of the official bed of the Los Angeles river; thence southeasterly along the center line of said river and following the same in all its various courses to the center line of North Spring street; thence northeasterly along the center line of North Spring street to the center line of North Broadway; thence northeasterly and easterly along the center line of North Broadway to the center line of the Pacific Electric Company's right of way in Daly street; thence southerly along the center line of said right of way to the center line of the Southern Pacific Railroad Company's right of way in Alhambra avenue; thence southwestwardly along the center line of said last mentioned right of way to the center line of the aforesaid official bed of the Los Angeles river; thence southerly along the center line of said river and following the same in all its various courses to the northerly boundary of the city of Vernon, as the same existed on above mentioned date; thence westerly along the boundary of said last mentioned city to the center line of Alameda street; thence northerly along the center line of Alameda street to the center line of Ninth street (from the northwest); thence northwesterly along the center line of Ninth street to the center line of Hill street; thence northeasterly along the center line of Hill street to the center line of Seventh street; thence northwesterly along the center line of Seventh street to the center line of Figueroa street; thence northeasterly along the center line of Figueroa street to the center line of First street; thence southeasterly along the center line of First street to the center line of Flower street; thence northeasterly along the center line of Flower street to the center line of Temple street; thence southeasterly along the center line of Temple street to the center line of Bunker Hill avenue; thence northeasterly along the center line of Bunker Hill avenue to the center line

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of California avenue; thence northwesterly along the center line of California avenue to the center line of Bunker Hill avenue (from the northeast); thence northeasterly along the center line of Bunker Hill avenue to the center line of Sunset boulevard; thence northwesterly along the center line of Sunset boulevard to the center line of Quintero street; thence northeasterly along the center line of Quintero street to the center line of Macbeth street; thence northwesterly along the center line of Macbeth street to the center line of Sutherland street; thence northeasterly along the center line of Sutherland street to the center line of that certain alley lying adjacent to and parallel with the northerly line of block 6 of Golden West Heights, as shown on map recorded in book 34, page 91, miscellaneous records of Los Angeles county; thence northwesterly along the center line of said alley and the northwesterly prolongation thereof, to the northeasterly prolongation of Portia street; thence northeasterly along said prolongation of Portia street to the center line of Scott avenue; thence northwesterly along the center line of Scott avenue to the center line of Sargent place; thence northeasterly along the center line of Sargent place to the center line of Park drive; thence northeasterly along the center line of Park drive and following the same in all its various courses to the southeasterly prolongation of Baxter street; thence southeasterly along said last mentioned prolongation to the northeasterly prolongation of Boylston street; thence northeasterly along said last mentioned prolongation to the center line of Riverside drive; thence northwesterly along the center line of Riverside drive to the point of beginning, shall constitute the forty-fourth assembly district.

45. All that part of the county of Los Angeles, within the following described boundaries:

Beginning at the intersection of the center lines of Isabel street and Roseview avenue (from the southwest), in the city of Los Angeles, as the same existed on January 19, 1931; thence southeasterly along the center line of Isabel street and following the same in all its various courses to the center line of Amabel street; thence southeasterly along the center line of Amabel street to the center line of Dayton avenue; thence northeasterly along the center line of Dayton avenue to the center line of Avenue 37 (from the southeast); thence southeasterly along the center line of Avenue 37 to the center line of Arroyo Seco avenue; thence northeasterly along the center line of Arroyo Seco avenue to the center line of Marmion way; thence northerly along the center line of Marmion way and following the same in all its various courses to the northwesterly prolongation of the center line of Avenue 44; thence southeasterly along said prolongation and center line of Avenue 44 to the center line of Pasadena avenue; thence northeasterly along the center line of Pasadena avenue to the center line of Avenue 44 (from the southeast); thence southeasterly along

the center line of Avenue 44 to the center line of Carlota boulevard; thence northeasterly along the center line of Carlota boulevard to the North Patent boundary of the city of Los Angeles; thence easterly along said North Patent boundary and the easterly prolongation thereof to the range line between ranges 12 and 13 west, San Bernardino meridian; thence northerly along said range line to the center line of Hawley avenue; thence northwesterly along the center line of Hawley avenue to the center line of Pullman street; thence southeasterly along the center line of Pullman street to the center line of Harriman avenue; thence northeasterly along the center line of Harriman avenue to the southerly boundary of the city of South Pasadena, as the same existed on above mentioned date, being also the northerly boundary of the city of Los Angeles, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city of Los Angeles and following the same in all its various courses to the center line of Indiana street, as shown on map of Boston Heights, recorded in book 19, page 38 of miscellaneous records of Los Angeles county; thence northerly along the center line of Indiana street and northerly prolongation thereof to the center line of Alhambra avenue as shown on map of tract No 679, recorded in book 17, page 24 of maps, records of said county; thence northwesterly and southwestly along the center line of Alhambra avenue to the center line of Mission road; thence southwestly along the center line of Mission road to the center line of the Pacific Electric Railway Company's right of way in Daly street; thence northerly along the center line of said right of way to the center line of North Broadway, thence westerly and southwestly along the center line of North Broadway to the center line of North Spring street, thence southwestly along the center line of North Spring street to the center line of the official bed of the Los Angeles river; thence northwesterly along the center line of said river and following the same in all its various courses to the southwestly prolongation of the center line of Roseview avenue; thence northeasterly along said prolongation and center line of Roseview avenue to the center line of Cypress avenue; thence northwesterly along the center line of Cypress avenue to the center line of Roseview avenue (from the northeast); thence northeasterly along the center line of Roseview avenue to the point of beginning, shall constitute the forty-fifth assembly district.

46. All that portion of the county of Los Angeles described as follows:

Beginning at the southwestly prolongation of the center line of Esplanade as shown on map of tract No. 8573, recorded in book 103, pages 19 and 20 of maps, records of Los Angeles county, with the southwestly boundary of the county of Los Angeles; thence northeasterly along said southwestly prolongation and center line of Esplanade and following the

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same in all its various courses to the center line of Culver boulevard; thence northeasterly along the center line of Culver boulevard to the center line of Larrabee street; thence northeasterly along the center line of Larrabee street to the first intersection with the northeasterly boundary of the city of Los Angeles as same existed on January 19, 1931; thence southeasterly along the boundary of said city of Los Angeles and following the same in all its various courses to the center line of Victoria avenue; thence southerly along the center line of Victoria avenue to the center line of Fifty-second street; thence easterly along the center line of Fifty-second street to the center line of Los Angeles Railway Company's right of way in Crenshaw boulevard; thence southerly along the center line of said right of way to the center line of Slauson avenue; thence easterly along the center line of Slauson avenue to the center line of Van Ness avenue (from the south); thence southerly along the center line of Van Ness avenue to the first angle point in the boundary of the city of Inglewood as same existed on the above mentioned date, said angle point being the northeasterly corner of block 17, tract No. 1924, as shown on map recorded in book 23, page 47 of maps, records of said county; thence southerly along the boundary of said city of Inglewood to the center of section 2, township 3 south, range 14 west, S. B. M.; thence southerly along quarter section line and the center line of Arlington street to the center line of One Hundred Twenty-eighth street; thence westerly along the center line of One Hundred Twenty-eighth street to the easterly boundary of the city of Hawthorne as same existed on the above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Prairie avenue; thence southerly along the center line of Prairie avenue to the northwesterly boundary of the city of Torrance as same existed on the above mentioned date; thence southwestwardly along the boundary of said last mentioned city and following the same in all its various courses to a point in the boundary of the city of Redondo Beach as same existed on the above mentioned date, said point being the northeasterly corner of block 19, as shown on map of townsite of Redondo Beach recorded in book 89, pages 1 to 17 inclusive of miscellaneous records of said county; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in the boundary of above mentioned city of Torrance, said angle point being the northeasterly corner of tract No. 2650, as shown on map recorded in book 26, page 98 of maps, records of said county; thence southerly along the boundary of said city of Torrance and following the same in all its various courses to a point in the southwestwardly corner thereof, said point being also a point in the southwestwardly boundary of the county of Los Angeles; thence northwestwardly

along said southwesterly boundary to the point of beginning, shall constitute the forty-sixth assembly district.

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47. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center line of Allen avenue as shown on map of tract No. 1209 recorded in book 20, page 9 of maps, records of Los Angeles county, and the northerly boundary of the city of Pasadena as same existed January 19, 1931; thence southerly along the center line of Allen avenue to that portion of the southerly boundary of said city lying between Monta Vista street and Villa street; thence westerly along the boundary of said city and following the same in all its various courses to the center line of Allen avenue as shown on map of Avondale tract, recorded in book 8, page 117 of maps, records of said county; thence southerly along the center line of Allen avenue to that portion of the southerly boundary of said city lying between Elm street and Blanche street; thence westerly along the boundary of said city and following the same in all its various courses to the point of beginning, shall constitute the forty-seventh assembly district.

48. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the northerly prolongation of the easterly line of section 3, township 2 north, range 13 west, San Bernardino meridian, with the township line between townships 3 and 4 north, San Bernardino meridian; thence easterly along township line to the northwesterly corner of section 5, township 3 north, range 11 west, San Bernardino meridian; thence southerly along section lines to the southwesterly corner of section 32, township 2 north, range 11 west, San Bernardino meridian; thence easterly along the township line between townships 1 and 2 north, to the north and south quarter section line in section 3, township 1 north, range 11 west, San Bernardino meridian; thence southerly along north and south quarter section lines to the southwesterly corner of the northeast quarter of section 10, said last mentioned township and range, said last mentioned corner being also the northwesterly corner of the city of Monrovia, as the same existed on January 19, 1931; thence southerly along the westerly boundary of said city to the northeasterly corner of the city of Arcadia, as the same existed on above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Pacific Electric Railway Company's right of way in Huntington drive; thence southwesterly along said last mentioned center line to the northeasterly boundary of the city of San Marino as the same existed on above mentioned date; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to that portion of the easterly boundary of the city of Pasadena, as the same existed on above mentioned date, lying between

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Greenwood avenue and Allen avenue; thence northerly along said last mentioned city boundary and following the same in all its various courses to the center line of that portion of Allen avenue lying between Elm street and Blanche street; thence northerly along said last mentioned center line to that portion of the northerly boundary of said last mentioned city lying between Locust street and Corson street; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to that portion of the center line of Allen avenue lying between Villa street and Monta Vista street; thence northerly along the center line of Allen avenue to the northerly boundary of said last mentioned city; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the first intersection with the northerly boundary of the city of Glendale as the same existed on above mentioned dates; thence southwesterly along the boundary of said last mentioned city and following the same in all its various courses to its intersection with the southerly prolongation of the easterly line of section 3, township 2 north, range 13 west, San Bernardino meridian; thence northerly along said prolongation to the southeasterly corner of said last mentioned section; thence northerly along section lines and the northerly prolongation thereof to the point of beginning, shall constitute the forty-eighth assembly district.

49. All that portion of the county of Los Angeles described as follows:

Beginning at the northwesterly corner of section 5, township 3 north, range 11 west, S. B. M.; thence easterly along the township line between townships 3 and 4 north, S. B. M., to the northeasterly boundary of the county of Los Angeles as same existed January 19, 1931; thence southeasterly along the boundary of said county and following the same in all its various courses to the southeasterly corner of township 2 south, range 10 west, S. B. M.; thence northerly along the range line between ranges 9 and 10 west to the northwesterly corner of section 30, township 1 south, range 9 west, as same is established by projecting government section lines; thence easterly in a direct line to the southeasterly corner of section 20 said last mentioned township and range, as same is established by projecting government section lines; thence northerly in a direct line to the east and west quarter section line in fractional section 8, township 1 south, range 9 west, S. B. M.; thence westerly along quarter section lines to the center line of Azusa Canon road; thence southerly along the center line of Azusa Canon road to the northerly boundary of the city of West Covina as same existed on above mentioned date; thence westerly along the boundary of said city and following the same in all its various courses to the center line of Willow avenue; thence southwesterly along the center line of Willow

avenue to the center line of Francisquito avenue; thence north-^{Assembly}
westerly along the center line of Francisquito avenue and the ^{districts.}
northwesterly prolongation thereof to the center line of El
Monte street; thence southwesterly along the center line of
El Monte street to the southeasterly boundary in the Rancho
San Francisquito as shown on map recorded in book 1, page
31 of patents, records of Los Angeles county; thence north-
westerly along the boundary of said Rancho San Francisquito
and following the same in all its various courses to the south-
easterly boundary of the city of Arcadia as same existed on
above mentioned date; thence southwesterly along the boundary
of said last mentioned city and following the same in all its
various courses, to the westerly boundary of the city of Mon-
rovia as same existed on above mentioned date; thence north-
erly along the boundary of said last mentioned city to the
northwesterly corner thereof, said last mentioned northwest-
erly corner being also the center of section 10, township 1
north, range 11 west, S. B. M.; thence northerly along quarter
section lines to the township line between townships 1 and 2
north, S. B. M.; thence westerly along said last mentioned
township line to the southwesterly corner of section 32, town-
ship 2 north, range 11 west, S. B. M.; thence northerly along
section line to the point of beginning, shall constitute the
forty-ninth assembly district.

50. All that portion of the county of Los Angeles described
as follows:

Beginning at the southeasterly boundary of the city of
Arcadia as same existed January 19, 1931. and the center line
of Oak avenue; thence northeasterly along the boundary of
said city and following the same in all its various courses
to the northeasterly line of the Rancho San Francisquito as
shown on map recorded in book 1, page 31 of patents, records
of Los Angeles county; thence southeasterly along the
boundary line of said rancho and following the same in all
its courses to the center line of El Monte street; thence north-
easterly along the center line of El Monte street to the
northwesterly prolongation of the center line of Francisquito
avenue; thence southeasterly along said northwesterly pro-
longation and center line of Francisquito avenue to the center
line of Willow avenue; thence northeasterly along the center
line of Willow avenue to the southwesterly boundary of the
city of West Covina as same existed on above mentioned date;
thence northwesterly along the boundary of said city and
following the same in all its various courses to the center line
of Azusa Canon road, said point being near the northeasterly
corner of lot 16 of the Eugene Riggins subdivision of the
Hathaway tract as shown on map recorded in book 53, page
37 of miscellaneous records of said county; thence northerly
along the center line of Azusa Canon road to the east and
west quarter section line of section 9, township 1 south, range
10 west, S. B. M.; thence easterly along quarter section lines

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to the easterly line of fractional section 8, township 1 south, range 9 west; thence southerly in a direct line to the south-easterly corner of section 20 said last mentioned township and range as same is established by projecting government section lines; thence westerly in a direct line to the northwesterly corner of section 30, township 1 south, range 9 west, as same is established by projecting government section lines, said northwesterly corner being a point in the range line between ranges 9 and 10 west, S. B. M.; thence southerly along range line to the southerly boundary of the county of Los Angeles as same existed on above mentioned date; thence westerly along the boundary of said county and following the same in all its various courses to the southeasterly corner of the southwesterly quarter of section 13, township 3 south, range 11 west, S. B. M.; thence westerly along section lines to the southwesterly corner of section 14 said last mentioned township and range; thence northerly along section lines to the northwesterly corner of the above mentioned section 14; thence westerly along section lines to the northwesterly corner of section 16 said last mentioned township and range; thence northerly along section line to the northeasterly corner of section 8 said last mentioned township and range; thence westerly along the northerly line of said section 8 to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line to San Diego); thence northerly along the center line of said right of way to the center line of Anaheim Telegraph road; thence westerly and northwesterly along the center line of Anaheim Telegraph road to a point due south of the most southerly corner of the city of Montebello as same existed on above mentioned date; thence due north to said last mentioned southerly corner of the city of Montebello; thence northeasterly along the southeasterly boundary of said city and following the same in all its various courses to the range line between range 11 and range 12 west, S. B. M.; said point being on the northerly boundary of the above mentioned city of Montebello; thence northerly along range line to the center line of the Southern Pacific Railroad Company's right of way (main line to Yuma); thence southeasterly along the center line of said right of way to the southerly prolongation of the center line of Encinita avenue; thence northerly along said southerly prolongation and center line of Encinita avenue to the center line of Garibaldi avenue; thence northeasterly along the center line of Garibaldi avenue to the center line of Oak avenue; thence northwesterly and northerly along the center line of Oak avenue to the point of beginning, shall constitute the fiftieth assembly district.

51. All that portion of the county of Los Angeles described as follows:

Beginning at an angle point in the boundary of the city of Los Angeles as the same existed January 19, 1931, said angle

point being in the intersection of Indiana street and Medford street; thence easterly along the boundary of said city and following the same in all its various courses to the southwesterly corner of the city of Alhambra as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the southeasterly corner of lot 319 as shown on map of Ramona Acres plat No. 2, sheet No. 3, recorded in book 17, pages 26 to 27 of maps, records of Los Angeles county, said corner being also an angle point in the boundary of the city of Monterey Park as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the first intersection with the northerly boundary of the city of Montebello as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the southeasterly line of Church road; thence northeasterly along said southeasterly line and the northeasterly prolongation thereof to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way; thence northwesterly along the center line of said right of way to its first intersection with the southeasterly boundary of the city of Vernon as the same existed on above mentioned date; thence northeasterly along the boundary of said last mentioned city and following the same in all its various courses to the first intersection with the southerly boundary of the city of Los Angeles as the same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the fifty-first assembly district.

52. All that portion of the county of Los Angeles within the city of Los Angeles described as follows:

Beginning at the intersection of the center line of the Southern Pacific Railroad Company's right of way in Alhambra avenue and the center line of the official bed of the Los Angeles river in the city of Los Angeles as the same existed on January 19, 1931; thence northeasterly along the center line of said right of way to the center line of the Pacific Electric Railway Company's right of way in Daly street; thence southerly along the center line of said last mentioned right of way to the center line of Mission road; thence northeasterly along the center line of Mission road to the center line of Alhambra avenue (from the northeast); thence northeasterly and southeasterly along the center line of Alhambra avenue to the center line of Indiana street, as shown on map of Boston Heights, recorded in book 19, page 38 of miscellaneous records of Los Angeles county; thence southerly along the center line of Indiana street to the southerly boundary of the city of Los Angeles as the same existed on above mentioned date (at or near the intersection of Medford and Indiana streets); thence westerly along the

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boundary of said city and following the same in all its various courses to the center line of the aforesaid official bed of the Los Angeles river; thence northwesterly along the center line of said river and following the same in all its various courses to the point of beginning; and also, all that portion of the county of Los Angeles described as follows:

Beginning at the northwesterly corner of the city of Vernon as the same existed January 19, 1931, at or near the northwesterly corner of Twenty-fifth and Alameda streets, said point of beginning being also an angle point in the boundary of the city of Los Angeles as same existed on above mentioned date; thence easterly along the boundary of said city of Los Angeles and following the same in all its various courses to an angle point in aforesaid city of Vernon at or near the northeasterly corner of lot 16 of tract No. 8626 as shown on map recorded in book 121, pages 96 to 100 inclusive of maps, records of Los Angeles county; thence southwestward along the boundary of said city of Vernon and following the same in all its various courses to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line to San Diego); thence southeasterly along the center line of said right of way to the northeasterly prolongation of the southeasterly line of Church road; thence southwestward along said last mentioned northeasterly prolongation and southeasterly line of Church road to the first intersection with the boundary of the city of Montebello as same existed on above mentioned date; thence southwestward along the boundary of said last mentioned city and following the same in all its various courses to the most southerly corner of said last mentioned city; thence due south to the center line of Anaheim Telegraph road; thence southeasterly along the center line of Anaheim Telegraph road to the southeasterly boundary of the Rancho San Antonio as shown on map recorded in book 1, page 389 of patents, records of said county; thence southwestward along the boundary of said rancho and following the same in all its various courses to the first intersection with the northeasterly boundary of the city of South Gate as same existed on above mentioned date; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in the boundary of said last mentioned city near the northwesterly corner of tract No. 3233 as shown on map recorded in book 36, page 70 of maps, records of said county; thence northwesterly along the northwesterly prolongation of that portion of the boundary of said last mentioned city lying on the southwestward line of said last mentioned tract to the center line of Southern Pacific Railroad Company's right of way (Santa Ana branch); thence northwesterly along the center line of said right of way to the southerly prolongation of the center line of Santa Fe avenue; thence northerly along said southerly

prolongation and center line of Santa Fe avenue to the southern boundary of the city of Huntington Park as same existed on the above mentioned date; thence westerly along the boundary of said city to the first angle point therein, said angle point being near the southwesterly corner of lot A, tract No. 4286, as shown on map recorded in book 45, pages 27 and 28 of maps, records of said county; thence westerly along the center line of Florence avenue to the easterly boundary of the above mentioned city of Los Angeles; thence northerly along the boundary of said city and following the same in all its various courses to the point of beginning, shall constitute the fifty-second assembly district.

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53. All that portion of the county of Los Angeles described as follows:

Beginning at the northwesterly corner of the city of South Pasadena as same existed January 19, 1931, said corner being at the northeasterly corner of lot 2, tract No. 3119 as shown on map recorded in book 33, page 91 of maps, records of Los Angeles county; being also a point in the boundary of the city of Pasadena as same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the southwesterly corner of the Lamanda Park No. 2 annex to the city of Pasadena, said southwesterly corner being also an angle point in the boundary of the city of San Marino as same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of the Pacific Electric Railway Company's right of way in Huntington drive; thence northeasterly along the center line of said right of way to the westerly boundary of the city of Arcadia as same existed on above mentioned date; thence southerly along the boundary of said city and following the same in all its various courses to the center line of Oak avenue; thence southerly and southeasterly along the center line of Oak avenue to the center line of Garibaldi avenue; thence southwesterly along the center line of Garibaldi avenue to the center line of Encinita avenue; thence southerly along the center line of Encinita avenue and the southerly prolongation thereof to the center line of the Southern Pacific Railroad Company's right of way (main line to Yuma); thence northwesterly along the center line of said right of way to the range line between range 11 and 12 west, S. B. M.; thence southerly along range line to the northerly boundary of the city of Montebello as same existed on above mentioned date; thence westerly along the boundary of said city and following the same in all its various courses to the intersection with the southerly boundary of the city of Monterey Park, as same existed on above mentioned date; thence westerly along the boundary of said city and following the same in all its various courses to an angle point in the boundary of the city of Alhambra as same existed on above mentioned

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date, said angle point being at the southeasterly corner of lot 319 of Ramona Acres plat No. 2, sheet No. 3, as shown on map recorded in book 17, pages 26 and 27 of maps, records of said county; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the southerly boundary of the above mentioned city of South Pasadena, said point being located near the southwesterly corner of lot 39, tract No. 4302, as shown on map recorded in book 46, pages 96 and 97 of maps, records of said county; thence westerly along the boundary of said city and following the same in all its various courses to the point of beginning, shall constitute the fifty-third assembly district.

54. All that portion of the county of Los Angeles described as follows:

Beginning at the most southerly corner of the city of Glendale, as same existed January 19, 1931, being also an angle point in the boundary of the city of Los Angeles, as same existed on above mentioned date; thence northeasterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Harriman avenue, as shown on map of Pasadena Villa tract, recorded in book 3, pages 5 to 8 of maps, records of Los Angeles county; thence southwesterly along the center line of Harriman avenue to the center line of Pullman street; then northwesterly along the center line of Pullman street to the center line of Hawley avenue; thence southwesterly along the center line of Hawley avenue to the range line between ranges 12 and 13 west, S. B. M.; thence southerly along said range line to the easterly prolongation of the north patent boundary of the city of Los Angeles; thence westerly along said easterly prolongation and along said north patent boundary to the center line of Carlota boulevard; thence southwesterly along the center line of Carlota boulevard to the center line of Avenue 44; thence northwesterly along the center line of Avenue 44 to the center line of Pasadena avenue; thence southwesterly along the center line of Pasadena avenue to the center line of Avenue 44 (from the northwest); thence northwesterly along the center line of Avenue 44 and the northwesterly prolongation thereof to the center line of Marmion way; thence southwesterly along the center line of Marmion way and following the same in all its various courses to the center line of Arroyo Seco avenue; thence southwesterly along the center line of Arroyo Seco avenue to the center line of Avenue 37; thence northwesterly along the center line of Avenue 37 to the center line of Dayton avenue (from the southwest); thence southwesterly along the center line of Dayton avenue to the center line of Amabel street; thence northwesterly along the center line of Amabel street to the center line of Isabel street; thence southwesterly along the center line of Isabel street and following the same in all its various courses to the center line of Roseview avenue; thence southwesterly along the center line of Roseview avenue

and the southwesterly prolongation thereof to the center line of the Los Angeles river; thence northwesterly along the Los Angeles river to the point where the Los Angeles river intersects the north patent boundary line of the city of Los Angeles; thence easterly along the north patent boundary line of the city of Los Angeles to the point where the north patent boundary line of the city of Los Angeles intersects the southwesterly line of the Southern Pacific Railroad Company's right of way (valley line); thence northwesterly along the southwesterly line of said last mentioned right of way to the point of beginning, shall constitute the fifty-fourth assembly district.

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55. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center line of Seventh street and Westmoreland avenue, in the city of Los Angeles as the same existed on January 19, 1931; thence easterly and southeasterly along the center line of Seventh street to the center line of Hill street; thence southwesterly along the center line of Hill street to the center line of Ninth street; thence southeasterly along the center line of Ninth street to the center line of Maple avenue; thence southwesterly along the center line of Maple avenue to the center line of Jefferson boulevard; thence northwesterly along the center line of Jefferson boulevard to the center line of Main street; thence southwesterly along the center line of Main street to the center line of Thirty-fifth street; thence northwesterly along the center line of Thirty-fifth street to the center line of Hill street; thence northeasterly along the center line of Hill street to the center line of the Southern Pacific Railroad Company's right of way Santa Monica branch (commonly known as the air line); thence westerly along the center line of said right of way to the center line of Figueroa street; thence northeasterly along the center line of Figueroa street to the center line of Jefferson boulevard; thence northwesterly along the center line of Jefferson boulevard to the center line of Hoover street; thence northeasterly and northerly along the center line of Hoover street to the center line of Washington street (from the northwest); thence northwesterly and westerly along the center line of Washington street to the center line of Orchard avenue; thence northerly along the center line of Orchard avenue to the center line of Pico street; thence westerly along the center line of Pico street to the center line of that certain private driveway lying westerly of and adjacent to lot 32 of Clark Bryan's Westmoreland place, as shown on map recorded in book 6, pages 110 and 111 of maps, records of Los Angeles county; thence northerly along the center line of said private driveway to the center line of Tenth street; thence easterly along the center line of Tenth street to the center line of Westmoreland avenue; thence northerly along the center line of Westmoreland avenue to

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the point of beginning, shall constitute the fifty-fifth assembly district.

56. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center lines of Beverly boulevard and Western avenue in the city of Los Angeles as same existed January 19, 1931; thence northerly along the center line of Western avenue to the center line of Los Feliz boulevard; thence northeasterly along the center line of Los Feliz boulevard to the southwesterly prolongation of the center line of Griffith Park drive; thence northeasterly along said prolongation and center line of Griffith Park drive to the southeasterly boundary of Griffith Park as shown on county surveyor's map No. 2325 on file in the office of the surveyor of Los Angeles county; thence southwesterly along the boundary of Griffith Park and following the same in all its various courses to an angle point in the northerly boundary of the city of Los Angeles as same existed January 19, 1931; thence northeasterly along the boundary of said city and following the same in all its various courses to an angle point in said boundary on the southwesterly line of the Southern Pacific Railroad Company's right of way (valley lines), said angle point being the most southerly corner of the city of Glendale as same existed on above mentioned date; thence southeasterly along the southwesterly line of said right of way to the southwesterly prolongation of the center line of Granada street; thence southwesterly along said prolongation to the center line of the official bed of the Los Angeles river; thence northwesterly along the center line of said river to the northeasterly prolongation of the center line of Dallas street; thence southwesterly along said prolongation and center line of Dallas street to the center line of Riverside drive; thence southeasterly along the center line of Riverside drive to the northeasterly prolongation of Boylston street; thence southwesterly along said last mentioned prolongation to the southeasterly prolongation of the center line of Baxter street; thence northwesterly along said last mentioned prolongation to the center line of Park drive; thence southwesterly along the center line of Park drive and following the same in all its various courses to the center line of Sargent place; thence southwesterly along the center line of Sargent place to the center line of Scott avenue; thence southeasterly along the center line of Scott avenue to the northeasterly prolongation of the center line of Portia street; thence southwesterly along said last mentioned prolongation to the northwesterly prolongation of that certain alley lying adjacent and parallel to the northwesterly prolongation of that certain alley lying adjacent and parallel to the northeasterly line of block 6 of Golden West heights, as shown on map recorded in book 34, page 91 of miscellaneous records of Los Angeles county; thence southeasterly along said prolongation and center line of said alley

to the center line of Sutherland street; thence southwesterly along the center line of Sutherland street to the center line of Macbeth street; thence southeasterly along the center line of Macbeth street to the center line of Quintero street; thence southwesterly along the center line of Quintero street to the center line of Sunset boulevard; thence northwesterly along the center line of Sunset boulevard and following the same in all its various courses to the center line of Hoover street; thence southerly along the center line of Hoover street to the center line of Temple street; thence southeasterly along the center line of Temple street to the center line of Micheltorena street; thence southwesterly along the center line of Micheltorena street to the center line of Hoover street; thence southerly along the center line of Hoover street to the center line of Beverly boulevard; thence southeasterly along the center line of Beverly boulevard to the center line of Occidental boulevard; thence southwesterly along the center line of Occidental boulevard to the center line of Hoover street; thence southerly along the center line of Hoover street to the center line of Sixth street (from the southeast); thence southeasterly along the center line of Sixth street to the center line of La Fayette Park place; thence southwesterly along the center line of La Fayette Park place to the center line of Hoover street; thence southerly along the center line of Hoover street to the center line of Seventh street (from the west); thence westerly along the center line of Seventh street to the center line of Vermont avenue; thence northerly along the center line of Vermont avenue to the center line of Beverly boulevard; thence westerly along the center line of Beverly boulevard to the point of beginning, shall constitute the fifty-sixth assembly district.

57. All that portion of the county of Los Angeles described as follows:

Beginning at an angle point in the boundary of the city of Los Angeles as same existed January 19, 1931, said angle point being also the most southerly corner of the city of Burbank as same existed on above mentioned date; thence north-easterly along the boundary of said city of Los Angeles and following the same in all its various courses to the first inter-section with the northwesterly boundary of Griffith Park as shown on county surveyor's map No. 2325 on file in the office of the surveyor of Los Angeles county; thence southwesterly along the boundary of said Griffith Park and following the same in all its various courses to the center line of Griffith Park drive; thence southwesterly along the center line of Griffith Park drive and southwesterly prolongation thereof to the center line of Los Feliz boulevard; thence southwesterly along the center line of Los Feliz boulevard to the center line of Western avenue; thence southerly along the center line of Western avenue to the center line of Beverly boulevard; thence westerly along the center line of Beverly boulevard

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to the easterly boundary of the Rosewood addition to the city of Los Angeles; said easterly boundary lying between Gardner and Vista streets; thence southerly along the boundary of said Rosewood addition and following the same in all its various courses to the center line of Beverly boulevard; thence westerly along the center line of Beverly boulevard to the center line of Fairfax avenue; thence northerly along the center line of Fairfax avenue to the southerly boundary of the city of Los Angeles as same existed on above mentioned date, (on the northerly line of Fountain avenue); thence westerly along the boundary line of said last mentioned city and following the same in all its various courses to the center line of Hayworth avenue; thence northerly along the center line of Hayworth avenue to the center line of Sunset boulevard; thence easterly along the center line of Sunset boulevard to the center line of Hayworth avenue (from the north); thence northerly along the center line of Hayworth avenue to the center line of Selma avenue; thence westerly along the center line of Selma avenue to the westerly boundary of the Hollywood consolidation to the city of Los Angeles; thence northerly along the boundary of said consolidation and following the same in all its various courses to the center line of El Cerrito place; thence southeasterly along the center line of El Cerrito place to the center line of Hillside avenue (from the east); thence easterly along the center line of Hillside avenue to the center line of Outpost drive; thence southeasterly along the center line of Outpost drive to the center line of Franklin avenue; thence easterly along the center line of Franklin avenue to the center line of Highland avenue (from the northeast); thence northeasterly and northerly along the center line of Highland avenue and the northerly prolongation thereof to the center line of Cahuenga boulevard; thence northwesterly along the center line of Cahuenga boulevard to the southeasterly prolongation of the northeasterly line of that portion of Woodrow Wilson drive extending from Cahuenga boulevard to Holly trail; thence southeasterly along said last mentioned prolongation to the northeasterly boundary of the San Fernando addition to the city of Los Angeles; thence northwesterly along the boundary of said addition and following the same in all its various courses to the center line of Hollywood way; thence northeasterly along the center line of Hollywood way to a point due east of the most easterly corner of lot 311 of tract No. 7354 as shown on map recorded in book 89, pages 76 to 81 inclusive, of maps, records of Los Angeles county; thence due west to the most easterly corner of said lot 311; thence northwesterly along the northeasterly line of said tract No. 7354 to the most northerly corner of said tract No. 7354, being also an angle point in the boundary of the city of Los Angeles, as same existed on above mentioned date; thence northeasterly along the boundary of said last mentioned city to the point of beginning, shall constitute the fifty-seventh assembly district.

58. All that portion of the county of Los Angeles described as follows: Assembly districts.

Beginning at the intersection of the center lines of Beverly boulevard and Rossmore avenue (from the south), in the city of Los Angeles as same existed January 19, 1931; thence easterly along the center line of Beverly boulevard to the center line of Vermont avenue; thence southerly along the center line of Vermont avenue to the center line of Seventh street; thence easterly along the center line of Seventh street to the center line of Westmoreland avenue; thence southerly along the center line of Westmoreland avenue to the center line of Tenth street; thence westerly along the center line of Tenth street to the northerly prolongation of the center line of that certain private driveway lying westerly of and adjacent to the westerly line of lot 32 of Clark Bryan's Westmoreland place, as shown on map recorded in book 6, pages 110 and 111 of maps, records of Los Angeles county; thence southerly along the center line of said private driveway to the center line of Pico street; thence easterly along the center line of Pico street to the center line of Orchard avenue; thence southerly along the center line of Orchard avenue to the center line of Washington street; thence westerly along the center line of Washington street to the center line of Victoria avenue (from the northeast); thence northeasterly along the center line of Victoria avenue to the center line of Pico boulevard; thence westerly along the center line of Pico boulevard to the center line of Rimpau boulevard; thence northeasterly along the center line of Rimpau boulevard to the center line of Wilshire boulevard; thence easterly along the center line of Wilshire boulevard to the center line of Rimpau boulevard (from the north); thence northerly along the center line of Rimpau boulevard to the center line of Third street; thence easterly along the center line of Third street to the center line of Rossmore avenue; thence northerly along the center line of Rossmore avenue to the point of beginning, shall constitute the fifty-eighth assembly district.

59. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the northeasterly boundary of the Rancho San Vincente y Santa Monica, as shown on map recorded in book 3, page 30 of patents, records of Los Angeles county, with the southerly boundary of the San Fernando addition to the city of Los Angeles; thence easterly along the boundary of said addition to the northwesterly prolongation of the northeasterly line of that portion of Woodrow Wilson drive extending from Cahuenga boulevard to Holly trail; thence southeasterly along said northwesterly prolongation and northeasterly line of said portion of Woodrow Wilson drive and the southeasterly prolongation thereof to the center line of Cahuenga boulevard; thence southeasterly along the

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center line of Cahuenga boulevard to the northerly prolongation of the center line of Highland avenue; thence southerly along said northerly prolongation and center line of Highland avenue to the center line of Franklin avenue from the west; thence westerly along the center line of Franklin avenue to the center line of Outpost drive; thence northerly along the center line of Outpost drive to the center line of Hillside avenue; thence westerly along the center line of Hillside avenue to the center line of El Cerrito place; thence northwesterly along the center line of El Cerrito place to the northwesterly boundary of the Hollywood consolidation to the city of Los Angeles; thence southwestward along the boundary of the above mentioned consolidation and following the same in all its various courses to the center line of Selma avenue; thence easterly along the center line of Selma avenue to the center line of Hayworth avenue; thence southerly along the center line of Hayworth avenue to the center line of Sunset boulevard; thence westerly along the center line of Sunset boulevard to the center line of Hayworth avenue, from the south; thence southerly along the center line of Hayworth avenue to the first intersection with the southerly boundary of the city of Los Angeles as same existed January 19, 1931, said boundary lying between Sunset boulevard and Fountain avenue; thence easterly, southerly and easterly along the boundary of said last mentioned city to the center line of Fairfax avenue; thence southerly along the center line of Fairfax avenue to the center line of Beverly boulevard; thence easterly along the center line of Beverly boulevard to the westerly boundary of the Rosewood addition to the city of Los Angeles; thence southerly, easterly and northerly along the boundary of said last mentioned addition to the center line of Beverly boulevard; thence easterly along the center line of Beverly boulevard to the center line of Rossmore avenue; thence southerly along the center line of Rossmore avenue to the center line of Third street; thence westerly along the center line of Third street to the center line of Heath avenue; thence northwesterly along the center line of Rimpau boulevard to the center line of Wilshire boulevard; thence westerly along the center line of Wilshire boulevard to the center line of Rimpau boulevard, from the southwest; thence southwestward along the center line of Rimpau boulevard to the center line of Pico boulevard; thence westerly along the center line of Pico boulevard to the center line of Heath avenue; thence northwesterly along the center line of Heath avenue to the westerly prolongation of the southerly boundary of the city of Beverly Hills as same existed on above mentioned date, said southerly boundary being the southerly line of lot 4, tract No. 3613 as shown on map recorded in book 38, pages 65 and 66 of maps, records of said county; thence easterly along said westerly prolongation to the first angle point in aforesaid boundary; thence northwesterly along the boundary of said city and following the same in all

its various courses to the southerly line of section 11, township 1 south, range 15 west, S. B. M.; thence westerly along section lines to the northeasterly boundary of the aforesaid Rancho San Vincente y Santa Monica; thence northwesterly along the northeasterly boundary of said rancho to the point of beginning, shall constitute the fifty-ninth assembly district.

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60. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the northwesterly boundary of the county of Los Angeles, as same existed January 19, 1931, and the northerly line of section 8, township 1 south, range 19 west, S. B. M.; thence easterly along section lines to the northeasterly corner of section 11, said last mentioned township and range; thence southerly along section line to the northwesterly corner of section 13, above mentioned township and range; thence easterly along the northerly line of section 13 to the range line between range 19 west and range 18 west, S. B. M.; thence southerly along range line to the northwesterly corner of section 19, township 1 south, range 18 west, S. B. M.; thence easterly along section lines to the northwesterly line of the Rancho San Vincente y Santa Monica as shown on map recorded in book 3, page 30 of patents, records of Los Angeles county; thence northeasterly along said last mentioned rancho line to the southerly boundary of the San Fernando addition to the city of Los Angeles; thence easterly along the southerly boundary of said addition to the northeasterly boundary of the above mentioned rancho; thence southeasterly along the northeasterly boundary of said rancho to the southerly line of fractional section 10, township 1 south, range 15 west, S. B. M.; thence easterly along section lines to the first angle point in the boundary of the city of Beverly Hills as same existed January 19, 1931; thence southerly along the boundary of said city and following the same in all its various courses to the southwestly corner of lot 4, tract No. 3613, as shown on map recorded in book 38, pages 65 and 66 of maps, records of said county; thence due west to the center line of Heath avenue; thence southeasterly along the center line of Heath avenue to the center line of Pico boulevard; thence southwestly along the center line of Pico boulevard to the boundary of the city of Santa Monica as same existed on the above mentioned date; thence southeasterly and southwestly along said last mentioned boundary to the most southerly corner of said last mentioned city, being a point in the boundary of the county of Los Angeles; thence northwesterly along the boundary of said county and following the same in all its various courses to the point of beginning, shall constitute the sixtieth assembly district.

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61. All that portion of the county of Los Angeles described as follows:

Beginning at the most southerly corner of the city of Santa Monica as same existed January 19, 1931, with the southwest-erly boundary of the county of Los Angeles; thence north- easterly and northwesterly along the boundary of said city of Santa Monica to the center line of Pico boulevard; thence northeasterly and easterly along the center line of Pico boulev- ard to the center line of Victoria avenue; thence southwest- erly along the center line of Victoria avenue to the center line of Washington street; thence easterly along the center line of Washington street to the center line of Bronson avenue; thence southwest- erly along the center line of Bronson avenue to the center line of Adams street; thence westerly along the center line of Adams street to the center line of Crenshaw boulevard; thence southerly along the center line of Crenshaw boulevard to the southerly boundary of the Palms addition to the city of Los Angeles; thence westerly along said last mentioned bound- ary to the westerly boundary of the Rancho Cienega O'Paso de la Tijera, as shown on map recorded in book 1, page 259 of patents, records of Los Angeles county; thence southerly along the boundary of said last mentioned rancho and following the same in all its various courses to the north and south quarter section line in section 17, township 2 south, range 14 west, S. B. M.; thence south- erly along said last mentioned quarter section line to the east and west quarter section line in section 17, township 2 south, range 14 west; thence easterly along said last mentioned quar- ter section line and its prolongation thereof to the westerly line of tract No. 6177 as shown on map recorded in book 144, pages 77 to 81 of maps, records of said county; thence north- erly along the westerly line of said last mentioned tract to the center line of Chanson drive; thence easterly and southeast- erly along the center line of Chanson drive to the center line of Mullen way; thence northeasterly along the center line of Mullen way to the center line of Floresta way; thence easterly along the center line of Floresta way to the center line of Mullen avenue; thence southeasterly along the center line of Mullen avenue to the center line of Angelus Vista boulevard; thence southwest- erly along the center line of Angelus Vista boulevard to the center line of Mullen avenue from the south; thence southerly along the center line of Mullen avenue to the center line of Fifty-second street; thence easterly along the center line of Fifty-second street to the westerly boundary of the city of Los Angeles as same existed on the above men- tioned date; thence southerly along the boundary of said city of Los Angeles and following the same in all its various courses to the center line of Larrabee street; thence southwest- erly along the center line of Larrabee street to the center line of Culver boulevard, thence southwest- erly along the center line of Culver boulevard to the center line of Esplanade; thence

southwesterly along the center line of Esplanade and the southwesterly prolongation thereof to the southwesterly boundary of the county of Los Angeles; thence northwesterly along said southwesterly boundary to the point of beginning, shall constitute the sixty-first assembly district.

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62. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center line of Ninth street and Maple avenue in the city of Los Angeles as the same existed January 19, 1931; thence southeasterly along the center line of Ninth street to the center line of Alameda street; thence southerly along the center line of Alameda street to the southerly boundary of the city of Los Angeles as the same existed on the above mentioned date, being also the northerly boundary of the city of Vernon as same existed on above mentioned date; thence westerly at the boundary of said city of Los Angeles and following the same in all its various courses to the center line of Slauson avenue (from the west) as shown on county surveyor's map No 7174 on file in the office of the surveyor of Los Angeles county; thence westerly along the center line of Slauson avenue to the center line of Main street to the center line of Santa Barbara avenue; thence easterly along the center line of Santa Barbara avenue to the center line of Woodlawn avenue; thence northerly along the center line of Woodlawn avenue to the center line of Maple avenue; thence northeasterly along the center line of Maple avenue to the point of beginning, shall constitute the sixty-second assembly district

63. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center lines of Washington street and Bronson avenue, in the city of Los Angeles as same existed January 19, 1931; thence easterly and southeasterly along the center line of Washington street to the center line of Hoover street; thence southerly and southwesterly along the center line of Hoover street to the center line of Jefferson boulevard; thence southeasterly along the center line of Jefferson boulevard to the center line of Figueroa street; thence southwesterly along the center line of Figueroa street to the center line of the Southern Pacific Railroad Company's right of way, Santa Monica branch (commonly known as the air line); thence westerly along the center line of said right of way to the center line of Vermont avenue (from the south); thence southerly along the center line of Vermont avenue to the center line of the Los Angeles Railway Company's right of way (in Santa Barbara avenue); thence westerly along the center line of said last mentioned right of way and following the same in all its various courses to the center line of Vernon avenue; thence westerly along the center line of Vernon avenue to the center line of Crenshaw boulevard; thence northwesterly

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along the center line of Crenshaw boulevard to the center line of Vernon avenue (from the southwest); thence southwesterly along the center line of Vernon avenue to the first intersection with the southwesterly boundary of aforesaid city of Los Angeles; thence southeasterly along the boundary of said city and following the same in all its various courses to the center line of Fifty-second street, as shown on map of tract No. 5535, recorded in book 76, pages 74 and 75 of maps, records of Los Angeles county; thence westerly along the center line of Fifty-second street to the center line of Mullen avenue; thence northerly along the center line of Mullen avenue to the center line of Angelus Vista boulevard; thence northeasterly along the center line of Angelus Vista boulevard to the center line of Mullen avenue (from the northwest); thence northwesterly along the center line of Mullen way to the center line of Floresta way; thence westerly along the center line of Floresta way to the center line of Mullen way; thence southwesterly along the center line of Mullen way to the center line of Chanson drive; thence northwesterly and westerly along the center line of Chanson drive to the westerly line of tract No. 6177, as shown on map recorded in book 144, pages 77 to 81 inclusive, of maps, records of said county; thence southerly along the westerly line of said last mentioned tract to the easterly prolongation of the east and west quarter section line of fractional section 17, township 2 south, range 14 west, S. B. M.; thence easterly along said prolongation and east and west quarter section line of said section to the north and south quarter section line in said section 17; thence northerly along said last mentioned quarter section line to the southwesterly boundary of the Rancho Cienega O'Paso de la Tijera, as shown on map recorded in book 1, page 259 of patents, records of said county; thence northwesterly along the boundary of said rancho and following the same in all its various courses to the southerly boundary of the city of Los Angeles as same existed on above mentioned date, being also the southerly boundary of the Palms addition to the city of Los Angeles; thence easterly along the boundary of said Palms addition to the center line of Crenshaw boulevard; thence northerly along the center line of Crenshaw boulevard to the center line of Adams street; thence easterly along the center line of Adams street to the center line of Bronson avenue (from the northwest); thence northwesterly along the center line of Bronson avenue to the point of beginning, shall constitute the sixty-third assembly district.

64. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center lines of Hoover street and Santa Monica boulevard in the city of Los Angeles as the same existed on January 19, 1931; thence northeasterly along the center line of Santa Monica boulevard to the center line of Sunset boulevard; thence southeasterly along the center

line of Sunset boulevard and following the same in all its various courses to the center line of Bunker Hill avenue; ^{Assembly districts.} thence southwesterly along the center line of Bunker Hill avenue to the center line of California street (from the southeast); thence southeasterly along the center line of California street to the center line of Bunker Hill avenue (from the southwest); thence southwesterly along the center line of Bunker Hill avenue to the center line of Temple street; thence northwesterly along the center line of Temple street to the center line of Flower street; thence southwesterly along the center line of Flower street to the center line of First street; thence northwesterly along the center line of First street to the center line of Figueroa street; thence southwesterly along the center line of Figueroa street to the center line of Seventh street; thence northwesterly along the center line of Seventh street to the center line of Hoover street; thence northerly along the center line of Hoover street to the center line of La Fayette Park place; thence northeasterly along the center line of La Fayette Park place to the center line of Sixth street; thence northwesterly along the center line of Sixth street to the center line of Hoover street; thence northerly along the center line of Hoover street to the center line of Occidental boulevard; thence northeasterly along the center line of Occidental boulevard to the center line of Beverly boulevard; thence northwesterly along the center line of Beverly boulevard to the center line of Hoover street; thence northerly along the center line of Hoover street to the center line of Micheltorena street; thence northeasterly along the center line of Micheltorena street to the center line of Temple street: thence northwesterly along the center line of Temple street to the center line of Hoover street; thence northerly along the center line of Hoover street to the point of beginning, shall constitute the sixty-fourth assembly district.

65. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center line of Vernon avenue and the southwesterly boundary of the city of Los Angeles as the same existed January 19, 1931, being also the southwesterly boundary of the Angeles Mesa addition to the city of Los Angeles; thence northeasterly along the center line of Vernon avenue to the center line of Crenshaw boulevard; thence southeasterly along the center line of Crenshaw boulevard to the center line of Vernon avenue (from the east); thence easterly along the center line of Vernon avenue to the center line of Los Angeles Railway Company's right of way (in Leimert boulevard); thence northerly along the center line of said right of way and following the same in all its various courses to the center line of Vermont avenue; thence northerly along the center line of Vermont avenue to the center line of Southern Pacific Railroad Company's right of way, Santa Monica branch, (commonly known as the air

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line); thence easterly along the center line of said last mentioned right of way to the center line of Hill street; thence southwesterly along the center line of Hill street to the center line of Thirty-fifth street; thence southeasterly along the center line of Thirty-fifth street to the center line of Main street; thence northeasterly along the center line of Main street to the center line of Jefferson boulevard; thence southeasterly along the center line of Jefferson boulevard to the center line of Maple avenue; thence southwesterly along the center line of Maple avenue to the center line of Woodlawn avenue; thence southerly along the center line of Woodlawn avenue to the center line of Santa Barbara avenue; thence westerly along the center line of Santa Barbara avenue to the center line of Main street; thence southerly along the center line of Main street to the center line of Slauson avenue; thence westerly along the center line of Slauson avenue to the center line of the Los Angeles Railway Company's right of way in Crenshaw boulevard; thence northerly along the center line of said last mentioned right of way to the center line of Fifty-second street; thence westerly along the center line of Fifty-second street to the center line of Victoria avenue; thence northerly along the center line of Victoria avenue to the first intersection with the northerly boundary of the city of Los Angeles as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the sixty-fifth assembly district.

66. All that portion of the county of Los Angeles described as follows:

Beginning at the intersections of the center lines of Slauson and Van Ness avenues, in the city of Los Angeles as the same existed January 19, 1931; thence easterly along the center line of Slauson avenue to the easterly boundary of the city of Los Angeles as the same existed on above mentioned date (Shoestring addition); thence southerly along the boundary of said city and following the same in all its various courses to the center line of Manchester avenue; thence westerly along the center line of Manchester avenue and following the same in all its various courses to the easterly boundary of the city of Inglewood as the same existed on above mentioned date; thence northerly along the boundary of said last mentioned city to an angle point in said last mentioned boundary at or near the southerly line of Seventy-sixth street and the center line of Van Ness avenue; thence northerly along the center line of Van Ness avenue to the point of beginning, shall constitute the sixty-sixth assembly district.

67. All that portion of the county of Los Angeles described as follows:

Beginning at the intersection of the center line of Manchester avenue and the easterly boundary of the city of

Inglewood as same existed on January 19, 1931; thence easterly along the center line of Manchester avenue and following the same in all its various courses to the easterly boundary of the city of Los Angeles, as same existed on above mentioned date; thence northerly along the boundary of said city and following the same in all its various courses to the center line of Florence avenue, thence easterly along the center line of Florence avenue to the southwesterly corner of the city of Huntington Park as same existed on above mentioned date; thence easterly along the southerly boundary of said last mentioned city to the center line of Santa Fe avenue (from the south); thence southerly along the center line of Santa Fe avenue and the southerly prolongation thereof to the center line of the Southern Pacific Railroad Company's right of way (Santa Ana branch); thence southeasterly along the center line of said right of way to the northwesterly prolongation of that portion of the southwesterly boundary of the city of South Gate as same existed on above mentioned date lying on the southwesterly line of tract No. 3233, as shown on map recorded in book 36, page 70 of maps, records of Los Angeles county; thence southeasterly along said last mentioned prolongation to the boundary of said last mentioned city; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the northerly boundary of the city of Lynwood, as same existed on above mentioned date, at or near the southeasterly corner of tract No. 6717, as shown on map recorded in book 106, pages 1 to 4 inclusive of maps, records of said county; thence westerly along the boundary of said city of Lynwood and following the same in all its various courses to the center line of One Hundred Seventh place, formerly known as First street of the Watts Park tract, as shown on map recorded in book 8, page 70 of maps, records of said county; thence southwesterly along the center line of One Hundred Seventh place to the easterly boundary of the city of Los Angeles as same existed on above mentioned date; thence southwesterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Avalon boulevard; thence southerly along the center line of Avalon boulevard to the center line of Rosecrans avenue; thence southwesterly and westerly along the center line of Rosecrans avenue to the center line of San Pedro street; thence southeasterly along the center line of San Pedro street and along the center line of Avalon boulevard to the southerly line of the "Portion of the San Pedro rancho" (known as the Beaudry Downey and Hayward tract), as shown on map recorded in book 4, page 348 of miscellaneous records of said county; thence westerly along the southerly line of said last mentioned tract and along the southerly line of the Straumer tract as shown on map recorded in book 21, page 131 of maps, records of said county, to the

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easterly line of Main street; thence southerly and southwest-erly along said easterly line of Main street to the township line between township 3 south and township 4 south, S. B. M.; thence westerly along said township line to the southeasterly boundary of the city of Los Angeles as same existed on above mentioned date; thence southwest-erly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in said boundary at or near the northwesterly corner of lot 1 of tract No. 4671, as shown on map recorded in book 56, pages 30 and 31 of maps, records of said county; thence due north to the center line of One Hundred Ninetieth street; thence westerly along the center line of One Hundred Ninetieth street to the easterly boundary of the city of Torrance as same existed on above mentioned date; thence northerly along the boundary of said city of Torrance and following the same in all its various courses to the center line of Prairie avenue at or near the most southerly corner of lot 8, tract No. 3321, as shown on map recorded in book 40, page 37 of maps, records of said county; thence northerly along the center line of Prairie avenue to the southwest-erly boundary of the city of Hawthorne as same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of One Hundred Twenty-eighth street; thence easterly along the center line of One Hundred Twenty-eighth street to the center line of Arlington street; thence northerly along the center line of Arlington street, northerly along quarter section line of section 2, township 3 south, range 14 west, S. B. M., to the first angle point in the southerly boundary of the city of Inglewood, as same existed on above mentioned date; thence northerly along the boundary of said last mentioned city to the point of beginning, shall constitute the sixty-seventh assembly district.

68. All that portion of the county of Los Angeles described as follows:

Beginning at the northwesterly corner of the city of Torrance as same existed January 19, 1931, being also a point in the southeasterly boundary of the county of Los Angeles as same existed on above mentioned date; thence easterly along the boundary of aforesaid city of Torrance and following the same in all its various courses to the northeasterly corner of tract No. 2650 as shown on map recorded in book 26, page 98 of maps, records of Los Angeles county; being also a point in the boundary of the city of Redondo Beach as same existed on above mentioned date; thence southeasterly and northwesterly along said last mentioned boundary to the northeasterly corner of block 19, township of Redondo Beach, as shown on map recorded in book 89, pages 1 to 17 of miscellaneous records of said county, said point being an angle point in the boundary of the above mentioned city of Torrance; thence northeasterly along the boundary of said city

of Torrance and following the same in all its various courses to the center line of One Hundred Ninetieth street, (from the east); thence easterly along the center line of One Hundred Ninetieth street to a point due north of an angle point in the boundary of the city of Los Angeles, as same existed on above mentioned date, at or near the northwesterly corner of lot 1 of tract No. 4671, as shown on map recorded in book 56, pages 30 and 31 of maps, records of said county; thence due south to the boundary of said last mentioned city; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the township line between township 3 south and township 4 south, S. B. M.; thence easterly along said township line to the easterly line of Main street; thence southwesterly and southerly along the easterly line of Main street to the center line of Dominguez street; thence easterly, northeasterly and southeasterly along the center line of Dominguez street to the northerly line of tract No. 3848 as shown on map recorded in book 42, pages 68 and 69 of maps, records of said county; thence easterly along said northerly line to the northerly line of tract No. 4054 as shown on map recorded in book 44, pages 39, 40 and 41 of maps, records of said county; thence easterly along said northerly line and the easterly prolongation thereof to the easterly line of Wilmington avenue; thence southwesterly along the easterly line of Wilmington avenue and the southwesterly prolongation thereof to the northerly boundary of the above mentioned city of Los Angeles; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to a point in the above mentioned southeasterly boundary of the county of Los Angeles; thence southwesterly along said last mentioned southeasterly county boundary and following the same in all its various courses to the point of beginning.

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Also including the islands of Santa Catalina and San Clemente, shall constitute the sixty-eighth assembly district.

69. All that portion of the county of Los Angeles described as follows:

Beginning at the northwesterly corner of the city of South Gate as same existed on January 19, 1931, said point being in the southwesterly corner of lot 1234, tract No. 2080, sheet No. 2, as shown on map recorded in book 22, pages 162 and 163 of maps, records of Los Angeles county; thence easterly along the boundary of said city and following the same in all its various courses to the southeasterly boundary of the Rancho San Antonio as shown on map recorded in book 1, page 389 of patents, records of said county; thence northeasterly along the boundary of said rancho to the center line of Anaheim Telegraph road; thence southeasterly and easterly along the center line of Anaheim Telegraph road to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line to San Diego); thence southerly along the

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center line of said right of way to the northerly line of section 8, township 3 south, range 11 west, S. B. M.; thence easterly and southerly along the northerly and easterly lines of said section to the southeasterly corner thereof; thence easterly along section lines to the northwesterly corner of section 14, said last mentioned township and range; thence southerly along the westerly line of said last mentioned section to the southwestly corner thereof; thence easterly along section lines to the easterly boundary of the county of Los Angeles; thence southerly along the boundary of said county and following the same in all its various courses to the first intersection with the northerly boundary of the city of Long Beach as same existed on above mentioned date; thence westerly along the boundary of said city and following the same in all its various courses to the first intersection with the easterly boundary of the city of Compton, as same existed on above mentioned date; thence westerly along the boundary of said last mentioned city to the southwestly corner thereof, said southwestly corner being on the southerly line of the Temple and Gibson tract as shown on map recorded in book 32, page 45 of miscellaneous records of said county; thence westerly along the southerly line of said tract and the southerly line of the "Portion of the San Pedro Rancho" (known as the Beaudry Downey and Hayward tract) as shown on map recorded in book 4, page 348 of miscellaneous records of said county, to the center line of Avalon boulevard; thence northwesterly along the center line of Avalon boulevard to the center line of San Pedro street; thence northwesterly along the center line of San Pedro street to the center line of Rosecrans avenue; thence easterly and northeasterly along the center line of Rosecrans avenue to the center line of Avalon boulevard (from the north); thence northerly along the center line of Avalon boulevard to the first intersection with the southerly boundary of the city of Los Angeles, as same existed on above mentioned date; thence easterly along the boundary of said city and following the same in all its various courses to the center line of One Hundred Seventh place, formerly known as First street of the Watts Park tract, as shown on map recorded in book 8, page 70 of maps, records of Los Angeles county: thence northeasterly along the center line of One Hundred Seventh place to the westerly boundary of the city of Lynwood, as same existed on above mentioned date; thence northwesterly and easterly along the boundary of said last mentioned city to the first intersection with the boundary of aforesaid city of South Gate, at or near the southeasterly corner of lot 33 of tract No. 6717, as shown on map recorded in book 106, pages 1 to 4 inclusive of maps, records of said county; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the sixty-ninth assembly district.

70. All that portion of the county of Los Angeles described ^{Assembly} as follows: ^{districts.}

Beginning at the northwesterly corner of the city of Long Beach as same existed January 19, 1931, said point also being the northwesterly corner of the Gateway Park annex to the city of Long Beach; thence easterly along the boundary of said city and following the same in all its various courses to the southeasterly boundary of the county of Los Angeles as same existed on the above mentioned date; thence southwest-erly along the boundary of said county and following the same in all its various courses to the southwesterly prolonga-tion of the center line of Sixteenth place, as shown on map of Alamitos Beach town site recorded in book 59, page 11 of maps, miscellaneous records of said county; thence north-easterly along the southwesterly prolongation and center line of Sixteenth place to the center line of Ocean boulevard; thence westerly along the center line of Ocean boulevard to the center line of Cherry avenue; thence northeasterly and northerly along the center line of Cherry avenue to the center line of Fourth street; thence westerly along the center line of Fourth street to the center line of Alamitos avenue; thence northeasterly along the center line of Alamitos avenue to the center line of California avenue; thence northerly along the center line of California avenue to the southwesterly boundary of the city of Signal Hill as same existed on the above men-tioned date; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of California avenue; thence north-erly along the center line of California avenue to the center line of Bixby road; thence easterly along the center line of Bixby road to the southerly prolongation of the easterly bound-ary of the aforesaid city of Long Beach, said easterly boundary being at or near the easterly line of California avenue and the northerly line of Bixby road; thence northerly along said southerly prolongation and easterly boundary of the afore-said city of Long Beach and following the same in all its various courses to the most southerly corner of lot 40, tract No. 3554 as shown on map recorded in book 38, pages 44 and 45 of maps, records of said county; thence southwesterly along the southwesterly prolongation of the southeasterly line of aforesaid lot 40 to the center line of Long Beach boulevard; thence northwesterly along the center line of Long Beach boulevard to the southeasterly boundary of the Long Beach boulevard district annexation to the city of Long Beach; thence north-ea-terly along the boundary of said annexation and fol-lowing the same in all its various courses to the center line of Atlantic avenue; thence northerly along the center line of Atlantic avenue to the southerly boundary of the Gateway Park annexation to the city of Long Beach; thence westerly along the boundary of said annexation and following the same

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in all its various courses to the point of beginning, shall constitute the seventieth assembly district.

71. All that portion of the county of Los Angeles described as follows:

Beginning at the southwesterly corner of lot 15 of the Straumer tract, as shown on map recorded in book 21, page 131 of maps, records of Los Angeles county, said point being in the easterly line of Main street; thence easterly along the southerly line of said lot 16, easterly along the southerly line of the Bassett tract, as shown on map recorded in book 2, page 44 of maps, records of said county; easterly along the southerly line of "Portion of the San Pedro Rancho" (known as the Beaudry Downey and Haywood tract), as shown on map record in book 4, page 348 miscellaneous records of said county and easterly along the southerly line of the Temple and Gibson tract as shown on map recorded in book 32, page 45, miscellaneous records of said county to the southwesterly corner of the city of Compton as same existed January 19, 1931; thence easterly along the southerly boundary of said last mentioned city to the southeasterly corner thereof, said corner being a point in the northerly boundary of the city of Long Beach as same existed on above mentioned date; thence easterly along the boundary of said city of Long Beach to the southwesterly corner of the Gateway annexation to the city of Long Beach; thence easterly along the southerly boundary of said annexation to the center line of Atlantic avenue; thence southerly along the center line of Atlantic avenue to the first intersection with the boundary of the Long Beach boulevard district annexation to the city of Long Beach; thence southwesterly along the boundary of said last mentioned annexation and following the same in all its various courses to the center line of Long Beach boulevard; thence southeasterly along the center line of Long Beach boulevard to the southwesterly prolongation of the southeasterly line of lot 40, tract No. 3554 as shown on map recorded in book 38, pages 44 and 45 of maps, records of said county; thence northeasterly along said southwesterly prolongation to the first angle point in the boundary of the city of Long Beach as same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in said boundary at or near the northeasterly corner of California avenue and Bixby road; thence due south to the center line of Bixby road; thence westerly along the center line of Bixby road to the center line of California avenue; thence southerly along the center line of California avenue to the northerly boundary of the city of Signal Hill as same existed on above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of that portion of California avenue lying southerly of Burnett street; thence southerly along the

center line of California avenue to the center line of Alamitos avenue; thence southwesterly along the center line of Alamitos avenue to the center line of Fourth street; thence easterly along the center line of Fourth street to the center line of Cherry avenue; thence southerly and southwesterly along the center line of Cherry avenue to the center line of Ocean boulevard; thence easterly along the center line of Ocean boulevard to the center line of Eighteenth place; thence southwesterly along the center line of Sixteenth place and the southwesterly prolongation thereof to the southerly boundary of the county of Los Angeles as same existed on above mentioned date; thence westerly along the boundary of said county of Los Angeles and following the same in all its various courses to the first intersection with the northeasterly boundary of the city of Los Angeles as same existed on above mentioned date (Ostend addition); thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to the southwesterly prolongation of the center line of Wilmington avenue; thence northeasterly along said southwesterly prolongation and center line of Wilmington avenue to the easterly prolongation of the northerly line of lot 72, tract No. 4054 as shown on map recorded in book 44, pages 39, 40 and 41 of maps, records of said county; thence westerly along said easterly prolongation and northerly line of lot 72, easterly along the northerly line of said last mentioned tract No. 4054, easterly along the northerly line of tract No. 3848 as shown on map recorded in book 42, pages 68 and 69 of maps, records of said county, to the center line of Dominguez street; thence northwesterly, southwesterly and westerly along the center line of Dominguez street to the easterly line of Main street and following the same in all its various courses to the point of beginning, shall constitute the seventy-first assembly district.

72. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda and San Bernardino, shall constitute the seventy-second assembly district.

73. All that portion of the county of San Bernardino not included within the seventy-second assembly district, as fixed and defined in this section shall constitute the seventy-third assembly district.

74. All that portion of the county of Orange included in and comprising the first, fourth and fifth supervisorial districts of said county as the same existed on January 1, 1931, shall constitute the seventy-fourth assembly district.

75. All that portion of the county of Orange not included within the seventy-fourth assembly district as fixed and defined in this section shall constitute the seventy-fifth assembly district.

76. The county of Riverside shall constitute the seventy-sixth assembly district.

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districts

77. The county of Imperial shall constitute the seventy-seventh assembly district.

78. All that portion of the county of San Diego, included and being in the city of San Diego, as the same existed on January 1, 1931, and included within the following described boundary lines, to wit: lying northerly and westerly of the center line of Twenty-eighth street at its southerly end, to wit: at the Bayshore line, and thence running northerly along the center line of Twenty-eighth street to the intersection with the center line of Broadway; thence easterly along the center line of Broadway to the intersection with the center line of Twenty-ninth street; thence northerly along the center line of Twenty-ninth street to the intersection with the center line of A street; thence westerly along the center line of A street to the intersection with the center line of Twenty-eighth street; thence northerly along the center line of Twenty-eighth street to the intersection with the center line of Upas street; thence westerly along the center line of Upas street to the intersection with the center line of Pershing drive; thence northerly along the center line of Pershing drive, to the intersection with the center line of Landis street. Thence westerly along the center line of Landis street to the intersection with the center line of Arnold street; thence northerly along the center line of Arnold street to the intersection with the center line of University avenue; thence westerly along the center line of University avenue to the center line of Park boulevard; thence northerly along the center line of Park boulevard to the intersection with the center line of Adams street; thence easterly along the center line of Adams street to the intersection with the center line of Alabama street; thence northerly along the center line of Alabama street to the intersection with the city boundary, at the northern termination of Alabama street in said city shall constitute the seventy-eighth assembly district.

79. All that portion of the county of San Diego included within the incorporated area of the city of San Diego as the same existed on January 1, 1931, not included within the seventy-eighth assembly district, as fixed and defined in this act, shall constitute the seventy-ninth assembly district.

80. All that portion of San Diego county not included within the seventy-eighth and seventy-ninth districts as fixed and defined by this act shall constitute the eightieth assembly district.

Precincts
not
described.

SEC. 2. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a senatorial or assembly district, shall be attached to and constitute a part of the senatorial or assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last federal census a less population than any other such district adjacent thereto.

CHAPTER 181.

An act to amend section 117 of the Political Code, relating to the congressional districts.

[Approved by the Governor April 22, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 117 of the Political Code is hereby amended to read as follows: Stats 1927,
p 1811.

117. The state is divided into congressional districts which are designated and constituted as follows: Congressional
districts

1. The counties of Del Norte, Humboldt, Mendocino, Glenn, Butte, Yuba, Sutter, Marin, Colusa, Lake and Sonoma, shall constitute the first congressional district.

2. The counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono and Inyo shall constitute the second congressional district.

3. The counties of Napa, Sacramento, Yolo, Solano and San Joaquin shall constitute the third congressional district.

4. All that portion of the city and county of San Francisco comprising the twentieth, twenty-second, twenty-seventh and twenty-eighth assembly districts, as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the fourth congressional district.

5. All that portion of the city and county of San Francisco not included in the fourth congressional district shall constitute the fifth congressional district.

6. All that portion of the county of Alameda not included in the seventh congressional district and the county of Contra Costa shall constitute the sixth congressional district.

7. All that portion of the county of Alameda comprising the sixteenth, seventeenth, eighteenth and nineteenth assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the seventh congressional district.

8. The counties of San Mateo, Santa Clara, Santa Cruz, San Benito and Monterey shall constitute the eighth congressional district.

9. The counties of Kings, Stanislaus, Merced, Madera and Fresno shall constitute the ninth congressional district.

10. The counties of Tulare, Kern, San Luis Obispo, Santa Barbara and Ventura shall constitute the tenth congressional district.

11. All that portion of the county of Los Angeles comprising the forty-second, forty-third, forty-seventh and forty-eighth assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the

Congressional
districts

Legislature commencing January 5, 1931, shall constitute the eleventh congressional district.

12. All that portion of the county of Los Angeles comprising the forty-ninth, fiftieth, fifty-first and fifty-third assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the twelfth congressional district.

13. All that portion of the county of Los Angeles comprising the forty-fifth, fifty-second and fifty-fourth and fifty-sixth assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the thirteenth congressional district.

14. All that portion of the county of Los Angeles comprising the forty-fourth, fifty-fifth, sixty-second and sixty-fourth assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the fourteenth congressional district.

15. All that portion of the county of Los Angeles comprising the fifty-seventh, fifty-eighth, sixty-third and sixty-fifth assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the fifteenth congressional district.

16. All that portion of the county of Los Angeles comprising the forty-sixth, fifty-ninth, sixtieth and sixty-first assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the sixteenth congressional district.

17. All that portion of the county of Los Angeles comprising the sixty-sixth, sixty-seventh and sixty-eighth assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the seventeenth congressional district.

18. All that portion of the county of Los Angeles comprising the sixty-ninth, seventieth and seventy-first assembly districts as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 5, 1931, shall constitute the eighteenth congressional district.

19. The counties of Orange, Riverside and San Bernardino shall constitute the nineteenth congressional district.

20. The counties of San Diego and Imperial shall constitute the twentieth congressional district.

CHAPTER 182.

An act to amend sections 73 and 142 of the Code of Civil Procedure, relating to superior courts.

[Approved by the Governor April 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 73 of the Code of Civil Procedure is hereby amended to read as follows:

73. The superior courts shall be always open (legal holidays and nonjudicial days excepted), and they shall hold their sessions at the county seats of the several counties, or cities and counties, except as otherwise provided by section 142 of this code. They shall hold regular sessions, commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges thereof; provided, that in the city and county of San Francisco the presiding judge shall prescribe the times of holding such special sessions; provided, also, that a session of the superior court shall be held at each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; and a majority of the judges of the superior court of said county, may, by an order filed with the county clerk, and published as they may prescribe, provide for, and direct the holding of, additional sessions in each of said cities, when they deem such additional sessions necessary or convenient.

SEC. 2. Section 142 of the said code is hereby amended to read as follows:

142. The judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, city or town, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, city or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, city, or town, for holding the court; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the city and county, county, city or town not less than one hundred twenty

Stats 1925,
p 217 See
Ch 706,
infra

Sessions of
superior
courts

Stats 1925,
p 218 See
Ch 707,
infra

Change in
place of
holding
superior
courts

miles distant from the county seat; provided, further, that at least one session of the superior court shall be held in each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse.

Construc-
tion

SEC. 3. The provisions of this act, so far as they are substantially the same as existing statutes, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 183.

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

[Approved by the Governor April 22, 1931 In effect immediately]

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

[Amounts shown in italics represent appropriations from special funds]

Budget ap-
propriations

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

Special
funds

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

Recurrent
appropriations

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

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

Items included in appropriations

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

Public works balances.

LEGISLATIVE.

For the salaries of senators, ninety-six thousand dollars -----	\$	96,000.00	Legislative
For mileage of lieutenant governor, senators, and statutory officers of the Senate, two thousand five hundred dollars-----	\$	2,500.00	
For pay of the officers, clerks, and all other employees of Senate, thirty thousand dollars--	\$	30,000.00	
For contingent expenses of Senate, twenty thousand dollars -----	\$	20,000.00	
For salaries of assemblymen, one hundred ninety-two thousand dollars-----	\$	192,000.00	
For pay of officers, clerks, and all other employees of Assembly, thirty thousand dollars--	\$	30,000.00	
For mileage of assemblymen and statutory officers of the Assembly, four thousand three hundred dollars -----	\$	4,300.00	
For contingent expenses of the Assembly, twenty-five thousand dollars-----	\$	25,000.00	
For legislative printing, binding, etc., one hundred eighty-five thousand dollars-----	\$	185,000.00	
For legislative mailing , three thousand dollars -----	\$	3,000.00	
For support of the legislative counsel bureau, fifty-one thousand one hundred thirty-eight dollars -----	\$	51,138.00	Legislative counsel bureau

JUDICIAL.

For support of supreme court, four hundred thousand eighty dollars-----	\$	400,080.00	Judicial
For support of the first district court of appeal, one hundred ninety-six thousand four hundred dollars -----	\$	196,400 00	
For support of the second district court of appeal, two hundred one thousand eight hundred twenty dollars-----	\$	201,820.00	

For support of the third district court of appeal, one hundred five thousand six hundred twenty-five dollars.....\$	105,625.00
For support of fourth district court of appeal, one hundred seventy-seven thousand seven hundred seventy dollars.....\$	177,770.00
For support of judicial council, twenty-six thousand six hundred dollars.....\$	26,600.00
For extra compensation and traveling expenses of judges assigned by the judicial council, one hundred forty-five thousand dollars..\$	145,000.00
For support of superior courts, nine hundred seventy thousand dollars.....\$	970,000.00

EXECUTIVE.

<i>Executive</i> For support of the governor and of the governor's office (exempt from provisions of section 433 and section 669 of the Political Code), one hundred eight thousand five hundred dollars	\$ 108,500.00
For special contingent expenses (secret service), governor's office (exempt from provisions of section 433 and section 669 of the Political Code), ten thousand dollars.....\$	10,000.00
For support of the governor's residence (exempt from provisions of section 433 and section 669 of the Political Code), seventeen thousand five hundred dollars	\$ 17,500.00
For salary and support of lieutenant governor including salary of clerk during legislative session, eight thousand eight hundred fifty dollars	\$ 8,850.00

ADMINISTRATIVE.

<i>Attorney general.</i> For support of attorney general, three hundred seventeen thousand eight hundred dollars	\$ 317,800.00
<i>Controller</i> For support of state controller, three hundred sixty thousand one hundred ninety dollars	\$ 360,190.00
For support of motor vehicle fuel tax refund division, state controller, thirty-eight thousand six hundred dollars, payable from motor vehicle fuel fund	\$ 38,600.00
<i>Board of equalization</i> For support of state board of equalization, ninety-one thousand one hundred seventy-five dollars	\$ 91,175.00
For support of fuel tax division, state board of equalization, eighty-two thousand four hundred seventy-six dollars, payable from motor vehicle fuel fund.....\$	82,476.00

For support of transportation tax division, state board of equalization, seventy-seven thousand three hundred seventy dollars, payable from motor vehicle fuel fund-----\$	77,370.00	
For special investigations, state board of equalization, twenty-five thousand dollars (exempt from section 4 of this act)-----\$	25,000.00	
For support of the franchise tax commissioner, one hundred ninety-one thousand nine hundred twenty dollars -----\$	191,920.00	Franchise tax commissioner.
For support of secretary of state, one hundred eighty-six thousand four hundred nineteen and 34/100 dollars-----\$	186,419.34	Secretary of state
For support of collection agency license division, secretary of state, twelve thousand seven hundred forty dollars, payable from collection agency license fund-----\$	12,740.00	
For printing constitutional amendments, secretary of state's office, forty-five thousand dollars -----\$	45,000.00	Constitutional amendments.
For purchasing supreme and appellate court reports, secretary of state, twenty-two thousand dollars -----\$	22,000.00	Court reports.
For support of state treasurer, ninety-seven thousand five hundred fifty dollars-----\$	97,550.00	Treasurer.

AGRICULTURE.

For support of state department of agriculture and state board of agriculture, two million eight hundred fifteen thousand dollars -----\$	2,815,000.00	Department of agriculture
For support of the state department of agriculture, one million four hundred fifty-eight thousand seven hundred fifteen dollars, payable from the department of agriculture fund-\$	1,458,715.00	

EDUCATION.

For support of department of education, superintendent of public instruction, and California state historical association, seven hundred seventy thousand three hundred ninety dollars -----\$	770,390.00	Department of education
For printing school laws, department of education, five thousand dollars-----\$	5,000.00	
For classes for children with defective speech, and for education of handicapped individuals, department of education, forty-five thousand dollars -----\$	45,000.00	
For vocational rehabilitation, department of education, in addition to such sums as are appropriated by chapter 296, statutes of 1925, twenty thousand dollars -----\$	20,000.00	

	For support of textbook division, department of education, eight hundred twenty-nine thousand forty-six dollars -----\$	829,046.00
Chico State Teachers College	For minor construction, improvements, and equipment, Chico State Teachers College, eight thousand dollars -----\$	8,000.00
	For support of Chico State Teachers College, three hundred ninety-one thousand one hundred twenty dollars -----\$	391,120.00
Fresno State Teachers College.	For support of Fresno State Teachers College, six hundred sixty-one thousand three hundred thirty dollars -----\$	661,330.00
	For minor construction, improvements, and equipment, Fresno State Teachers College, five thousand dollars -----\$	5,000.00
Humboldt State Teachers College	For support of Humboldt State Teachers College, two hundred fifty-two thousand two hundred twenty dollars -----\$	252,220.00
	For minor construction, improvements, and equipment, Humboldt State Teachers College, twenty-seven thousand dollars -----\$	27,000.00
	For survey, appraisal, and purchase of land and improvement of same, Humboldt State Teachers College, twenty-four thousand dollars -----\$	24,000.00
San Diego State Teachers College	For support of San Diego State Teachers College, five hundred fifty-seven thousand three hundred fifty dollars -----\$	557,350.00
	For minor construction, improvements, and equipment, San Diego State Teachers College, thirty-one thousand dollars -----\$	31,000.00
San Francisco State Teachers College	For support of San Francisco State Teachers College, five hundred seventy-one thousand five hundred forty-six dollars -----\$	571,546.00
	For minor construction, improvements, and equipment, San Francisco State Teachers College, thirty-four thousand dollars -----\$	34,000.00
San Jose State Teachers College	For support of San Jose State Teachers College, seven hundred eighty-nine thousand eighty-eight dollars -----\$	789,088.00
	For minor construction, improvements, and equipment, San Jose State Teachers College, fifty-nine thousand dollars -----\$	59,000.00
Santa Barbara State Teachers College.	For support of Santa Barbara State Teachers College, three hundred fifty-four thousand nine hundred ninety-six dollars -----\$	354,996.00
	For minor construction, improvements, and equipment, Santa Barbara State Teachers College, eighteen thousand dollars -----\$	18,000.00
California Polytechnic School.	For support of California Polytechnic School, three hundred thirty-three thousand seven hundred thirty dollars -----\$	333,730.00

For minor construction, improvements, and equipment, California Polytechnic School, ten thousand dollars -----\$	10,000.00	
For support of California School for Blind at Berkeley, one hundred eighty-six thousand one hundred twenty-six dollars -----\$	186,126.00	Schools for blind and deaf.
For minor construction, improvements, and equipment, California School for Blind at Berkeley, ten thousand dollars -----\$	10,000.00	
For support of California School for Deaf at Berkeley, three hundred seventy-five thousand seven hundred five dollars -----\$	375,705.00	
For minor construction, improvements, and equipment, California School for Deaf at Berkeley, twelve thousand five hundred dollars \$	12,500.00	
For expenses of deaf graduates attending Gallaudet College, California School for Deaf at Berkeley, five thousand two hundred fifty dollars -----\$	5,250.00	
For support of California Nautical School, two hundred twenty-three thousand eight hundred sixty dollars -----\$	223,860.00	California Nautical School.
For support of University of California, fourteen million nine hundred fifty-six thousand nine hundred forty-one and 16/100 dollars ---\$	14,956,941.16	University of California.
For cooperation in forestry research with California forestry experimental station and other federal agencies, University of California, twenty-five thousand dollars-----\$	25,000.00	
For survey, appraisal, and purchase of land at University Farm at Davis, University of California, ninety-five thousand dollars-----\$	95,000.00	
For continuation of cooperative building program at Scripps institution of oceanography, La Jolla, forty thousand dollars-----\$	40,000.00	
For construction, improvements, and equipment at University of California, including improvements at Mount Hamilton, Berkeley, San Francisco, Riverside, and Davis, one million one hundred sixteen thousand dollars; provided, however, that any money to be expended from this appropriation for the construction of gymnasiums shall become available only in the event and after the University of California has raised and has available from private sources a sum of money equal to twice the amount of such money to be expended for the same purpose or for acquisition and development of recreational fields-----\$	1,116,000.00	Improvements at University of California
For support of Hastings College of Law, eighteen thousand eight hundred dollars-----\$	18,800.00	Hastings College of Law

FINANCE.

Department of finance	For support of department of finance, two million fifty-nine thousand nine hundred fifteen dollars-----	\$ 2,059,915.00
District agricultural associations	For support of sixth district agricultural association fair, department of finance, twenty-five thousand dollars-----	\$ 25,000.00
	For support of 32d district agricultural association fair, twenty thousand dollars----	\$ 20,000.00
	For support of 46th district agricultural association fair, twenty-five thousand dollars--	\$ 25,000.00
	For minor construction, improvements, and equipment, sixth district agricultural association, department of finance, fourteen thousand dollars -----	\$ 14,000.00
Agricultural society	For survey, appraisal, and purchase of land, state agricultural society, department of finance, seventeen thousand five hundred dollars -----	\$ 17,500.00
Napa State Farm	To reimburse Napa State Farm revolving fund for equipment used and to be used for the fattening and slaughtering of cattle and for the protection of crops, Napa State Farm, already paid for from said fund, department of finance, sixty thousand dollars-----	\$ 60,000.00
	For minor construction, improvements, and equipment, Napa State Farm, department of finance, fifteen thousand dollars-----	\$ 15,000.00
County fairs	For encouragement of county agricultural fairs, to be expended by the department of finance, sixty thousand dollars-----	\$ 60,000.00
Automobile insurance	For premiums for automobile liability insurance, department of finance, twenty thousand dollars, in addition to such other sums as are provided by law-----	\$ 20,000.00

INDUSTRIAL RELATIONS.

Department of industrial relations	For support of department of industrial relations, one million six hundred sixty-eight thousand one hundred ninety dollars-----	\$ 1,668,190.00
	For support of division of industrial fire safety, department of industrial relations, fifty-four thousand twenty dollars, payable from clothes cleaning establishment fund----	\$ 54,020.00

INSTITUTIONS.

Department of institutions	For support of department of institutions, one hundred sixty-two thousand six hundred seventy dollars -----	\$ 162,670.00
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For support of industrial work shops for blind, department of institutions, fifty thousand dollars -----	\$	50,000.00	
For support of pathological laboratory, department of institutions, fifty thousand dollars -----	\$	50,000.00	
For deportation and transfer of insane, correctional school and other state hospital inmates, including salary of deportation agent, ninety-one thousand five hundred dollars----	\$	91,500.00	
For transportation of prisoners, insane, correctional school and other state hospital inmates, four hundred twenty thousand dollars \$		420,000.00	
For support of outpatient clinics, department of institutions, five thousand dollars---	\$	5,000.00	
For support of Agnews State Hospital, one million four hundred four thousand nine hundred forty dollars-----	\$	1,404,940.00	Agnews State Hospital
For minor construction, improvements, and equipment at Agnews State Hospital, forty-one thousand dollars -----	\$	41,000.00	
For support of Mendocino State Hospital, one million ninety thousand two hundred dollars -----	\$	1,090,200.00	Mendocino State Hospital
For minor construction, improvements, and equipment at Mendocino State Hospital, fifty thousand dollars-----	\$	50,000.00	
For survey, appraisal, and purchase of land and construction and equipment of dairy unit, Mendocino State Hospital, seventy-five thousand dollars-----	\$	75,000.00	
For support of Napa State Hospital, one million four hundred twenty-eight thousand seven hundred dollars-----	\$	1,428,700.00	Napa State Hospital
For minor construction, improvements, and equipment at Napa State Hospital, seventy-five thousand dollars-----	\$	75,000.00	
For support of Norwalk State Hospital, one million eighty-four thousand six hundred ten dollars -----	\$	1,084,610.00	Norwalk State Hospital
For minor construction, improvements, and equipment at Norwalk State Hospital, twenty thousand dollars-----	\$	20,000.00	
For support of Patton State Hospital, one million five hundred eighty-six thousand eight hundred sixty dollars-----	\$	1,586,860.00	Patton State Hospital
For minor construction, improvements, and equipment at Patton State Hospital, sixty thousand dollars -----	\$	60,000.00	
For support of Stockton State Hospital, one million six hundred ninety-eight thousand four hundred eighty dollars-----	\$	1,698,480.00	Stockton State Hospital

	For minor construction, improvements, and equipment at Stockton State Hospital, seventy-seven thousand dollars-----\$	77,000.00
Southern California Hospital	For support of new state hospital in southern California, established under the provisions of chapter 683, statutes of 1929, four hundred four thousand one hundred eighty dollars -----\$	404,180.00
Pacific Colony	For support of Pacific Colony, four hundred seventy-five thousand four hundred ninety dollars -----\$	475,490.00
	For minor construction, improvements, and equipment at Pacific Colony, forty-five thousand dollars -----\$	45,000.00
Sonoma State Home.	For support of Sonoma State Home, one million four hundred seven thousand eight hundred sixty dollars-----\$	1,407,860.00
	For minor construction, improvements, and equipment at Sonoma State Home, sixty thousand dollars -----\$	60,000.00
	For survey, appraisal, and purchase of land at Sonoma State Home, three thousand one hundred twenty dollars-----\$	3,120.00
State Narcotic Hospital	For support of State Narcotic Hospital, two hundred thirty-seven thousand five hundred sixty-six dollars -----\$	237,566.00
	For minor construction, improvements, and equipment at State Narcotic Hospital, twenty-two thousand five hundred dollars-----\$	22,500.00
Preston School of Industry	For support of Preston School of Industry, nine hundred two thousand eight hundred ninety dollars -----\$	902,890.00
	For minor construction, improvements, and equipment at Preston School of Industry, fifty-five thousand dollars-----\$	55,000.00
Ventura School for Girls	For support of Ventura School for Girls, two hundred fifty-five thousand twenty dollars -----\$	255,020.00
	For minor construction, improvements, and equipment at Ventura School for Girls, forty-one thousand two hundred dollars-----\$	41,200.00
Whittier State School	For support of Whittier State School, five hundred eighty-six thousand four hundred eighty dollars -----\$	586,480.00
	For minor construction, improvements, and equipment at Whittier State School, thirty-five thousand dollars-----\$	35,000.00
	For support of California bureau of juvenile research at Whittier State School, sixty thousand four hundred dollars-----\$	60,400.00

For support of Industrial Home for the Adult Blind, one hundred sixty-one thousand three hundred four dollars-----	\$	161,304.00	Industrial Home for the Adult Blind
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For minor construction, improvements, and equipment at Industrial Home for the Adult Blind, five thousand dollars-----	\$	5,000.00	
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INVESTMENT.

For support of division of banking, department of investment, four hundred forty-seven thousand six hundred dollars, payable from the banking fund-----	\$	447,600.00	Banking division
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For support of division of building and loan supervision, department of investment, two hundred forty thousand four hundred eighty-eight dollars, payable from the building and loan inspection fund-----	\$	240,418.00	Building and loan division
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For support of the division of corporations, department of investment, eight hundred sixty-four thousand five hundred thirty-nine dollars, payable from the corporation commission fund -----	\$	864,539.00	Corporation division
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For support of the division of insurance, department of investment, two hundred ninety-four thousand eight hundred dollars, payable from the insurance fund-----	\$	294,800.00	Insurance division
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For support of the division of real estate, department of investment, three hundred eighty-six thousand seven hundred dollars, payable from the real estate fund-----	\$	386,700.00	Real estate division
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MILITARY AND VETERANS' AFFAIRS.

For support of the department of military and veterans' affairs, fourteen thousand dollars -----	\$	14,000.00	Department of military and veterans' affairs
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For support of adjutant general and the California national guard, two hundred eleven thousand nine hundred forty-five and 12/100 dollars -----	\$	211,945.12	Adjutant general
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For allowances to organizations and rental of armories, California national guard, four hundred forty-eight thousand dollars-----	\$	448,000.00	National guard
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For officers' uniform allowances, California national guard, twenty thousand dollars-----	\$	20,000.00	
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For maintenance of high school cadets, forty thousand dollars -----	\$	40,000.00	
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For minor construction, improvements, and equipment of armories, arsenals, stables, rifle ranges, and camp sites, adjutant general and the California national guard, thirty-two thousand five hundred dollars-----	\$	32,500.00	
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Purchase of land	For survey, appraisal, and purchase of land, adjutant general and the California national guard, one hundred forty-two thousand five hundred dollars -----	\$ 142,500.00
Veterans' Home.	For support of Veterans' Home of California, six hundred sixty-four thousand two hundred ten dollars -----	\$ 664,210.00
	For minor construction, improvements, and equipment at Veterans' Home of California, sixteen thousand dollars -----	\$ 16,000.00
Woman's Relief Corps Home	For support of Woman's Relief Corps Home, forty-four thousand nine hundred twenty dollars -----	\$ 44,920.00
	For minor construction, Woman's Relief Corps Home, two thousand five hundred dollars -----	\$ 2,500.00
Athletic commission	For support of state athletic commission, eighty thousand dollars, payable from athletic commission fund -----	\$ 80,000.00

NATURAL RESOURCES.

Department of natural resources	For support of the department of natural resources, exclusive of division of fish and game and division of oil and gas, six hundred sixty-eight thousand four hundred fifteen dollars -----	\$ 668,415.00
Division of fish and game	For support of division of fish and game, department of natural resources, two million four hundred seventy-one thousand nine hundred sixty-two dollars, payable from fish and game preservation fund -----	\$ 2,471,962.00
License commissions	For license commissions, division of fish and game, department of natural resources, one hundred ten thousand dollars, payable from fish and game preservation fund -----	\$ 110,000.00
Game refuges	For purchase of game refuges and farms, division of fish and game, department of natural resources, two hundred thousand dollars, payable from fish and game preservation fund \$	200,000.00
	For state fair and other exhibits, department of natural resources, ten thousand dollars, payable from fish and game preservation fund -----	\$ 10,000.00
Division of oil and gas	For support of division of oil and gas, department of natural resources, four hundred eighty-eight thousand six hundred twenty-two dollars, payable from petroleum and gas fund \$	488,622.00
Division of parks	For construction, improvements and equipment, division of parks, department of natural resources, sixty-eight thousand seven hundred thirty-five dollars -----	\$ 68,735.00

For construction, improvements and equipment, division of fish and game, department of natural resources, one hundred fifty-seven thousand six hundred twenty dollars, payable from fish and game preservation fund-----\$	157,620.00	Division of fish and game
For expenses in connection with survey and acquisition of state park sites, department of natural resources, sixty thousand dollars-----\$	60,000.00	Park sites.
For geological survey, and publishing of geological map, division of mines and mining, department of natural resources, twenty-two thousand dollars -----\$	22,000.00	Division of mines and mining
For fire trails, breaks, and cooperative work with counties and other agencies, department of natural resources, one hundred ten thousand dollars -----\$	110,000.00	Fire trails
For forest protection, LaTour area, division of forestry, department of natural resources, five thousand dollars-----\$	5,000.00	Forest protection
For fire suppression, division of forestry, department of natural resources, two hundred thousand dollars -----\$	200,000.00	Fire suppression.
For additional support, division of forestry, department of natural resources, forty thousand dollars, payable from state board of forestry fire prevention fund-----\$	40,000.00	Division of forestry.
For purchase of second-growth pine timber lands, department of natural resources, five thousand dollars; provided that a sum equal to any amount expended from this appropriation shall be contributed by private persons or agencies for a like purpose. The state controller is authorized to draw his warrant against this appropriation upon certificate from the department of natural resources certifying that an amount equal to the amount of such warrant plus the amounts of any warrants previously drawn has been expended or contributed by private agencies for a like purpose \$	5,000.00	
PENOLOGY.		
For support of department of penology, nine thousand two hundred dollars-----\$	9,200.00	Department of penology
For support of advisory pardon board, five thousand dollars -----\$	5,000.00	Pardon board
For transportation and expense on account of arrest of criminals without the state, ninety thousand dollars-----\$	90,000.00	Interstate transportation of criminals.
For rewards offered by the governor, two thousand five hundred dollars (exempt from section 4 of this act)-----\$	2,500.00	Rewards.

Bureau of criminal identifica- tion	For support of bureau of criminal identifica- tion and investigation, one hundred forty- nine thousand five hundred dollars-----\$	149,500.00
Folsom Prison	For support of the state prison at Folsom, one million one hundred forty-seven thousand two hundred ninety dollars-----\$	1,147,290.00
	For minor construction, improvements, and equipment, state prison at Folsom, sixty-five thousand dollars -----\$	65,000.00
	For survey, appraisal, and purchase of land, state prison at Folsom, ten thousand dollars-\$	10,000.00
San Quentin Prison	For support of state prison at San Quentin, two million three hundred forty thousand six hundred eighty dollars-----\$	2,340,680.00
	For minor construction, improvements, and equipment, state prison at San Quentin, one hundred thousand dollars-----\$	100,000.00
	For survey, appraisal, and purchase of land for state prison at San Quentin, thirty-five thousand dollars -----\$	35,000.00
Parole de- partment	For support of parole department, board of prison directors, seventy-one thousand eight hundred forty dollars-----\$	71,840.00
Detective license bureau	For support of detective license bureau, board of prison directors, nineteen thousand nine hundred eighty dollars, payable from private detective agencies contingent fund---\$	19,980.00
California Institution for Women	For support of California Institution for Women, one hundred twelve thousand five hun- dred ninety dollars-----\$	112,590.00
	For minor construction, improvements, and equipment, California institution for women, two thousand eight hundred dollars-----\$	2,800.00
Narcotic enforcement	For support, division of narcotic enforce- ment, department of penology, two hundred two thousand eight hundred dollars----- \$	202,800.00
Crime com- mission	For support of California crime commis- sion, department of penology, twelve thousand dollars -----\$	12,000.00

PROFESSIONAL AND VOCATIONAL STANDARDS.

Account- ancy.	For support of state board of accountancy, nineteen thousand four hundred dollars, pay- able from board of accountancy fund-----\$	19,400.00
Architecture	For support of the state board of archi- tecture, northern district, eleven thousand one hundred sixty dollars, payable from board of architecture, northern district, fund-----\$	11,160.00
	For support of state board of architecture, southern district, eleven thousand six hun- dred ninety-five dollars, payable from board of architecture, southern district, fund-----\$	11,695.00

For support of state board of barber examiners, one hundred thousand eight hundred ten dollars, payable from state board of barber examiners' fund -----	\$	100,810.00	Barber examiners
For support of board of chiropractic examiners, twenty-four thousand three hundred dollars, payable from chiropractic examiners' fund -----	\$	24,300.00	Chiropractic examiners.
For support of board of registration for civil engineers, fifty-two thousand seven hundred ten dollars, payable from civil engineers' fund \$		52,710.00	Civil engineers
For support of registrar of contractors, two hundred fifty-two thousand three hundred thirty dollars, payable from contractors license fund -----	\$	252,330.00	Contractors
For support of state board of cosmetology, one hundred two thousand eight hundred forty dollars, payable from board of cosmetology's contingent fund -----	\$	102,840.00	Cosmetology
For support of dental examiners, fifty-two thousand five hundred thirty dollars, payable from dentistry fund -----	\$	52,530.00	Dental examiners
For support of board of embalmers and funeral directors, twenty-five thousand six hundred forty dollars, payable from embalmers and funeral directors fund-----	\$	25,640.00	Embalmers
For support of state board of medical examiners, one hundred twelve thousand six hundred seven dollars, payable from medical examiners' contingent fund-----	\$	112,607.00	Medical examiners
For support of state board of optometry, twelve thousand three hundred seventy-seven dollars, payable from board of optometry fund -----	\$	12,377.00	Optometry.
For support of state board of osteopathic examiners, seventeen thousand five hundred dollars, payable from board of osteopathic examiners' contingent fund-----	\$	17,500.00	Osteopathic examiners
For support of state board of pharmacy, one hundred thirteen thousand five hundred fifty-five dollars, payable from pharmacy board contingent fund-----	\$	113,555.00	Pharmacy
For support of board of veterinary examiners, three thousand one hundred dollars, payable from veterinary medicine examiners' contingent fund -----	\$	3,100.00	Veterinary examiners

PUBLIC HEALTH.

For support of department of public health, exclusive of bureau of cannery inspection and bureau of registration of nurses, six hundred thirty-nine thousand ten dollars-----	\$	639,010.00	Department of public health
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Cannery inspection	For support of bureau of cannery inspection, department of public health, two hundred forty-seven thousand thirty dollars, payable from cannery inspection fund-----\$	247,030.00
Nurses	For support of bureau of registration of nurses, department of public health, forty thousand nine hundred dollars, payable from nurses' examination and registration fund---\$	40,900.00
	For aid to physically defective children, department of public health, ten thousand dollars -----\$	10,000.00
	For aid to mosquito abatement districts, department of public health, ten thousand dollars -----\$	10,000.00
Tuberculosis	For subsidies, bureau of tuberculosis, department of public health, seven hundred forty thousand dollars-----\$	740,000.00
PUBLIC UTILITY REGULATION.		
Railroad commission	For support of state railroad commission, one million forty-one thousand three hundred dollars -----\$	1,041,300.00
PUBLIC WORKS.		
Department of public works	For support of department of public works, exclusive of the division of highways and the San Diego harbor, eight hundred eighty-one thousand five hundred twenty dollars-----\$	881,520.00
San Diego harbor	For support of San Diego harbor, department of public works, two thousand seven hundred dollars, payable from San Diego harbor improvement fund, with the provision that should said fund be abolished, this amount shall be payable from the general fund-----\$	2,700.00
Sacramento flood control	For flood gaugings and measurement, flood control investigations in connection with Sacramento flood control project, investigation of flood channels, and for emergency flood protection and rectification of river channels other than the Sacramento river and its tributaries in cooperation with other agencies, department of public works, forty-five thousand dollars-----\$	45,000.00
	For maintenance, operation, and emergency protection of the Sacramento flood control project, including the purposes contained in section 2, chapter 774, statutes of 1927, department of public works, two hundred thousand dollars -----\$	200,000.00
John Muir trail	For completion of construction of John Muir trail, department of public works, in accordance with the provisions of chapter 217, page 365, statutes of 1925, ten thousand dollars-----\$	10,000.00

For supervision of design, construction, maintenance, and protection of dams, department of public works, in accordance with the provisions of chapter 766, statutes of 1929, two hundred thousand dollars-----\$	200,000.00	Dams Irrigation and flood control
For special irrigation and flood control studies, economic studies relating to irrigation districts, investigation of irrigation district bond issues, and compiling, filing, and indexing water resources data, department of public works, thirty thousand dollars-----\$	30,000.00	Stream gauging
For stream gauging in cooperation with the hydraulic branch of the United States geological survey, department of public works, one hundred thousand dollars-----\$	100,000.00	Topography
For topographical surveying and mapping in cooperation with topographic branch of the United States geological survey, department of public works, one hundred thousand dollars--\$	100,000.00	Irrigation investigation
For irrigation investigations in cooperation with the agricultural engineering division, United States department of agriculture, department of public works, fourteen thousand dollars -----\$	14,000.00	Snow survey
For snow surveys and the gathering of correlated information pertinent to annual forecast of seasonal water crops in accordance with the provisions of section 1, chapter 702, statutes of 1929, department of public works, thirty thousand dollars -----\$	30,000.00	Santa Barbara water resources
For investigation of water resources of Santa Barbara county, department of public works, twenty-five thousand dollars; said moneys to become available only in the event and at the times any sums are contributed to the state by the county of Santa Barbara or other local interest or interests for the same purpose and only in amounts equal to the sums so contributed; provided, that to the extent Santa Barbara county or other local interest or interests have contributed moneys to the state for the purpose herein set forth during the eighty-second fiscal year this limitation shall not apply -----\$	25,000.00	Southern California
For exploration, investigation, and preliminary plans in furtherance of a coordinated plan for the conservation, development and utilization of the water resources of southern California, department of public works, one hundred twenty-five thousand dollars-----\$	125,000.00	

Ventura county

For investigation of water resources of Ventura county, department of public works, twenty-five thousand dollars; said moneys to become available only in the event and at the times any sums are contributed to the state by the county of Ventura or other local interest or interests for the same purpose and only in amounts equal to the sums so contributed-----\$

25,000.00

Monterey county

For investigation of water resources of Monterey county, department of public works, seven thousand five hundred dollars; said moneys to become available only in the event and at the times any sums are contributed to the state by the county of Monterey or other local interest or interests for the same purpose and only in amounts equal to the sums so contributed -----\$

7,500.00

Reclamation board

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

750,000.00

American river.

For new construction, lands, rights of way, and flowage easements on the American river channel of the Sacramento flood control project, and/or for other new construction, lands, rights of way, and easements on other portions of said flood control project, all pursuant to the provisions of chapter 176 of California statutes of 1925, approving the modified report of the California debris commission dated January 5, 1925, which said report was adopted by the United States in section 13 of that certain act of congress entitled "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928, but without in any way restricting the use of any of the moneys in the next preceding paragraph appropriated, one hundred seventy-five thousand dollars (exempt from section 4 of this act)-----\$

175,000.00

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

California
debris
commission

875,000.00

For support of division of motor vehicles, department of public works, six million five hundred eighty-five thousand dollars, payable from motor vehicle fund-----\$

Division of
motor
vehicles

6,585,000.00

For support of board of state harbor commissioners, San Francisco, four million two hundred seventy thousand three hundred thirty-seven dollars, payable from San Francisco harbor improvement fund-----\$

Harbor
commis-
sioners

4,270,337.00

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

Fire
boats

185,000.00

For construction and improvements of wharves, piers, sheds, bridges, tracks, and other construction improvements and equipment as needed, board of state harbor commissioners, San Francisco, eight hundred twelve thousand dollars, payable from San Francisco harbor improvement fund-----\$

San
Francisco
harbor

812,000.00

SOCIAL WELFARE.

For support of department of social welfare, three hundred thousand forty-eight dollars--\$

Department
of social
welfare

300,048.00

MISCELLANEOUS.

For official advertising, three thousand dollars -----\$

Miscel-
laneous
advertising

3,000.00

For premiums on official bonds, five thousand dollars-----\$

Official
bonds

5,000.00

For compensation benefits, state officers and employees, whose salaries are paid from the general fund of the state, or for premiums on insurance therefor, one hundred twenty thousand dollars -----\$

Compen-
sation
benefits

120,000.00

For traveling expenses of county treasurers, two thousand five hundred dollars-----\$

County
treasurers

2,500.00

EMERGENCIES.

Emergency
fund

For emergency fund, one million five hundred thousand dollars, (\$1,500,000) (exempt from section 4 of this act), to be expended only on written authorization of the state department of finance for emergencies. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.

Publications

SEC. 2. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provisions of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section 669 of the Political Code; provided, that the state controller shall not be required to draw such warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections 2083 and 2085 of the Political Code.

Legislative
expensesNational
guardPayments
from ap-
propriations

SEC. 3. The state controller is hereby expressly prohibited from allowing any demands payable out of any appropriation herein contained, unless the same are presented in accordance with the provisions of section 669 of the Political Code; provided, that in instances where the duties of any state officers or board make necessary the use of moneys for purposes of a confidential nature, the state controller may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the office of the state controller; provided, further, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; provided, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatever, unless authorized thereto by law; and provided, that any officer, board, commission, or department for whom any appropriation is made herein, may, without at the time furnishing vouchers and itemized statements, draw from such appropriations a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department; and provided, further, that any officer, board, commission or department for whom any appropriation is made herein, may with the permission and the approval of the department of

Vouchers

finance, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of one per cent, but not to exceed five per cent of the total amount appropriated for any such officer, board, commission or department.

Any sums drawn under the provisions of this section without at the time furnishing vouchers and itemized statements, shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the department of finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the controller.

SEC. 4. Not more than one-half of the amount appropriated under this act for each office, board, commission, department or institution for support shall be expended during the eighty-third fiscal year, unless the same has been expressly authorized by this act. Eighty-third fiscal year

SEC. 5. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the state department of finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the state controller nor paid out of any state appropriation; provided, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the state department of finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing. Payments in excess of appropriations

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the property of San Francisco harbor and the University of California Fire insurance

SEC. 7. Whenever the duties, powers, purposes, responsibilities, and jurisdictions of any office, board, commission or other state agency are transferred by law to a department of the state, the appropriations herein made from the general fund for the support of such office, board, commission or other state agency shall, by the state controller, be transferred to, and the same shall become a part of, the appropriations herein Transfer of appropriations

made from the general fund for the support of the department to which the duties, powers, purposes, responsibilities, and jurisdictions of such office, board, commission or other state agency have been transferred.

Immediate
effect

SEC. 8. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1, of article four of the constitution of the State of California, take effect immediately.

Constitu-
tionality

SEC. 9. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 184.

An act to require the director of the department of natural resources to register and mark buildings of historical interest or landmarks.

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

State
landmarks

SECTION 1. Any person including the State of California or any political subdivision thereof owning or in possession of any building or landmark which may be of historical interest, or any person with the consent of such owner or person in possession, may apply to the director of the department of natural resources to have such building or landmark listed by the director as a registered state landmark.

Register

SEC. 2. If, in the judgment of the director, the building or landmark is of sufficient historical interest, he shall list such building in a register kept for that purpose, and shall affix, in a prominent place on such building, a suitable numbered placard declaring that such building is a registered state landmark.

CHAPTER 185.

An act to amend section 627 of the Penal Code, relating to trespass.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. Section 627 of the Penal Code is hereby amended to read as follows: Stats 1929,
p 1180

627. Every person who, for the purpose of hunting, pursuing, taking, killing or destroying any animal or bird, trespasses upon the canal banks or rights of way of any irrigation district or upon any other lands where signs are displayed not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands forbidding such trespassing, without the written permission of the owner of such lands, or his agent, or the person in lawful possession thereof, or who maliciously tears down, mutilates or destroys any sign, signboard, or other notice forbidding hunting on such lands, is guilty of a misdemeanor. Trespass
for pur-
pose of
hunting

Destruction
of signs

Nothing in this section shall be construed as making the entering or use of any road or trail on such lands, canal banks or rights of way unlawful when entered and used for the purpose of communicating with the owner of such lands, or his agent, or the person in lawful possession of such lands. The provisions of this section shall not apply to any person employed as a hunter by the state or by the United States to hunt and destroy predatory animals, or birds, when acting in the course of his employment.

The terms "canal" and "rights of way" as used herein do not include the terms "lakes" or "reservoirs."

CHAPTER 186.

An act to add a new section to the School Code to be numbered 4.353, relating to orders upon school district funds.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. A new section is hereby added to the School Code to be numbered 4.353 to read as follows: New
section

4.353. No order, except for salaries of employees of the district, shall be made by the governing board of any school district during April, May or June of any school year upon any funds of the district out of which the salaries of certificated employees of the district may be paid, if the amount specified Order on
funds

in the order would, if paid, reduce the total of all such funds to an amount less than that required to pay the salaries of certificated employees of the district for the remainder of the current school year.

CHAPTER 187.

An act to amend section 363j of the Political Code, relating to the department of public works.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats. 1929,
p. 362.

SECTION 1. Section 363j of the Political Code is hereby amended to read as follows:

Cost of
architectural
services

363j. The cost of all architectural services performed by the state department of public works for a state department, division, bureau, board, commission, office, institution, or agency, other than for the Veterans' Home of California, which is supported otherwise than by appropriations from the general fund in the state treasury, shall be a charge against, and shall be paid from the moneys and funds appropriated, or made available by law, for the support of such departments, divisions, bureaus, boards, commissions, offices, institutions, or agencies and shall be fixed and determined by the director of public works. All moneys paid for such services, under and pursuant to the provisions of this section, shall be paid into the state treasury to the credit and in augmentation of the current appropriation for the support of the department of public works, to be expended in accordance with law, for the support of said department.

CHAPTER 188.

An act to amend section 2176 of the Political Code, relating to the department of institutions.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats. 1929,
p. 1466

SECTION 1. Section 2176 of the Political Code is hereby amended to read as follows:

Support
of insane
persons

2176. The husband, wife, father, mother, or children of an insane person or inebriate, and the guardian of his estate, must cause him to be properly and suitably cared for and maintained, and must pay the costs and charges of his transportation to a state hospital for the insane or inebriates. The husband, wife, father, mother, or children of an insane person or inebriate, or the estate of such insane person or inebriate, shall be

liable for the care, support and maintenance of any insane person or inebriate in a state hospital to which he has been or may hereafter be committed or transferred, and it is hereby made the duty of the department of institutions to make collections of all of the aforesaid costs and charges, and charges for the care, support and maintenance of any insane person or inebriate in a state hospital, or to see that they are collected; provided, however, the director of institutions may, at his discretion, refuse to accept payment of charges for the care, support and maintenance of any insane person or inebriate in a state hospital who is eligible for deportation by the federal immigration authorities.

The department shall, following the admission of a patient into a state hospital for the insane or into a state home for the feeble-minded, cause an investigation to be made to determine what moneys, property, or interest in property, if any, the patient may have, and whether he has a duly appointed and acting guardian to protect his property and his property interests. The department shall also make an investigation to determine whether the patient has any relative or relatives as mentioned in this section, and who are herein made responsible for the payment of the costs of transportation and maintenance, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges. All reports in connection with such investigations, together with the findings of the department, shall be records of the department, and may be inspected by interested relatives, their agents, or representatives at any time upon application.

Investigation by department

CHAPTER 189.

An act to amend section 13 of chapter 248, statutes of 1929, entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1929.

Stats 1929, p. 490, amended

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. Section 13 of chapter 248, statutes of 1929, entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less

Stats 1929, p. 490

than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor" is hereby amended to read as follows:

Industries
in insti-
tution

Sec. 13. (a) Said institution may manufacture or raise for sale, supplies or produce for use in any state institution, or for the use of any political subdivision of the state, and said board may in its discretion pay to any inmate producing or assisting in the production of such article, or to the dependent family of such inmate, the proceeds or a part of the proceeds of the sale thereof. Said board shall also have the power to employ inmates in actual work in said institution, and to fix their compensation, if any, therefor, and to pay the same at such times and in such manner as said board may see fit.

CHAPTER 190.

Stats. 1921,
p. 1306,
amended

An act to amend section 5 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, relating to dog licenses.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats. 1921,
p. 1306

SECTION 1. Section 5 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs," approved August 2, 1921, as amended, is hereby amended to read as follows:

Dog
licenses
fee

Sec. 5. Upon the filing of a petition therefor by twenty-five electors whose names appear upon the last preceding assessment roll of the county as owners of domestic live stock, it shall be the duty of the board of supervisors of any county to provide for the annual issuance of serially numbered metallic dog license tags, stamped with the name of the county and the year of issue, which shall be issued by the county clerk directly or through justices of the peace, to owners of dogs, who make application for the same. Each application shall state the age, sex, color and breed of the dog for which the

license is desired and the address of the owner. The county clerk shall indorse upon the application the number of the license tag issued upon such application and all applications so indorsed shall be kept on file in the office of the county clerk open to public inspection. The fee for the issuance of such license tag shall be fifty cents, but the board of supervisors of any county shall have power to increase such fee within such county. It shall be unlawful for any person to attach such license to the collar of any dog other than the one described in the application for such license tag.

CHAPTER 191.

An act to amend the California irrigation district act by adding thereto a new section to be numbered 48a, relating to the title to property owned or claimed by an irrigation district. Stats. 1897,
p. 254,
amended

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. The California irrigation district act is hereby amended by adding thereto a new section to be numbered 48a and to read as follows: New
section

The board of directors may, on such terms as it deems for the best interests of the district, take a deed or release from any claimant to an interest in any property owned or claimed by the district. Releases
to district
property

CHAPTER 192.

An act to add section 3a and to amend section 5 of chapter 176, statutes of 1919, entitled "An act to provide for the prevention and suppression of forest fires," approved May 2, 1919, as amended, relating to the appointment, powers, and duties, of voluntary fire wardens. Stats. 1919,
p. 262
amended

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3a is hereby added to chapter 176, statutes of 1919, to read as follows: New
section

Sec. 3a. The state forester shall appoint, in such number and localities as he deems wise, public spirited citizens to act as voluntary fire wardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of Voluntary
fire
wardens

forestry laws, assist in apprehending and convicting offenders, and perform such other duties as the state forester may direct. The supervisors and rangers on the federal forest reserve within the state, whenever they formally accept the duties and responsibilities of fire wardens, may be appointed as voluntary fire wardens, and shall have all the powers given to fire wardens by this act.

Stats 1919
p 262

SEC. 2. Section 5 of chapter 176, statutes of 1919, is hereby amended to read as follows:

Power to
make
arrests

Sec. 5. The state forester, deputy state forester, assistant state foresters, district fire rangers, special fire rangers and such fire wardens as are especially designated by the state forester shall have the powers of peace officers to make arrests without warrant, for violation of any state, county or federal fire law, and none of them shall be liable to civil action for trespass committed in the discharge of their duties.

CHAPTER 193.

An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected, defective, and diseased apples, providing for its enforcement and fixing penalties for its violation.

[Approved by the Governor April 21, 1931 In effect August 14, 1931]

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

Short
title

SECTION 1. This act shall be known and may for all purposes be cited as the "California standard apple act."

Standards

SEC. 2. Apples, when being packed, or after packing, or when delivered for shipment, loaded, shipped or being transported, offered for sale or sold in any container or subcontainer, or in bulk, shall conform to one of the following standards:

Extra
fancy

(a) The "Extra Fancy" grade shall consist of well grown, properly matured apples of one variety which are clean, hand picked, well colored, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting and/or packing), broken skin, insect pests, limbrub, sprayburn, sunscald, russetting, drouth spot, hail mark, frost injury, internal browning, apple scab and other diseases, and from insect bites, and other defects; provided, however, that russetting confined within the basin of the stem shall be permitted.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

(b) The "Fancy" grade shall consist of well grown, properly matured apples of one variety which are clean, hand picked, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting and/or packing), broken skin, and insect pests; and free from appreciable damage, as defined in this act, caused by limb-rub, sprayburn, sunscald, russeting, drouth spot, hail mark, frost injury, internal browning, apple scab and other diseases, insect pests and other defects

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

(c) The "Fancy Loose" grade shall conform in all respects to the fancy grade, as hereinbefore established, with the following exceptions: The apples in this grade shall not be wrapped and the only requirement as to size shall be that none of the apples of this grade shall be of a size that will pass through a ring two and one-fourth inches in diameter; provided, that apples of this grade shall not be required to be packed and/or in clean or standard boxes.

(d) The "C" grade shall consist of properly matured apples of one variety which are virtually clean, hand picked, free from decay, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting and/or packing), broken skin, and insect pests; and free from serious damage, as defined in this act, caused by stem punctures, visible Baldwin spot, Jonathan spot, sunscald, frost injury, internal browning, apple scab, and insect pests.

Apples of this grade shall be uniform in size and well packed in clean, standard boxes.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by count, of the apples in any one container, may be below the requirements of this grade, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

(e) The C grade loose shall conform in all respects to the C grade as hereinbefore established, with the following exceptions: The apples in this grade shall not be wrapped, and

shall not be required to be hand picked, packed, uniform in size or in clean or standard boxes.

Fancy and
C grade
loose

(f) The combination fancy and C grade loose shall meet all requirements of C grade loose apples and shall include in each container not less than fifty per cent, by count, of apples meeting all requirements of the fancy loose grade; provided, that none of the apples of the grade combination fancy and C grade loose, shall be of a size that will pass through a ring two and one-fourth inches in diameter.

Variations

For the purpose of this act although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed; provided, that the entire lot shall average within the tolerance established; provided, further, that no container shall have more insect pests or decay than the amount specified in the tolerance established.

Marking of
containers

SEC. 3. All containers of apples when being packed or after packing, or when delivered for shipment, loaded, shipped or being transported, offered for sale or sold shall bear upon them in plain sight and in plain letters on one end and on the outside thereof the following: The name of the person, firm or corporation who shall have first authorized the packing of the apples or the name under which such packer shall be engaged in business, together with a sufficiently explicit address to permit ready location of such packer; name of variety, if known, and when not known the words "unknown variety"; the grade of the apples therein contained, as herein defined; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than thirty days after being packed a statement showing the fact that the contents have been held in cold storage; the minimum net weight of the apples contained therein, or the cubical contents of the package, and in the case of wrapped packed apples the numerical count; provided, however, that a variation of five apples, more or less, than the number stated, shall be allowed; provided, further, that open containers of apples which are not packed shall be required to show only the name and address of the person, firm or corporation who shall have first packed or authorized the packing of the apples, and the designation of grade as provided by this act.

All markings required by this act, except net weight, shall be plainly and conspicuously stamped, stenciled, printed, labeled or branded in the English language, on one end of each box, lug or carton, and on either one side or the top cover of each basket, barrel or other container. The designation of grade shall be stated in letters not less than one-half inch in height.

In lieu of the standard grade markings required by this section any container of apples may be marked with the name

of the equivalent grade established for such apples in United States standards for apples promulgated by the United States department of agriculture and approved by the director of agriculture of the State of California; provided, that the apples contained in such package shall meet all requirements of the grade marked thereon.

SEC. 4. All wrapped apples shall be in one of the following containers: Standard apple box, depth inside, ten and one-half inches; width inside, eleven and one-half inches; length inside, eighteen inches. Half apple box, depth inside, five and one-fourth inches; width inside, eleven and one-half inches; length inside, eighteen inches; provided, that packed or loose unwrapped apples may be in other size containers, and wrapped apples may be in containers smaller than the half apple box, if these are conspicuously marked, in letters not less than one-half inch in height, "irregular container"; provided, that such marking shall not be required on open containers of apples which are not packed.

Dimensions
of con-
tainers

SEC. 5. When any lot of apples has been inspected and passed by a duly authorized enforcing officer of this act as conforming to the requirements of this act, and has thereafter been sold, and placed in cold storage or shipped to a purchaser, the person who was the owner, packer, or shipper of the lot at the time of such inspection, shall not be prosecuted hereunder by reason of any failure of any of said fruit to conform to the provisions of this act as a result of deterioration subsequent to the original inspection; however, any such stored lot of apples may be sold to a purchaser who must immediately recondition the apples upon their removal from storage so that they conform to the provisions of this act.

Deteriora-
tion after
inspection.

SEC. 6. When used in this act the words herein mentioned shall be defined as follows:

Definitions.

"Appreciable damage" means any injury or defect which appreciably affects the appearance or quality of the apple. The following defects shall not be considered as appreciable damage:

(a) Limbrubs which are not soft and which affect not to exceed an aggregate area of three-fourths inch in diameter.

(b) Sunscald and sprayburn where the normal color of the skin is but slightly changed, and there is no blistering or cracking of the skin, and no discoloration of the flesh.

(c) Russeting which is not excessively rough, and which does not appear on more than twenty-five per cent of the surface of any one apple in the aggregate, except in the case of Newtown Pippins, on which it does not appear on more than thirty-three per cent of the surface of any one apple in the aggregate.

(d) Drouth spots where the surface of the apple is only slightly discolored and depressed.

Definitions

(e) Hail marks where such marks do not exceed two in number on any one apple where the injury is superficial and the skin has not been broken.

(f) Frost injury which is not more than skin deep and affects an aggregate area not exceeding one-half of an inch in diameter.

(g) Internal browning which shows not more than a trace of discoloration in the flesh.

(h) Scab spots which on any one apple and in the aggregate shall not exceed one-fourth of one inch in diameter.

(i) Slight flyspeck fungus.

(j) Two well healed case bearer, codlin moth or aphid stings on an apple, neither of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(k) Slight sunspots.

“Serious damage” means any injury or defect which seriously detracts from the appearance or quality of the apple. The following defects shall not be considered as serious damage:

(a) Stem punctures, when affecting apples of the Newtown Pippin and Bellefleur varieties, if the punctures are slight and if such punctures affect less than fifty per cent, by count, of such apples in any one container or bulk lot. Stem punctures to any extent shall be considered serious when affecting any other varieties of apples.

(b) Jonathan spot and/or Baldwin spot, when affecting apples of the Newtown Pippin and Bellefleur varieties if less than twenty-five per cent, by count, of such apples in any one container or bulk lot are affected by less than four spots of either or both of such defects. Jonathan spot and/or Baldwin spot in any extent shall be considered serious in all other varieties of apples.

(c) Sunscald and sprayburn, where there is no blistering or cracking of the skin or where the flesh is not seriously discolored or injured.

(d) Hail marks or frost injury, where such defects do not cover more than an aggregate area of one-tenth of the surface of the apple or materially deforms or disfigures the fruit.

(e) Internal browning, which can not be detected by external examination or pressure.

(f) Scab spots, which on any one apple and in the aggregate shall not exceed one-half of one inch in diameter.

(g) Five well healed case bearer, codlin moth or aphid stings on an apple, none of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(h) Slight blossom end cracks.

“Hand picked.” Apples which show evidence of having been on the ground shall not be considered hand picked.

“Clean” means free from dust or dirt and free from visible spray residue.

“Packed” shall mean the regular, compact arrangement of all or part of the fruit in any container. Definitions

“Well packed” shall mean the regular, compact, diagonal arrangement of all of the fruit in any container, the fruit being compacted, at the time of packing, with sufficient solidity so that it will not move in the container when lidded, the top and bottom of the box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box being properly wrapped, with the exception of the bottom layer, which may be flagged.

“Flagged” shall mean the incomplete covering of the apples by the use of wrappers which are not closed.

“Uniform in size” shall mean, in boxes containing one hundred twenty-five apples, or less, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross-section between the fruits in any one container; in boxes containing one hundred thirty-eight apples, or more, a variation of not more than three-eighths of one inch when so measured.

“Cross section” shall mean that section of the apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

“Properly matured” shall mean that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of development necessary to insure the proper completion of the ripening process; provided, that apples of the varieties Alexander, Red Astrachan, White Astrachan, Beitigheimer, White Winter Pearmain, Greening, and Fall Pippin shall not be required to be properly matured, as herein defined, in order to meet the requirements of any grade except extra fancy.

“Insect pests” whenever used in this act shall include San Jose scale, codlin moth and other insects or the larvae, nymphs or pupae thereof, and also shall include any apple which has been infested with codlin moth and bears evidence of such infestation, with the exception of superficial, well healed codlin moth stings.

“Containers” shall mean any box, lug, basket, carton, barrel, or other container used for packing, shipping or selling apples.

“Deceptive pack” shall mean any container of apples which has in the outer layer or any exposed surface apples which are so superior in quality, size, condition, or in any other respect to those in the interior of the container, or the unexposed portion as to materially misrepresent the contents. “Deceptive arrangement” or “deceptive display” of apples shall mean any bulk lot or load, arrangement or display of such apples which, has in the outer layer, or any exposed surface apples which are so superior in quality, size, condition, or in any other respect to any of those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk load or lot.

“By-products” shall mean any product commercially processed or manufactured for resale from apples or their juices. “County” shall include in its meaning a consolidated city and county.

“Mislabel” shall mean the placing of any false or misleading statement, design, or device upon any container of apples, or upon the label or lining of any such container, or upon the wrapper of any apple, or upon any placard used in connection therewith and having reference to such apples.

A statement, design or device is false or misleading, when the apples or container to which it apparently or actually refers, do not conform in every respect to such statement.

A “bulk lot” or “bulk load” of apples is any one group of apples which is not in a container and which is set apart or is separate from any other group or groups.

A “placard” is any sign, label or designation, other than an oral designation, used in connection with any apples as a description or designation thereof.

Unlawful
acts

SEC. 7. It is unlawful to prepare, deliver for shipment, load, ship, transport, offer for sale or sell a deceptive pack, bulk arrangement or display of apples, or to mislabel any container of apples, or the label or lining of any such container, or the wrapper of apples, or any placard used in connection therewith having reference to such apples. This provision shall be construed to prohibit the repeated use of any container of apples, bearing any markings, or any designations of brand, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced therein shall first be completely removed, erased or obliterated. Nothing in this act shall be construed to conflict with any California or federal laws or regulations regarding net weight or other markings on containers or sub-containers.

Enforce-
ment of
act

SEC. 8. The director of agriculture is hereby empowered, through his duly authorized agents, and the county agricultural commissioners of each county of the state, their deputies and inspectors, to enforce all provisions of this act, and shall have supervision and control over all enforcing officers of this act. The refusal of any officer duly authorized under this act to carry out the orders and directions of the director of agriculture in the enforcement of this act shall be deemed neglect of duty.

The agricultural commissioner of each county, and his deputies and inspectors, shall be, by virtue of their office, enforcing officers of this act.

Regulations

SEC. 9. The director of agriculture is hereby empowered to define, promulgate and enforce such rules and regulations as he may deem necessary to secure uniformity in the enforcement of this act which shall not conflict with any of the provisions of this act.

SEC. 10. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place, vehicle, or other conveyance within the county or district for which they have been appointed, where any apples are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, offered for sale or sold, and to inspect such places and all such apples and the containers thereof and equipment found in any such places, in vehicles, or conveyances when being transported, and to take for inspection, such samples of the apples and such containers, as may be necessary to determine whether or not this act has been violated.

Powers and
duties of
enforcing
officers

It shall be the duty of all enforcing officers mentioned in this act to carry out the provisions of this act in the territory over which they have jurisdiction and to cause the prosecution of any person, firm, or corporation whom they know or have reason to believe to be guilty of violating any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county, or state, and shall have the right, while enforcing the provisions of this act, to seize and hold as evidence all or any part of any pack, load, bulk lot, consignment or shipment of apples packed, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of this act, or any container of such apples, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act.

SEC. 11. It shall be the duty of the district attorney and any prosecuting officer of the county, city and county, or city, in which any violation of this act may occur, to prosecute the person, firm, or corporation accused of such violation, and also, at the request of the director of agriculture or his duly authorized agents, to institute and prosecute such action as may be authorized under the provisions of this act.

Prosecu-
tion of
violations

SEC. 12. Any apples, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of any of the provisions of this act, and their containers, shall be deemed to be a public nuisance, and shall not be moved from the place where they may be, excepting under the written direction of a proper enforcing officer. After due and proper written notice, if the packer or owner of such apples shall refuse, or shall fail within twenty-four hours, to recondition or remark the same so as to comply with all requirements of this act, such apples and their containers may be seized by the director of agriculture, his deputies or any enforcing officer as herein provided, and by order of the justice, municipal or superior court of the county, city and county, or city within which the same may be, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that they

Violations
confiscation

will not be packed, delivered for shipment, shipped, transported, offered for sale or sold in violation of any of the provisions of this act.

Violations
arrest

SEC. 13. Whenever any person is arrested for the transportation of apples in violation of the provisions of this act, unless such person demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take the name and address of such person, the number of his motor vehicle or such other information as may be necessary, and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the township in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody. However, in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein may specify the appearance of the person arrested before any magistrate in the county.

Whenever any such person refuses to give his written promise to appear as herein provided for or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial but he shall not be required to plead or be tried within five days unless he waives such time in writing or in open court and gives his written promise to appear at such time and place as the court may fix for his further appearance or, upon his refusal to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Forwarding
agents
rejection
of ship-
ments

SEC. 14. It is lawful for any forwarding company, person, firm or corporation, and for any common carrier to decline to ship or transport any apples when notified by any enforcing officer of this act that such products are found to be delivered for shipment in violation of any of the provisions of this act, and any such forwarding company, person, firm, corporation, or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to

reject for shipment and to return to such consignor or hold at the expense and risk of the latter all apples which upon inspection are found to be delivered for shipment in violation of any of the provisions of this act.

SEC. 15. All apples which are not wrapped or packed, and which are intended for use in the State of California in commercial processing, preserving or manufacture of by-products for resale or which are being delivered to any person, firm, or corporation in the State of California for grading, packing or reconditioning are exempt from the provisions of this act. Exemptions

The containers of such apples must not bear any false or misleading statements and such apples must not be deceptively packed. Requirements

The owner or anyone in possession of apples, which are to be used or disposed of as provided in this section, must, upon the demand of any enforcing officer under this act, give to such officer a sworn statement in writing, made before a notary public, specifying that the apples will be disposed of as provided in this section, the name and address of the person, firm, or corporation to whom such apples are to be delivered, and an accurate identification of such product. Within a reasonable time after the demand and receipt of such statement by the officer a written receipt must be presented to the agricultural commissioner of the county specified in the above statement as the destination of the apples, by the person making the above mentioned statement. This receipt must contain a signed statement by the person, firm or corporation receiving such apples, that such apples, giving an accurate description of them have been received.

SEC. 16. All apples when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale, or sold in bulk, or in any container or subcontainer, shall conform with all provisions of this act. Apples to conform to act

SEC. 17. Any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Penalties

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

CHAPTER 194.

Stats 1923,
p 393,
amended

An act to amend section 5 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violation thereof," approved May 17, 1923.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats 1923,
p 393

SECTION 1. Section 5 of an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violation thereof," approved May 17, 1923, as amended, is hereby amended to read as follows:

Powers of
sanitary
districts

Sec. 5. Every sanitary district formed under the provisions of this act shall have power to have and use a common seal, alterable at the pleasure of the sanitary board; to sue and be sued by its name; to construct, reconstruct, alter, enlarge, lay, renew, replace, maintain and operate such sewers, drains, septic tanks and other drainage and sewage disposal system as in the judgment of the sanitary board shall be necessary or proper, and/or to join with any other district, municipality or other governmental agency in the construction, reconstruction, alteration, enlargement, laying, renewing, replacing, operating and/or maintenance of sewers, drains, septic tanks and/or other drainage and sewage disposal systems, either within or without said district; and/or to permit the use, by lease or otherwise, of any property of the district by any other district, municipality or other governmental agency; to acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and

rights of way, either within or without the limits of the district, as in the judgment of the sanitary board shall be necessary or proper, and to pay for and hold the same; to make and accept any and all contracts, deeds, releases, and documents of any kind which, in the judgment of the sanitary board, shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it; to issue bonds as hereinafter provided, and to assess, levy, and collect taxes to pay the principal and interest of the same, and the cost of laying and the expense of maintaining any sewer or sewers that may be constructed subsequent to the issuance of said bonds or any lawful claims against said district, and the running expenses of the district; to employ all necessary agents and assistants, and pay the same; to lay its sewers and drains in any public street or road of the county, and for this purpose enter upon the same and make all necessary and proper excavations, restoring the same to proper condition; but in case such street or road shall be in an incorporated city or town the consent of the lawful authorities thereof shall first be obtained; to make and enforce all necessary and proper regulations for the removal of garbage, and the cleanliness of the roads and streets of the district, and all other sanitary regulations not in conflict with the constitution or laws of the state; and violation of any such regulations or ordinances is hereby declared to be a misdemeanor punishable by fine or imprisonment, or both; but no such fine shall exceed the sum of one hundred dollars; and no such imprisonment shall exceed one month; to call, hold and conduct all elections necessary or proper after the formation of the district; to prescribe, by order, the time, mode and manner of assessing, levying, and collecting taxes for sanitary purposes, except as otherwise provided herein; to compel all residents and property owners within the district to connect their houses and habitations with the street sewers, drains or other sewerage disposal system; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers, or the purposes for which it was formed.

CHAPTER 195.

Stats. 1915,
p. 115,
amended

An act to amend section 84 of the public utilities act, relating to rules and regulations in the interest and aid of public health, security, safety, convenience and general welfare.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats. 1915,
p. 115

SECTION 1. Section 84 of the public utilities act is amended to read as follows:

Not ap-
plicable to
interstate
or foreign
commerce.

Sec. 84. Neither this act nor any provision thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union, except in so far as the same may be permitted under the provisions of the constitution of the United States and the acts of congress; but with reference to passenger stage corporations operating in interstate commerce between any point or points within this state and any point or points in any other state or in any foreign nation, the railroad commission shall have the power to prescribe such reasonable, uniform and nondiscriminatory rules and regulations in the interest and aid of public health, security, safety, convenience and general welfare as shall in its opinion be required by public convenience and necessity.

CHAPTER 196.

An act to define the liability of stockholders in California state banks and to provide for the enforcement and collection of that liability by the superintendent of banks of the State of California.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Banking
corporations
liability
of stock-
holders

SECTION 1. The stockholders of every banking corporation organized under the laws of the State of California shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Transferred
stock

The stockholders in any banking corporation organized under the laws of the State of California who shall have transferred their shares or registered the transfer thereof within sixty days next preceding the date upon which the superintendent of banks shall have taken possession of the property, business and assets,

of such banking corporation, or who shall have so transferred or registered their shares with knowledge of impending failure, shall be liable to the same extent as if they had made no such transfer, to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to effect in any way any recourse which such stockholders might otherwise have against those in whose names such shares are registered at the time of the closing or failure of said banking corporation.

Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be if living and competent to act and hold the stock in his own name.

Executors,
etc

SEC. 2. Whenever the superintendent of banks shall hereafter take possession of the business and property of any bank doing business in this state, for the purpose of liquidating its affairs, as provided by law, he may at any time during the process of such liquidation, if necessary to pay the debts of such corporation, enforce the individual liability of the stockholders set forth in section 1. For the purpose of enforcing such liability, the superintendent of banks may call for a ratable assessment upon the stockholders of such bank without previous judicial ascertainment of the necessity for such action, and the action of the superintendent of banks in calling for such assessment shall be conclusive on the stockholders of the necessity for such assessment.

Liquidation
of banks

Assessments
requirements
concerning

Any such assessment shall be levied by order of the superintendent of banks under his official seal, which order shall be executed in duplicate, one to be filed in the office of the superintendent of banks and one with the papers in the liquidation proceedings in the county in which said bank shall have been located.

Said order of the superintendent of banks levying the assessment shall specify the amount of the assessment and shall fix a date on which the said assessment shall be due and payable, which said date shall not be less than thirty, nor more than sixty days from the time of making the order levying the assessment. The said assessment shall be payable to the superintendent of banks at his office or at such other places as may be specified in the order levying the assessment.

Notice of such assessment shall be given by causing a copy of said order to be personally served on each stockholder, or in lieu of personal service, sent through the mail, postage prepaid, addressed to such stockholder at his place of residence or business, as shown upon the books of said bank, and if not shown, where the principal office of the bank was situated. Said copies of said order shall be personally served or placed in the

mail within fifteen days after the making of the order levying the assessment.

Assessment-
failure
to pay

If any stockholder of said bank shall fail to pay said assessment in full upon the date specified in said order as the date upon which said assessment shall be due and payable, a right of action shall immediately accrue to the superintendent of banks to recover the amount of said assessment or the amount remaining unpaid thereon from the stockholder or stockholders failing to pay the assessment in full.

Collection
of amount
due

The superintendent of banks shall have power to maintain an action or actions in this state, or in any other state or country to enforce and collect any sums or amounts due and payable and remaining unpaid upon any such assessments from any stockholder or stockholders failing to pay the same in full; and in any such action the superintendent of banks may join as defendants one or more stockholders; and in any such action the superintendent of banks shall have the right of attachment as in other actions upon unsecured debts; provided, however, that the superintendent of banks shall not be required to give bond on attachment or pay filing fees or other court costs.

Disposition
of funds

All sums collected from any such assessment, less the expenses of collection, shall be used by the superintendent of banks against the liquidation of claims in the same manner as the assets of the bank are so used. If such ratable assessment, first made, shall prove inadequate to pay all of the creditors of the bank in full, the superintendent of banks may levy further assessment or assessments, and proceed to collect the same in like manner so long as the total of such assessments does not exceed the liability set forth in section 1 above.

Surplus
funds

If, after the payment of all liabilities against such bank, and the costs and expenses of liquidation, any surplus shall remain, the court in the liquidation proceedings shall determine and provide for any equities as between the respective stockholders, including proportions belonging to each stockholder and of any surplus of any of the assets remaining after payment of all liabilities and the costs and expenses of liquidation by reason of full or partial payment of any such assessment or assessments, and shall direct the payment thereof by the superintendent of banks accordingly.

Constitutionality

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional or its operation or application is or may be limited or controlled by any constitutional provision.

CHAPTER 197.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank act," by amending sections 25, 26, 32, 40, 44, 48a, 61, 65, 68, 83, 84, 105, 107, 123, 124, 133, 137 and 140, and by repealing section 17, and by adding new sections to be known as sections 8a, 16f, and 136c, all relating to the definition and regulation of the business of banking.

Stats 1909,
p 87,
amended.

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 25 of said act is hereby amended to read as follows:

Stats 1921,
p 1372
See also
Ch 1036,
infra

Sec. 25. Every bank shall maintain for each department total reserves equal in amount to that required by this act for the respective business conducted, and shall keep separate and distinct the total reserves of any department from that of any other department; and all deposits made with other banks, whether temporary or otherwise, shall be assets of the respective departments by which they were made, and shall be so carried on the books of such other banks, and shall be repaid only upon the order of the department to whose credit they stand. No department shall receive deposits from any other department of the same corporation; except that the savings department or the commercial department of any bank may receive deposits from the trust department of the same corporation or association and may set aside, as required by section 105 of this act, bonds or securities of any kind in which savings banks are permitted by law to invest; provided, however, that any bank having departments shall have the right to sell and transfer any bonds, securities or loans from one department to another upon receipt of the actual value thereof, if such bonds, securities or loans are, under the provisions of this act, a legal investment for the department purchasing the same.

Depart-
ments total
reserves

Transactions

SEC. 2. Section 26 of said act is hereby amended to read as follows:

Stats 1921,
p 1373

Sec. 26. Every bank having different departments shall keep separate books of account for each department of its business, and shall be governed as to all deposits, reserves, investments and transactions relating to each department by the provisions in this act specifically provided for the respective kind of business. It shall keep all investments relating to the savings department entirely separate and apart from the investments of its other department or departments.

Separation
of depart-
ments

Every bank shall keep entirely separate and apart in each department the cash, securities and property belonging to such

department, and shall not mingle the cash, securities and property of one department with that of another; except that the trust department of any bank may make deposits with the savings department or commercial department of the same corporation or association as in this act provided.

Every bank shall conduct the business of all of its departments in one building or in adjoining buildings; provided, that any departmental bank, having a trust department, may conduct, with the previous written consent of the superintendent of banks, the business of its trust department in a building separate from its principal place of business in the same city in which its principal place of business is located.

Stats 1915,
p 1110

SEC. 3. Section 32 of said act is hereby amended to read as follows:

Trust
funds

Sec. 32. Any bank receiving trust funds in accordance with the provisions of this act relating to trust companies must not mingle such trust funds with the other assets of the corporation, or association and such funds shall not be used in the conduct of its business, unless such funds are deposited with the savings department or the commercial department of the same corporation or association as in this act provided. The officers of any bank who knowingly violate or consent to the violation of this provision shall be guilty of a felony.

Stats 1909,
p 87

SEC. 4. Section 40 of said act is hereby amended to read as follows:

Stock-
holders'
liability

Sec. 40. No bank mentioned in this act shall make any contract with any of its depositors whereby any stockholders' liability provided for by any law of this state is in any manner waived, and if any such contract shall be so made, such contract shall be void.

Stats 1913,
p 156

SEC. 5. Section 44 of said act is hereby amended to read as follows:

Loan on
bank stock

Sec. 44. No bank shall hereafter make a loan secured by the stock of another bank, if by making such loan the total stock of such other bank held by such loaning bank as collateral will exceed in the aggregate twenty-five per centum of the capital stock of such other bank; provided, that no loan upon the capital stock of any bank shall be made unless such bank has been in existence at least two years and has earned and paid a dividend upon its capital stock; and provided, further, that no bank may loan more than ten per centum of its assets upon the capital stock of any corporation whatsoever as collateral security.

Stats 1921,
p 1380

SEC. 6. Section 48a of said act is hereby amended to read as follows:

National
bank
trust
department

Sec. 48a. Any national banking association, whose principal place of business is in this state, is hereby authorized to act in fiduciary capacities in all respects as provided by the acts of congress, approved December 23, 1913, and amendments thereof, commonly known as the federal reserve act, and all acts herein provided to be performed by the state

treasurer, the superintendent of banks or other public officials for or in respect of trust companies, shall be performed for such national banking association, equally with trust companies. Every such national banking association which shall be authorized to exercise said fiduciary powers, and which has qualified by making the deposit of securities required by the law of this state, may act, or may be appointed by any court to act in any such capacity in like manner as an individual. Every such association shall be permitted to use the word "trust" in its corporate name and to advertise its authority to act in fiduciary capacities, anything to the contrary in this act notwithstanding.

The superintendent of banks shall inspect and examine the books, records and assets of the trust department of each national banking association which conducts a trust department in this state to the same extent that the said superintendent of banks exercises visitatorial supervision over trust companies organized and existing under the laws of this state. Examination

The cost of all such regular and ordinary supervision and examination shall be determined and paid in accordance with the provisions of section 123 of this act.

The cost of all special and extraordinary services shall be the same as that provided for in section 124 of this act.

SEC. 7. Section 61 of said act is hereby amended to read as follows: Stats. 1929,
p. 455

Sec. 61. Any savings bank may purchase, hold or sell real or personal property, as follows: Savings
banks
property

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be necessary or proper to carry on its banking business; but no savings bank shall hereafter invest an amount exceeding one-half of its paid up capital and surplus in such lot and building, and banking equipment, except with the written consent of the superintendent of banks; and hereafter, the authority of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such a lot and building, or the construction of such building. Business
property

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation. Pledged
property

3. Such as may have been purchased at any sales under pledge, mortgage, or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

4. Gold or silver bullion, and United States mint certificates of ascertained value. Bullion

5. Bonds and other securities of the following classes: Securities

(a) Bonds or other interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal United
States

and interest, or those issued under the authority of the United States;

California

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city or school district of this state;

Other states

(c) Bonds or stocks or notes of any state in the United States, other than the State of California, that has not, within twenty-five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, or school district, in any state in the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, or school district, had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; provided, however, that the entire bonded indebtedness of such county, city and county, city or town, or school district, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; and provided, further, that such county, city and county, city or town, or school district, or the state in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within twenty-five years next preceding such investment;

Districts in California

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks;

Mortgages, etc

(e) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code; provided, however, that if the superintendent of banks shall ascertain that any mortgage participation certificate issued by any mortgage insurance company and owned or held by any bank exceeds fifty per centum of the market value of the real estate, with improvements, covered by the same, the superintendent of banks shall give thirty days written notice to the mortgage insurance company issuing such certificate of the facts ascertained by him, including a statement of the appraisals on which such ascertainment is based, and if such mortgage insurance company shall not within said period of thirty days have corrected such

condition to the satisfaction of the superintendent of banks, he may order such mortgage participation certificate removed from the assets of the bank owning or holding such certificate;

(f) Bonds legal for investment by savings banks in the state of New York or the state of Massachusetts. Legal investments

6. Bonds and other securities of the following classes; provided, that such bonds or securities shall first have been certified by the superintendent of banks after an investigation as provided for under section 61a of this act: Certified securities

(a) Bonds or interest-bearing notes or obligations of any foreign country or government, or those for which the faith and credit of any foreign country are pledged for the payment of principal and interest; Foreign government

(b) Bonds of any district organized under the laws of any state in the United States other than the State of California for the purpose of irrigating lands within such district, which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of said state to conduct such investigation and give such approval; provided, that the entire indebtedness of such district, including the bonds under consideration, and all prior liens, within the meaning of section 57a of this act, do not exceed fifty per centum of the aggregate market value of the lands within said district, and of the irrigation system owned or to be acquired by said district with the proceeds of said bonds; Irrigation districts out of California.

(c) Bonds of any reclamation, drainage, street improvement, county waterworks, or any other district organized under the laws of the State of California not otherwise provided for in this section; Other California districts

(d) (1) Bonds of any railroad corporation, as the same is defined in the "public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; provided, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or, Railroad bonds

(2) Bonds of any railroad corporation, the payment of which is guaranteed, both as to principal and interest, by a railroad corporation whose bonds are a legal investment for savings banks in this state.

(e) (1) Bonds of any other public utility corporation, as the same is defined in the "public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; provided, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding Public utility corporation bonds

application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

(2) Bonds of any similar public utility corporation, the payment of which is guaranteed, both as to principal and interest, by a public utility corporation other than a railroad corporation, whose bonds are a legal investment for savings banks in this state.

Determina-
tion of
income

In determining the income of any railroad or other public utility corporation mentioned herein, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income-producing property of which the corporation issuing such bonds has wholly acquired.

Railroad
and public
utility bond
security

All bonds issued by a railroad or other public utility corporation must be secured by a mortgage or deed of trust which at the time of said certification is: either

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements heretofore specified in either paragraph (d) or (e) of subdivision 6 of this section applicable to such corporation after including the additional bonds then proposed to be issued; or,

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust or, if such income, maintenance charges or operating expenses can not be definitely ascertained on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property

covered by such underlying or divisional closed mortgage or deed of trust.

(f) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; provided, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; and provided, further, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; and provided, also, in case said real estate is located outside of this state, that the provisions of this paragraph shall be subject to the limitations and modifications contained in section 57a of this act; and provided, also, that no such notes or bonds shall be disqualified as investments for savings banks for the reason that the payment thereof is guaranteed by a policy of mortgage insurance.

First mort-
gage, etc.,
bonds

In determining the market value of any real estate under the provisions of the preceding paragraph where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Any bank, however, may, without such certification by the superintendent of banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (f) of subdivision six of this section, whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; provided, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; and provided, also, that nothing in this paragraph shall be construed to permit savings banks to invest in notes or certificates evidencing participation in any mortgage on real estate unless by law specifically authorized, or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

(g) Collateral trust bonds or notes:

Collateral
trust bonds,
etc

(1) When secured by deposit of notes or bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or,

(2) When secured by deposit of notes or bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of

the par value of the collateral trust bonds or notes issued; provided, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section;

(3) When issued by a corporation organized and doing business under the laws of the State of California and having a paid-up and unimpaired capital of not less than one million dollars, and when secured by deposit, as hereinafter provided, of money, or of notes accompanied by mortgage or deed of trust constituting a first lien on real estate, improved or unimproved, in the State of California having a market value of not less than one and two-third times the amount of each note deposited, and when such security so deposited shall have an aggregate market value of not less than par value of the collateral trust bonds or notes issued and outstanding, and when such collateral trust bonds or notes have a maturity of not more than twenty (20) years from their date of issue; provided, that such security shall be deposited as a court trust with a trust company, authorized to transact business in this state, and under such conditions and regulations as may, from time to time, be prescribed by the superintendent of banks; provided, however, that in prescribing such conditions and regulations the superintendent of banks shall permit the exchange, withdrawal and redeposit of any security in this paragraph authorized, so long as the aggregate market value of the security remaining on deposit shall be not less than the par value of the collateral trust bonds or notes issued and outstanding, all securities deposited as herein provided being subject to approval by the superintendent of banks. No such bonds or notes shall be eligible for investment by savings banks, if issued by a corporation having outstanding bonds or notes in an amount greater than fifteen times its paid-up capital and surplus.

Railroad
equipment
trust certifi-
cates, etc

(h) Railroad equipment trust certificates or obligations issued or guaranteed by a corporation to which a loan for the construction, acquisition, purchase or lease of railroad equipment has or have been made with the approval of the interstate commerce commission: provided, that the entire issue shall not exceed sixty per centum of the cost of such equipment and shall mature serially not later than fifteen years from date of issue; provided, further, that said certificates or obligations must be secured by or be evidence of a prior lien upon or reservation of title to such equipment, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchasing of said equipment.

"Edge act,"
etc, ac-
ceptances

(i) Acceptances issued by a discount, acceptance or investment corporation, formed under the federal statute commonly known as the "Edge act" or under the "investment companies act" of New York, or by a corporation of identical

character and capacity, organized under the laws of any state of the United States.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Investments
heretofore
made

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as will bring such bonds to par at maturity.

Accounting

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the superintendent of banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the State of California and operated exclusively therein notwithstanding such bonds do not conform to the requirements in this section contained; provided, any bonds so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition.

Purchase
to protect
investment

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "Public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either

Public
utility
securities
investments

(1) Issued prior to the taking effect of the "Public utilities act"; or,

(2) Issued under authority of the railroad commission in accordance with the provision of said act; or,

(3) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section 52 of said act.

Sec. 8. Section 65 of said act is hereby amended to read as follows:

Stats. 1927,
p. 1797.

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which

Savings
bank
loans

To interested
directors,
etc

any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; provided, however, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; provided, that, by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such borrowing corporations, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the superintendent of banks

Loan to
interested
corporation

Loan to
employee

A loan may be made to any agent, employee or a member of the advisory board other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; provided, however, that such loan shall in all respects conform to and comply with all other provisions of this act; except that a

written report to the superintendent of banks of such loan to an employee or to an advisory board member other than an officer or director shall not be required. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier or any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalties
for viola-
tion of
section

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest.

Exemptious
no financial
interest

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, or school district of this state, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Loans on
certain
collateral

Stats 1921,
p 1399

SEC. 9. Section 68 of said act is hereby amended to read as follows:

Savings
banks
total
reserves

Sec. 68. Every savings bank or savings department of a bank shall at all times maintain total reserves equivalent to five per centum of the aggregate amount of its deposits, exclusive of United States, postal savings bank, state, county and municipal, and other public money deposits, which are secured as is required by law; at least one per centum of such deposits shall be maintained as reserves on hand, which shall consist of gold bullion, or any form of money or currency authorized by the laws of the United States, and four per centum of such deposits may be maintained as reserves on hand, which shall consist of bonds or interest-bearing obligations of the United States, of gold bullion, or any form of money or currency authorized by the laws of the United States or may be maintained as reserves on deposit subject to call with any reserve depository provided for in sections 20 and 43 of this act; provided, however, that all or any part of the reserves may be deposited, subject to call, with a federal reserve bank in the district in which such bank is located; provided, also, that no savings bank or savings department shall be required to maintain reserves on hand in excess of four hundred thousand dollars, and when such reserves on hand reach that amount, the balance of total reserves necessary to make up the five per centum may be kept as reserves on deposit, subject to call, with any reserve depository provided for in sections 20 and 43 of this act.

Federal
reserve
members

If any savings bank shall have become a member of a federal reserve bank, it shall comply with the reserve requirements of the federal reserve act and its amendments, and its compliance therewith shall be in lieu of, and shall relieve such savings bank or savings department of a departmental bank from compliance with the provisions of this section.

Penalty

If any savings bank shall fail to maintain its total reserves in the manner authorized by this section, it shall be subject to the penalty provided for in section 20 of this act for commercial banks.

Deficiency
in reserves

No new loan shall be made during any deficiency in the total reserves. Deposits with any commercial bank, or commercial department of a bank, on open account, as provided in this section, shall be permitted and shall not be construed as loans. Not more than five per centum of the deposits of any savings bank shall be deposited with any one bank, except with the consent of the superintendent of banks; provided, that any savings bank may deposit with any one bank not more than twenty-five thousand dollars without the permission of the superintendent of banks. Not more than fifteen per centum of the deposits of any savings bank shall be deposited with all commercial banks, except with the consent of the superintendent of banks. No savings bank or savings department shall receive deposits of other banks other than

Deposits
in other
banks

savings deposits and such deposits shall not be treated or considered as a part of the reserves on deposit of such depositing bank; provided, however, that the sum so deposited shall not exceed thirty per centum of the paid-in capital and surplus of the depositing bank, nor more than fifteen per centum of the paid-in capital and surplus of the depository bank.

SEC. 10. Section 83 of said act is hereby amended to read as follows: Stats 1929.
p 464

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; provided, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent, or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent, or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent, or other employee, can be made by any commercial bank; and provided, further, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer or director of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent, or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit to any director of such bank; except that a written report to the superintendent of banks of such loan or line of credit shall not be required. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; provided, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. Commercial
banks
loans to
officer,
director,
etc

Advisory
board
members

Authoriza-
tion

The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve Credit au-
thorization

Credit
authoriza-
tion.

months next succeeding be given to any director, agent, or other employee other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent, or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, obtaining such loan, or the name of the firm, copartnership or corporation in which such director is interested, or the name of the corporation of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks; provided, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two or more directors, officers, agents or employees of such commercial bank own not more than twenty per cent of the paid-in capital of such borrowing corporation shall not be reported to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact

of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalty for violation

This section shall not apply to any loan made to a religious corporation, club or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers, but in which they have no financial interest.

Exemptions, no financial interest

No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or directors and officers of such commercial bank collectively, except with the previous consent of the superintendent of banks.

Loans to connected corporations

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a commercial bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, or school district of this state, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Exemption loans on certain security

SEC. 11. Section 84 of said act is hereby amended to read as follows:

Stats 1913, p 175

Sec. 84 No commercial bank shall hereafter invest an amount exceeding one-half of its paid-up capital and surplus in the lot and building in which the business of the bank is carried on, furniture and fixtures, vaults and safe-deposit vaults and boxes necessary or proper to carry on its banking business, except with the previous written consent of the superintendent of banks; and hereafter the authority of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such lot and building or the construction of such building.

Commercial bank limitation on investment in business property

Stats 1927,
p 1804

SEC. 12. Section 105 of said act is hereby amended to read as follows:

Trust
company
investment
of capital

Sec. 105. Except as otherwise provided by law every trust company shall invest its capital and surplus and any trust funds received by it in connection with its trust business, in accordance with the laws relative to the investment or loan of funds deposited with savings banks, unless the terms or provisions of the trust of which such funds constitute a part contain a specific agreement or provision to the contrary or unless it is otherwise ordered by the court in connection with any court trust.

Deposits in
banks

Any trust company holding funds awaiting investment or distribution may deposit such funds with any state or national bank in this state which has been designated as a reserve depository by the superintendent of banks, and any trust department of any bank doing a departmental business may deposit such funds so held by it with the savings department or the commercial department of the same corporation or association; provided, however, that no such funds so held awaiting investment shall be deposited by any trust department of a departmental bank with the savings department or the commercial department of the same corporation or association unless such corporation or association shall first set aside, as security for such deposit, bonds or securities of the kind in which savings banks are permitted to invest and which bonds or securities so set aside shall have a value not less than the funds so deposited.

Holding
trust
property

Every trust company may hold, during the life of the trust, all property, real and personal, received by it into the trust from any source, though such property be not legal for the investment of trust funds, in the same manner and upon the same conditions as if such property were legal for the investment of trust funds, unless the terms of the instrument creating or declaring the trust specifically provide to the contrary.

Stats 1913,
p 184

SEC. 13. Section 107 of said act is hereby amended to read as follows:

Title insur-
ance and
trust
company
trust
department
supervision

Sec. 107. Any corporation doing a departmental business as a title insurance company and as a trust company, shall, as to its trust department, be subjected to the supervision and inspection of the superintendent of banks, and as to its trust department must make all reports to the superintendent of banks required to be made by trust companies by the provisions of this act, and as to its trust department such corporation shall also be subject to, and shall have the benefit of all other provisions and requirements of this act applicable to trust companies, and shall also be subject to and shall have the benefit of all of the banking laws and rules and regulations of the banking department of this state applicable to trust companies. The charges for the supervision and examination of trust companies operating under this section shall

be determined in accordance with the provisions of sections 123 and 124 of this act.

SEC. 14. Section 123 of said act is hereby amended to read as follows: Stats 1925,
p 527.

Sec. 123. A fund is hereby created to be known as the state banking fund, and out of said fund shall be paid all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. Each bank shall pay annually a sum not to exceed one one-hundredth of one per centum of its total capital, surplus, reserve and contingent funds, undivided profits, and deposits but not including secured deposits of public moneys, as shown by the last report of such bank to the superintendent of banks; and each bank conducting a trust business only and each corporation doing a departmental business as a title insurance company and as a trust company, and each national banking association in this state conducting a trust business shall pay a fee, not to exceed twenty dollars per diem for each examiner necessarily engaged in the examination of such trust company or trust department, such fee shall be assessed by the superintendent of banks on completion of the examination of such trust company or trust department and the amount so assessed shall be paid within thirty days; provided, that the superintendent of banks may, in any fiscal year and in the exercise of his discretion, collect from each bank a less sum to be determined by the proportion established in this section. if such less sum be sufficient to pay all the expenses incurred in and about the conduct of the business of the banking department, including the salary of the superintendent, chief deputy, attorney, examiners and other assistants, traveling expenses, furnishing of rooms and rent. All moneys collected or received by the superintendent of banks, under and by virtue of the provisions of this act, shall be by him delivered to the treasurer of the state, who shall deposit the same to the credit of said banking fund, and the unexpended balance of all moneys heretofore paid into the state treasury by any of the bank commissioners or the superintendent of banks, shall be retained and become a part of said fund; provided, however, that the superintendent shall have authority to retain in his possession and under his control the sum of fifteen thousand dollars to be used by him as a revolving fund for the benefit of the state banking department until the end of the fiscal year at which time he shall make full settlement with the treasurer of the state. If any such bank shall fail to pay such charges as are herein required, the superintendent shall forthwith cancel the certificate of said bank. State
banking
fund

Stats 1919,
p 656

Inspection
of banks,
etc

Powers
of superin-
tendent of
banks

SEC. 15. Section 124 of said act is hereby amended to read as follows:

Sec. 124. Every bank and the trust department of every title insurance company doing a trust business, shall be subject to the inspection of the superintendent of banks. The superintendent of banks, the chief deputy, or some competent person or persons to be appointed by the superintendent of banks, to be known as examiners, shall visit and examine every bank at least once each fiscal year. On every such examination inquiries shall be made by him as to the condition and resources of the bank, the mode of conducting and managing its affairs, the action of its directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its articles of incorporation and the law have been complied with in the administration of its affairs, and as to such other matters as the superintendent may prescribe. Whenever, in the judgment of the superintendent of banks, the condition of any bank renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, the superintendent of banks shall have authority to make any and all necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs; and the superintendent of banks shall have authority to charge and collect for all such extra services rendered an amount not to exceed twenty dollars per day for each examiner necessarily engaged in the examination of the principal office of such bank and twenty dollars a day for each examiner engaged in the examination of each branch office of each bank. The superintendent of banks shall also have power to examine, or cause to be examined, every agency located in this state of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of this state, and for such other purposes and as to such other matters as the superintendent may prescribe. The superintendent, chief deputy, and every such examiner shall have the power to administer an oath to any person whose testimony he may require on the examination of any bank, or on the examination of any agency of any foreign bank or banking corporation, and to compel appearance and attendance of any such person for the purpose of any such examination. When a bank shall have been examined by any examiner, and he finds securities therein which are, in his judgment, of doubtful value, he shall report the same to the superintendent of banks, who thereupon shall be authorized to employ appraisers at the expense of such bank to appraise said securities, at a compensation to be fixed by the superintendent of banks. The superintendent of banks shall, whenever required to do so by any bank, provide an auditor to make an audit of the affairs of such bank. The compensation of

making such audit shall be paid by the bank direct to the person making the audit. Nothing herein shall be deemed to authorize or require the superintendent of banks to inspect or supervise the private trust business or title insurance business of any corporation doing a trust business.

SEC. 16. Section 133 of said act is hereby amended to read as follows: Stats 1913,
p 189

Sec. 133. Whenever it shall appear from the report of any bank, or the superintendent of banks shall have reason to believe that the capital of any bank is impaired or reduced below the amount required by law, it shall be the duty of the superintendent of banks and he shall have the power to examine said bank and ascertain the facts, and in case he finds such impairment or reduction of capital, he shall require such bank to make good the deficiency so appearing within sixty days after the date of such requisition. The directors of every such bank, upon which such requisition shall have been made, shall levy an assessment upon the stock thereof to repair such deficiency, and shall cause notice of such requisition to be given to each stockholder of the bank and of the amount of the assessment which he must pay for the purpose of making good such deficiency, by a written or printed notice mailed to such stockholder at his last known address or served personally upon him. If any stockholder shall refuse or neglect to pay the assessment specified in such notice within thirty days from the date of mailing or serving in such notice as aforesaid, the directors of such bank shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving a previous notice of such sale for ten days in a newspaper of general circulation published in the county where the principal place of business of such bank is located, and a copy of such notice of sale shall also be served on the owner of such stock by being served personally on him or by mailing to his last known address ten days before the day fixed for such sale; or such stock may be sold at private sale and without such public notice; provided, however, that before making such private sale thereof an offer in writing shall first be obtained and a copy thereof served upon the owner of record of the stock sought to be sold, either personally or by mailing a copy of such offer to his last known address, and if, after service of such offer, such owner shall still refuse or neglect to pay such assessment within two weeks from the time of the service of such offer, the said directors may accept such offer and sell such stock to the person making such offer, or to any other person or persons making a larger offer than the amount named in the offer submitted to the stockholder; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the superintendent of banks in his determination and requisition as to said assessment, nor for less than the amount of said assessment so called for and the cost of sale. Out of the avails Impaired
capital.

Assessment

Sale of
delinquent
stock

of the stock so sold. the directors shall pay the amount of assessment levied thereon, and the necessary cost of sale, and the balance, if any, shall be paid to the person or persons whose stock has thus been sold. A sale of stock as herein provided shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void, and a new certificate shall be issued by the bank to the purchaser thereof.

Stats 1913,
p 198

SEC. 17. Section 137 of said act is hereby amended to read as follows:

Dissolution
application

Sec. 137. 1. Any bank shall have the right, on application of the stockholders or members, to apply to the superior court of the county wherein its principal place of business is situated, to dissolve said bank in the manner provided for in the general corporation laws of the State of California.

Discharge
of receiver

2. At the expiration of four months after the settlement of the final account of the receiver of any bank appointed prior to July 1, 1909, any dividends due depositors, or other creditors, or stockholders of such bank and remaining unpaid or uncalled for and in the hands of such receiver may be paid by him into the treasury of the county in which such bank is situated, which money shall be held in the treasury of said county, and at the same time it shall be the duty of such receiver to furnish to the county treasurer of said county a list of names of all depositors or other persons to whom such money belongs or who are entitled thereto and thereupon such receiver shall be entitled to his discharge.

Payment
of moneys

3. The moneys referred to in subdivision two of this section shall be paid out on the order of the court appointing such receiver.

Escheat
thereof

4. All moneys paid under subdivision two of this section, uncalled for within five years after being paid in, shall by operation of law, and without action had, escheat to the state. All moneys held by any county treasurer under subdivision two of this section, when such moneys have escheated to the state as hereinbefore provided, shall be paid by the county treasurer into the state treasury, and thereafter only be drawn out in such manner as may be provided for by law for the estates of deceased persons escheated to this state.

Investment
and re-
covery of
escheated
moneys

5. The state board of control must invest such moneys in the same manner that the state school land fund is invested as provided by law. But any claimant shall be entitled to recover as herein provided only the principal so paid into the state treasury.

Stats 1909,
p 87

SEC. 18. Section 140 of said act is hereby amended to read as follows:

Annual
report of
superin-
tendent

Sec. 140. The superintendent of banks shall report during the month of October of each year, to the governor, for submission to the next ensuing session of the Legislature:

1. A summary of the state and condition of every bank required to report to him, and from which reports have been

received the preceding year. with an abstract of the whole amount of capital returned by them, the whole amount of their debts and liabilities, and the total amount of means and resources, specifying the amount of specie held by them at the time of the last report to him, and such other information in relation to such banks as, in his judgment, may be useful.

2. A statement of all banks authorized by him to do business during the previous year, with their names and locations and dates of incorporation, and particularly designating such as have commenced business during the year.

3. A statement of the banks whose business has been closed during the year.

4. Any amendments to the banking law, which, in his judgment, may be desirable.

5. The names and compensation of all persons employed by him, and the whole amount of the receipts and expenses of the department during the year.

6. The names of banks placed in his hands in process of liquidation, and the amount of dividends paid thereon.

Such report, and the usual number of copies for the use of the Legislature, shall be printed and in readiness for distribution by the state printer, and such additional number of copies as shall be designated by the superintendent of banks, not exceeding, however, one thousand copies shall be printed for the use of the department, the expense of which shall be charged among the general expenses of the department.

Printing of report

SEC. 19. Section 17 of said act is hereby repealed.

Stats 1921, p 1368

SEC. 20. A new section is hereby added to said act to be numbered 8a to read as follows:

New section

Sec. 8a. No bank organized under the laws of or doing business in this state shall change its name without the previous written consent of the superintendent of banks and such consent shall not be given by him unless it appears to the superintendent of banks that the name desired to be used by such bank does not resemble so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of or doing business in this state.

Change of name

SEC. 21. A new section is hereby added to said act to be numbered 16f to read as follows:

New section

Sec. 16f Notice to any bank or trust company doing business in this state of an adverse claim to a deposit standing on its books to the credit of any person shall not be effectual to cause said bank to recognize said adverse claimant unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank from a court of competent jurisdiction in a cause therein instituted by him wherein the person to whose credit the deposit stands is made a party and served with summons, or shall execute to said bank, in form and with sureties acceptable

Adverse claims to deposit

to it a bond, indemnifying said bank from any and all liability, loss, damage, costs and expenses, for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person to whose credit the deposit stands on the books of said bank; provided, that this section shall not apply in any instance where the person to whose credit the deposit stands is a fiduciary for such adverse claimant, and the facts constituting such relationship, as also the facts showing reasonable cause of belief on the part of the said claimant that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant.

New
section

SEC. 22. A new section is hereby added to said act to be numbered 136c, to read as follows:

Liquidation
dissolution
of con-
tracts

Sec. 136c Upon taking possession of the business, property and assets of any bank for the purpose of liquidation, the superintendent of banks shall have authority within six months thereafter to terminate or to adopt any executory contract to which the said bank may be a party, including leases of real or personal property. In the event of termination of any such contract by said superintendent of banks, such termination shall release the said bank and the property and assets thereof in the hands of said superintendent of banks from any liability for future rent or for damages for breach of such contract.

CHAPTER 198.

Stats 1921,
p. 682,
amended.

An act to amend the title of and section 1, as amended, and section 3 of the act entitled "An act to make available for the use of the United States government suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation, and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act, and providing the procedure therefor; granting the consent of the state to such conveyance, and ceding exclusive jurisdiction to the United States over the lands so conveyed," approved May 27, 1921, and to add a new section thereto, to be known as section 5, conferring on any county, city and county, or municipal corporation now or hereafter organized, the power to acquire land within or

without the county, city and county, or municipal corporation, and to convey the same to the United States.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. Section 1, as amended, of an act entitled "An act to make available for the use of the United States government suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation, now or hereafter organized, to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation, and, in consideration of the benefits to be derived therefrom by such county or municipal corporation, to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act, and providing the procedure therefor; granting the consent of the state to such conveyance, and ceding exclusive jurisdiction to the United States over the lands so conveyed," approved May 27, 1921, is hereby amended to read as follows: Stats 1929,
p 1643

Section 1. Whenever the board of supervisors of any county or the legislative body of any municipal corporation now or hereafter organized in this state shall consider it desirable or expedient to tender to the United States, for the use of the war department or customs and immigration offices or the navy department, any lands within this state, whether within or without any such county or municipal corporation, which may be determined upon by the said board of supervisors or legislative body, such board of supervisors or legislative body may by a four-fifths vote acquire and pay for, out of the general funds such lands as it may determine upon and may improve such lands or improve any lands owned or held by such county or municipal corporation or may convey any lands owned or held by such county or municipal corporation to the United States for the use of the war department or the navy department thereof, or customs and immigration offices or if such board of supervisors or legislative body shall determine that it is desirable for the general welfare and benefit of the people of such county or municipal corporation, and for the interest of such county or municipal corporation, to incur an indebtedness in an amount sufficient to acquire or improve, or both, any such lands, and, in consideration of the benefits to be derived therefrom by such county or municipal corporation, to convey all such lands to the United States to be used by the war department or the navy department or customs and immigration offices of the United States for its use, such county or municipal corporation is hereby authorized and empowered, by and through its said board of supervisors or Tender of
land by
county or
city to
United
States

Purchase

Bonds for
purchase

legislative body, to incur an indebtedness evidenced by negotiable bonds of such county or municipal corporation for such purposes in any amount not exceeding for a county the limitation now or hereafter contained in section 4088 of the Political Code; and not exceeding for a municipal corporation the limitation now or hereafter contained in an act entitled "An act authorizing the incurring of indebtedness by cities, townships and municipal corporations, for municipal improvements, regulating the acquisition, construction and completion thereof," which became a law on February 25, 1901, whenever two-thirds of the qualified voters of the county or municipal corporation voting thereon shall vote therefor at any election at which the proposal to incur such bonded indebtedness may be submitted to such electors in the manner provided by law.

Stats 1901
p 27.

Stats 1921.
p 682

SEC. 2. Section 3 of the act cited in the title is hereby amended to read as follows:

Eminent
domain by
county
or city

Sec. 3. The acquisition of land for the use thereof by the war or the navy department, or customs and immigration offices of the United States and all such military or naval purposes as are now or may be then or thereafter authorized or provided by or under any law of the United States is hereby declared to be a public use, and the right of eminent domain is hereby granted and extended to every county and municipal corporation availing itself of the provisions of this act for every purpose of condemnation, appropriation or disposition intended by this act and such county or municipal corporation is hereby authorized and empowered to condemn and appropriate all lands and rights whatsoever necessary or convenient for carrying out the provisions of this act. Such right of eminent domain may be exercised on behalf of such public use in accordance with the provisions of title seven, part three of the Code of Civil Procedure of the State of California.

Stats 1921.
p 682

SEC. 3. The title of the act cited in the title hereof is hereby amended to read as follows:

Title
amended

An act to make available for the use of the United States government suitable places in this state for the public defense or customs and immigration offices, and for that purpose authorizing any county, city and county, municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the state whether within or without such county, city and county or municipal corporation, and in consideration of the benefits to be derived therefrom by such county, city and county or municipal corporation to convey the same to the United States; conferring on such counties, city and county and municipal corporations the power of eminent domain for the purposes of this act, and providing the procedure therefor; granting the consent of the state to such conveyance, and ceding exclusive jurisdiction to the United States over the lands so conveyed.

SEC. 4. A new section is hereby added to the act cited in the title hereof, to be known as section 5, to read as follows:

New section

Sec. 5. This act shall apply to any city and county as well as to any county or municipality in the state, and wherever in this act the term "county" is used, it shall be held to mean and include a "city and county" as well as a "county."

Definition of "county"

CHAPTER 199.

An act to amend section 17 of the public utilities act, relating to transportation and rates and charges therefor.

Stats. 1915, p. 1355

[Approved by the Governor April 24, 1931. In effect August 14, 1931]

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

SECTION 1. Section 17 of the public utilities act is amended to read as follows:

Stats. 1921, p. 1355

Sec. 17. (a) 1. No common carrier subject to the provisions of this act shall engage or participate in the transportation of persons or property, between points within this state, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this act.

Filing rate schedules

2. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

Discrimination forbidden

3. No common carrier subject to the provisions of this act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced rate transportation for passengers between points within this state, except to its officers, agents, employees, attorneys, physicians and surgeons, and members of their families; to ministers of religions, traveling secretaries of railroad men's religious associations, or executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association; inmates of hospitals or charitable or eleemosynary institutions, and persons exclusively engaged in charitable or eleemosynary work, and persons and property engaged or employed in educational work or scientific research or in patriotic work when

Passes forbidden

Exceptions

permitted by the commission; to the executive officers of mercantile or promotion boards or bodies within this state when traveling in the performance of duties affecting the advancement of the business of such boards or bodies, or the development of trade or industry within or without this state, when authorized by the commission; to hotel employees of season resort hotels, when authorized by the commission; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers, going and returning, of live stock, poultry, milk, fruit and other freight, under uniform and nondiscriminatory regulations; to employees of sleeping-car corporations, express corporations and telegraph and telephone corporations; to railway mail service employees, United States internal revenue officers, post-office inspectors, customs officers and inspectors and immigration inspectors when traveling in the course of their official duty; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; provided, that the term "employees," as used in this section, shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such carrier, ex-employees traveling for the purpose of entering the service of any such carrier, and the remains of persons dying while in the employment of any such carrier; and the term "families," as used in this section, shall include the families of those persons heretofore named in this proviso, and the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such carrier; and provided, further, that no free ticket, free pass or free or reduced rate transportation shall be issued, given or tendered to any officer, agent or employee of a common carrier, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such carrier; and provided, further, that the members of the railroad commission, their officers and employees, shall be entitled, when in the performance of their official duties, to free transportation over the lines of all common carriers within this state; and provided, further, that passenger transportation may issue to the proprietors and employees of newspapers and magazines and the members of their immediate families, in exchange for advertising space in such newspapers or magazines at full rates, subject however to such reasonable

"Em-
ployees"
defined

"Families"
defined

Employees
who are
also shippers,

Railroad
commission

Passes in
exchange
for adver-
tisement

restrictions as the commission may impose; provided, further, that passenger stage corporations as in this act defined may issue free or reduced rate passenger transportation to their commission agents or any of them.

Nothing in this act contained shall be construed to prohibit the issue by express corporations of free or reduced rate transportation for express matter to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the interchange of free or reduced rate transportation for passenger or express matter between common carriers, their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, where such common carriers are subject in whole or in part to the jurisdiction of the commission or of the interstate commerce commission, or where such common carriers, though not in whole or in part subject to the jurisdiction of this commission or of the interstate commerce commission, but which are engaged in the business of transporting passengers and freight by water between the United States and foreign countries, and are permitted by the interstate commerce act to interchange such free transportation with common carriers which are subject to the jurisdiction of the interstate commerce commission or to the jurisdiction of this commission, or the interchange of free or reduced rate transportation for passengers or express matter between a common carrier, and a corporation engaged in the carriage of persons or property by motor vehicle, or the officers, agents, employees, attorneys, physicians and surgeons of said common carrier or said corporation and their families; provided, that the power to interchange free or reduced rate transportation for passengers or express matter between said common carrier and said corporation shall be applicable only where said corporation is engaged in the carriage by motor vehicle of persons or property as a connecting carrier, or in the carriage by motor vehicle of persons or property over a portion of a route between the point of departure or shipment and arrival or delivery, part of which said route is covered or traveled by a common carrier, whether said carriage by motor vehicle be an initial, an intermediate or a final portion of the entire route between said point of departure or shipment and arrival or delivery; provided, that such express matter be for the personal use of the person to or for whom such free or reduced rate transportation is granted, or of his family; nor to prohibit the issue of reduced rate transportation by a common carrier to children attending an institution of learning; nor to prohibit the issue of passes or franks by telegraph or telephone corporations to their officers, agents, employees, attorneys, physicians and surgeons, and members of their families, or the exchange of passes or franks between such telegraph and telephone corporations or between such corporations and such common carriers, for their officers, agents, employees, attorneys, physicians and surgeons, and members of

Commission
agents of
stage corpo-
rations

Employees
of express
corpo-
rations

Interchange
of passes
between
common
carriers

Common
carrier
and motor
vehicle
carrier

Limita-
tions on
changes

Further
exceptions.

their families; nor to prevent the carrying out of contracts for free or reduced rate passenger transportation heretofore made, founded upon adequate consideration and lawful when made; nor to prevent a common carrier from transporting, storing or handling, free or at reduced rates, the household goods and personal effects of its employees, of persons entering or leaving its service, and of persons killed or dying while in its service.

Passes
allowed:
worthy
purposes

4. Every common carrier subject to the provisions of this act may transport, free or at reduced rates, persons or property for the United States, state, county or municipal governments, or for charitable purposes, or for patriotic purposes, or to provide relief in cases of general epidemic, pestilence or other calamitous visitation, and property to or from fairs or expositions for exhibit thereat; also contractors and their employees, material or supplies for use or engaged in carrying out their contracts with said carriers, for construction, operation or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced-rate transportation is provided for in the specifications upon which the contract is based and in the contract itself. Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

Construction
contracts.

Service
contracts

Antidis-
crimination
clause

(b) Except as in this section otherwise provided, no public utility shall charge, demand, collect or receive a greater or less or different compensation for any product or commodity furnished or to be furnished, or for any service rendered or to be rendered, than the rates, tolls, rentals and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any public utility engaged in furnishing or rendering more than one product, commodity or service, charge, demand, collect or receive a greater or less, or different compensation for the collective, combined or contemporaneous furnishing or rendition of two or more of such products, commodities or services, than the aggregate of the rates, tolls, rentals or charges specified in its schedules on file and in effect at the time, applicable to each such product, commodity or service when separately furnished or rendered, nor shall any such public utility refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or person any form of contract or agreement or any rule or regulation or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; provided, that the commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public utility.

Antirebate
clause.

CHAPTER 200.

An act to establish the line of ordinary high tide in certain parts of Newport bay in Orange county, California, in conformity with certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide.

WHEREAS, The State of California, has heretofore granted to the city of Newport Beach, a municipal corporation of Orange county, California, and to its successors, all the right, title and interest of the State of California, held by said state, by virtue of its sovereignty, in and to certain of the tidelands and submerged lands bordering in and upon Newport bay, below the line of ordinary high tide of the Pacific ocean, by acts of Legislature approved May 25, 1919, May 5, 1927, and June 15, 1929, respectively, upon the uses, trusts and conditions set forth in said acts; and

WHEREAS, At the time of said grants the line of ordinary high tide of the Pacific ocean, in said bay, had not been established for the full length of said bay, but had been established as to a portion thereof, by decrees of the superior court of the State of California in and for the county of Orange, which decrees were validated by act of Legislature approved April 20, 1929; and as to a portion of said bay the ordinary high tide line of the Pacific ocean in said bay was established by said act of the Legislature approved April 20, 1929, to certain uplands; and

WHEREAS, Subsequent to April 5, 1927, in actions brought by the city of Newport Beach against various owners of uplands bordering the said bay, being actions numbers 24089, 24091 and 23681, of the superior court of the State of California, in and for the county of Orange, by judicial decrees, certified copies of which have been duly recorded in the office of the county recorder of Orange county, California, said line of ordinary high tide has been established, and to the extent of the respective lines described in said decrees; and

WHEREAS, The line of ordinary high tide of the Pacific ocean in said bay has not been established in so far as the uplands hereinafter described are concerned, being those certain uplands situate in the city of Newport Beach, county of Orange, State of California, and more particularly described as follows, to wit:

All that portion of lot 4, section 34, township 6 south, range 10 west, San Bernardino base and meridian, bounded on the northeasterly by part of the United States government meander line included between station 77 and station 78, as shown on a map recorded in book three, page seven of miscellaneous maps, records of Orange county, California, southerly by the center line of the alley in block 109, as laid out and shown upon a map of section "B," Newport Beach, recorded in book four, page twenty-seven of miscellaneous

Recitals

Description
of uplands
in city of
Newport
Beach

maps, records of said county; westerly by the northerly prolongation of the easterly line of Tenth street, as said Tenth street is shown on said map of section "B," Newport Beach, easterly by a line parallel with and two hundred (200) feet easterly measured at right angles thereto, from the said northerly prolongation of the easterly line of Tenth street; and

WHEREAS, The line of ordinary high tide of the Pacific ocean in said bay has been established, on either side of said uplands heretofore described, by decrees of the superior court of the State of California, in and for the county of Orange duly entered and filed in actions numbers 24089, 24091 and 23681; and

WHEREAS, It is to the general public interest that such line of ordinary high tide in said bay be established by act of Legislature, in conformity with the two decrees of the superior court of the State of California, and in and for the county of Orange, as aforesaid; now, therefore,

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

High
tide
line in
Newport
bay.

SECTION 1. The line of ordinary high tide of the Pacific ocean in Newport bay, in so far as the uplands heretofore described, and described as follows, to wit:

All that certain real property situate in the city of Newport Beach, county of Orange, State of California, and more particularly described as follows, to wit:

All that portion of lot 4, section 34, township 6 south, range 10 west, San Bernardino base and meridian, bounded on the northeasterly by part of the United States government meander line included between station 77 and station 78, as shown on a map recorded in book three, page seven of miscellaneous maps, records of Orange county, California, southerly by the center line of the alley in block 109, as laid out and shown upon a map of section "B," Newport Beach, recorded in book four, page twenty-seven of miscellaneous maps, records of said county; westerly by the northerly prolongation of the easterly line of Tenth street as said Tenth street is shown on said map of section "B," Newport Beach, easterly by a line parallel with and two hundred (200) feet easterly measured at right angles thereto, from the said northerly prolongation of the easterly line of Tenth street, is hereby established as that certain line more particularly described as follows, to wit:

High tide
line in
city of New-
port Beach

That certain line of ordinary high tide situate in the city of Newport Beach, county of Orange, State of California, and more particularly described as follows, to wit:

Beginning at the point of intersection of the northerly prolongation of the easterly line of Tenth street with the easterly prolongation of the ordinary high tide line of the Pacific ocean in Newport bay, as described in court case decree

number 23681 of the superior court of the State of California, in and for the county of Orange, which point bears south 41° 53' 57" east, 3456.25 feet and south 72° 29' 50" east 40 feet from the corner common to sections 27, 28, 33 and 34, township 6 south, range 10 west, San Bernardino base and meridian, running thence south 72° 29' 50" east along the said easterly prolongation of said ordinary high tide line a distance of 200 feet to a point which point is north 72° 29' 50" west 124.99 feet from the westerly end of the ordinary high tide line as described in court case decree number 24089 of the superior court of the State of California, in and for the county of Orange.

SEC. 2. All lands lying between said ordinary high tide line heretofore described and the uplands heretofore described, constitute natural accretion to said uplands and belong to and are a part of said uplands. _____

Natural
accretion

CHAPTER 201.

An act authorizing and empowering the director of finance to convey real property belonging to the State of California to the San Francisco Neighborhood Association, a corporation.

WHEREAS, The San Francisco Neighborhood Association, a charitable corporation, organized and existing under and by virtue of the laws of the State of California, with its principal place of business in the city and county of San Francisco, in the State of California, did convey on the ninth day of January, 1922, to the department of education of the State of California the hereinafter described real property, and

Recitals

WHEREAS, It appears that said grant was authorized by an order of the superior court of the State of California in and for the city and county of San Francisco on the representation that the State of California or the department of education thereof would establish on the hereinafter described real property a branch of the State Teachers College for the benefit of the people on North Beach of the city and county of San Francisco, and

WHEREAS, Neither the State of California, nor the department of education thereof or either of them has established such branch of State Teachers College upon the hereinafter described real property, and

WHEREAS, The purposes of said grant having failed, it appears proper that a reconveyance of the hereinafter described real property should be made by the State of California to said San Francisco Neighborhood Association, a corporation,

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. The director of finance of the State of California is hereby authorized and empowered to reconvey to the San

Director of
finance to
convey
property

Francisco Neighborhood Association, a corporation, organized and existing under and by virtue of the laws of the State of California with its principal place of business at San Francisco in said city and county, upon such terms and conditions as shall appear in his judgment to be for the best interests of the State of California, the following described real property situate in the city and county of San Francisco, State of California, and more particularly described as follows, to wit:

Description Commencing at a point formed by the intersection of the southerly line of Chestnut street with the easterly line of Venard alley; running thence easterly and along the southerly line of Chestnut street one hundred and six (106) feet and six and three-fourths ($6\frac{3}{4}$) inches; thence at a right angle southerly one hundred and thirty-seven (137) feet and six (6) inches; thence at a right angle westerly one hundred and six (106) feet six and three-fourths ($6\frac{3}{4}$) inches to the easterly line of Venard alley; thence at a right angle northerly and along the easterly line of Venard alley one hundred and thirty-seven (137) feet and six (6) inches to the southerly line of Chestnut street and the point of commencement. Being a part of 50 vara lots numbers 684 and 685.

Commencing at a point on the northerly line of Lombard street, distant thereon one hundred and thirty-seven (137) feet and six (6) inches easterly from the easterly line of Mason street, running thence easterly and along said northerly line of Lombard street forty-five (45) feet and ten (10) inches; thence at a right angle northerly one hundred and thirty-seven (137) feet and six (6) inches; thence at a right angle westerly forty-five (45) feet and ten (10) inches; thence at a right angle southerly one hundred and thirty-seven (137) feet and six (6) inches to the northerly line of Lombard street and the point of commencement. Being a part of 50 vara block number 151.

Deed SEC. 2. The director of finance is hereby authorized to execute and deliver on behalf of and in the name of the State of California any and all instruments necessary to effect the purposes of this act.

CHAPTER 202.

Stats 1911, *An act repealing chapter 537, statutes of 1911, entitled "An act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto," approved April 21, 1911.*
p 1064
repealed

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Repeal SECTION 1. Chapter 537, statutes of 1911, entitled "An act to provide for the preparation and distribution of serums or

vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto," approved April 21, 1911, is hereby repealed.

CHAPTER 203.

An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. Section 583 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929,
p 683

583. The court may in its discretion dismiss any action for want of prosecution on motion of the defendant and after due notice to the plaintiff, whenever plaintiff has failed for two years after answer is filed to bring such action to trial. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the defendant has filed his answer, except where the parties have stipulated in writing that the time may be extended. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have stipulated in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial, (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court. Dismissal
of actions

CHAPTER 204.

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

[Approved by the Governor April 24, 1931 In effect August 14, 1931.]

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

Sanitary
districts
validation
of bonds

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

Bonds not
validated

SEC. 2. This act shall not operate to legalize any bonds of any sanitary district that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such district voting at an election called for the purpose of submitting to the qualified electors of such district the question whether such indebtedness shall be incurred.

Interest
taxes.

SEC. 3. For the purpose of paying the interest on such bonds or refunding bonds as it becomes due and the principal thereof at maturity, the board of directors of the district and other officers who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are

provided by law relative to the assessment, levy and collection of taxes and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts and the payment thereof.

CHAPTER 205.

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

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

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

CHAPTER 206.

An act to validate all proceedings for the issuance of bonds and all bonds heretofore issued or sold or to be issued or sold by any acquisition and improvement district, and authorizing and directing the levy and collection of a tax sufficient to pay the principal and interest thereof.

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

SECTION 1. When in any acquisition and improvement district organized under the provisions of the acquisition and improvement act of 1925, proceedings have been taken for the

Acquisition
and Improve-
ment district
bonds
validated

purpose of issuing or selling bonds of such district for any purpose or purposes, all acts and proceedings of the legislative body conducting the proceedings in such district and all other acts and proceedings leading up to and including the issuance of such bonds, if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not yet sold, are hereby legalized, confirmed and validated to all intents and purposes, and the power of such district and of the legislative body conducting the proceedings in such district to issue and sell such bonds is hereby ratified, confirmed and approved, and said bonds heretofore sold are declared to be and shall be, in the form and manner in which said bonds have been actually sold and delivered, the legal and valid obligations of and against such district, and the said bonds heretofore authorized to be issued and hereafter sold and delivered are declared to be and shall be legal and binding obligations of such district.

Interest
taxes.

SEC. 2. For the purpose of paying the interest on such bonds as it becomes due and the principal thereof on or before maturity, the assessors, treasurers, boards of supervisors and other officers of the respective counties or municipalities shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of the principal and interest of bonds of acquisition and improvement districts. It shall be and is hereby made the duty of the legislative body which is required under the provisions of said acquisition and improvement act of 1925, to levy all special assessment taxes therein provided for, to levy and collect at the time and in the manner in said act provided, a special assessment tax upon all of the lands within any such district clearly sufficient to pay the principal and interest of said bonds as the same shall become payable; and such legislative body is hereby vested with power and jurisdiction to do all and singular the things herein and in said acquisition and improvement act of 1925 required to be done by it for the purpose of providing funds sufficient to pay the principal and interest of said bonds as the same become due.

CHAPTER 207.

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

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Irrigation
districts
validation
of bonds

SECTION 1. Whenever proceedings have heretofore been taken by any irrigation district organized or existing under

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

This act shall not be construed to validate any bonds which may have heretofore been declared void by final decree of court. Exceptions.

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

CHAPTER 208.

An act to amend section 3477 of the Political Code, relating to crediting purchasers, forwarding statements, and paying over moneys by registers of reclamation districts.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Code
Amdts
1873-4,
p 50
Issuance
of patents

SECTION 1. Section 3477 of the Political Code is hereby amended to read as follows:

3477 The register must thereupon credit each purchaser in the district with payment in full for such lands, and the purchasers are entitled to patents therefor; and the register must forward to the treasurer of the county in which any part of the district is situated, a statement, showing the amount paid by each purchaser in the district, including interest; and the county treasurer, after deducting all amounts chargeable against the lands in said district, by reason of moneys drawn from the "swamp-land fund" of the county, must divide the balance pro rata amongst the original purchasers of land in the district, or their heirs, executors, administrators, successors or assigns, and must pay to each purchaser, or his heirs, executors, administrators, successors or assigns, on demand, the amount found to be due him from such computation, out of the moneys in his hands to the credit of the "swamp-land fund" of the county. Neither this nor the preceding section applies to districts having outstanding indebtedness represented by controller's warrants drawn on the state treasury, until all such warrants are fully paid.

CHAPTER 209.

Stats 1897,
p 254
amended *An act to amend the California irrigation district act by adding a new section thereto to be numbered 47a, relating to partial redemption of land sold for delinquent assessment.*

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

New
section

SECTION 1. A new section to be numbered 47a is hereby added to the California irrigation district act to read as follows:

Partial
redemption
from tax
sales

Sec 47a. In all cases where a lot, piece or parcel of land contained in any assessment has been sold or may hereafter be sold to the district for delinquent assessments and the time for redemption has not expired, a redemption of a portion

of said lot, piece or parcel of land may be made, separately from the whole assessment, of any such lot, piece or parcel of land as follows.

If such lot, piece or parcel of land has a separate valuation shown on the assessment book, the collector shall estimate the amount due according to the valuation shown on the assessment book, and the redemption shall be made in the manner provided for in sections 46 and 47 of this act. If such lot, piece or parcel of land or such fractional part of such lot, piece or parcel of land does not have a separate valuation shown on the assessment book, the collector shall submit the description of the lot, piece or parcel of land, or the fractional part thereof, upon which redemption is requested to the assessor, who must place a valuation thereon. The collector shall estimate the amount due according to the valuation so placed upon the parcel upon which redemption is requested, and shall then refer said proposed redemption to the board of directors who may confirm, modify or set aside the act of the assessor, or the board may refuse to authorize such redemption, and the decision of the board shall be final and conclusive, and the collector shall conform therewith and the redemption, if authorized by said board of directors, shall be made in the manner provided for in sections 46 and 47 of this act.

CHAPTER 210.

An act to amend section 6 of the "Narcotic rehabilitation act," approved April 9, 1927, as amended, prescribing a penalty for violation of parole.

Stats. 1927,
p. 149,
amended

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 6 of the "Narcotic rehabilitation act," is hereby amended to read as follows:

Stats. 1927,
p. 149

Sec. 6. Any person committed under the provisions of this act, except such persons as may have been committed under the provisions of section 5, may be paroled after the expiration of eight months by the superintendent of the branch wherein such addict is confined, by and with the consent of the director of institutions, under such terms and conditions as they may establish, and must be discharged on the expiration of the maximum term of confinement.

Parole and
discharge

Any person who violates any of the conditions of his parole, is guilty of a misdemeanor, and is punishable by imprisonment in the county jail for not more than eight months.

Violation
of parole

CHAPTER 211.

Stats 1927,
p. 149,
amended *An act to amend section 16a of the "Narcotic rehabilitation act," approved April 9, 1927, as amended, relating to escapes from a state narcotic hospital.*

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats 1929,
p. 439. SECTION 1. Section 16a of the "Narcotic rehabilitation act" is hereby amended to read as follows:

Penalties
for escape
of inmates Sec. 16a. Every inmate of said hospital who escapes therefrom is punishable by imprisonment in the county jail for not less than one year, nor more than two years; provided, that every such inmate who escapes from said hospital and who has been convicted of a felony within five years next preceding his escape is punishable by imprisonment in the state prison for not less than eighteen months.

And provided, further, that notwithstanding any provision of law heretofore enacted, a complaint, information or indictment for the violation of any provision of this section may be filed within three years of said violation.

CHAPTER 212.

Stats 1927,
p. 149,
amended *An act to add new sections numbered 5b and 5c to, and to amend section 10 of, the "Narcotic rehabilitation act," relating to commitment, transfer, discharge or return of patients to or from the State Narcotic Hospital.*

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

New
section SECTION 1. A new section to be numbered 5b is hereby added to the "Narcotic rehabilitation act," to read as follows:

Unsuitable
patients Sec. 5b. The superintendent of the State Narcotic Hospital may at any time determine that a patient is not a suitable case for treatment therein if, in his opinion, the patient:

- (1) Has a disease or organic disorder, the treatment of which requires or is facilitated by the administration of a certain amount of narcotic drug, or
- (2) Has a physical or mental disorder or habit to which the drug addiction is merely incidental, or
- (3) Is incorrigible or mutinous.

Thereupon if the patient was received as a voluntary applicant under section 7 of this act, the superintendent may discharge him forthwith. Otherwise, the superintendent may certify such determination to the court from which the patient

was committed. Upon receipt of such certificate, the committing court must immediately order the return of the patient to await its further action.

SEC. 2. A new section to be numbered 5c is hereby added to said act, to read as follows: New section

Sec. 5c. When a patient is returned to the committing court on the ground that he is not a suitable case for treatment at the State Narcotic Hospital, the court may in its discretion commit him to any other state hospital, or make such other order in the matter as is provided by law. Disposition of unsuitable patients

SEC. 3. Section 10 of said act is hereby amended to read as follows: Stats 1927, p 149

Sec. 10. It shall be the duty of the sheriff of any county wherein an order is made by any court committing any person under this act or returning such person to the court or of any other person designated by said court, to execute the writ of commitment or order of return, and to receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, and payable in the same manner; provided, that in all cases the parent, guardian or other person charged with the support of such person, being a minor, may, at his option, with the approval of the court, and in all cases where he is able or the estate of such person is sufficient, shall, if the said court approve, without expense to the county or state, execute said writ of commitment, after being duly sworn therefor, with like effect and with like powers as the sheriff would have; but no female person committed shall be taken to the said hospital by any male person not her husband, father, brother or son, without the attendance of some woman of good character and mature age, chosen for the purpose by the court, which woman shall, if the court see fit, be paid therefor such reasonable remuneration as the court may allow. Sheriff's duty and fees
Female patients

CHAPTER 213.

An act to amend sections 3, 4 and 5 of chapter 343 of the statutes of 1921 entitled "An act to provide for leasing kelp beds in the waters of the State of California by the board of fish and game commissioners," and to repeal section 7 thereof. Stats 1921, p 470, amended

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 3 of chapter 343 of the statutes of 1921 entitled "An act to provide for leasing kelp beds in the waters" Stats 1921, p 470

of the State of California by the board of fish and game commissioners" is hereby amended to read as follows:

Notice of
application

Sec. 3. Upon said application being filed, accompanied by the minimum payment required for the first year, as herein-after provided, said board of fish and game commissioners with the approval of the department of finance may execute a lease to the person, firm or corporation making such application, provided that such application must show that the applicant intends to actually harvest kelp from the bed or beds to be leased and that such kelp will be put to a beneficial use.

Lease

Such lease shall provide for a payment by the lessee of not less than three cents per ton for all kelp harvested from such bed or beds, and shall provide for the payment of a minimum of forty dollars per square mile per year of such kelp bed or beds to be credited upon the amount payable by lessee under the lease during such year, with appropriate provisions for a forfeiture of the lease if such minimum is not paid annually in advance, and shall provide for such other rules, restrictions and regulations as said fish and game commission may prescribe and impose. A deposit of said minimum of forty dollars per square mile of area of such kelp bed or beds for the first year shall accompany the application. The deposit so made shall be returned to the person, firm or corporation making the same unless such person, firm or corporation is the successful bidder. Each lease so executed shall provide in effect that it may not be assigned in whole or in part by the lessee, either voluntarily or by operation of law, and that no subleases or other rights may be granted thereunder by the lessee, and shall provide for a forfeiture of the lease in the event of a violation of such provision.

Deposit

Stats 1921
p 470

Sec. 2. Section 4 of chapter 343 of the statutes of 1921 entitled "An act to provide for leasing kelp beds in the waters of the State of California by the board of fish and game commissioners" is hereby amended to read as follows:

Payments
under
lease.

Sec. 4. When any such lease shall have been executed to any person, firm or corporation the payment of the sum due under the lease shall be deemed in lieu of the privilege tax imposed by section 4 of chapter 513 of the statutes of 1917 entitled "An act to regulate the taking and harvesting of kelp and other aquatic plants of the State of California by recognizing and declaring their ownership in the State of California and providing for the control thereof by the fish and game commissioners, and providing for a license tax upon all persons, firms or corporations engaged in the industry of taking or harvesting kelp or other aquatic plants, and providing for the collection and disbursement of the revenues derived therefrom, and providing for a privilege tax upon all kelp taken in the waters of this state, and providing for the protection of kelp beds, and for the manner of taking kelp and other aquatic plants, and providing for hearings by the fish and game commissioners, and providing penalties for the violation of this act," approved May 18, 1917.

Stats 1917.
p 646

SEC. 3. Section 5 of chapter 343 of the statutes of 1921 Stats 1921,
p 470 entitled "An act to provide for leasing kelp beds in the waters of the State of California by the board of fish and game commissioners" is hereby amended to read as follows:

Sec. 5. Said exclusive privilege shall be granted for a Term of
privilege period not exceeding fifteen years.

SEC. 4. Section 7 of chapter 343 of the statutes of 1921 Repeal entitled "An act to provide for leasing kelp beds in the waters of the State of California by the board of fish and game commissioners" is hereby repealed.

CHAPTER 214.

An act to regulate the construction and maintenance of auto camps in unincorporated areas; to provide for the inspection and supervision of the same; to provide for the abatement thereof in certain cases; to provide penalties for the violation of the provisions hereof and to repeal chapter 615, statutes of 1929, entitled "An act to regulate the construction and maintenance of auto camps in unincorporated areas, to provide for the inspection and supervision of same and to provide penalties for the violation of the provisions thereof," approved May 31, 1929. Stats 1929,
p 1022,
repealed

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. For the purpose of this act an auto camp is Auto camp
defined defined to be any place where buildings or tents are erected or maintained for hire, in an unincorporated area, and used or designed for use by automobile transients, or where space is rented or held out for rent to automobile transients, or free camping is permitted to automobile transients, for the purpose of securing their trade.

SEC. 2. It shall be unlawful for any person, firm or corporation to commence the operation or construction of an auto camp or to construct additional buildings or tents or reconstruct or move buildings or tents in an existing auto camp unless such person, firm or corporation shall first make application in writing to the division of housing and sanitation, department of industrial relations, and obtain a permit therefor. Such application shall be accompanied by a description of the grounds upon which said auto camp is to be constructed or reconstructed or upon which new buildings or tents are to be erected in an existing auto camp, together with plans and specifications of the proposed construction or reconstruction of such buildings or tents and a description of the water supply, ground drainage, and method of sewage disposal. Application
for con-
struction

Inspection
permit

SEC. 3. Ten days after filing of such application, accompanied by plans and specifications as aforesaid, an inspector of the division of housing and sanitation, department of industrial relations, shall make an inspection and if, in the opinion of the division of housing and sanitation, the place selected for such auto camp is satisfactory for such purpose and if the plans and specifications of the proposed construction, reconstruction, alteration or moving meet the requirements of this act, the division of housing and sanitation shall issue to said applicant or applicants a permit for such work.

Application
fee

SEC. 4. For the purpose of defraying expenses of inspection, checking of plans and other incidental costs, the application referred to shall be accompanied by a fee of twenty-five dollars, which fee shall be paid to the department of industrial relations for credit to the general fund; provided, however, that in the case of any addition, alteration, or repair to buildings, tents or equipment in any auto camp heretofore erected, such application need not be accompanied by any fee.

Windows

SEC. 5. Every living room, sleeping room or kitchen in every building hereafter erected in any auto camp must be provided with windows of an area equal to one-eighth of the floor area of such room and in no event shall the aggregate area of such windows be less than twelve square feet. Every bath or toilet room in any such building shall have a window of at least three square feet in area.

All such windows must abut a street, or a yard or court, which yard or court shall be of adequate dimensions and shall be open and unobstructed to the sky; provided, that bath or toilet room windows may open into a vent shaft eighteen inches in its least dimension and be open unobstructed to the sky.

All required windows may be measured the full width of the sash and must be arranged so that at least one-half of their aggregate area may be opened unobstructed; provided, that French windows or doors, if arranged to open and glazed to give the areas of opening and glass required for windows in rooms, may be used in lieu of windows therein; provided, however, that windows required by this act for rooms in auto camp buildings hereafter erected may open through roofed porches, not exceeding six feet in depth, the side and ends of which porches must abut a street, yard or court as aforesaid, and such porches must be designed and constructed with the side and ends open and unobstructed at least seventy-five per cent, measured between the floor and underside of roof, and such porches shall have a ceiling height of not less than seven feet; provided that nothing herein shall be construed to prohibit the required open and unobstructed side and ends of such porches from being covered with metal screening of at least sixteen (16) mesh; provided, however, where existing buildings have windows that open on sides of buildings. Under shelters for cars said window area may be counted as required window area if shelters are not over eighteen feet in length and with a

minimum height of eight feet above the ground ; provided, further, that the window area equals one sixth of the floor area in the room and is so constructed to give light and ventilation. This paragraph does not apply to any existing building to be remodeled, added to or moved.

SEC. 6. Every sleeping room in any building or tent hereafter erected in an auto camp must have a floor area of at least eighty square feet and be at least seven feet in width at any point within that portion of the room counted for computing the minimum area of eighty square feet. All such sleeping rooms and kitchens must have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling, except that in attic rooms and rooms where sloping ceilings occur, ceilings need be eight feet in but one-half the area of the room.

Floor area

SEC. 7. Every building or tent hereafter erected in an auto camp shall be constructed in a substantial manner ; and the building or tent shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather ; and there shall be provided in every building or tent hereafter erected a clear air space under the floor thereof of at least twelve inches, measured in the clear from the under side of the floor joists. Such clear air space shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions, of a size to insure ample ventilation. The surface underneath the floor shall be kept clean and free from any accumulation of rubbish, debris or filth.

Specifi-
cations.

SEC. 8. One toilet must be provided for each sex for every ten units.

Toilets

SEC. 9. In every building or tent hereafter erected in an auto camp, and in every building or tent in an existing auto camp, all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular.

Drainage

SEC. 10. It shall be unlawful to cook and sleep in the same room, and the partitions separating a room used for cooking purposes from a room used for sleeping purposes must extend to the ceiling or to the roof if there is no ceiling.

Cooking

SEC. 11. It shall be unlawful to use or permit to be used for sleeping purposes any room in any building or tent that does not contain at least six hundred forty cubic feet of air space, and if any room is occupied by more than two persons the cubic air space of such room shall be increased by not less than five hundred cubic feet for each additional person the room is designed, built or intended to accommodate or that such room does accommodate for sleeping purposes. This section does not apply to tents owned by the automobile transient.

Air space

SEC. 12. Every building and tent in an auto camp and the premises surrounding it shall be kept clean and sanitary in every part and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

Sanitary
conditions.

Nuisance

SEC. 13. An auto camp which is within the provisions of this act and the operation of which constitutes a nuisance shall be abated by proper action brought for that purpose by the district attorney, as provided in the Political Code, in the superior court of the county in which such auto camp, or the greater portion thereof, is situated, unless such nuisance is remedied within five days or within such longer period of time as may be allowed by the division of housing and sanitation, after a written notice has been given by the division of housing and sanitation to the owner or operator thereof.

Definition

Within the meaning of this section a "nuisance" embraces the following. Public nuisance as known at common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; the overcrowding with occupants of any room; insufficient ventilation or illumination of any room; inadequate or unsanitary sewage or plumbing facilities, or underlines, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

Abatement

When, in a proceeding brought under the provisions of this act to abate the operation of an auto camp, it is proved that the owner or operator of said auto camp has been previously convicted of the violation of a provision of this act and such offense is a nuisance within the meaning of this section, and that said owner or operator, from and after the date of conviction thereof, has failed and still fails to remedy the condition of such auto camp which constituted the offense of which he was convicted, and the continuance of such offense is the basis for the abatement proceeding, the proof of these facts is sufficient to cause the operation of said auto camp to be abated.

Scope of act.

SEC. 14. This act and all of the provisions thereof shall apply only to unincorporated areas of the State of California.

It shall be the duty of the division of housing and sanitation, department of industrial relations, to enforce all the provisions of this act pertaining to the construction, reconstruction, alteration, moving, maintenance, sanitation, ventilation, use and occupancy of all such auto camps and buildings, tents or structures located therein and for the purpose of securing enforcement of this act the officers and agents of said division of housing and sanitation shall have the right and are hereby empowered to enter upon the premises of and inspect all auto camps now operating or which may be hereafter constructed or operated, and all accommodations connected therewith.

Penalties

SEC. 15. It shall be the duty of every person, firm or corporation owning or operating an auto camp located in an unincorporated area of the State of California to comply with all of the provisions of this act and any such person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 16. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality

SEC. 17. Chapter 615, statutes of 1929, entitled "An act to regulate the construction and maintenance of auto camps in unincorporated areas, to provide for the inspection and supervision of same and to provide penalties for the violation of the provisions thereof," approved May 31, 1929, is hereby repealed. Repeal

CHAPTER 215.

An act to create the Trinity and Klamath river fish and game district, and to prohibit, to provide penalties for, and to declare a public nuisance the mudding, roiling and polluting of the waters of said district.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. For the protection, conservation and propagation of the fish, and to secure the enjoyment of the right of the people to fish, in certain streams during a certain season each year, there is hereby set apart and established a district to be known as the "Trinity and Klamath river fish and game district" which shall consist of the following: Trinity and Klamath river district created

The Klamath river and the waters thereof, following its meanderings from the mouth of the Klamath river in Del Norte county to its confluence with the Salmon river, and also the Trinity river and the waters thereof, following its meanderings from its confluence with the Klamath river in the county of Humboldt to its confluence with the south fork of the said Trinity river. Boundaries

SEC. 2. Every person, firm, association or corporation, who, between the fifteenth day of July and the fifteenth day of October of any year, pollutes, muddies, or roils any of the waters of the said Trinity and Klamath river fish and game district or any of the streams therein so as to affect the clarity thereof within the limits of said district for a distance of one mile, or more, or who permits, places, deposits, or dumps any debris, mud, gravel, dirt or other substance into any of the said waters or streams in said district, that will pollute, muddy, roil or cause to pollute, muddy or roil any of the waters or streams therein so as to affect the clarity thereof Pollution of waters.

within the limits of said district for a distance of one mile, or more, is guilty of a misdemeanor.

Pollution
declared
nuisance

SEC. 3. Any muddying, polluting or roiling of said waters, or placing, depositing or dumping any debris, mud, gravel, dirt or other substance into any of said waters or into any of said streams that will pollute, muddy or roil any of said waters or any of said streams so as to affect the clarity thereof within the limits of said district for a distance of one mile, or more, between the fifteenth day of July and the fifteenth day of October of any year is hereby declared to be a public nuisance.

Laws ap-
plicable.

SEC. 4. The general provisions of the laws of this state which are now in effect or which shall hereafter be enacted as to any or all of the fish and game districts as now existing or hereafter changed, and included in whole or in part within the territorial limits or waters of said Trinity and Klamath river fish and game district, herein created, shall apply as to the lands and waters thereof respectively within said Trinity and Klamath river fish and game district, except as herein provided.

Public
works
exempt.

SEC. 5. The provisions hereof shall not apply to the construction, repair or maintenance of public works by the federal or state government or any political subdivision thereof.

Clarity
defined.

SEC. 6. The clarity of the waters of said district shall not be deemed to be affected within the meaning of this act until said waters contain more than fifty parts per million, by weight, of suspended matter; nor shall any person, firm or corporation be prosecuted under the provisions of this act for any activity engaged in or thing done between the fifteenth day of October of any year and the fifteenth day of July of the succeeding year.

CHAPTER 216.

Stats 1927,
p 149,
amended.

An act to amend sections 6a, 6b and 16 and to repeal sections 7, 8, 13 and 14 of the "Narcotic rehabilitation act," relating to government of the State Narcotic Hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats 1929,
p 439.

SECTION 1. Section 6a of the "Narcotic rehabilitation act" is hereby amended to read as follows:

Clothing and
money upon
parole or
discharge.

Sec. 6a. No patient or inmate must be paroled from the State Narcotic Hospital without suitable clothing adapted to the season in which he is paroled; and, if it can not otherwise be obtained, the superintendent with the approval of the director of institutions shall furnish the same and money, not

exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

SEC. 2. Section 6b of the narcotic rehabilitation act is Stats 1929,
p. 439 hereby amended to read as follows:

Sec. 6b. Any addict who is charged with a felony at the Trial upon
discharge
or parole time of his commitment to the State Narcotic Hospital shall, after the period of commitment, or upon being paroled, be returned to the court to answer for the felony of which he was charged at the time of his commitment to the State Narcotic Hospital.

SEC. 3. Section 16 of the "Narcotic rehabilitation act" is Stats. 1927,
p. 149. hereby amended to read as follows:

Sec. 16. If any person procure the escape of any inmate Penalty for
aiding
inmate in
escape of said hospital, or advise, connive at, aid or assist in such escape, or conceal any such inmate after such escape, he or she is guilty of a misdemeanor and is punishable by imprisonment in the county jail for not less than one year.

SEC. 4. Sections 7, 8, 13 and 14 of the "Narcotic rehabilitation act" are hereby repealed. Repeal.

CHAPTER 217.

An act to amend section 363i of the Political Code, relating to the supervision of ports by the department of public works, and to repeal sections 2584, 2586, 2589, 2590 and 2607 of the Political Code, relating to the board of state harbor commissioners for the bay of San Diego, and to the San Diego harbor improvement fund.

[Approved by the Governor April 24, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 363i of the Political Code is hereby Stats 1927,
p. 360. amended to read as follows:

363i. The department of public works is hereby vested Supervision
of ports with the powers, duties, responsibilities and jurisdiction heretofore vested in the board of harbor commissioners for the port of Eureka, the board of harbor commissioners for the port of San Diego and the board of harbor commissioners for the port of San Jose. Each such port shall be in charge of a surveyor of the port, which position is hereby created.

The surveyor of the port of Eureka, the surveyor of the port of San Diego and the surveyor of the port of San Jose respectively shall be appointed by and hold office at the pleasure of the director of public works, subject to the approval of the governor, and shall respectively receive such compensation as may be fixed by the director of public works, subject to the approval of the state board of control.

The board of harbor commissioners for the port of Eureka, the board of harbor commissioners for the port of San Diego, the board of harbor commissioners for the port of San Jose, and the positions of all the members, officers, deputies and employees thereof and each of them are hereby abolished; provided, however, that the powers, duties, responsibilities and jurisdiction of each of them are hereby expressly continued in force, and transferred to and vested in the department of public works, to be exercised through the respective surveyor of each such port, with the same force and effect as if the name of said department had been set forth at length in the laws in which said powers, duties, responsibilities and jurisdiction are set forth.

Disposition
of moneys.

All moneys collected by the department of public works in operating the port of San Diego shall be remitted monthly to the state treasurer for credit to the general fund of the state, and all money in the San Diego harbor improvement fund at the time this act takes effect, exclusive of the moneys heretofore appropriated by the state Legislature for the support of San Diego harbor, department of public works, shall revert to and become a part of said general fund, and any balance remaining at the close of the period for which any appropriations for the support of San Diego harbor, department of public works, have been made, shall revert to, and become a part of, said general fund, and thereupon the said San Diego harbor improvement fund shall be abolished.

Repeal

SEC. 2. Sections 2584, 2586, 2589, 2590 and 2607 of the Political Code are hereby repealed.

CHAPTER 218.

An act to amend section 2079 of the Political Code, relating to allowances to organizations of the national guard.

[Approved by the Governor April 24, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 355.

SECTION 1. Section 2079 of the Political Code is hereby amended to read as follows:

Allowances
to organi-
zations of
national
guard.

2079. There must be audited and allowed by the adjutant general and paid out of the appropriation for military purposes upon the warrant of the state controller to the commanding officer of each rifle, machine gun, regimental headquarters, regimental service and howitzer companies of infantry; to the commanding officer of each firing battery, combat train, regimental headquarters battery and regimental service battery of coast artillery; to the commanding officer of each firing battery, combat train and regimental headquarters battery of field artillery: to the commanding officer of each signal,

military police, ordnance, service, motor transport and wagon company the sum of one hundred fifty dollars per month; to the commanding officer of each tank company, divisional air service unit including photo section, observation squadron and intelligence section, the sum of two hundred dollars per month; to the commanding officer of each brigade headquarters, brigade headquarters company, divisional headquarters company, battalion headquarters company of infantry the sum of one hundred twenty-five dollars per month; to the commanding officer of each regimental headquarters of infantry, coast artillery and field artillery and each division headquarters, the sum of two hundred dollars per month except should a regimental headquarters be organized before the regiment has been fully completed than such portion of the two hundred dollars as the adjutant general may deem necessary; to the commanding officer of each medical detachment attached to an infantry regiment, the sum of one hundred twenty-five dollars per month; to the commanding officer each medical detachment attached to coast or field artillery regiment, the sum of one hundred twenty-five dollars per month.

The sum so paid to the various commanding officers shall be used for armory rental, janitor service, clerical service, recruiting, care of arms and equipment and proper incidental expenses of company, troop, battery headquarters or detachment. Rental, etc

In case of unit of national guard or naval militia is organized under and by virtue of authority granted the commander-in-chief in section 1925 of this code, and an allowance is not otherwise provided therefor in this section the adjutant general is authorized to determine and fix a monthly allowance for such unit to be used for armory rent, clerical service, recruiting, care of arms and equipment, janitor service and proper incidental expenses

No claim shall be allowed under the provisions of this section except upon demand made quarterly in duplicate, signed and sworn to by the officer claiming the same, before any officer of the national guard, or notary public, and forwarded through the headquarters of the regiment, coast artillery corps, separate battalion, or separate squadron, or naval militia, with the approval of each commanding officer through whose headquarters they are required to pass, direct to the adjutant general. Form of claims.

In all armories leased by the state as provided in section 2107, Political Code, State of California, the adjutant general, may, in his discretion, pay the rental or such portion of the rent thereof from funds under his control, as he may see fit, charging the organizations using said armory or armories as may, in his judgment, be equitable, and may deduct from the quarterly allowance to such organizations the rent so charged. Leases of armories

CHAPTER 219.

An act to amend section 2102 of the Political Code, relating to the national guard.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats 1909,
p 637

SECTION 1. Section 2102 of the Political Code is hereby amended to read as follows:

Honorary
members

2102. Each company, troop, or division of the naval militia, may have not to exceed twenty honorary members, who shall pay fifty dollars per annum into the civil fund of the company, troop, or division. Such honorary members shall not be required to drill or perform any military duty by reason of such membership.

CHAPTER 220.

An act to amend section 2098 of the Political Code, relating to the national guard.

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

Stats 1921,
p 1215

SECTION 1. Section 2098 of the Political Code is hereby amended to read as follows:

Privileges
and exemp-
tions

2098. All active officers and active enlisted men of the national guard who comply with all military duties, as provided by law and regulations, are entitled to the following exemptions, viz: Exemption from road tax and head tax of every description; exemption from jury duty, and service on any posse comitatus. All officers and enlisted men who have faithfully served in the military service of this state for the space of seven consecutive years, or eleven years not consecutive, and received the certificate of the adjutant general certifying the same, are thereafter exempted from further military duty except in time of war. And the adjutant general must issue such certificate of exemption when it appears that the party applying is entitled to the same.

Continuous
service.

(2) Former members of the national guard who have been honorably discharged for "expiration of term of service" or on account of "removal," and have returned to the limits of their commands, and officers who have resigned, been honorably discharged, or whose terms have expired, who reenlist or reenter the national guard within ninety days from the date of their discharge or the expiration of their term of office, will be given credit for continuous service and the enlistment considered consecutive.

CHAPTER 221.

An act to add a new section to be numbered 18a, chapter 25, statutes of 1911, extra session, entitled the "Reclamation board act," relating to claims of parties against the Sacramento and San Joaquin drainage district for moneys advanced for work on the flood control project.

Stats Ex.
Sess 1911,
p 117.
amended

[Approved by the Governor April 24, 1931 In effect August 14, 1931]

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

SECTION 1. A new section is hereby added to the "Reclamation board act," approved December 24, 1911, as amended, to be numbered 18a, and to read as follows:

New
section.

Sec. 18a. If any reclamation district, levee district, drainage district, municipal corporation, private corporation, association or person has since February 28, 1928, or shall hereafter, advance or expend any sum of money to be applied upon, and in aid of the completion of, any work of new construction called for by the provisions of the flood control plan of the State of California as in effect February 28, 1928, or as said plan may be hereafter amended, such sum of money so advanced, or a specified portion thereof agreed upon, may in the discretion of the reclamation board, be determined to be a proper charge against the particular work of construction for which said money was so advanced and the party so advancing same may, in the discretion of the said reclamation board, have a claim against the Sacramento and San Joaquin drainage district for said amount, or specified portion thereof, without interest, payable as and when moneys are made available by law for defraying the cost of the particular work for which said sum was originally advanced.

Advancement
of funds

CHAPTER 222.

An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same, and declaring the urgency of said measure, the act to take effect immediately.

[Approved by the Governor April 24, 1931. In effect immediately.]

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

SECTION 1. Where in any school district, high school district, or junior college district, of any kind or class, proceedings have been taken for the purpose of voting, issuing and selling bonds of such district for any purpose or purposes, all acts and proceedings of the officers of election and of the

Validation
of school
bonds

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

Interest:
taxes

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

Bonds not
validated.

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

Urgency.

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

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

CHAPTER 223.

An act to amend sections 1205 and 1446 of the Penal Code, relating to judgments directing imprisonment for satisfaction of fines and providing for payment of fines within a limited time or in installments in certain cases.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1205 of the Penal Code is hereby amended to read as follows: Stats 1891, p 52

1205. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied. In misdemeanor cases a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments payable on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full. But all judgments under this section must specify the extent of imprisonment, which must not exceed one day for every two dollars of the fine, nor extend in any case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. Imprisonment for fine.

SEC. 2. Section 1446 of the Penal Code is hereby amended to read as follows: Code Amdts 1873-4, p 455

1446. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, or that the defendant pay the fine within a limited time or in installments payable on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full. Any imprisonment under this section shall be in the proportion of one day's imprisonment for every two dollars of the fine. Imprisonment for fine

CHAPTER 224.

An act to amend section 427 of the Code of Civil Procedure, relating to causes of action which may be united.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

Stats 1915,
p 30

Joinder of
causes of
action

SECTION 1. Section 427 of the Code of Civil Procedure is hereby amended to read as follows:

427. The plaintiff may unite several causes of action in the same complaint, where they all arise out of:

1. Contracts, express or implied;
2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same;
3. Claims to recover specific personal property, with or without damages for the withholding thereof;
4. Claims against a trustee by virtue of a contract or by operation of law;
5. Injuries to character;
6. Injuries to person;
7. Injuries to property;
8. Claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.

9. Any and all claims for injuries arising out of a conspiracy, whether of the same or of different character, or done at the same or different times.

The causes of action so united must all belong to one only of these classes except as provided in cases of conspiracy, and must affect all the parties to the action, and not require different places of trial, and must be separately stated; but an action for malicious arrest and prosecution, or either of them, may be united with an action for either an injury to character or to the person; provided, however, that in any action brought by the husband and wife, to recover damages caused by any injury to the wife, all consequential damages suffered or sustained by the husband alone, including loss of the services of his said wife, moneys expended and indebtedness incurred by reason of such injury to his said wife, may be alleged and recovered without separately stating such cause of action arising out of such consequential damages suffered or sustained by the husband; provided, further, that causes of action for injuries to person and injuries to property, growing out of the same tort, may be joined in the same complaint, and it is not required that they be stated separately.

CHAPTER 225.

An act to amend section 2322x32 of the Political Code, relating to the salary and compensation of the agricultural commissioner in counties of the thirty-second class.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x32 of the Political Code is hereby amended to read as follows:

2322x32. In counties of the thirty-second class, the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and stenographer to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint three inspectors at a monthly salary not to exceed one hundred fifty dollars each, during the time actually employed, but the aggregate amount which may be spent in any year for all such inspectors shall not exceed five thousand four hundred dollars.

(c) The commissioner is also authorized and empowered to appoint one stenographer, at a monthly salary not to exceed one hundred twenty-five dollars per month, during the time actually employed, but the aggregate amount which may be expended in any year for such stenographer shall not exceed one thousand five hundred dollars.

Stats. 1925,
p. 210, formerly Sec
2322x34.
Yolo
county:
agricultural
commissioner.

CHAPTER 226.

An act to amend sections 3746 and 3756 of the Political Code, relating to tax collector's notice that taxes are due and fixing date of delinquency.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3746 of the Political Code is hereby amended to read as follows:

3746. On or before the day when taxes are payable the tax collector must publish a notice specifying:

1. That the taxes on all personal property secured by real property, and one-half of the taxes on all real property will be

Stats 1929,
p. 1748

Notice for
payment of
taxes

due on the first day of November, and will be delinquent on the fifth day of December next thereafter, at five o'clock p.m., and that unless paid prior thereto ten per cent will be added to the amount thereof, and that if said one-half be not paid before the twentieth day in April next, at five o'clock p.m., an additional five per cent will be added thereto. That the remaining one-half of the taxes on all real property will be payable on and after the twentieth day of January next, and will be delinquent on the twentieth day of April next thereafter, at five o'clock p.m., and that unless paid prior thereto, five per cent will be added to the amount thereof; providing, however, that when December fifth, or April twentieth, falls on Saturday taxes shall become delinquent at twelve o'clock m., on either date.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made. The tax collector may fix a date in advance of the due date when payments may be made.

Stats 1929,
p 1748

Delin-
quencies and
penalties
therefor

SEC. 2. Section 3756 of the Political Code is hereby amended to read as follows:

3756. On the fifth day of December of each year, at five o'clock p.m., all taxes then unpaid, except the last installment of real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional ten per cent thereon; provided, that if they be not paid before the twentieth day in April next succeeding, at five o'clock p.m., he shall collect an additional five per cent thereon. On the twentieth day of April of each year, at five o'clock p.m., all the unpaid portion of the remaining one-half of the taxes on all real property is delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional five per cent thereon; provided, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; and provided, further, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made; providing, however, that if the fifth day of December or the twentieth day of April falls on Saturday all taxes then unpaid shall become delinquent at twelve o'clock m., on either date.

CHAPTER 227.

Stats 1925,
p. 648,
amended

An act to amend section 6 of chapter 358, statutes of 1925, entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and

other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 6 of Chapter 358, statutes of 1925, entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," as amended by chapter 65, statutes of 1929, is hereby amended to read as follows:

Stats. 1929,
p. 137. See
also Ch. 426,
infra

Sec. 6. The municipal court in a city or a city and county of the first class shall be constituted and the judges, officers and attaches thereof, shall receive compensation as follows:

Titles of
first class:
judges, etc

(a) There shall be twelve judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court, who shall receive a salary of six thousand dollars per annum, payable in equal monthly installments;

(c) The clerk shall appoint the following:

1. One chief deputy clerk who shall also act as secretary of the judges and as jury commissioner, with all the powers of jury commissioner of the superior court in so far as the same may be applicable to municipal courts, and who shall receive an annual salary of five thousand four hundred dollars per year, payable in equal monthly installments.

2. One cashier and head bookkeeper; one messenger; five registry clerks; ten assistant registry clerks; twelve court room clerks; and twelve copyists.

All incumbents in any of the aforesaid positions, at the time this act becomes effective shall be deemed to be appointed to their respective positions, and all of said appointees shall be entitled to the benefits of the civil service provisions of the charter of said city or city and county of the first class, and thereafter any vacancies in said positions shall be filled in conformity with said civil service provisions.

CHAPTER 228.

An act to amend sections 4 and 5 of chapter 652, statutes 1921, entitled "An act to provide for the organization and

Stats 1921,
p. 1103,
amended

government of public cemetery districts," approved June 1, 1921.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Stats. 1921,
p. 1103.

SECTION 1. Section 4 of chapter 652, statutes 1921, entitled "An act to provide for the organization and government of public cemetery districts," is hereby amended to read as follows:

Cemetery
districts:
creation,
boundaries

Sec. 4. In the event that the registered voters within the boundaries of said proposed district, equal in number to at least ten per centum of the number of votes cast in said proposed district for the office of governor of this state at the last preceding general election or the owners of more than ten per centum of the total assessed valuation of the land in such proposed district, appear before said board of supervisors at said hearing, in person or by attorney or agent, and advocate the creation of said district, the said board of supervisors must call an election as hereinafter in this section provided. If such ten per centum of the voters or land owners within said proposed district, as hereinabove specified, appear before said board of supervisors at said hearing in person or by attorney or agent and request a change in the boundaries thereof, if said requested change is not made in the boundaries by said board of supervisors, in its order creating the district, then the said board of supervisors must call an election as hereinafter provided. The said board of supervisors, in the event of the protest as hereinbefore specified being made, shall call a special election throughout the territory proposed to be incorporated into the cemetery district, whereat the qualified voters of said proposed cemetery district shall vote on the question of whether the said cemetery district shall be created.

Election.

In the event of the calling of said election, the said board of supervisors must in its order, specify the time and place for the election, the voting places and the number of precincts within said district, if within the judgment of the board of supervisors, more than one voting place is necessary, and shall in said order appoint and designate two judges and one clerk for each polling place, which said election officials shall be qualified electors of said district, and shall conduct the said election, and the same shall be held in all respects as nearly as practicable in conformity with the general election law; provided, that no new register shall be required, nor legal ballot paper; and provided, further, that the polls shall be open from eight o'clock a.m., to seven o'clock p.m., on the day appointed for such election. At such election the ballots must contain the words "Cemetery District, Yes" and "Cemetery District, No." The judges of the election shall within twenty-four hours after the closing of said election, make return of and certify to the board of supervisors, said votes, showing the

total number of votes cast, the number of votes in favor of and the number of votes against the matter voted upon.

In the event that a majority of the voters voting at said election, vote in favor of the formation of said cemetery district, the board of supervisors shall proceed with the organization thereof as herein specified.

In the event that a majority of the electors voting at said election, vote against the formation of the cemetery district, all further action by the board of supervisors under the petition shall cease, and no further or other petition for the organization of a cemetery district in the territory specified in the said petition shall be received or acted upon for six months after the date of said election.

A finding of the board of supervisors in favor of the genuineness and sufficiency of any petition presented to them under the terms of this act, and a finding that due notice of hearing thereof has been given, shall be final and conclusive against all persons except the State of California, upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as in this act provided, and not otherwise.

Finding
conclusive.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Stats 1921,
p. 1103.

Sec. 5. Upon the conclusion of the canvass of the ballots of the election, if one be held, and the returns of said election are favorable to the formation of a district, and upon conclusion of the hearing of said matter, if no election be held, said board shall, by an order entered in its minutes, approve said petition as originally presented or as modified, and if the returns of said election are favorable, declaring the territory embraced within the boundaries established by said board as herein provided, duly organized as a cemetery district. Said board shall then cause a copy of said order, duly certified, to be immediately filed for record in the office of the county recorder of such county. From and after such filing, the organization of such district shall be complete.

Order organ-
izing dis-
trict.

CHAPTER 229.

An act to amend section 2322x19 of the Political Code, relating to the salaries of the county agricultural commissioners, deputies and inspectors in counties of the nineteenth class.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p 849, for-
merly Sec.
2322x16.
Stanislaus
county:
agricultural
commis-
sioner.

SECTION 1. Section 2322x19 of the Political Code is hereby amended to read as follows:

2322x19. In counties of the nineteenth class the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Eight inspectors at a salary of one hundred fifty dollars per month.

(b) Nine inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed nineteen thousand eight hundred dollars.

(c) One clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk, shall not exceed one thousand five hundred dollars.

CHAPTER 230.

Stats 1925,
p 648,
amended

An act to amend section 18 of chapter 358, statutes of 1925, entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the appointment and duties of clerks, deputy clerks, marshals, deputy marshals, and the filling of vacancies in said offices.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 648

SECTION 1. Section 18 of chapter 358, statutes of 1925, entitled "An act authorizing the establishment of municipal

courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," is hereby amended to read as follows:

Sec. 18. All vacancies in the office of clerk or marshal shall ^{Vacancies.} be filled by appointment by a majority vote of the judges. All vacancies in the clerk's office shall be filled by appointment by the clerk. All vacancies in the marshal's office shall be filled by appointment by the marshal, and it shall be competent for the marshal to appoint a deputy clerk or court clerk, ex officio a deputy marshal; provided, that no person so appointed shall receive any increased compensation by reason of such appointment. In any city or city and county which has a civil service commission all appointments to fill vacancies as provided in this section shall be from among the three highest of those certified to the appointing officer by such civil service commission to be eligible to the office of the position to be filled. Such eligibility list shall be obtained as the result of a competitive examination given to determine the relative fitness of those taking it for the position to be filled. A temporary appointment may be made whenever there is not a list containing at least three names of persons eligible and willing to accept an appointment, but such temporary appointment shall not be valid more than thirty days after a list of three eligibles is certified to the appointing officer by the commission; provided, that if no such eligible list be certified to the appointing officer within six months after such temporary appointment, such appointing officer may declare such appointment permanent and such appointee shall thereafter be entitled to all the rights and privileges of one duly examined and certified by the civil service commission and appointed thereunder.

In any city or city and county which has no civil service commission, the secretary of the court, the clerk and his deputies and attaches and the marshal and his deputies and attaches shall be appointed because of their ability and fitness for the positions they are to fill. Such appointments however shall be subject to confirmation by the judge or by a majority of the judges of the court.

CHAPTER 231.

An act to amend section 103½ of the Code of Civil Procedure, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same.

[Approved by the Governor April 27, 1931. In effect August 14, 1931]

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

Stats 1927,
p. 1657

SECTION 1. Section 103½ of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Clerks of
Justices'
courts.

103½. Every city justice's court in any city or town of the second and one-fourth, second and three-fourths and third classes shall have a clerk. Every city justice's court in any city or town of the second and one-half class where there is a police court or other inferior court organized under the city charter shall have one clerk and every city justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the city charter shall have one clerk and two deputy clerks. Said clerks shall be respectively appointed by the justice of the peace of said court subject to the approval of the board of supervisors of the county and shall hold office during the pleasure of said justice. Said clerks and deputy clerks shall each give a bond in the sum of five thousand dollars with at least two sureties to be approved by the mayor or, if the clerk's salary is paid by the county, shall be approved as provided for county officers, conditioned for the faithful discharge of the duties of their office. They shall keep a record of the proceedings of said court and issue all process ordered by the justice of said court. The clerk of said court or a deputy clerk in the discretion of the justice of the peace, shall receive and pay into the city treasury, or into the county treasury if the salary of the clerk is paid by the county, all fines, forfeitures and fees paid into said court, and shall render each month to the city council or county board of supervisors where the salary of the clerk is paid by the county an exact account under oath of all fines, forfeitures and fees paid and collected. Said clerks and deputy clerks shall prepare bonds, justify bail when the amount has been fixed by the court or justice and may administer and certify oaths, and shall remain in the court rooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of their duty. The clerk of the court shall have custody of all records and papers of said justice's court. Every clerk of the justice's court in any city or town of the second and one-fourth class shall receive a salary of one thousand six hundred dollars per annum. Every clerk of the justice's court in any city or town of the second and one-half class, where there is a police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand one hundred dollars. Every clerk of the justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand seven hundred dollars, and the deputy clerks of said city or town shall each

receive an annual salary of one thousand eight hundred dollars. Every clerk of the justice's court in any city or town of the second and three-fourths class shall receive an annual salary of one thousand five hundred dollars. Every clerk of the justice's court of any city or town of the third class shall receive an annual salary of one thousand two hundred dollars; said salaries shall respectively be payable in equal monthly installments by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund, of such city or county as the case may be, such warrants to be audited and paid as salaries of any other city or county officials respectively, and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

CHAPTER 232.

An act to amend section 4 of chapter 7, statutes of 1919, entitled "An act authorizing the state board of control to purchase warrants of the Sacramento and San Joaquin drainage district issued in payment for the expense of continuing construction of the east levee of the Sutter by-pass: appropriating money therefor, and providing for reimbursement to the state of such appropriation," approved January 30, 1919, relating to warrants. Stats 1919,
p. 5,
amended.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4 of chapter 7, statutes of 1919, entitled "An act authorizing the state board of control to purchase warrants of the Sacramento and San Joaquin drainage district issued in payment for the expense of continuing construction of the east levee of the Sutter by-pass; appropriating money therefor, and providing for reimbursement to the state of such appropriation" is hereby amended to read as follows: Stats. 1919,
p. 5

Sec. 4 All warrants so purchased or acquired by exchange under the provisions of this act may be sold by the director of finance at such price as he may deem to be for the best interests of the state. The proceeds from the sale of said warrants shall be paid into the state treasury for credit to the general fund. Sale of
warrants.

CHAPTER 233.

An act authorizing suits against the state to quiet title against it to real property required for highway purposes when deed to the state is recorded in conflict with agreement with state's representatives in the matter of its acquisition.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Quiet title
Property
affected

SECTION 1. In all cases where any real property required for state highway purposes has been included in any signed and acknowledged deed purporting to grant the same to the State of California and any official or representative of the state having supervisory or immediate charge of acquiring such land for the state shall have agreed with the owner or the agent of the owner that such deed shall not be used or recorded until claims of the owner regarding the validity of such deed shall be taken up in conference with the owner or the owner's agent and where in violation of such agreement such deed shall be recorded by mistake or otherwise and where an agreement shall thereafter have been had between the official or representative of the state who made such agreement and the owner or the owner's agent for the conveyance of the land to the state on condition subsequent that if said real property or any portion thereof shall be abandoned as state highway and shall cease to be used for highway purposes, the ownership thereof shall revert to the person granting the same to the state, his or her heirs, successors and assigns, and where the owner of such land, his or her heirs or assigns, shall be ready and willing to make such conveyance, the person named as grantor in the deed firstly above mentioned, his or her heirs, assigns and/or successors in interest, is and are hereby authorized to bring suit against the State of California in the superior court of the State of California in and for the county or city and county wherein such land is situate to quiet title to such land and to prosecute the same to final judgment, provided that in any complaint in such suit the plaintiff shall offer to convey such land to the State of California subject to such condition subsequent, and provided that the judgment in any such action may require such conveyance on said condition. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization, except as herein otherwise provided. If judgment be given against the state in any such suit, no costs can be recovered from the state thereunder.

Suit against
state

Rules of
practice

Costs.

Limitation
of actions

Summons

SEC. 2. Any such suits to quiet title shall be brought within one year after this act takes effect.

SEC. 3. Service of summons in such suits shall be made on the governor and the attorney general. It shall be the duty of the attorney general to represent the state in all such suits.

CHAPTER 234.

An act to amend section 5.742 of the School Code, relating to the payment of teachers.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 5.742 of the School Code is hereby amended to read as follows: Sch. C,
p. 250.

5.742. Where the board of trustees, or city, or city and county board of education arranges to pay such persons so employed by them in twelve equal payments for the year, they may pay each monthly installment at the end of each calendar month, whether or not such persons are actually employed in teaching during such month. Salary
installments.

CHAPTER 235.

An act to add a new section to the Code of Civil Procedure to be numbered 1952, relating to the destruction or other disposal of exhibits introduced at the trial of civil actions or proceedings.

[Approved by the Governor April 27, 1931 In effect August 14, 1931.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1952 and to read as follows: New section

1952. The court, on its own motion, by an order entered in the minutes, may order destroyed or otherwise disposed of any exhibit introduced in the trial of a civil action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in the custody of the court three years after time for appeal has expired, or, if appeal has been taken, remains in the custody of the court three years after final determination thereof, provided no such order shall be made authorizing destruction or disposal of any exhibit which conveys title to or creates a lien on real property. Destruction
of court
exhibits

CHAPTER 236.

Stats. 1927,
p. 149,
amended. *An act to amend section 3 of the "Narcotic rehabilitation act," approved April 9, 1927, as amended, relating to the arrest and examination of alleged drug addicts.*

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

Stats. 1929,
p. 438. SECTION 1. Section 3 of the act known as the "Narcotic rehabilitation act," as amended by chapter 236, statutes of 1929, is hereby amended to read as follows:

Arrest of
drug addicts Sec. 3. Whenever it appears by affidavit to the satisfaction of a magistrate of a county or city and county that any person is a drug addict within the meaning of this act, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. The person charged must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered at length in the minute book of the court or must be signed by the judge and filed and a certified copy of the said order must be served on such person. The judge may also order that such notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, or city and county, as the court may deem necessary or proper. The judge may cause witnesses to be summoned and examined before him, and after a hearing and examination, if he believes the person charged is a drug addict, the court must make an order that such person be confined in the State Narcotic Hospital for an indeterminate period of not less than eight months nor more than two years; provided, however, that the court may commit any female drug addict and drug addicts who are afflicted with tuberculosis or communicable diseases to any state hospital.

Trial

Commitment

CHAPTER 237.

An act to amend section 112 and to repeal section 1163 of the Code of Civil Procedure, relating to jurisdiction of justices' courts.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 112 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929,
p. 834

112. The justices' courts shall have jurisdiction as follows: Justices'
courts.
jurisdiction.

1. In cities, cities and counties, towns and judicial townships, having a population of thirty thousand or more, said courts shall have original jurisdiction in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less; of all actions of forcible or unlawful entry or detainer where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less; in all cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is one thousand dollars or less; and in cases in equity, when pleaded as defensive matter or by way of cross-complaint in any case at law commencing in said courts, of which they have jurisdiction;

2. In those having a population of less than thirty thousand, said courts shall have original jurisdiction in all cases at law in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars or less; of all actions of forcible or unlawful entry or detainer where the rental value is seventy-five dollars or less per month, and where the whole amount of damages claimed is three hundred dollars or less; in all cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is three hundred dollars or less.

SEC. 2. Section 1163 of the Code of Civil Procedure is hereby repealed. Repeal

CHAPTER 238.

An act to repeal section 593 of the Code of Civil Procedure.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 593 of the Code of Civil Procedure is hereby repealed. Repeal

CHAPTER 239.

An act to add a new section to the Code of Civil Procedure, to be numbered 953e, relating to the power of the court to grant a new trial in the event a stenographic reporter at the trial is unable because of death or other disability to transcribe the phonographic report as provided in section 953a of said code.

[Approved by the Governor April 27, 1931. In effect August 14, 1931]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 953e to read as follows:

Death or
disability
of reporter

953e. When it shall be impossible to have the phonographic report of the trial transcribed by a stenographic reporter as provided by section 953a of this code because of the death or other disability of a reporter who participated as a stenographic reporter at the trial, the court or a judge thereof shall have power to set aside and vacate the judgment, order or decree from which an appeal has been or is to be taken and to order a new trial of the action or proceeding.

CHAPTER 240.

An act to amend section 2185c of the Political Code, relating to intemperate users of stimulants, and recommitment of intemperate users of narcotics.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

Stats 1915,
p 839.

Arrest of
inebriates
and drug
addicts

SECTION 1. Section 2185c of the Political Code is hereby amended to read as follows:

2185c. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person is so far addicted to the intemperate use of stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, he must issue and deliver to some peace officer for service a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. He must be taken before a judge of the

superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of the charge against him, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto.

The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered at length in the minute book of the court by the clerk or must be signed by the judge and filed and a certified copy of the said order must be served on such person. The judge may also order that notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, as the court may deem necessary or proper. The hearing and examination shall be had in compliance with the provisions of sections 2169 and 2170 of the Political Code. Hearing

The judge, after such hearing and examination, if he believes the person is so far addicted to the intemperate use of stimulants as to have lost the power of self-control, or is subject to dipsomania or inebriety, must make an order that he be confined in a hospital for the care and treatment of the insane designated in such order and the order must be accompanied by a written statement of the judge as to the financial condition of the patient and of the persons legally liable for his maintenance, as far as can be ascertained; provided that before a person shall be committed to a state hospital, satisfactory evidence shall be submitted to the trial judge showing that a person to be committed is not of bad repute or bad character, apart from his or her habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment; and Commitment.

Provided, further, that no person who has heretofore been committed under the provisions of the "narcotic rehabilitation act" as an intemperate user of narcotics, and who has been discharged or has escaped, shall be again committed to any hospital unless permission for such recommitment be first obtained from the medical superintendent thereof. Such order and statement shall be in substantially the form provided by section 2171 of the Political Code for the commitment of insane persons. Previous commitments

The court shall commit such person for a definite period, not to exceed two years, but provided that he may be paroled by the medical superintendent under the same rules and conditions that the insane are paroled; and provided, further, that the state commission in lunacy shall be given the same power to discharge any person committed under this act as contained in section 2189 of the Political Code, upon the recommendation of the hospital superintendent, when satisfied Term of commitment.

that such person will not receive substantial benefit from further hospital treatment. Such person shall be delivered to the state hospital for the insane to which he has been committed in compliance with the provisions of section 2172 of the Political Code, providing for the commitment and deliverance of an insane person.

CHAPTER 241.

An act to amend section 2322x34 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-fourth class.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 651, for-
merly Sec.
2322x31.
Napa
county:
agricultural
commis-
sioner.

SECTION 1. Section 2322x34 of the Political Code is hereby amended to read as follows:

2322x34. In counties of the thirty-fourth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of five dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of seventy-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars per year.

CHAPTER 242.

An act to amend the Political Code by repealing section 4263 thereof and by adding sections 4263, 4263a, 4263b, 4263c, 4263d, 4263e, 4263f, 4263g, 4263h, 4263i, 4263j, 4263k, 4263l, 4263m, 4263n, 4263o, 4263p, 4263q, 4263r, 4263s, relating to compensation of county and township officers in counties of the thirty-fourth class.

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Repeal.

SECTION 1. Section 4263 of the Political Code is hereby repealed.

SEC. 2. Section 4263 is hereby added to the Political Code, to read as follows:

4263. In counties of the thirty-fourth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Stats 1920,
p. 1604,
formerly
Sec 4260.
Napa
county:
salaries.

SEC. 3. Section 4263a is hereby added to the Political Code, to read as follows:

4263a. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk at a salary of one thousand eight hundred dollars per annum, and a copyist and stenographer at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; provided, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

County
clerk.

SEC. 4. Section 4263b is hereby added to the Political Code, to read as follows:

4263b. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an undersheriff, which office of undersheriff is hereby created, and said undersheriff shall receive as compensation for all services performed as such the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in

Sheriff.

the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff may appoint a deputy sheriff, which office of deputy sheriff is hereby created, for a period of six days in each month. Said deputy sheriff shall receive as compensation for all services performed as such a sum not to exceed six dollars per day, to be paid out of the county treasury monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane and for conveying prisoners and persons charged with being insane to court and to prison or other places of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

SEC. 5. Section 4263c is hereby added to the Political Code, to read as follows:

Recorder

4263c. The recorder, two thousand dollars per annum; provided, that in counties of this class the recorder may appoint a deputy which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the

same time and out of the same fund as salaries of county officers are paid; provided, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

SEC. 6. Section 4263d is hereby added to the Political Code, to read as follows:

4263d. The auditor, two thousand four hundred dollars per ^{Auditor.} annum; provided, that in counties of this class the auditor may appoint two deputies, which offices are hereby created. One deputy auditor shall receive as compensation for all services performed as such, the sum of one thousand five hundred dollars per annum, and one deputy auditor shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, the above salaries to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the auditor may appoint additional deputies, to serve during the month that installments of taxes on real property are due and payable but not delinquent, and such deputy auditor shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed, and the total compensation, in the aggregate, shall not exceed the sum of two hundred twenty-five dollars per annum for all additional deputies employed. Such compensation shall be paid out of the county treasury, at the same time and out of the same fund as salaries of county officers are paid.

SEC. 7. Section 4263e is hereby added to the Political Code, to read as follows:

4263e. The county treasurer, three thousand dollars per ^{Treasurer} annum. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

SEC. 8. Section 4263f is hereby added to the Political Code, to read as follows:

4263f. The tax collector, two thousand four hundred dollars ^{Tax collector.} per annum; provided, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties

of this class the tax collector may appoint one or more cashiers, which offices are hereby created, and said cashiers shall receive as compensation for all services performed as such, a sum not to exceed five dollars per day for each day actually employed as such, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid; provided, that such cashiers shall not be paid a total of more than three hundred dollars in any one calendar year.

All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation

SEC 9. Section 4263g is hereby added to the Political Code, to read as follows:

Assessor

4263g. The assessor, three thousand six hundred dollars per annum; provided, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of two thousand one hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint an additional deputy assessor, which office of additional deputy is hereby created, and said additional deputy assessor shall be employed for a period not to exceed ninety days in any one year from January first to December thirty-first, and who shall receive as compensation seven dollars per diem for the time so employed, to be paid in the same manner, at the same time and out of the same funds as salaries of county officers are paid. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than two hundred fifty days in any one year, and said copyist shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such. Provided, however, that if, in counties of this class, a copy of the assessment roll of any city having a population of less than two thousand is made for any such city, the copyist may be employed and serve ten extra days at five dollars per day for each of said assessment rolls so copied. The assessor may also appoint four field deputies, which office of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of seven dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; providing, that each field deputy, when so

employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for the services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

SEC. 10. Section 4263h is hereby added to the Political Code, to read as follows:

4263h. The district attorney, two thousand five hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a secretary for service in his office, which office of secretary to the district attorney is hereby created, and said secretary shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

SEC. 11. Section 4263i is hereby added to the Political Code, to read as follows:

4263i. The coroner, nine hundred dollars per annum. In counties of this class the coroner shall be allowed his actual traveling expenses in the performance of his official duties in the county when called away from the county seat, which are hereby declared to be a proper legal charge against the county, and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed by law to the coroner in other counties of other classes as a part of his compensation shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

SEC. 12. Section 4263j is hereby added to the Political Code, to read as follows:

4263j. The public administrator, such fees as are now or may hereafter be allowed by law.

SEC. 13. Section 4263k is hereby added to the Political Code, to read as follows:

Superin-
tendent of
schools

4263k. The superintendent of schools, two thousand dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

SEC. 14. Section 4263l is hereby added to the Political Code, to read as follows:

Surveyor

4263l. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them to prepare the same; provided, that in counties of this class, the surveyor may appoint:

(a) A chief assistant surveyor who shall act as highway engineer, which office of chief assistant surveyor is hereby created, who shall receive a salary of three thousand dollars per annum:

(b) An assistant surveyor who shall act as assistant highway engineer which office of assistant surveyor is hereby created at a salary of two thousand two hundred dollars per annum;

(c) A stenographer at a salary of one thousand eighty dollars per annum. The salaries of the above officers to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid; provided, further, that the surveyor may employ such other assistants as shall be ordered and required by the board of supervisors, from time to time. Appointment and salaries of such assistants to be under the control of the board of supervisors to be known as ordinary employees to be discharged at will; provided, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block books, the board of supervisors may employ a competent draftsman for the purpose of making such block books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury in the same manner that other county charges are allowed, audited and

paid. All fees, commissions or other compensations allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys shall be retained by him as a part of his compensation.

SEC. 15. Section 4263m is hereby added to the Political Code, to read as follows:

4263m. In counties of this class the salary of the county ^{Librarian.} librarian shall be one thousand eight hundred dollars per annum.

SEC. 16. Section 4263n is hereby added to the Political Code, to read as follows:

4263n. For the purpose of regulating the compensation of ^{Township classification} justices of the peace and constables, townships in counties of this class are hereby classified according to their population as shown by the federal census of 1930 as follows: Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class; townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of less than three thousand shall belong to and be known as townships of the third class; provided, each township shall have not more than one justice of the peace and one constable.

SEC. 17. Section 4263o is hereby added to the Political Code, to read as follows:

4263o. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit: ^{Justices of the peace}

- 1. In townships of the first class the sum of one hundred fifty dollars per month;
- 2. In townships of the second class, seventy dollars per month;
- 3. In townships of the third class forty dollars per month.

Justices of the peace in townships of the first and second classes shall be allowed their office rent not to exceed twenty-five dollars per month, and necessary incidental expenses.

SEC. 18. Section 4263p is hereby added to the Political Code, to read as follows:

4263p. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: ^{Constables.}

- 1. In townships of the first class, one hundred dollars per month;

2. In townships of the second class, fifty-five dollars per month;

3. In townships of the third class, thirty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expenses shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

SEC. 19. Section 4263q is hereby added to the Political Code, to read as follows:

Supervisors.

4263q. Each member of the board of supervisors shall receive one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors, and shall be paid in the same manner, at the same time and out of the same fund that salaries of other county officers are paid.

SEC. 20. Section 4263r is hereby added to the Political Code, to read as follows:

Jurors

4263r. In counties of this class the fees of grand jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only.

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

SEC. 21. Section 4263s is hereby added to the Political Code, to read as follows:

Effective
date

4263s. The salaries herein provided in this act for deputies, assistants, secretaries, and stenographers, shall take effect and be in force from and after the approval of this act.

CHAPTER 243.

An act to amend section 4261 and to repeal section 4261a of the Political Code, relating to compensation of county and township officers in counties of the thirty-second class.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4261 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1405,
formerly
Sec 4263

4261. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Yolo
county
salaries.

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law to be made, he shall receive his actual expense in making said register and the index thereto, and ten cents per name for every name registered. In counties of this class the county clerk may appoint one deputy county clerk at a salary of one thousand eight hundred dollars per annum and one typist at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Clerk

2. The sheriff, four thousand five hundred dollars per annum. In addition to the fees and expenses allowed by law as set forth in section 4300b of the Political Code, the sheriff shall be allowed his actual and necessary traveling expenses incurred in pursuing criminals and his actual and necessary traveling expenses incurred in the investigation of crimes committed in his jurisdiction. In counties of this class the sheriff may appoint one deputy sheriff at a salary of one thousand five hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Sheriff

3. The recorder, three thousand four hundred dollars per annum. In counties of this class the recorder may appoint one typist at a salary of one thousand two hundred dollars per annum which office is hereby created, payable at the same time and out of the same fund as salaries of county officers are paid.

Recorder.

4. The auditor, two thousand dollars per annum, and in lieu of fees heretofore paid him under the provisions of section 4099a of the Political Code he shall receive an additional

Auditor.

sum of five hundred dollars per annum as compensation for the extra duties imposed by said section 4099a. In counties of this class the auditor may appoint one deputy auditor at a salary of two thousand four hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the auditor shall be allowed to employ additional clerical assistance when needed at not to exceed six hundred dollars in any one year.

Treasurer

5. The treasurer, two thousand dollars per annum. In counties of this class the treasurer may appoint one deputy treasurer at a salary of one thousand dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

collector.
Tax

6. The tax collector, two thousand seven hundred dollars per annum. In counties of this class, the tax collector shall be allowed to employ clerical assistance when needed, at not to exceed eight hundred dollars in any one year.

Assessor

7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses when engaged in assessing the property of his county; provided, such traveling expenses shall not in any one year exceed the sum of three hundred dollars.

District
attorney

8. The district attorney, three thousand six hundred dollars per annum. In counties of this class, the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created and said deputy district attorney shall receive as compensation for all services performed as such, the sum of two thousand dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund that the salaries of county officers are paid. The district attorney may also appoint a clerk, which office of clerk to the district attorney is hereby created and said clerk shall receive as compensation for all services performed as such, the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund that the salaries of county officers are paid.

Coroner

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

Public
adminis-
trator.

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

Superin-
tendent of
schools

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of this county. In counties of this class the secretary of the county board of education shall receive the sum of five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time,

and in the same manner and out of the same fund as the salary of the superintendent of schools. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section 1770 of this code. It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. In counties of this class the superintendent of schools may appoint one deputy superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The county surveyor, one thousand five hundred dollars Surveyor. per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

13. Justices of the peace, the following salaries to be paid Justices of the peace each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace; in townships having a population of five thousand and more, one hundred dollars; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars; in townships having a population of one thousand and less than one thousand five hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid Constables. monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred or more, seventy dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil

actions. In all townships having a population of less than two thousand five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

In addition to the fees and expenses allowed by law as set forth in section 4300d of the Political Code, constables shall be allowed the necessary and actual traveling expenses incurred by them in the investigation of a felony committed within the township of which they are officers, and the necessary and actual traveling expenses incurred by them in pursuing criminals charged with the commission of a felony.

Supervisors 15. Each supervisor, one thousand two hundred dollars per annum, for all services performed by him as supervisor, member of the board of equalization and road commissioner.

Librarian 15a. County librarian, two thousand four hundred dollars per annum.

Jurors 16. Grand jurors, and trial jurors in the superior court in civil and criminal cases, shall receive, as compensation for each day's attendance, per day three dollars and for each mile actually and necessarily traveled in attendance as such, in going only, per mile twenty-five cents.

Deputies 17. It is hereby found and declared that all deputies, assistants, and other subordinate officers provided for herein are additional deputies and assistants necessary and proper to be allowed to the incumbent principals and shall be effective at once during their present terms of office.

Repeal SEC. 2. Section 4261a of the Political Code is hereby repealed.

CHAPTER 244.

Stats 1913, p 1086, amended *An act to amend section 16x19 of the "weights and measures act," relating to sealers of weights and measures in counties of the nineteenth class.*

[Approved by the Governor April 27, 1931. In effect August 14, 1931.]

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

Stats 1927, p 1836, formerly Sec 16x16 SECTION 1. Section 16x19 of the "weights and measures act" is amended to read as follows:

Stanislaus county sealer. Sec. 16x19. The sealer of weights and measures in counties of the nineteenth class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 245.

An act to amend section 19x19 of the "juvenile court law," Stats 1915,
relating to probation officers in counties of the nineteenth p 1225,
class. amended

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x19 of the "juvenile court law" is
 amended to read as follows: Stats 1927,
 p 1089,
 formerly
 Sec 19x16

Sec. 19x19. In counties of the nineteenth class there shall
 be one probation officer whose salary shall be two hundred
 twenty-five dollars a month, one assistant probation officer
 whose salary shall be one hundred fifty dollars per month, and
 an additional assistant probation officer, on a part time basis,
 whose salary shall be seventy-four and 99/100 dollars (\$74.99)
 per month. Stanslaus
 county
 probation
 officer

CHAPTER 246.

An act to amend section 2 of the water conservation act of Stats 1927,
1927, relating to the powers of water conservation dis- p 160,
tricts. amended

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1 Section 2 of the water conservation act of 1927
 is hereby amended to read as follows: Stats 1927,
 p 160

Sec. 2 Powers of district. Any water conservation dis-
 trict organized and established as herein provided shall have
 power: Powers of
 district

1. Perpetual succession. To have perpetual succession
2. Sue and be sued. To sue and be sued, except as other-
 wise provided herein or by law, in all actions and proceed-
 ings in all courts and tribunals of competent jurisdiction
3. Adopt seal. To adopt a seal and alter it at pleasure
4. Hold property. To take by grant, appropriation, pur-
 chase, gift, devise, condemnation or lease, and to hold, use,
 enjoy, and to lease or dispose of, real and personal property
 of every kind, within or without the district necessary to the
 full exercise of its powers
5. Conserve and store water. To make surveys and inves-
 tigations of the water supply and resources of the district:
 to conserve and store water by spreading and sinking the
 same, and to build, construct or acquire the necessary spread-
 ing basins, sinking wells and sinking basins therefor: to main-
 tain, operate and repair any of the constructions herein
 named; to appropriate, acquire and conserve water and

water rights, for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom, which may be used, or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district.

6. Right of eminent domain. To have the exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for spreading basins, sinking wells or sinking basins, or to operate or to make use of same, or otherwise necessary to accomplish the purposes of this act.

7. Levy taxes. To cause taxes to be levied, as herein provided, for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided.

8. Make contracts. To make contracts, to employ labor and to do all acts necessary for the full exercise of the powers herein granted. Provided that said district shall not have power to commence, intervene in, compromise, maintain or defend actions, or pay costs of the same, in controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district.

CHAPTER 247.

An act authorizing the State of California to accept and receive title to certain real property to be used as the site for the erection of a hangar.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

Director of
finance to
accept
certain
property

SECTION 1. The director of finance is hereby authorized and empowered to accept and receive by gift title to the following described real property or any other property adjacent or near thereto in the name and for and on behalf of the

State of California donated to the State of California to be used as and for the purpose of a site for the erection of a hangar:

That property beginning at a point on the easterly side of the southwest roadway; said point being further described as being located S., 84° 20' W., 800.63 feet; thence S., 33° 35' E., 379.17 feet; thence S., 56° 25' E., 26 feet, from a monument marking the center line intersection of the proposed 500 foot runways of the Sacramento municipal airport, Sacramento county, State of California; thence from the point of beginning S., 56° 25' E., 344 feet, to a point on the westerly line of the southwest runway; thence S., 33° 35' W., 284.17 feet, along the westerly line of said southwest runway, to a point, which said point bears N., 61° 59.34' W., 2124.40 feet, from the southeast corner of the Sacramento municipal airport; thence N., 56° 25' W., 344 feet, to a point on the easterly side of said southwest roadway; thence N., 33° 35' E., 284.17 feet, along the easterly side of said southwest roadway, to the point of beginning; and containing 2.244 acres. Description

All of the above described land is located in the southwest quarter (SW $\frac{1}{4}$) of section 25, T. 8 N., R. 4 E., M. D. B. and M.

SEC. 2. Said property to be for the use and benefit of the State of California. The acceptance shall not be made before July 1, 1931, nor after June 30, 1932. Use

CHAPTER 248.

An act to amend section 4011.10 of the Political Code, relating to the changing of boundaries of election precincts.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

Section 4041.10 of the Political Code is hereby amended to read as follows: Stats 1929,
p 1455

4041.10. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires. Division of
counties
into
districts

(2) To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result and order the county clerk to issue certificates thereof; provided, that no election precinct shall be established or abolished, or the Election
precincts.

boundaries of any election precinct changed within ninety days prior to any election; provided further, that where the boundaries of any incorporated city or town have been changed by the annexation of unincorporated territory, or the exclusion of territory from an incorporated city or town, the boundaries of the precincts affected by said change may be altered or corrected, or new precincts established to comply with said change in boundaries of said incorporated city or town not later than forty-five days prior to any election. And, provided further, that when the number of persons registered in a precinct totals more than four hundred the said precinct may be divided into two or more precincts, but so as not to effect the boundaries of any other precinct, not later than forty-five days before any election.

CHAPTER 249.

An act to amend section 347½ of the Penal Code, relating to the sale and use of drugs.

[Approved by the Governor April 27, 1931 In effect August 11, 1931]

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

Stats 1929,
p 812

Sale and use
of poisons

SECTION 1. Section 347½ of the Penal Code is hereby amended to read as follows:

347½. It shall be unlawful for any person, firm, or corporation to sell, furnish, or give away, or offer to sell, furnish, or give away any veronal, barbital (acid diethylbarbituric) or any of its salts, derivatives, or compounds of the foregoing substance, or any preparation or compound containing any of the foregoing substance, or its salts, derivatives or compounds, or any registered, trade-marked or copyrighted preparation or compound registered in the United States patent office containing more than forty grains to the avoirdupois or fluid ounce of the above substance, except upon the written order or prescription of a physician and surgeon, dentist or veterinary surgeon duly licensed to practice in the State of California, and shall not be refilled without the written order of the prescriber; provided, however, that any prescription for phenolbarbital or any preparation, mixture or compound of pnenolbarbital may be refilled, and said prescription or order shall be at all times open to the inspection by duly authorized officers of the law, and shall be preserved for at least three years from the date of filing thereof; provided, however, that the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to pharmacies as defined in section 1 of an act to regulate the practice of pharmacy in the State of California, approved April 9, 1927, or to physicians, dentist or veterinary surgeon,

nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians and surgeons, dentists or veterinary surgeons duly licensed to practice in this state. Every person who violates any of the provisions of this section is guilty of a misdemeanor, and punishable by a fine not exceeding two hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment.

CHAPTER 250.

An act to amend sections 1195b, 1205, 1210 and 1261, of the Political Code, relating to registration of electors and conduct of elections, and to repeal section 1262, of the Political Code, relating to tally lists.

[Approved by the Governor April 27, 1931 In effect August 14, 1931]

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

SECTION 1. Section 1195b of the Political Code is hereby amended to read as follows: Stats 1929,
p 1422

1195b. The secretary of state shall furnish each county clerk and registrar of voters in the state not less than forty-five days before the election next ensuing at which such amendments, propositions, measures or questions are to be voted on, certify such pamphlet and the matters contained herein with not more than one and one-twentieth times as many copies of such pamphlets as there are registered voters in his county. The county clerk or registrar of voters of each county, and city and county shall not more than forty days, nor less than fifteen days prior to said election cause to be mailed to each voter a copy of such pamphlet and no other publication of such amendments, propositions, measures, questions or statements shall be necessary or authorized. Three copies of such pamphlets, to be supplied by the secretary of state, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors. Election pamphlets,
to be mailed

SEC. 2. Section 1205 of the Political Code is hereby amended to read as follows: Stats 1929,
p 1423.

1205. On receiving his ballot the elector shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booths or compartments provided, to prepare his ballot. In voting he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends to vote, and this shall be counted as a vote for each person after whose name the elector has stamped such cross, or he may vote for a candidate or person whose name is not printed on the ballot by writing a name for such office in the blank space left therefor, in which latter case the vote of such Marking of
ballot by
voter.

elector for that office shall be counted for the person whose name is so written. Where two or more candidates for the same office are to be elected, and the elector desires to vote for candidates for that office, he must stamp a cross (X) after the names of all the candidates for that office for whom the elector desires to vote, not exceeding, however, the number of candidates who are to be elected.

In case of a question, proposition or constitutional amendment, submitted to the vote of the electors, the elector shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give as to such question, proposition or constitutional amendment. All crosses shall be made only with a stamp, which with necessary pads and ink, shall be provided by the officers who by law are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number on the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the elector shall deliver it folded to the inspector, who shall announce in an audible tone of voice the name of the elector.

Voting

The ballot clerk having in charge the copy of the index to the register or affidavits of registration shall, in like manner, repeat the name and shall write in the ruled space opposite the name in figures, the line number designating the position of the name on the roster for each elector who votes.

The inspector shall then separate the slip containing the number from the ballot, deposit the ballot in the ballot box.

Stats 1929,
p 1424
Sample
ballots

SEC. 3. Section 1210 of the Political Code is hereby amended to read as follows:

1210. The county clerk or registrar of voters of any county, or city and county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered electors in such precinct. Such copy shall be designated "sample ballot" upon the face thereof. Said county clerk or registrar of voters of each county or city and county, or the clerk or secretary shall commence to mail the same, postage prepaid, to registered electors not more than forty, nor less than fifteen days before the day fixed by law for such election, and shall have all of the same mailed at least ten whole days before the day of election; provided, that not more than one sample ballot shall be furnished to any one elector; and further provided, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration. Such county clerk or registrar of voters of each county or city

and county, or the clerk or secretary shall also enclose in the envelope with each of said ballots a card stating the location of the precinct polling place of each elector. Only official matter shall be sent in such envelope. Such county clerk or registrar of voters of each county or city and county, or the clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections 1214 and 1215 of this code, and section 61 of the Penal Code, shall also be printed on each of said cards.

SEC. 4. Section 1261 of the Political Code is hereby amended to read as follows: Stats 1929,
p 1425

1261. The board of election officers must, before it adjourns, enclose in packages which must be put up and sealed in the following manner, by an inspector, and at least three other members of the board, and be signed by their respective signatures across the flap the same written, and directed to the county clerk, or registrar of voters, the hereinafter designated supplies and records of the election. Election
supplies and
records

In one package shall be enclosed the voted ballots only; in one package shall be enclosed the spoiled, canceled and unused ballots; in one package shall be enclosed one tally list only, in one package shall be enclosed one tally list, one list of assisted voters, the roster of voters, and the copy of the precinct index to voters showing names of electors voted as kept by the election clerk, and the contents of this package shall be retained by the county clerk or registrar of voters and by him kept open to the inspection of all electors for at least six months; in one package shall be enclosed the challenge list, one list of assisted voters, and all affidavits of election officers assisting voters, in one package shall be enclosed the precinct register or book of affidavits of registration only, and this package may be opened on its receipt thereof at the office of said county clerk or registrar of voters. Disposition
of used
ballots, etc

The said board must also immediately transmit, unsealed to the county clerk or registrar of voters, a copy of the result of the votes cast at the polling place, which copy must be signed by the members of the board, and which shall be open to the inspection of the public.

The said board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place, which copy shall be signed by the members of the board.

It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to be delivered to the county clerk or registrar of voters.

Repeal SEC. 5. Section 1262 of the Political Code is hereby repealed.

CHAPTER 251.

An act appropriating money to pay the claim of J. A. Beek against the State of California.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

Special
appropriation

SECTION 1. The sum of thirty-one thousand twenty dollars and eighty-seven cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of J. A. Beek against the State of California.

CHAPTER 252.

An act to amend section 4218, and to repeal section 4215a of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the nineteenth class.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

Stats 1929,
p 72,
formerly
Sec 4245
Stanislaus
county:
salaries

SECTION 1. Section 4248 of the Political Code is hereby amended to read as follows:

4248 In counties of the nineteenth class the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices the following salaries, and fees:

(Clerk

1. The county clerk, three thousand six hundred dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; provided, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand four hundred dollars per annum. One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand eight hundred dollars each per annum, also one deputy clerk at a salary of one thousand eight hundred dollars per annum, and a stenographer at a salary of one thousand five hundred dollars per annum; said salaries to be paid in equal monthly installments at the same time and out of the same fund as the salary of the county clerk. The clerk shall also

receive ten cents a name for each person registered in his office, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid by the county not to exceed ten cents for each elector registered; except that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. All deputies for the purpose of registering electors in excess of those above referred to shall be paid by the county clerk, the sum of ten cents for each elector registered by such deputies.

2. The sheriff, three thousand six hundred dollars per annum ^{Sheriff.} and mileage for the service of papers or process coming from courts other than those of his own county; provided, that in counties of this class there shall be one undersheriff at two thousand four hundred dollars per annum to be paid in equal monthly installments; one chief criminal deputy sheriff at two thousand four hundred dollars per annum to be paid in equal monthly installments; four deputy sheriffs at one thousand eight hundred eighty dollars per annum, one deputy sheriff at one thousand twenty dollars per annum and one deputy sheriff at eight hundred forty dollars per annum, to be paid in equal monthly installments. The sheriff may also with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of four dollars when actually engaged in the performance of her duties. The sheriff may also employ a matron for the county jail, who shall be paid a per diem of four dollars for each day a female is imprisoned in the county jail.

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

4. The auditor, three thousand dollars per annum; provided, ^{Auditor.} that in counties of this class there shall be one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum, and one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum. And one deputy auditor who shall receive a salary of one thousand two hundred dollars per annum. The auditor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his

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

Treasurer.

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

Tax collector.

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

Assessor

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

annum; such salaries to be paid at the times and in the manner and out of the same fund as the assessor's salary is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the assessor, and it is intended that the same shall apply immediately to the present incumbents.

8. The district attorney, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be one deputy district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of two thousand one hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand five hundred dollars per annum, to be paid in equal monthly installments by the county. The district attorney may appoint a deputy to be known as criminal investigator, or detective, at a salary of one thousand eight hundred dollars per annum. Such deputy shall also be allowed his actual and necessary traveling expenses. Such deputy shall have all the powers of a peace officer, and shall perform such duties as may be required of him by the district attorney, or by ordinances of the board of supervisors.

District
attorney.

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

Coroner.

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

Public
adminis-
trator

11. The superintendent of schools, three thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary two thousand dollars per annum; also, one deputy, who shall receive a salary of one thousand five hundred dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Superin-
tendent of
schools

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of two thousand four hundred dollars per annum, and one draftsman at a salary of two thousand one hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor, among

Surveyor.

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

Township
classifica-
tion

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eleven thousand and less than fifteen thousand shall belong to and be known as townships of the one and one-half class; townships having a population of eight thousand and less than eleven thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to

and be known as townships of the fifth class; provided, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

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

Justices of
the peace

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

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

In townships of the one and one-half class, one hundred fifty dollars per month; in townships of the second class, one hundred dollars per month; in townships of the third class seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m., until five o'clock p.m., and justices of the peace of the one and one-half class are required to keep their offices open from nine o'clock a.m., until twelve m., and from one o'clock p.m., until five o'clock p.m., daily, legal holidays excepted. In townships of the first, one and one-half, second and third classes the board of supervisors shall furnish adequate office room; in all other townships all justices shall be allowed not to exceed five dollars per month for office rent.

14. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the one and one-half class, one hundred dollars; in townships of the second class, one hundred dollars; in townships of the third class, eighty dollars; in townships of the fourth class, sixty dollars;

Constables

in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil action, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; provided, further, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

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

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

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

Jurors 17. Jurors in a county of this class, both grand and trial jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile from their residence to the county seat the sum of ten cents per mile, such mileage to be allowed for each day such jurors are required to and do attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the auditor, unless otherwise specifically ordered, shall draw said warrants on the first and fifteenth days of each and every month, and the treasurer shall pay the same.

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

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

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

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

SEC. 2. Section 4245a of the Political Code is hereby repealed. Repeal.

CHAPTER 253

An act to amend sections 45, 47 and 48 of the California irrigation district act, relating to certificates of sale of lands sold for delinquent assessments and deeds issued pursuant thereto. Stats 1897,
p 254,
amended.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Section 45 of the California irrigation district act is hereby amended to read as follows: Stats 1929,
p 1171

Sec. 45. After receiving the amount for which any property was sold, the collector must make out in duplicate a certificate, giving a description of the property sold and the amount paid therefor, and stating that it was sold for a delinquent assessment and when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county recorder of the county in which the property is situated. On receiving the certificate of sale the county recorder must file it and make an entry in a book similar to that required of the collector. The certificate of sale may be in substantially the following form, with the blanks properly filled in accordance with the facts in each case: Certificates
of sale.

Certificate of Sale.

----- Irrigation District No. -----

I, the undersigned collector of -----
irrigation district, hereby certify that on the ----- day of
-----, 19___, I did, after notice given as provided
by law, sell to -----, hereinafter called the
purchaser, for the sum of ----- dollars
(\$-----) that certain real property within said district

and in the county of _____, State of California, bounded or described as follows, to wit:

(Insert description)

Said land was sold for a delinquent assessment levied thereon by the board of directors of said district, and the amount aforesaid was the sum due and unpaid under said assessment and the penalties and costs accruing thereon. The purchaser will be entitled to a deed to said property at any time after three years from the date of said sale unless in the meantime said property is redeemed as provided by law.

Witness my hand and the seal of said district this _____ day of _____, 19____.

[DISTRICT SEAL] _____

Collector of _____ irrigation district.

Stats 1927, p 190

SEC. 2. Section 47 of the California irrigation district act is hereby amended to read as follows:

Redemption of property.

Sec. 47. A redemption of the property sold may be made within three years from the date of purchase, or at any time thereafter before a deed has been made and delivered, by payment in lawful money of the United States to the purchaser or his assignee, or to the collector, of the amount required as provided in section 46 of this act. When payment is made to the collector he must, except when the district holds the certificate of sale, hold the money for and pay it on demand to the purchaser or his assignee. If the district holds the certificate of sale, the collector must pay the redemption money to the treasurer. In each report the collector makes to the board of directors, he must name the persons entitled to redemption money, and the amount due each. On the presentation of the receipt of the person named in the certificate, or his assignee, or of the collector for his use, for the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed to the property, which deed shall refer to the date of the sale and state that no person redeemed the property during the time allowed by law for its redemption. The collector shall receive from the purchaser for the use of the district two dollars for making such deed, except when the deed is made to the district. The deed made by the collector may be in substantially the following form, the blanks being filled to show the facts in each case:

Deed.

Collector's Deed.

_____ Irrigation District.

Whereas, on the _____ day of _____, 19____, the collector of _____ irrigation district did sell to _____ for a delinquent assessment

theretofore levied by the board of directors of said district that certain real property within said district and in the county of _____, State of California, bounded or described as follows, to wit:

(Insert description)

And whereas, no person has redeemed said land from said sale and the time for redemption has now elapsed, and said purchaser has demanded a deed to said land; now, therefore,

I, the undersigned collector of said district, do hereby grant to the said _____ all of the real property aforesaid.

Witness my hand and the seal of said district this _____ day of _____, 19____.

[DISTRICT SEAL] _____
Collector of _____ irrigation district.

If a deed shall be demanded pursuant to any sale whereof the certificate shall have been assigned, the foregoing form of deed shall be amended by striking out the words "and said purchaser has demanded a deed to said land" and inserting in lieu thereof substantially the following: "and the certificate of said sale has been assigned to _____, who has demanded a deed to said land." In case partial redemption has been made the above form shall be modified so as to conform to the facts. Where property has been sold to the district and a deed for it has been given to the district as the purchaser, such district shall have the same rights thereto, and to the rents, issues and profits thereof, as a private purchaser. The title so acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of directors; provided, that authority to so convey must be conferred by resolution of the board entered on its minutes fixing the price at which such sale may be made.

SEC. 3. Section 48 of the California irrigation district act is hereby amended to read as follows. Stats 1897,
p. 254.

Sec. 48. A deed issued by the collector of an irrigation district as provided in section 47 hereof, when duly acknowledged or proved, is prima facie evidence that: (a) The property was assessed as required by law; (b) the property was equalized as required by law; (c) the assessments were levied in accordance with law; (d) the assessments were not paid; (e) at a proper time and place the property was sold as prescribed by law, and by the proper officer; (f) the property was not redeemed; (g) the person who executed the deed was the proper officer. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein free of all encumbrances, except when the land is owned by the United States, or this state, in which case it is prima facie evidence of the right of possession. Tax deeds.

CHAPTER 254.

Stats. 1929,
p 1645,
amended

An act to amend chapter 801, statutes of 1929, entitled "An act regulating the practice of civil engineering," approved June 14, 1929, by adding a new section to said act known as section 1b limiting the use of the title "structural engineer," and providing a method whereby civil engineers must qualify before using the title of structural engineer.

[Approved by the Governor April 30, 1931. In effect August 14, 1931.]

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

New section.

SECTION 1. A new section is hereby added to chapter 801, statutes of 1929, to be numbered 1b, and to read as follows:

Structural
engineers.

Section 1b. No person shall use the title "structural engineer" unless he is a registered civil engineer in this state and furthermore unless he has been found qualified as such structural engineer according to the rules and regulations established therefor by the board of registration for civil engineers. Anyone who violates the provisions of this section is guilty of a misdemeanor.

CHAPTER 255.

An act to amend section 4307 of the Political Code, relating to county charges.

[Approved by the Governor April 30, 1931. In effect August 14, 1931.]

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

Stats 1929,
p 1969. See
Ch 714,
infra.

SECTION 1. Section 4307 of the Political Code is hereby amended to read as follows:

4307. The following are county charges:

County
charges

1. Charges incurred against the county by virtue of any of the provisions of this act.

2. The traveling and other personal expenses of the district attorney and the sheriff incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by either of them in the detection of crime and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested; provided, however, that the district attorney and sheriff shall not be allowed expenses nor shall any expenses incurred in the detection of acts declared to be misdemeanors by the California vehicle act, approved May 30, 1923, as amended, be county charges.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation

to criminal proceedings for which no specific compensation is prescribed by law. County charges.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases where such cases are tried in a superior court, in a municipal court or in a township court; provided, however, anything herein to the contrary notwithstanding, that, in any criminal case in an inferior court in which any fine or forfeiture which would accrue would be payable to the treasurer of the county in which such court is located, then the sums required by law to be paid to the trial jurors, if any, and witnesses in said case, shall be county charges.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county. The board of supervisors may in its discretion authorize the payment of expenses incurred, by county authorities, for temporary, emergency, or extended care or treatment of indigent patients of such county, by local hospitals.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. The premiums on official bonds of county officers as required by the provisions of section 4022 of the Political Code.

10. The fees of constables in criminal cases allowed by law.

11. The actual and necessary expenses of county auditors, clerks, district attorneys, assessors, sheriffs, coroners, recorders, tax collectors, probation officers, surveyors and treasurers, incurred while traveling to and from and while attending the annual convention of their respective associations; provided, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurer in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county.

13. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

CHAPTER 256

An act to amend section 4300f of the Political Code, relating to jurors' fees.

[Approved by the Governor April 30, 1931 In effect August 14, 1931.]

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

Stats 1929,
p 676.

SECTION 1. Section 4300f of the Political Code is hereby amended to read as follows:

Jurors'
fees

4300f. Jurors' fees, except as in this title otherwise provided:

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice and municipal courts for each juror sworn to try the cause, per day, two dollars.

For each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents.

The jurors' fees herein provided to be paid in criminal cases in justice and municipal courts shall be county charges where the cause is tried in a municipal or township court; in all other cases said fees shall be proper charges against the municipality in which such court is located; provided, however, anything herein to the contrary notwithstanding, that, in any criminal case in an inferior court in which any fine or forfeiture which would accrue would be payable to the treasurer of the county in which such court is located, then the sums required by law to be paid to the trial jurors, if any, and witnesses in said case, shall be county charges.

CHAPTER 257.

An act to repeal sections 322 and 322a of the Civil Code, relating to corporations.

[Approved by the Governor April 30, 1931 In effect August 14, 1931.]

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

Repeal.

SECTION 1. Sections 322 and 322a of the Civil Code are hereby repealed.

Saving
clause.

SEC. 2. The repeal of said sections shall not in any way impair or affect any remedy or any cause of action for any liability incurred or accrued under said sections prior to the time this act takes effect.

CHAPTER 258.

An act to amend section 409 of the Political Code, relating to the fees to be collected by the secretary of state.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Section 409 of the Political Code is hereby amended to read as follows: Stats 1928
p. 1329

409. The secretary of state, for services performed in his office, must charge and collect the following fees: Fees of
secretary
of state.

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

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

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

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

5. For filing articles of incorporation, or consolidation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of consolidation not providing for a capital stock, five dollars; for filing articles of incorporation not providing for a capital stock, unless otherwise provided for, five dollars; for filing articles of incorporation provided for in sections 653d, 653o, and 653v of the Civil Code, fifteen dollars; for filing articles of incorporation provided for in section 653hh of the Civil Code, fifteen dollars if no capital stock is provided for.

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

7. For filing amended articles of incorporation or agreements of merger, except as otherwise provided for, five dollars; for filing amended articles of incorporation or agreements of merger which provide for additional shares having

Fees of
secretary
of state.

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

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

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

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

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

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

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

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

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

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

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

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

19. For each notary public commission signed by the governor and attested by the secretary of state, five dollars.

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

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

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

CHAPTER 259.

An act to amend section 1174 of the Code of Civil Procedure, relating to judgments in proceedings for forcible entries, forcible or unlawful detainer.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Section 1174 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1907,
p. 55.

1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the finding of the court be in favor of the plaintiff and against the defendant judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited. Judgment.

The jury or the court, if the proceeding be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and rent found due, or for three times the amount so found. Damages.

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, execution upon the judgment shall not be issued until the Execution.

expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

Payment

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

CHAPTER 260

Stats 1929,
p 148,
amended

An act to amend chapter 70, statutes of 1929, entitled "An act creating the department of agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund," approved April 9, 1929, by adding a new section thereto to be known as section 6, providing for the payment into the "Department of agriculture fund," of moneys received by the department of agriculture under section 2319i of the Political Code.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

New section.

SECTION 1. A new section to be numbered section 6 is hereby added to chapter 70, statutes 1929, entitled "An act creating the department of agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund," approved April 9, 1929, said section to read as follows:

Disposition
of funds.

Sec. 6. All moneys received by the department of agriculture on and after the effective date of this act under the provisions of section 2319i of the Political Code of the State of California shall be paid into the state treasury and be credited to the "Department of agriculture fund" created by this act, and shall be expended in the manner provided by this act.

CHAPTER 261.

An act relating to the supervision, investigation, and rehabilitation of wards of the juvenile court, committed to the care of any association, society, or corporation, embracing within its objects the purpose of caring for or obtaining homes for such persons.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. When any person has been adjudged to be a ward of the juvenile court, and the court has made an order committing such person to the care of any association, society, or corporation, embracing within its objects the purpose of caring for or obtaining homes for such persons, the county in which such person has been committed may contract with such association, society, or corporation, for the supervision, investigation and rehabilitation of such person by said association, society, or corporation, and may pay to such association, society, or corporation, pursuant to such contract, an amount equal to the cost of such service to such association, society, or corporation, which amount shall be determined by mutual agreement between said county and such association, society, or corporation, and shall not exceed three dollars (\$3) per month for each of said persons.

Care of juvenile delinquents.

CHAPTER 262.

An act to amend sections 2, 3, 4, 6, 7, 8, 12, 18, 20 and 21 of and to add a new section to be numbered 12½ to the general dairy law of California, approved June 15, 1923, as amended.

Stats. 1923, p. 849, amended.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3 of the general dairy law of California, approved June 15, 1923, as amended, is hereby amended to read as follows:

Stats. 1923, p. 849.

Sec. 2. (a) Milk is the unadulterated, fresh, clean, lacteal secretion, all parts of which shall have been obtained from the udder by the complete milking of one or more healthy cows, properly fed and kept (excluding that obtained within five days after or fifteen days prior to parturition), free from foreign substances detrimental to its quality or the quality of products prepared therefrom, and containing not less than three per cent of milkfat and not less than eight and five-tenths per cent solids not fat; provided, that nothing herein

Milk defined.

shall be construed to prohibit the standardization of milk at a uniform fat content not less than three per cent of milkfat

Tuberculin
test.

(b) Milk shall have been produced from nonreacting tuberculin tested cows as determined by a test applied by a qualified veterinarian under the supervision of the department of agriculture of the State of California, or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the said department of agriculture as provided for in section 21 of this act. Milk for manufacturing purposes may be repasteurized not exceeding once.

Milk for
manufacturing
purposes

(c) Milk for manufacturing purposes may be classified and graded in accordance with standards established in the rules and regulations adopted by the department of agriculture as provided for in section 21 of this act.

Goat's
milk.

(d) Goat's milk. Goat's milk is the unadulterated, fresh, clean, lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy goats, properly fed and kept.

Sheep's
milk.

(e) Sheep's milk. Sheep's milk or ewe's milk is the unadulterated, fresh, clean, lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy ewes, properly fed and kept.

Stats. 1923,
p. 849.

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

Sale of
unfit milk

Sec. 3. (a) It shall be unlawful for any person, firm or corporation, by themselves or their agents or employees, to sell, offer or expose for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, milk pasteurizing plant, or other buyer, consumer or user of milk or products of milk, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk or cream, or any product manufactured wholly or in part therefrom. It shall be unlawful for any person, firm or corporation by themselves or their agents or employees, to sell, offer or expose for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, milk pasteurizing plant, or other buyer, consumer or user of milk or products of milk, or to knowingly purchase or receive any milk that does not conform to the definition and standards established by this act, or any products of milk as and for any of the products defined by the provisions of this act, unless they shall conform to such definitions and standards as are established by this act.

Insanitary
milk.

(b) It shall be unlawful for any person, firm or corporation by themselves, or their agents or employees, to sell, expose for sale, or offer for sale or exchange, present or deliver to any creamery, cheese factory, milk condensing plant, milk pasteurizing plant, or other buyer, consumer or user of milk or products of milk, or to knowingly purchase or receive any milk or product of milk which has been produced in or by a dairy or factory of dairy products in an insanitary condition, or that

is handled by any carrier or in any store or depot that is in an insanitary condition; or that is produced from cows affected by any disease, except as hereinafter provided.

(c) Milk unfit for human consumption is the product of the mammary glands of animals which does not conform to the requirements for milk or goat's milk or ewe's milk as defined in this act, or which has been produced in an insanitary dairy or factory of dairy products, or other insanitary place, or handled in an insanitary manner. Unfit milk: definition

SEC. 3. Section 4 of said act is hereby amended to read as follows: Stats. 1923, p 849

Sec 4. (a) Cream. Cream is that portion of milk, rich in milkfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force, is fresh and clean, and contains not less than twenty per cent of milkfat and not more than seven and eight-tenths per cent of milk solids not fat in cream containing twenty per cent of milkfat and correspondingly less solids for greater percentages of milkfat. Cream definition

(b) Cream shall have been produced from nonreacting tuberculin tested cows as determined by a test applied by an authorized veterinarian under the supervision of the department of agriculture of the State of California, or shall be pasteurized and shall otherwise conform to the rules and regulations adopted by the said department of agriculture as provided for in section 21 of this act. Cream for manufacturing purposes may be repasteurized not exceeding once. Cream standards

(c) Cream for manufacturing purposes may be classified and graded in accordance with standards established in the rules and regulations adopted by the department of agriculture as provided for in section 21 of this act. Cream for manufacturing

(d) The ratio of fat and solids not fat in cream shall be in the following proportions: Cream standards

Fat per cent	Solids not fat, per cent, not more than
20.0 to 30.0	7.8
30.1 to 35.0	7.5
35.1 to 40.0	7.0
40.1 and above	6.5

SEC. 4. Section 6 of said act is hereby amended to read as follows: Stats 1923, p 849

Sec. 6. (a) Butter. Butter is the clean, nonrancid product made by gathering the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of other milk constituents, with or without salt, and a harmless coloring matter, and contains not less than eighty per cent of milkfat; provided, that butter which contains not more than one-half of one per cent of salt, shall contain not less than eighty-two and one-half per cent of milkfat. Butter definition

Labeling

(b) Butter made from cream produced from cows which have passed an official tuberculin test shall be marked with the words, "From nonreacting tuberculin tested cows"; that made from pasteurized cream shall be marked with the word, "Pasteurized." Butter may be made from cream which does not conform to the requirements of section 4 of this act, to be sold only in bulk to the manufacturers of foodstuffs; provided, that said butter shall be used by manufacturers of foodstuffs only in the manufacture of such foodstuffs said butter shall be subjected to a minimum temperature of two hundred twenty-five degrees Fahrenheit; and provided further, that it shall be unlawful to use any such butter except in the manufacture of food subjected to said temperature. Butter, which by the provisions of this section is permitted to be used in the manufacture of foodstuffs, shall be marked with the words, "for cooking and baking only."

(c) Butter sold or offered for sale shall be labeled with the name and address of the manufacturer, the wholesale distributor, or the retailer. The words "manufactured by," shall appear above the name, when the name of the manufacturer is given; the words, "distributed by," shall appear above the name when the name of the wholesale distributor is given; and the words, "put up for" or "put up by," as the case may be, shall appear above the name when the name of the retailer is given. The name of any city, county or other geographical designation or any word which may be pronounced the same as any city, county, or other geographical designation, other than the address of the manufacturer, wholesale distributor or retailer, whose name is printed on any package or wrapper, shall not appear thereon; provided, that nothing in this section shall be construed to prohibit the use of a trade-mark or brand having a geographical name, copyrighted or registered in the office of the secretary of state of the State of California prior to the first day of January, 1923.

Stats 1929,
p 1338

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Cheese

Sec. 7. (a) Cheese is the sound, solid or semisolid product made from milk, skim milk or cream by coagulating the casein thereof with rennet, pepsin, lactic acid or such other coagulating agents as may be approved in writing by the department of agriculture of the State of California, with or without the addition of ripening ferments and seasoning and with or without salt (sodium chloride) and with or without harmless coloring matter. Milk to be made into cheese shall conform to the following requirements as a minimum: It shall be unadulterated, fresh, clean, free from foreign substances detrimental to its quality or to the quality of the products prepared therefrom, and shall have been obtained from the udder by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within five days after or fifteen days prior to parturition.

(b) Pasteurized cheese is the clean, sound pasteurized product made by comminuting and mixing one or more lots of cheese of the same variety into a homogeneous, plastic mass. ^{Pasteurized cheese}

Pasteurized-blended cheese is the clean, sound, pasteurized product made by comminuting and mixing two or more lots of cheese of different varieties into a homogeneous, plastic mass.

Emulsified cheese, and "process cheese," is the clean, sound, pasteurized product made by comminuting and mixing one or more lots of cheese of the same variety or of different varieties into a homogeneous, plastic mass with or without the addition of water and with the incorporation of a suitable emulsifying agent not exceeding three per cent, of the mass, by weight.

The labeling, and the advertising of pasteurized cheese, pasteurized-blended cheese, process cheese, shall be in accordance with the provisions of this act and the regulations promulgated by the director of agriculture for its enforcement.

Pasteurized cheese, pasteurized-blended cheese, emulsified or process cheese shall conform to the legal standards for fat and moisture as required for the original cheese used, or conform to the legal standards of composition for the variety of cheese under which it is sold.

(c) All cheese sold, offered for sale, exposed for sale, or on hand for sale must be labeled to indicate the variety and the grade, whether whole milk, part skim or skim, and, if made in California, it must be labeled at the factory with the manufacturer's factory number, assigned annually by the department of agriculture of the State of California under the provisions of section 16 of this act. If made outside of the State of California, it must also be labeled with the name of the manufacturer or distributor. Whole milk cheese must contain not less than fifty per cent of pure milkfat in its water-free substance. Part skim cheese must contain not less than thirty per cent of pure milkfat in its water-free substance. Skim cheese is cheese that contains less than thirty per cent of pure milkfat in its water-free substance. It shall be unlawful for any person, firm, corporation or association by themselves, or their agents or employees, to sell, exchange or deliver, or to offer for sale, exchange or delivery, or to cause or permit to be sold, exchanged or delivered or advertised for sale any part skim cheese or skim cheese, except cottage cheese, unless the same be offered for sale and sold as part skim cheese or skim cheese; and it shall be unlawful for any person, firm, corporation or association to expose any such cheese for sale, unless there shall be attached to the outside of every vessel, can, package or piece from or in which such cheese is exposed, sold or held for exchange or delivery, a tag, upon which shall be legibly and distinctively printed in black letters at least one inch in height the words "part skim cheese" or "skim cheese" as the case may be. ^{Labels}

Established
varieties

(d) Established varieties of cheese are those for which definitions and standards appear in law. All other varieties shall be known as special varieties and shall be made, sold or offered for sale under written permit from the department of agriculture of the State of California. The standards of composition and labeling requirements shall be those promulgated by the director of agriculture of the State of California, and designated in the special permit issued for their manufacture; provided, however, that no special variety of cheese shall be made, sold or offered for sale in shape, form or size similar to any cheese defined by law in paragraph (e) of this section.

Definitions

(e) Definitions of established varieties: (1) Cheddar cheese is cheese made by the so-called cheddar process which consists in part of subjecting the curd to a matting and milling process and molding into characteristic forms with a plain white bandage in hoops under pressure, and containing not more than thirty-eight per cent of moisture. (2) Granular cheese is cheese made by the so-called stirred curd or granular process and molded into characteristic forms with a red bandage in hoops under pressure, similar to those of the cheddar variety, and containing not more than forty per cent of moisture. (3) Monterey cheese is cheese made by the so-called stirred curd or granular process, without added color, characteristic in size and molded into characteristic shape or form in bags under pressure and containing not more than forty-four per cent of moisture. (4) High moisture jack cheese is cheese made by the so-called stirred curd or granular process, without adding coloring, and molded into forms or shapes resembling that of Monterey cheese, containing not more than fifty per cent of moisture. It shall be labeled on both flat surfaces with the name, the grade, whether whole milk, part skim or skim and the factory number in letters not less than one inch in height, nor less than one-fourth inch in width. (5) Cream cheese is an unripened cheese made by the neufchatel process or variations thereof, from cream, milk or skim milk enriched with cream or butterfat sufficient so that the resultant cheese shall contain in its water-free substance not less than sixty-five per cent of pure milkfat. All manufacturers of cheese who manufacture cream cheese from butter shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by the director of agriculture and may be revoked for violation thereof after due hearing by the department of agriculture of the State of California. (6) Cottage cheese shall be made from pure milk or skim milk which has been pasteurized by the system described for market milk or by the system described for manufacturing milk or cream as provided for in section 15 of this act, with or without harmless coloring matter, and sold fresh without molding into forms. (7) Creamed

cottage cheese is cottage cheese to which a sufficient quantity of pure, fresh, pasteurized sweet cream is added so that the finished product contains not less than four per cent of pure milkfat.

SEC. 6. Section 8 of said act is hereby amended to read as follows: Stats 1929,
p. 1341.

Sec. 8. (a) Ice cream, ice milk, is a frozen product made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, pure milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Ice cream shall contain not less than ten per cent of milk fat, ice milk not less than four per cent of milk fat, nor more than six-tenths of one per cent of pure and harmless edible stabilizer, approved by the department of agriculture of the State of California. Ice cream, ice milk, when sold by the manufacturer, shall not contain more than one hundred fifty thousand bacteria per gram. Ice cream shall contain not less than 1.6 pounds of total food solids per gallon. Ice milk shall contain not less than 1.3 pounds of total food solids per gallon. All manufacturers of ice cream and/or ice milk who use butter, eggs, or egg products in its manufacture shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by the director of agriculture, and may be revoked for violation thereof, after due hearing. Ice cream

(b) Fruit ice cream is ice cream which contains not less than eight per cent of milk fat and not less than three per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and containing not more than six-tenths of one per cent of pure, harmless edible stabilizer, approved by the department of agriculture of the State of California. Fruit
ice cream.

(c) Nut ice cream is ice cream which contains not less than eight per cent of milk fat and not less than one per cent by weight of sound, nonrancid nut meats, with or without the use of harmless flavoring and coloring, and containing not more than six-tenths of one per cent of pure, harmless, edible stabilizer, approved by the department of agriculture of the State of California. Nut
ice cream

(d) French ice cream, French custard ice cream, cooked ice cream, ice custard, parfaits and all similar frozen products are varieties of ice cream, which shall contain not less than ten per cent of milk fat, and not less than five dozen of clean, wholesome egg yolks, or one and five-tenths pounds of wholesome, dry egg yolk containing not to exceed seven per cent of moisture, or three pounds of wholesome, frozen egg yolk containing not to exceed fifty-five per cent of moisture, or the French
ice cream

equivalent of egg yolk in other form, for each ninety pounds of ice cream mix, and which shall otherwise conform to the regulations promulgated by the director of agriculture in accordance with the provisions of section 21 of this act.

Ingredients

(e) The ingredients except fruits, nuts and flavors, to be used in the manufacture of ice cream and/or ice milk shall be pasteurized in accordance with regulations promulgated by the director of agriculture under the provisions of section 21a of this act. The labeling of containers of, and of vehicles conveying ice cream and/or ice milk, and the advertising of said products, shall be in accordance with the provisions of this act and the regulations promulgated by the director of agriculture for its enforcement.

Labels
containers

(f) All containers of ice milk shall be conspicuously so labeled, and vehicles conveying ice milk and places where ice milk is sold shall display a conspicuous, legible sign containing the words "Ice milk sold here," in plain, block letters, not less than six inches high. No person shall use the name "Ice cream," "cream," "creamy," nor any other word or phrase which may be construed to be misleading in either labeling or advertising, nor in any other manner, either orally or written, in connection with the advertising, sale or distribution of ice milk.

Ice cream
or ice milk

(g) Ice cream and/or ice milk sold or offered for sale in package form shall be labeled with the name and address of the manufacturer, the wholesale distributor or the retailer. The words "manufactured by" shall appear above the name when the name of the manufacturer is given; the words "distributed by" shall appear above the name when the name of the wholesale distributor is given; and the words "put up for" or "put up by," as the case may be, shall appear above the name when the name of the retailer is given.

Ice cream
mix

(h) Ice cream mix, ice milk mix is an unfrozen product used in the manufacture of ice cream or ice milk and shall comply with all the requirements for ice cream and/or ice milk as set forth in sections 8a and 16a of the general dairy law.

Pasteurized
cream

(i) Pasteurized cream when sold or offered for sale for ice cream manufacture shall be clean, sweet, free from undesirable flavors and odors, and shall not contain more than one hundred thousand bacteria per milliliter, official plate count.

Ice milk.

(j) All manufacturers of ice milk shall upon request of an authorized representative of the California department of agriculture submit the names and specific location of all dealers or other persons who receive ice milk for the purpose of selling or otherwise dispensing to the public in any form whatsoever.

Stats 1929,
p 1343

SEC. 7. Section 12 of said act is hereby amended to read as follows:

Imitation
milk

Sec. 12. (a) Imitation milk is any substance, mixture, or compound made in imitation of, or having the appearance or semblance of milk, condensed milk, condensed skim milk, evaporated milk, evaporated skim milk, dried milk or dried

skim milk, which substance, mixture, or compound contains any edible oil or fat other than milk fat; provided, that chocolate when used in combination with either whole or skim milk and sweetened shall not be deemed to be imitation milk. The manufacture and sale of imitation milk as herein defined shall, otherwise, be in accordance with chapter fifty-nine of statutes of 1919.

(b) Imitation cream is any substance, mixture, or compound, made in imitation of or having the appearance or semblance of cream, condensed cream, evaporated cream, or dried milk, which substance, mixture, or compound, contains any edible oil or fat other than milk fat. Imitation cream

(c) Imitation ice cream, imitation ice milk, is any substance, mixture or compound made in imitation or semblance or having the appearance or semblance of ice cream, ice milk, and which contains any edible oil or fat, other than milk fat. Imitation ice cream shall contain not less than ten per cent of edible oil or fat, imitation ice milk shall contain not less than four per cent of edible oil or fat, nor more than six-tenths of one per cent of pure and harmless edible stabilizer approved by the department of agriculture of the State of California. Imitation ice cream, imitation ice milk, when sold by the manufacturer shall not contain more than one hundred fifty thousand bacteria per gram. Imitation ice cream, imitation ice milk, shall otherwise conform to the composition and weight requirements which shall be specified in regulations promulgated by the director of agriculture, in accordance with the provisions of section 21a of this act. Imitation ice cream

(d) All containers of imitation ice cream and imitation ice milk shall be conspicuously so labeled, and vehicles conveying imitation ice cream and/or imitation ice milk, and places where imitation ice cream or imitation ice milk is sold, shall display a conspicuous, legible sign containing the words "imitation ice cream sold here" or "imitation ice milk sold here," as the case may be, in plain, block letters not less than six inches high. Containers

(e) In the event that a trade name is used on vehicles conveying, or places where imitation ice cream and/or imitation ice milk is sold, the words "imitation ice cream" or "imitation ice milk," shall be at least one-half as large as the largest letters used in this connection and as conspicuously so placed. In no case shall the letters in the words "imitation ice cream," "imitation ice milk" be less than six inches high. No person shall use the name "creamy," "creamery," or "dairy," or the representation of a cow or any breed of dairy cattle or any combination of such words, symbols, marks, designs or representations commonly used in the sale, advertising or distribution of ice cream. Trade names

(f) Imitation ice cream or imitation ice milk shall not be manufactured, processed, frozen, handled, distributed or sold in any factory, plant, hotel, restaurant, boarding house, Place of sale or manufacture.

inn, soda fountain or other place where ice cream and/or ice milk is manufactured, processed, frozen, handled, distributed or sold.

Purchasers (g) All manufacturers of imitation ice cream, imitation ice milk, imitation milk or other imitation dairy products, shall issue to the department of agriculture at Sacramento, California, at the end of each calendar month the names and specific locations of all persons, firms or corporations who purchase or receive any imitation ice cream, imitation ice milk, imitation milk or other imitation dairy products for the purpose of selling to the public in any form whatsoever.

Quantity. (h) All manufacturers of imitation ice cream, imitation ice milk, imitation milk or other imitation dairy products, shall submit to the state department of agriculture at the end of each calendar month the quantity sold or purchased, the name and the address of the buyer, the date and the place to which it was shipped or delivered.

Ingredients (i) The ingredients, except fruits, nuts and flavors to be used in the manufacture of imitation ice cream and for imitation ice milk shall be pasteurized in accordance with section 15a of this act.

(j) Imitation ice cream and/or imitation ice milk shall otherwise be manufactured, advertised and sold in accordance with regulations promulgated by the director of agriculture under the provisions of section 21a of this act.

Sale in bulk. (k) It shall be unlawful to sell, offer for sale, expose for sale or have on hand imitation ice cream and/or imitation ice milk in bulk for the purpose of resale.

License. (l) No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, freezing, dealing in or furnishing imitation ice cream or imitation ice milk without first having applied for and obtained a license so to do for each separate plant or place of business, as herein-after provided. Any person, firm or corporation desiring to engage in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, imitation ice cream or imitation ice milk, as defined in this section, shall first make application each year to the state department of agriculture for a license, and upon payment of a license fee of the amount mentioned herein to the state department of agriculture, said department of agriculture shall issue to the applicant a license. All said licenses shall expire on the thirtieth day of June of each year and may be issued in periods of one year or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing such licenses are hereby fixed at the amounts named below, annually:

Fee. The fee for issuing such license to manufacturers or processors of imitation ice cream or imitation ice milk within this state shall be one hundred dollars; and if issued to wholesale dealers in or importers or agents for importers of any of

said substances, the fee shall be fifty dollars; and if issued to retail dealers of any of said substances, the fee shall be five dollars; and if issued to the keeper of any hotel, restaurant, boarding house or other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars.

The term "wholesale dealer" as used in this section includes all persons, firms or corporations who sell any of said substances in quantities of two gallons or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of less than two gallons.

Wholesale
dealers.

All licenses while in force shall be kept conspicuously displayed in the place of business of the party or parties to whom they have been issued. Any imitation ice cream license and/or any imitation milk license may be suspended or revoked by the department of agriculture for violation of any of the provisions of this act, or for violation of any of the rules and regulations promulgated for its enforcement as provided for in section 21 of this act.

Display of
licenses.

SEC. 8. A new section to be numbered 12½ is hereby added to this act to read as follows:

New section

Sec. 12½. (a) For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds including such mixtures and compounds with butter, milk or cream, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard oil, cocoanut oil, peanut oil, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; or butter substitute; and for the purposes of this act every article, substance or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; provided, that the use of salt, rennet and a harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; and provided, that nothing in this section shall prevent the use of pure skim milk in the manufacture of cheese.

Oleomar-
garine

(b) No person, by himself or his agent or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum or eleemosynary or penal

Oleomar-
garine pos-
session for
use in res-
taurants,
etc.

institution any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream, or be made to resemble yellow butter in color, by whatever means the coloring is accomplished; provided, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form not resembling butter or cheese, and in such a manner as will advise the purchaser and consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, a product of the dairy.

Oleomargarine labeling

(c) Each person, who by himself or another, lawfully manufactures any oleomargarine or any substance designed to be used as a substitute for butter or cheese, shall mark the same by branding, stamping or stenciling upon the top and sides of each tub, firkin, box or other package in which such article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up, in a clear and durable manner, in the English language, the words, "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up and also the names and actual percentages of the various ingredients used in the manufacture of such oleomargarine, imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box or other package, and next to that portion of each tub, firkin, box or other package as is commonly and most conveniently opened, and shall label the top and sides of each tub, firkin, box or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "oleomargarine," "substitute for butter," or "substitute for cheese." The absence of the markings and labelings specified in this paragraph, shall always be construed as representation that the contents of substance in question is butter, or cheese as the case may be.

Shipment

(d) No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether

public or private, any oleomargarine or any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided in paragraph (c) of this section; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting unless it shall be manufactured, marked and labeled as hereinabove provided, and unless it is consigned and by the carrier receipted for by its true name; provided, that this act shall not apply to any goods in transit between foreign states across the State of California.

(e) No person or his agent shall knowingly have in his possession or under his control any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box or other package containing the same shall be clearly and durably marked and labeled as provided by paragraph (c) of this section, and also contain a copy of the statement required by said paragraph (c) of this section; and if the tub, firkin, box or other package be opened, then a copy of the statement described in said paragraph (c) of this section, shall be kept with its face up, upon the exposed contents of said tub, firkin, box or other package; provided, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family, and for no other purpose. Containers.

(f) No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, under the name of butter, or under the pretense that the same is butter or cheese, and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser at the time of the sale, a separate and distinct copy of the statement described in paragraph (c) of this section. and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy" or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in paragraph (c) of this section. Sale.

(g) No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or other place of public entertainment, and no person having charge Oleomargarine serving in restaurants, etc

thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as the compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in paragraph (c) of this section, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Actions.

(h) No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act, by or through any person, who was knowingly a party to such wrongful sale or other contract. Every person having possession or control of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

Removal of labels

(i) No person shall efface, erase, cancel or remove any mark, statement or label required by this act, with intent to mislead, deceive, or with intent to violate any of the provisions of this act.

Evidence.

(j) Whoever shall have possession or control of any imitation butter or imitation cheese or any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, of part two, of an act to establish a Penal Code; provided, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, to deliver to the agent or inspector of the department of agriculture of the State of California, or to any person by such department of agriculture authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or oleomargarine, or a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section 1536 of an act to establish a Penal Code; but if any sample be found not to be imitation butter or imitation cheese, or oleomargarine, and not a substance designed to be used as a substitute for butter

or cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken.

(k) No person, firm or corporation, by themselves, or their agents or employees, shall sell, offer for sale, or expose for sale, or have in his, its or their possession for sale, any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words "renovated butter," or the word "oleomargarine," as the case may be, in letters not less than one-half inch in height, and who shall not have secured from the said department of agriculture a license as provided hereinafter.

Containers.
labeling.

(l) Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product thereof. Butter made from assembled cream made from pure milk fat (made from nonrancid butter) combined with other wholesome milk products, under special permit from the department of agriculture of the State of California, which otherwise conforms to the standards for butter required by this act, shall not be construed to be renovated butter.

Renovated
butter.

(m) No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, dealing in, or furnishing renovated butter, oleomargarine, or any substance designed to be used as a substitute for butter, without first having applied for and obtained a license so to do, as hereinafter provided. Any person, firm or corporation, desiring to engage in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, oleomargarine or any substance designed to be used as a substitute for butter, or imitation butter, or adulterated butter, or renovated butter, as in this section defined, shall first make application each year to the said department of agriculture for a license, and upon payment of a license fee of the amount mentioned herein to the said department of agriculture, said department of agriculture shall issue to the applicant a license.

Renovated
butter.
license

All such licenses shall contain the following proviso: provided, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or similar substances designed to be used as a substitute for butter, which contain any coloring matter or which resemble a yellow butter in appearance. All said licenses shall expire on the thirtieth of June of each year, and may be issued in periods of one year, or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing said licenses are hereby fixed at the amounts named below annually. The fee for issuing said license to manufacturers of any of said substances within this state shall be one hundred dollars, and if issued to wholesale dealers in, or importers or agents for

Fee.

Wholesale
dealer.

importers of any of said substances the fee shall be fifty dollars, and if issued to retail dealers in any of said substances the fee shall be five dollars, and if issued to the keeper of any hotel, restaurant, boarding house or other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term wholesale dealer as used in this section includes all persons, firms or corporations, who sell any of said substances in quantities of ten pounds or more at a time or in the same transaction. The term retail dealer includes all persons who sell only in quantities of less than ten pounds. All licenses, while in force, shall be kept conspicuously displayed in the place of business of the party or parties to whom they have been issued. Any oleomargarine license may be suspended or revoked by the said department of agriculture for violation of any of the provisions of this section, or for violation of any rules and regulations promulgated for its enforcement as provided in section 21 of this act. It shall be unlawful for any person, firm or corporation, to manufacture, buy, sell, deal in, or furnish to his, its or their patrons, or to have in possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any oleomargarine or similar substance designed to be used as a substitute for butter, or any substance resembling butter, but not made wholly from pure milk or cream, or renovated butter as in this section defined, without first having applied for and obtained from the department of agriculture of the State of California the license herein required.

Records

(n) Every person, firm or corporation, who is required by the provisions of paragraph (m) of this section to obtain and hold a manufacturer's or wholesaler's or importer's license shall keep a correct record in a form separate from all other business, in which every sale and purchase of renovated butter, imitation butter, oleomargarine, or any substitute for butter or substance designed to be used as a substitute for butter, or resembling butter, which substance is not made wholly from pure milk or cream, or any imitation cheese or imitation dairy products of any kind, shall be recorded at the time of the transaction, giving in detail the quantity sold or purchased, the name and location of the buyer or seller, the date, and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Every warehouse, cold storage company, boat, railroad or other transportation company shall keep a correct record of all oleomargarine, imitation butter, renovated butter, substitute for butter, imitation cheese or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses

and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies. All said records herein required to be kept shall, at all times during business hours, be open to the inspection of the agents and inspectors of the said department of agriculture and of any officer of any city or county board of health, and of any peace officer of any city or county of the state. A failure to keep any of the records herein required to be kept or to permit the inspection of such records, by any inspector or agent of the said department of agriculture or of any city or county board of health, or by any peace officer of any city or county, as herein required, is hereby declared to be a misdemeanor and punishable as provided herein.

(o) No imitation milk or any other imitation dairy product, and no oleomargarine shall be used in any of the charitable or penal institutions that receive assistance from the state.

State
institutions.

SEC. 9. Section 18 of said act is hereby amended to read as follows:

Stats 1929,
p. 1353

Sec. 18. (a) Every person, firm, corporation or association, not a common carrier, who receives from a private or common carrier in cans, bottles, vessels or other containers, any milk, cream, ice cream, or other product of milk intended for human consumption, which has been transported over any railroad, or boat, or freight line, or by other common or private carrier, which said cans, bottles, vessels, or other containers are to be returned to the manufacturer, distributor, consignor or shipper, shall cause the said empty cans, bottles, vessels or other containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same, and every private or common carrier before accepting such cans or containers to be returned to the manufacturer or distributor shall require that each container be plainly marked with the name and address of the person returning same. All milk bottles, cans or containers of any kind in which milk or any product of milk is kept, stored, transported or delivered shall be sound, smooth, free from rust or open seams, and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products come in contact. Bottles, cans, tubs, cabinets, containers or other receptacles commonly used for the reception, storage or delivery of milk, cream, ice cream or other products of milk shall not be used as a receptacle for, or storage place of any vegetables, fish, fowls, meats, other foodstuffs, or refuse matter, bottles, or filthy, or offensive substance, or for any other purpose than for which they were originally intended. All empty cans, bottles, vessels or other containers delivered to the producer by the manufacturer, retailer, or distributor for the reception of milk or any product of milk shall be kept by said producer in a clean, sanitary, sterile condition and shall be

Containers:
sterilization.

used for no other purpose whatsoever. All empty cans, bottles, vessels or other containers delivered to the consumer by retailer or distributor shall be thoroughly cleansed before returning the same to the retailer or distributor.

Trade
names:
registration.

(b) Any person, firm, corporation or association engaged in receiving, producing, manufacturing, packing, canning, bottling, handling or selling milk or any product of milk in containers, cabinets or other dairy equipment marked or otherwise identified with the name or names of such person, firm, corporation, or association, or with any fictitious or other name or word or words or with any mark or device whatsoever, and any corporation or association the members of which are so engaged, may file with the department of agriculture of the State of California a description of the name or names, or word or words or mark or device so used, and an application for registration of the same as a brand, which application shall be accompanied by a fee of five dollars for each separate brand. There shall be included as a part of each brand the words, "Registered in California" or the abbreviation, "Reg. Cal." The applicant shall also cause such description to be printed once a week for three successive weeks in one or more newspapers of general circulation published in the locality or localities in which said applicant, or its members, shall be engaged in business. The department of agriculture of the State of California may refuse to register a brand when it appears that the same or a similar brand has been previously registered by another unless the prior registrant gives his written consent to the subsequent registration; and whenever it appears that two or more applicants have applied for the registration of the same or similar brands, the director of agriculture may after hearing determine the right of prior ownership in such brand; and when such right of prior ownership is determined the director of agriculture shall refuse to register, or shall cancel the registration of, any duplicate or similar brand. Any person, firm, corporation or association acquiring any container, cabinet or other dairy equipment marked with a brand registered under the provisions of this section, by purchase or by other lawful means, and having the written consent of the registrant of such brand to use the same on the particular container, cabinet or other dairy equipment so acquired or to use such brand on containers generally, shall so notify the department of agriculture of the State of California, and shall not thereafter be required again to file and publish said description, but shall acquire as a part of said purchase all such benefit as the vendor had under this act as to the particular containers, cabinets or other dairy equipment so acquired or as to containers generally, dependent on the form of such written consent.

Containers
return to
owner.

(c) It shall be the duty of every person, firm, corporation or association who finds or receives in the regular course of

business, or in any other manner, any container, cabinet or other dairy equipment marked with a brand registered under the provisions of this section to make diligent effort to find the owner thereof and to restore or return the same.

(d) It is hereby declared unlawful for any person, firm, corporation or association, without the written consent provided for in paragraph (b) of this section, except the registrant of the brand and the members of any corporation or association which is the registrant, to use or fill with milk or any product of milk, any container, cabinet or other dairy equipment, so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided in paragraph (b) of this section, or to erase, obliterate or otherwise cover up or conceal such name, mark or device, or to sell, buy, give, take or otherwise traffic in such containers, cabinets or other dairy equipment.

Containers:
unlawful
use.

(e) The use of any container, cabinet or other dairy equipment by any person other than the person, corporation or association whose name, mark, or device shall be upon the same, and other than the members of any corporation or association registering the same, without the written consent provided for in paragraph (b) of this section, or the having by any junk dealer, or dealer in second hand articles, possession of any such containers, cabinets or other dairy equipment, the description of the name, mark or device having been so filed and published as aforesaid, shall be and is hereby declared to be presumptive evidence of unlawful use of or traffic in such containers, cabinets or other dairy equipment.

Containers:
unlawful
possession.

(f) Whenever the owner or owners of said containers, cabinets or other dairy equipment so marked or branded or others lawfully entitled to use the same, shall require taking or accepting of any sum of money as a deposit for security for the safekeeping and return of such containers, cabinets or other dairy equipment it shall not constitute a sale of such containers, cabinets or other dairy equipment either optional or otherwise, in any proceeding under this act.

Containers:
deposit for.

(g) Whenever any of said persons, firms, corporations or associations mentioned in paragraph (b) of this section, or the agent or agents of said persons, firms, corporations or associations, or the member or members of such corporations or associations, shall make oath before any magistrate that he has reason to believe, and does believe, that any of the containers, cabinets or other dairy equipment mentioned in paragraph (b) of this section, are being unlawfully sold, filled or used, or are secreted in any place, the said magistrate shall issue a search warrant to discover and obtain the same, and may also cause to be brought before him, the person in whose possession such containers, cabinets or other dairy equipment may be found, and if said magistrate finds that such person has

Containers:
repossession.

been guilty of a violation of this act, he must impose the punishment herein prescribed, and also award the possession of the containers, cabinets or other dairy equipment taken upon such search warrant to the owner thereof, or to the corporation or association of which the owner is a member.

Registered
brands-
protection

(h) Each brand heretofore registered and published pursuant to this act, and the owner of such brand, the registrant thereof and every person, firm, corporation and association lawfully entitled to use such brand, and all containers of milk and the products of milk and cabinets and other dairy equipment bearing such brand, shall hereafter be entitled to all of the protection and benefits of this act as amended, to the same extent as if such brand were hereafter registered and published, and it shall not be necessary for any such brand to be changed, reregistered and/or republished on account of any amendment or amendments to this act hereby made.

Stats 1925,
p 846.

SEC. 10. Section 20 of said act is hereby amended to read as follows.

Statistics

Sec. 20 The department of agriculture of the State of California is authorized under this act to gather, compile and publish statistics relative to the dairy industry, and to disseminate the same and other information useful to the general good and development of the dairy industry of the state, and said department is authorized to make a suitable charge or charges for publications issued or which may be issued under the authority of this act. The said department of agriculture shall provide blanks for reporting dairy statistics, and shall annually, on or before the last day of December of each year, cause to be mailed to each person, firm or corporation engaged in operating any creamery, cheese factory, ice cream or ice milk plant, milk condensory and market milk distributor when necessary, one or more of such blanks and each such person, firm or corporation shall, on or before the first day of February following make out and transmit to said department of agriculture a full and accurate report of the amount of milk, cream, condensed or evaporated milk, butter, cheese, ice cream or other dairy products produced, purchased or manufactured or distributed during the year ending December thirty-first, just preceding, and all milk or milk products plants purchasing milk and cream direct from farmers shall report a complete list of all persons from whom their product is obtained, giving the name and address, whenever possible, in each case. In addition to said annual reports, the department may require semiannual, quarterly, or monthly reports of the same general character as the annual reports. Said reports shall be mailed to the department not later than thirty days after the date of the department's written request, upon blanks that shall be furnished by the department.

SEC. 11. Section 21 of said act is hereby amended to read as follows: Stats 1927,
p 1643

Sec. 21. (a) Duties of department of agriculture. It shall be the duty of the department of agriculture of the State of California to enforce the provisions of this act and the director of agriculture shall promulgate such rules and regulations as are incidental to the enforcement of the provisions and accomplishment of the purposes of this act. Duties of
department
of agricul-
ture

(b) Inspection of dairies. The director of agriculture, through his agents or employees, is hereby authorized to enter upon and inspect any car, truck, dairy premises, creamery, cheese factory, ice cream factory, or other place where milk, cream, or products of milk of any kind are being produced, sold, handled, kept, transported, delivered, or used, or where the director of agriculture, his agents or employees have reason to believe that oleomargarine or substances designed to be used as a substitute for butter, or imitation butter, or imitation cheese, or imitation milk is being manufactured, sold, kept, delivered, transported or stored in violation of any of the provisions of this act, or where they have reason to believe that containers used in the handling of milk or any product of milk are being used, kept, delivered, transported, or stored, and to take samples of milk or any product of milk, imitation milk, or oleomargarine from such premises. and to impound and hold for evidence or pending an analysis, any milk, or product of milk, or imitation milk, or oleomargarine, or any container used in the handling of milk or any product of milk, which he has reason to believe may be manufactured, sold, kept, delivered, transported, stored, or handled in violation of any of the provisions of this act. The director of agriculture shall cause posters to be placed in a conspicuous manner on dairies throughout the state, indicating in a brief and simple manner the most important requirements for the production of dairy products. Inspection
of dairies

(c) Tolerances. No tolerance in weights, measures, percentages of milkfat or moisture, or any other measure or standard shall be permitted under or according to the provisions of this act, except where specific provisions therefor are made in this act. Tolerances.

(d) Condemnation of unfit products. The director of agriculture, through his agents or employees, is authorized to condemn any milk, cream, butter, cheese, or other product of milk which is found to be impure, unclean, unwholesome, or stale, or that is produced, manufactured, handled or kept in an insanitary place, or that is adulterated; and he shall have power to destroy, or to mark for identification with a nontoxic substance, any condemned milk or product of milk; provided, that no manufactured product of milk or cream may be destroyed without due notice to the owner thereof and a hearing before the director of agriculture of the State of California, or other officer especially designated by him. Condemna-
tion of
products.

Recovery of
containers

(e) Proceedings to recover containers. Upon the representation of any interested party, the director of agriculture may institute proceedings in any court of competent jurisdiction to recover to the owner thereof any container marked with a brand registered under the provisions of section 18 of this act. The expense of such proceeding shall be paid by the owner of such container, or by other interested party on whose representation such proceedings were instituted, and shall be a lien on such container.

Condemna-
tion of
containers

(f) Condemnation of unfit containers. Containers found to be used in violation of the requirements of paragraph (a) of section 18 of this act shall be condemned and marked with the word "condemned" in an appropriate manner, and shall not be used again in connection with the handling of milk or any product of milk for human consumption, until they have been cleaned or repaired in a manner acceptable to an authorized representative of the department of agriculture of the State of California.

Interference
with
inspectors.

(g) Power of official representatives of department of agriculture. It shall be unlawful for any person, firm, corporation or association to prevent or to interfere with or attempt to nullify in any way the work of duly authorized representatives of the department of agriculture of the State of California, or of an approved milk inspection service maintained under the provisions of the pure milk law of California, or to interfere with or prevent any of said representatives from examining any records or books in the conduct of his official duty, or to prevent or to interfere with any of said authorized representatives in the event he deems it advisable, to secure samples of milk or any product of milk, imitation milk, imitation butter, or oleomargarine, or any substance designed to be used as a substitute for milk or any product of milk.

Hearings

(h) Summons for hearings. The licenses issued in accordance with the provisions of this act, upon a hearing before the director of agriculture, of which the licensee shall have a written notice of the time and place of said hearing and the charges made against him may be suspended or revoked by said director of agriculture if, after written notice, the licensee fails, after thirty days, to comply with the laws, rules and regulations under which the license was granted; provided, that no such thirty days' notice will be required in cases of manipulation of the measures, weights, samples or tests for milkfat content of milk or cream upon which payment is based, or the records thereof.

Samples

(i) Duplicate samples. No prosecution based on a sample or samples of milk, or any product of milk, shall be had, unless a duplicate of said sample or samples is left with the accused; provided, it shall not be required that samples taken in connection with the establishment of proof of fraudulent manipulation of the test for milkfat in milk, or cream, be given to the accused.

(j) Duties of district attorney. It shall be the duty of the district attorney of each and every county in this state, upon application of the department of agriculture of the State of California or its authorized representatives, to attend to the prosecution, in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

District
attorney.

CHAPTER 263.

An act to amend sections 18 and 19x34 of the "juvenile court law," relating to probation officers.

Stats. 1915,
p. 1225,
amended

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Section 18 of the "juvenile court law" is amended to read as follows:

Stats. 1927,
p. 716.

Sec. 18. The offices of probation officer and assistant probation officer and deputy probation officer are hereby created. The probation officers and assistant probation officers to serve hereunder in any county shall be nominated by the probation committee in manner as the judge of the juvenile court in the respective counties shall direct, and the appointment of such probation officers and assistant probation officers shall then be made by the judge thereof. The term of office of the probation officers and assistant probation officers shall be two years from the date of their said appointments. All probation officers and assistant probation officers receiving a salary in excess of one hundred dollars per month except as herein otherwise provided, shall devote their entire time and attention to the duties of their offices, and no such probation officer or assistant probation officer, while holding such office and receiving salary therefor, shall be a candidate for or seek the nomination for any other public office or employment, and no person shall be appointed to and receive the salary attached to such office of either probation officer or assistant probation officer who is a sheriff or constable or is related to the judge of the juvenile court or to a member of the probation committee, by consanguinity or affinity within the third degree computed according to the rules of law. Such probation officers and assistant probation officers may at any time be removed by the judge of the juvenile court for good cause shown; provided, that the judge of the juvenile court may at any time in his discretion remove any such probation officer or assistant probation officer with the written approval of a majority of the probation committee. Every probation officer and every assistant probation officer receiving an official salary shall, at the time that he files his oath of office, file with the county clerk of the county his official bond approved by the judge of the juvenile court. The judge of the juvenile court shall have authority by an order

Probation
officers.

Bonds.

entered in the minutes of said court to determine and fix the amount of bonds of the probation officer of the county and of his assistants. If said bonds, or any of them, are furnished by any surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Deputies.

There shall be appointed, as herein provided, a probation officer in every county, and he may appoint as many deputies as he may desire; provided, however, that such deputies shall not have authority to act until their appointment shall have been approved by a majority vote of the members of the probation committee, and by the judge of the juvenile court. The term of office of such deputies shall expire with the term of the probation officer making such appointment, but the probation officer with the written approval of the majority of the members of the probation committee and of the judge of the juvenile court, may, at any time in his discretion, revoke and terminate such appointment. Such deputies, except as hereinafter provided, shall serve without compensation; provided, however, that in counties having charters providing a method of appointment and tenure of office for probation officers and members of the probation committee, such charter provision shall control as to such matters, and boards of supervisors, if thereto authorized thereby may increase or decrease the number of assistants and deputies and the salary of the probation officer and such assistants, deputies and clerks.

Stats 1925,
p 189,
formerly
Sec 19x31
Napa
county
probation
officer

SEC. 2. Section 19x34 of said act is hereby amended to read as follows:

Sec. 19x34. In counties of the thirty-fourth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month for all services rendered under the juvenile court law, and also one assistant probation officer whose salary for all services rendered under the juvenile court law shall be one hundred twenty-five dollars per month; provided, that such probation officer or deputy probation officer may assume and perform other duties than those prescribed under said juvenile court law for and at the request, and under the direction, of the board of supervisors and shall be entitled to receive and retain such compensation for such other duties as may be provided by the said board of supervisors.

CHAPTER 264.

An act to amend section 19x32 of the "juvenile court law," relating to probation officers in counties of the thirty-second class. Stats 1915, p 1225, amended

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x32 of the "juvenile court law" is hereby amended to read as follows: Stats 1921, p 1000, formerly Sec 19x34.

Sec. 19x32. In counties of the thirty-second class, there shall be one probation officer whose salary shall be one hundred fifty dollars per month. He shall maintain an office in the courthouse at the county seat. Yolo county probation officer

CHAPTER 265.

An act to validate proceedings had and taken by municipalities under that certain act entitled "An act to amend an act entitled 'An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory,' which became a law without the governor's approval March 2, 1899, by amending section 1 thereof, relating to annexation of uninhabited territory," approved May 23, 1929.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. Any territory which purports to have been heretofore annexed to, incorporated in and included within a municipal corporation, under any proceedings taken for that purpose, under that certain act entitled "An act to amend an act entitled 'An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory,' which became a law without the governor's approval March 2, 1899, by amending section 1 thereof, relating to annexation of uninhabited territory," approved May 23, 1929, and the annexation thereof shall have been completed by the filing of the document mentioned in section 1 of the said act, statutes 1929, chapter 436, page 800, in the Annexation proceedings validated Stats 1929 p 800

office of the secretary of state, and with the board of supervisors of the county in which said city or town is located, is hereby declared to be and to have been since the filing of said document, duly annexed to, incorporated in and included within such municipal corporation; and all proceedings for the annexation of such territory are hereby validated and declared legal; provided, however, that this act shall not operate to legalize the annexation where the legality of the proceedings for such annexation is being contested or inquired into in legal proceedings which are now pending or undetermined.

CHAPTER 266.

An act to amend section 1918 of the Code of Civil Procedure, relating to the manner of proving official documents.

[Approved by the Governor April 30, 1931 In effect August 14, 1931.]

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

Code Amdts
1873-4,
p. 383.
Proving
official
documents

SECTION 1. Section 1918 of the Code of Civil Procedure is hereby amended to read as follows:

1918. Manner of proving other official documents. Other official documents may be proved, as follows:

1. Acts of the executive of this state, by the records of the state department of the state; and of the United States, by the records of the state department of the United States, certified by the heads of those departments respectively. They may also be proved by public documents printed by order of the Legislature or congress, or either house thereof.
2. The proceedings of the Legislature of this state, or of congress, by the journals of those bodies respectively, or either house thereof, or by published statutes or resolutions, or by copies certified by the clerk or printed by their order.
3. The acts of the executive, or the proceedings of the legislature of a sister state, in the same manner.
4. The acts of the executive, or the proceedings of the legislature of a foreign country, by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public act of the executive of the United States.
5. Acts of a county or municipal corporation of this state, or of a board or department thereof, by a copy, certified by the legal keeper thereof, or by a printed book published by the authority of such county or corporation.
6. Documents of any other class in this state, by the original, or by a copy, certified by the legal keeper thereof.
7. Documents of any other class in a sister state, by the original, or by a copy, certified by the legal keeper thereof,

together with the certificate of the secretary of state, judge of the supreme, superior, or county court, or mayor of a city of such state, that the copy is duly certified by the officer having the legal custody of the original.

8. Documents of any other class in a foreign country, by the original, or by a copy, certified by the legal keeper thereof, with a certificate, under seal, of the country or sovereign, that the document is a valid and subsisting document of such country, and the copy is duly certified by the officer having the legal custody of the original, provided, that in any foreign country which is composed of or divided into sovereign and/or independent states or other political subdivisions, the certificate of the country or sovereign herein mentioned may be executed by either the chief executive or the head of the state department of the state or other political subdivision of such foreign country in which said documents are lodged or kept, under the seal of such state or other political subdivision; and provided, further, that the signature of the sovereign of a foreign country or the signature of the chief executive or of the head of the state department of a state or political subdivision of a foreign country must be authenticated by the certificate of the minister or ambassador or a consul, vice consul or consular agent of the United States in such foreign country.

9. Documents in the departments of the United States government, by the certificates of the legal custodian thereof.

CHAPTER 267.

An act to add two new sections to the Code of Civil Procedure, to be numbered 1919a and 1919b respectively, relating to the proof, attestation, authentication and admissibility in evidence of church records and/or registers and/or entries therefrom and/or certificates kept or issued by a clergyman or other person in accordance with law or with the rules, regulations and/or requirements of a religious denomination, society or church.

[Approved by the Governor April 30, 1931 In effect August 14, 1931]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1919a to read as follows: New section.

1919a. Church records and/or registers and/or entries therefrom and/or certificates kept or issued by a clergyman or other person in accordance with law or in accordance with the rules, regulations and/or requirements of a religious denomination, society or church, shall be competent evidence of the facts recited therein, if properly proved, attested and authenticated as provided in Section 1919b. Church records as evidence.

New section

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be numbered 1919b, to read as follows:

Church records proving

1919b. Church records or registers or entries therefrom or certificates, of the character mentioned in Section 1919a, in order to be admissible in evidence, shall be proved by the original or by a copy thereof certified by the clergyman or other person having the custody of the original, provided that the genuineness of the signature of the clergyman or other person issuing such certificate or certifying to a copy of the same or of such record or register or of entries therefrom, and the fact that he is the person having the custody of such record or register and/or certificate, and that such certificate or copy of certificate, record, register or entries therefrom, was duly issued by the person issuing the same shall be attested either by the bishop, chief priest, president, district superintendent or other presiding officer of such religious denomination, society or church, under his seal, if he has a seal, or by a notary public or other civil officer authorized by law to take acknowledgments or to issue certificates as to the genuineness of signatures and/or the correctness of documents or of copies thereof, under his seal, if he has a seal; provided, further, that the fact that such record, register and/or certificate is a document kept in accordance with law or in accordance with the rules, regulations and/or requirements of a religious denomination, society or church may be proved by the certificate of such bishop, chief priest, president, district superintendent or other presiding officer of such religious denomination, society or church or of a notary public or other civil officer authorized by law to take acknowledgments and/or to issue certificates as to the genuineness of signatures and/or the correctness of documents or of copies thereof, under his seal, if he has a seal; and provided, further, that the genuineness of the signature and the status of such bishop, chief priest, president, district superintendent or other presiding officer of such religious denomination, society or church, and/or of such notary public or other civil officer shall, in this state or in any other state in the United States, be authenticated by the certificate of the secretary of state of such state, and shall, in a foreign country, be authenticated by the certificate of the sovereign or other chief executive of such foreign country or of the head of the state department thereof, under the seal of such foreign country or of such state department, and that the signature of such sovereign, chief executive or of the head of the state department of such foreign country must be authenticated by the certificate of the minister or ambassador or a consul, vice consul or consular agent of the United States in such foreign country; but if such foreign country be one composed of or divided into sovereign and/or independent states or other political subdivisions, the certificate of the chief executive or of the head of the state department of such foreign country herein

referred to, may be executed by the chief executive or by the head of the state department of the state or other political subdivision of such foreign country, in which said certificates, records and/or registers are lodged or kept, under the seal of such state or other political subdivision, and the signature of the chief executive or of the head of the state department of such state or other political subdivision shall be authenticated in the manner hereinbefore provided for the authentication of the signature of the sovereign, chief executive or head of the state department of a foreign country.

CHAPTER 268

An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax.

[Approved by the Governor May 5, 1931 In effect August 14, 1931]

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

SECTION 1. The chairman of the board of supervisors of the county or city and county, the treasurer of the county or city and county, and the sheriff of the county or city and county, and their successors in office, are hereby constituted ex officio a board of trustees of the county peace officer's retirement fund, to provide for the disbursement of the same and to designate beneficiaries thereof, as hereinafter directed, which board shall be known as the "board of county peace officers' retirement commissioners"; provided, however, that the provisions of this act shall become effective in any particular county, only upon condition that the provisions of this act are accepted by ordinance passed by four-fifths ($\frac{4}{5}$) vote of its board of supervisors, in which event the provisions of this act shall become operative in such county on the first day of January, or on the first day of July next following the expiration of three months after the passage of said ordinance.

SEC. 2 They shall organize as such board by choosing from their number a chairman and treasurer, and by appointing a secretary. Such board of trustees shall have charge of and administer said fund, and shall have power to order payments therefrom in pursuance of the provisions of this act. They shall report annually in the month of June, to the board of supervisors, or other governing authority of the county or city and county, the condition of the county peace officers' retirement fund, and the receipts and disbursements on

Peace
officers'
retirement
fund

Organization
of board

account of the same, with a full and complete list of the beneficiaries of said fund and the amounts paid them. The members of the board of trustees shall serve without compensation, but they shall be reimbursed out of the funds of the county for any expense or loss of salary or wage which they may have incurred through services on the board and for costs of operation of this retirement system.

Powers of board

SEC. 3. The board herein provided for shall, in addition to other powers herein granted, have power:

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this act, in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its president, or any member of said board, may administer oaths to such witnesses.

Second—To appoint a secretary, and to provide for the payment from said fund of all its necessary expenses, including secretary hire and printing; provided, that no compensation or emolument shall be paid to any members of said board for any duty required or performed under this act.

Third—To make all needful rules and regulations not inconsistent with this act and such rules and regulations shall become effective when approved by the board of supervisors.

Source of fund

SEC. 4. For the purpose of providing and maintaining a fund to meet the payments of demands drawn for the payment of pensions and the expenses of said retirement commission, a fund is hereby created to be known as the "peace officers' retirement fund." There shall be paid into said fund the following moneys to wit:

Salary

1. A portion of each month's salary of each peace officer who is included within the provisions of this act in an amount equal to two per cent of peace officer's monthly salary. Any peace officer who shall deposit in said pension fund a sum equivalent to two per cent of such officer's monthly salary from date of entering the service to date of the adoption of this act by any board of supervisors of any county, city or county, shall have all the benefits of this act for any past service so as to be included in all the benefits hereof, provided said person shall have had not less than twenty years continuous service and has reached the age of fifty-five or more.

County donation.

2. An amount to be determined and appropriated each year by the board of supervisors. Said amount to be sufficient, together with the contribution of peace officers to meet all of the demands against said pension fund.

The board of commissioners shall monthly deposit all contributions received in the county treasury to the credit of said fund.

Title to fund.

SEC. 5. The title to all property acquired under the provisions of this act shall be taken in the name of the county. The title to any moneys which may become due to any peace officer shall not pass from the county to such peace officer

until such peace officer is entitled thereto under the provisions of this act. That portion of the wage of any peace officer deducted or to be deducted under this act, the right of a peace officer or other person to an annuity or pension and all of their rights in the fund herein provided, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment of any right in or to said funds, nor in or to any pension or annuity shall be valid.

SEC. 6. The board of county peace officers' pension fund Budget. commissioners shall annually prepare a budget of the cost of maintaining the pension fund herein described and for this purpose may employ an actuary to assist them in preparing their budget and report to the end that the said system may be scientifically financed and administered.

SEC. 7. The board herein provided for shall hold quarterly Meetings. meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its president: it shall biennially select from its members a president, a treasurer and secretary.

The board shall have charge and control of and shall safely Investment of fund. keep the funds of the system, and shall invest and reinvest the same, and may from time to time sell any securities held by them and invest and reinvest the proceeds therefrom, and any and all unappropriated income of said funds; provided, however, that all funds received by them not required for current disbursements shall be invested in those securities only which shall be legal for savings bank investments, or deposited at interest in any state or national bank doing business within the county; provided, that the credit of the county shall not be given or lent in aid of, or to, any person, association, or corporation, whether municipal or otherwise, nor shall it be pledged in any manner whatever for the payment of the liabilities of any individual, association, municipal or other corporation whatever. They may, whenever they sell such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto. The duties herein imposed upon the members of the board shall be deemed a part of their official duties and for the faithful performance of which they shall be liable on their official bonds.

A trust fund account to be known as "county peace officers' Fund created. retirement fund" is hereby created to be opened upon the books of the auditor and treasurer of the counties adopting a retirement system under the provisions of this act. All transfers or payments to the retirement fund and all withdrawals and other cash transactions, shall be accounted upon the books of the auditor and treasurer in and out of this fund account, in the manner they would be accounted if they were county transactions. All warrants drawn on the county peace

officers' retirement fund shall be signed by the treasurer and at least one other member of the board of retirement, who shall be designated by such board, but no warrant so drawn shall be valid until it has been countersigned and numbered by the county auditor and a record made of it by him.

Financial
report

SEC. 8. On the first day of June of each year, or as soon thereafter as practicable, the auditor of said county, or city and county, shall make a report to the board of supervisors, or other governing authority of such county, or city and county, of all moneys paid out on account of said fund during the previous year, and of the amount then to the credit of the "peace officers' retirement fund." Payments provided for in this act shall be made quarterly upon proper vouchers.

Definitions

SEC. 9. As used in this act, the term "county peace officers" shall mean all sheriffs, undersheriffs, chief deputy sheriffs, jailers, turnkeys, deputy sheriffs, bailiffs, process servers, constables, deputy constables, motorcycle officers, the heads and assistant heads of all divisions of the sheriff's office, and all their regularly appointed deputies, but does not include clerks, bookkeepers, stenographers and other employees who may have been appointed as deputy sheriffs but who do not perform the duties of any of the peace officers above enumerated and does not include honorary deputy sheriffs or other persons holding appointments as deputy sheriffs but who receive no compensation therefor and who do not regularly perform particular official duties.

Persons
eligible

SEC. 10. Except as otherwise provided herein, all peace officers eligible for participation under the system provided by this act, shall be included in and shall be subject to the provisions of said act thirty days after said act becomes operative in any county, or thirty days after their entrance into the service; provided, however, that any such peace officer may elect to be excluded from the provisions of this act at any time within thirty days after said act becomes operative in any county or within thirty days after their entrance into the service, upon his written election to be so excluded, and no employee who has so elected to be excluded, may thereafter be included in or participate in the system herein provided; and provided, further, that no peace officer who is elected to office by popular vote, shall be eligible for participation in the system provided by this act until the expiration of the term of office during which said act becomes effective in that county, but said elected peace officer may elect to be included within the provisions of said act at the commencement of the term of office next following, and at the commencement of each subsequent term of office.

Physical
disability.

SEC. 11. Whenever any person, while serving as a peace officer in any such county or city and county shall become physically disabled by reason of any bodily injury received in the direct performance of his duties as such peace officer, as such duties are prescribed by law for such peace officers,

said board may, upon his written request, or without such request if it deem it necessary or desirable for the public good, retire such person from such position, and order and direct that he shall be paid from said fund during his lifetime, a pension, payable in monthly installments, equal to one-half of the amount of salary attached to the position or office which he may have occupied at the date of receiving such injury; provided, that such pension shall in no case be more than one hundred fifty dollars nor less than one hundred dollars per month. Upon the death of such person such pension shall be paid to the surviving widow while she remains unmarried, or, if there be no surviving unmarried widow, then to the children of such officer until they shall have reached the age of eighteen years. If there be no surviving unmarried widow or children under the age of eighteen years, then such pension shall cease and the heirs or assigns of the officer shall have no claim against or upon such peace officers' retirement fund; provided, that whenever such disability shall cease such pension shall cease.

SEC. 12. Whenever any person at the time this act becomes effective or thereafter shall have been duly appointed, selected, or elected and qualified, and shall have served for twenty years or more in the aggregate, as a county peace officer, and who shall have reached the age of fifty-five years, said board shall upon the application of such person, order and direct that such person be retired and such person shall thereafter receive a pension payable in monthly installments during his lifetime, equal to one-half of the amount of salary attached to the rank which he may have held as such peace officer for the period of one year next preceding the date of such retirement; provided, however, that the amount of such pension shall in no case be less than one hundred dollars per month, nor more than one hundred fifty dollars per month; any peace officer who shall have reached the age of fifty-five years and who shall have served for twenty years or more, may be retired by said board; provided, that any person who is within the purview of this section and who otherwise complies with its provisions and who has served for thirty years or more, shall upon his application, be retired from further service at the same pension above provided; and provided, further, that any motorcycle police officer, may, after twenty years of service, be retired by the board under the provisions of this act, if, in the judgment of three physicians appointed by the board, such motorcycle police officer is unable to properly discharge the duties of his office.

Retirement
age.

SEC. 13. No officer or employee who accepts any of the benefits under the provisions of this act shall engage in any public employment, where as a result of such employment the aggregate compensation paid to such pensioner would exceed the compensation paid to him in the position from which he

Employment
restrictions.

was retired, and any violation of the provisions of this section shall result in the immediate termination of any and all such benefits.

Other
retirement
systems.

SEC. 14. Any person who is eligible to participate in the pension system provided by this act and who does so participate and who is a member of or participant in or is eligible for membership or participation in any other pension system provided by law for county or township officers or employees shall upon his election to participate in the pension system provided by this act be ineligible for membership or participation in any other retirement or pension system provided by law for county or township officers or employees. Upon election by any said person to come within the provisions of this act said person shall automatically be excluded from any other system as aforementioned and any sums due such person under such other system shall be paid to him as in the case of separation from the service, it being the intention that the retirement system provided by this act shall be exclusive and that the persons entitled thereto shall not participate in any other system now or hereafter provided by law for county or township officers or employees.

Workmen's
compensa-
tion.

No peace officer who receives compensation from the county for disability under any workmen's compensation act or by virtue of any judgment obtained against the county for disability shall receive any of the benefits provided by this act, nor in the event of his death shall any such benefits inure to his dependents as here provided; provided, however, that where such person is retired under the provisions of this act and would be entitled to a pension thereunder such person may receive such portion of the pension authorized as is represented by the difference between workmen's compensation and the full amount of the pension to which he might otherwise be entitled, it being the intention that the pension allowed for injury incurred in line of duty shall not be cumulative with the benefits under workmen's compensation which may be awarded for the same injury or disability.

Special tax.

SEC. 15. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law, to levy a special tax not to exceed one-half cent on the one hundred dollars of the assessed value of all property in the county to be used for the payment of pensions and annuities to county and township employees under such pension, retirement and benefit systems or associations as may have been established by law for county and township employees.

Purpose
of act.

SEC. 16. The purpose of this act is to recognize a public obligation to employees in the public service whose duties expose them to more than ordinary risks and at the same time provide a means whereby such public employees who may be incapacitated in the performance of their duties, or by age, may be replaced by more capable employees to the betterment

of the public service and without prejudice and without inflicting a hardship upon the employees removed, and the retirement pension and benefits herein provided are granted as an additional element of compensation for future services.

This act, therefore, shall be given a liberal interpretation with a view of carrying out such purpose and it shall not be construed as a local measure or one intended as a benefit to particular persons or places.

In case any section, or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect.

CHAPTER 269 *

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

Civ Code,
Secs 633
to 645b,
repealed.

Stats 1911,
p. 607,
repealed

Stats 1927,
p. 251,
repealed

[Approved by the Governor May 5, 1931 In effect August 14, 1931]

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

Article I—Definitions.

SECTION 1.01. In general. The following terms, wherever used in this act, shall have the following meanings, except in cases where the context otherwise requires:

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

Definitions

“Association” means a building and loan association, as defined in section 1.02 of this act, and except where otherwise indicated includes both domestic and foreign associations. “Domestic association” means an association incorporated under the laws of this state, and “foreign association” means any other association. “Association on notice” and “association on a pro rata basis” are defined in section 6.01 of this act.

“Commissioner” means the building and loan commissioner. “Shares” means withdrawable shares of an association. “Pledged shares” means shares pledged as security for the payment of a loan from the association issuing such shares. “Free shares” means all other shares. “Full paid shares,” “installment shares” (including “serial” and “nonserial” installment shares), “accumulative shares” and “prepaid shares” are defined in section 3.02 of this act.

“Stock” means guarantee stock of an association.

“Investment certificates” means instruments issued by an association, pursuant to section 5.01 of this act, which expressly state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provisions of article VI of this act, and which otherwise conform to the provisions of this act applicable thereto. “Full paid investment certificate,” “installment investment certificate,” “accumulative investment certificate,” “definite term investment certificate” and “prepaid investment certificate” are defined in section 5.01 of this act.

“Shareholder” and “member” are synonymous and mean the holder of one or more shares. “Stockholder” means the holder of stock. “Certificate holder” means the holder of one or more investment certificates. “Investor” includes shareholder, stockholder and certificate holder.

The “value” of shares or investment certificates means the amount paid in upon such shares or investment certificates, plus the accumulated earnings or interest accrued thereon, less any withdrawals therefrom and charges thereagainst. The “matured value” of a share shall be equal to the par value thereof.

“Redemption price” is defined in section 5.06 of this act, and “withdrawal value” in section 6.01 thereof.

The term “issuing” wherever used in this act with reference to an association issuing or not issuing shares, stock and investment certificates or any thereof, shall not be limited to issuance thereof at the particular time, but shall include prior issuance if such stock, shares and investment certificates or any thereof (as the case may be) are still outstanding.

“Advertisement” includes advertisement, circular, pamphlet, prospectus, circular letter, newspaper, and also oral statements broadcast by radio.

Words used in this act in the present tense include the future as well as the present; words used in the masculine

gender include the feminine and neuter, and in the neuter gender include the masculine and feminine; the singular number includes the plural, and the plural includes the singular; "writing" includes also printing and typewriting; "oath" includes also affirmation; and "county" includes also city and county. Definitions.

SEC. 1.02. Building and loan association. The term "building and loan association" is hereby defined to mean any incorporated institution which shall have been incorporated to conduct, or shall be engaged in conducting, the business of receiving and lending money in accordance with the provisions of this act or shall have heretofore been incorporated to conduct the business of receiving and lending money in accordance with the provisions of any act or acts, or part or parts of any act or acts, of which this act is a continuation or amendment.

SEC. 1.03. Agent, agency, salesman, collector and branch. The following terms, wherever used in this act, shall have the following meanings, except in cases where the context otherwise requires:

An "agent" means a person, copartnership or corporation soliciting or receiving applications for loans to be made by an association, or disbursing funds on behalf of such association on loans, where such services are rendered for compensation and as a whole or partial vocation and not casually or intermittently in connection with a general loan brokerage business, or representing himself or itself as being authorized by an association to solicit or receive, applications for loans.

An "agency" means an office owned and operated by an agent.

A "salesman" means a person, copartnership or corporation, other than an agent and other than an officer, director, or employee of an agent, soliciting or receiving applications, subscriptions, or offers, or representing himself as being authorized by an association to solicit or receive applications, subscriptions or offers, on behalf of an association, for shares, stock or investment certificates issued or to be issued by such association.

A "collector" means a person, copartnership, or corporation authorized in writing subscribed by an association to receive or collect, other than as or in connection with an escrow, funds or money paid or to be paid to an association on account of or in connection with loans, shares, stock or investment certificates of such association in force at the time of the receipt or collection of such funds.

Notwithstanding anything to the contrary contained in this section, however, no officer, director, or employee of an association, who receives no special compensation for services which, under the foregoing definitions, would make such officer, director or employee an agent, salesman or collector, shall be

included within the meaning of the terms "agent," "salesman," or "collector," as used or defined in this act.

Branch.

"Branch" means any office or other place of business in this state owned and operated by an association, other than its principal office in this state, where subscriptions are sold, taken or solicited for shares, stock or investment certificates of such association or where such shares, stock or investment certificates are sold or issued, otherwise than as security for or in connection with a loan by such association.

Article II—Organization.

Subject to
general
corporation
law

SEC. 2.01. In general. Domestic associations may be incorporated with shares or stock or both and with all the rights, powers and privileges and subject to all the restrictions and liabilities set forth in this act. Domestic associations shall also have all the powers and privileges provided by law as to corporations generally, except as expressly provided to the contrary in this act. The provisions of law as to corporations generally shall also be applicable to domestic associations, except where inconsistent with the corresponding provision of this act, in which case the provision of this act shall prevail.

Corporate
name

SEC. 2.02. Restrictions on corporate name. The name of each domestic association hereafter incorporated, and the name of each foreign association hereafter qualifying to do business in this state, shall include the words "building and loan association" or "building-loan association" and shall not include the words "saving" or "savings"; provided, however, that no domestic association hereafter incorporated, and no foreign association hereafter qualifying to do business in this state, shall include the word "mutual" in its name unless it shall be organized without stock, nor shall it include the word "guaranty" or "guarantee" in its name unless it shall be organized to issue stock.

Purposes

SEC. 2.03. Statement of purposes. The purposes of each domestic association hereafter incorporated, as stated in its articles of incorporation, shall include the statement that it is formed to encourage industry, frugality, home building and the accumulation of savings (and such statement shall add either "among its members," "among its certificate holders," or "among its members and certificate holders," and may also add "and among others"); the accumulation of savings; the loaning of the moneys or funds so accumulated, with the profits and earnings thereon, (and such statement shall add either "to its members," "to its certificate holders," or "to its members and certificate holders," and such statement may also add "and to others"); and, subject to provisions contained in or authorized by this act, the repayment (and such statement shall add either "to each member," "to each certificate holder," or "to each member or certificate holder") of his savings and profits, whenever they have accumulated to the full par value (and such statement shall add either "of his

shares," "of his investment certificates," or "of his shares or investment certificates,"), or at any time when he shall desire to withdraw the same or when the association shall desire to repay the same; and may also state that it is formed for any or all of the purposes specified in this act; and notwithstanding anything to the contrary in the statutes of this state, any association in any of its advertisements may set forth any of the foregoing purposes; provided, however, that no association shall advertise that it is a savings bank or that it is doing or permitted to do a savings bank business. The articles of incorporation of each domestic association hereafter incorporated shall state whether such association is formed for the purpose of issuing shares, or stock, or both shares and stock; and shall also state either that such association is formed for the purpose of issuing investment certificates, or that such association is not formed for such purpose. Such articles of incorporation may also include any other provisions which are not in conflict with law.

Stock.

Investment
certificates

SEC. 2.04. Articles to be approved by commissioner. Before the articles of incorporation of any proposed domestic association, or the articles of incorporation, certificate of incorporation, charter, or any similar document relating to any foreign association, shall hereafter be filed in the office of the secretary of state of the State of California there must be attached thereto a certificate of the commissioner approving the same. Such articles, certificate, charter, or other similar document shall be submitted to the commissioner with a copy of the by-laws and an application, signed by a majority and verified by one of the directors, requesting such approval; which application shall set forth (a) the names and addresses of the incorporators, directors and officers, with a statement of their character, experience and general fitness to engage in the building and loan business; (b) an itemized statement of the estimated receipts and expenditures of such association for the first year or such longer period as the commissioner in his discretion may require; (c) a statement that such association will not issue either stock or investment certificates, or in the alternative, a showing that the public convenience and advantage will be promoted by the formation of such association or its qualification to do business in this state; and (d) such other matters as the commissioner may require. Upon receipt of such articles, certificate, charter, or other similar document, and of such application, the commissioner shall immediately examine and investigate into all the facts connected with the formation or qualification of such association, including its incorporators, directors and officers, its proposed location, its estimated receipts and expenditures and, unless such application shall have stated that such association will not issue either stock or investment certificates, whether the public convenience and advantage will be promoted by the formation or qualification of such association. The commissioner may refuse

Certificate
of commis-
sioner on
articles

Application

Investiga-
tion

Causes for denial of certificate

to execute his certificate of approval, if, upon his examination and investigation, he has reason to believe that the corporation is to be formed or qualified for any business other than legitimate building and loan business, or that the incorporators, directors or officers lack the character, experience or general fitness to engage in such business, or that such association's financial program is unsound, or, unless such application shall have stated that such association will not issue either stock or investment certificates, that the public convenience and advantage will not be promoted by the formation or qualification of such association. The commissioner, however, shall not execute such certificate until he has given written notice by mail to each association then existing in this state having a name raising the presumption hereinafter mentioned, directed to it with postage thereon prepaid at its principal office in this state, that an application for the issuance by him of such certificate has been made, together with the name of the association in respect of which such application shall have been made, and that a hearing will be held by him at his office at a time to be therein specified, which shall not be less than ten days after the mailing thereof; and the commissioner shall give such notices, and at the time and place specified in such notices shall hold a hearing at which any person, firm or corporation may appear in person or by agent or attorney, and orally or in writing show cause why such certificate should not be issued upon the ground that the name of such association is the same as one already adopted or appropriated by any association then existing in this state, or so similar thereto as to be likely to mislead the public; and if, upon such hearing or his examination or investigation, the commissioner shall have reason to believe that the name of the association is the same as one already adopted or appropriated by any association then existing in this state, or so similar thereto as to be likely to mislead the public, he shall refuse to issue such certificate; and the commissioner shall conclusively presume that the use of any word or words in the name of the association the same as or similar in spelling or sound to any word or words already adopted, appropriated, or used in its corporate name by any association then existing in this state, except the words: "the," "and," "mutual," "guaranty," "guarantee," "building," "loan," or "association," constitutes such similarity of names as to be likely to mislead the public; provided, further, that if any and all associations then existing in this state causing such presumption file consent in writing thereto with the commissioner, the commissioner may nevertheless issue such certificate. Wherever in this section reference is made to the by-laws, incorporators, directors and officers, such reference in the case of a proposed domestic association shall refer to the proposed by-laws, incorporators, directors and officers thereof.

Notice

Hearing

Similarity of name.

No association which in its application to the commissioner referred to in this section shall have stated that it would not

issue either stock or investment certificates, shall issue any stock or investment certificates except with the prior written consent of the commissioner. In applying for such consent such association shall set forth (a) the names and addresses of its directors and officers with a statement of their character, experience and general fitness to engage in the new type of building and loan business proposed; (b) a showing that the public convenience and advantage will be promoted by permitting such association to issue stock or investment certificates as proposed in such application; and (c) such other matters as the commissioner may require. Upon receipt of such application the commissioner shall immediately examine and investigate into all the facts stated in such application; and the commissioner may refuse to give his written consent if upon his examination and investigation he has reason to believe that the directors or officers lack the character, experience or general fitness to engage in the new type of building and loan business proposed, or that the public convenience and advantage will not be promoted by permitting such association to issue stock or investment certificates. No domestic association hereafter incorporated, and no foreign association hereafter qualifying to do business in this state, which shall include the word "mutual" in its name, shall be permitted to issue stock without first eliminating from its name the word "mutual." The term "existing in this state," wherever used in this section, shall include foreign associations licensed to do building and loan business in this state.

Consent to issue stock or investment certificates.

Application.

Examination.

SEC. 2.05. Changes of name to be approved by commissioner. Before any document changing the name of any association, or setting forth the new name of any association, shall be filed in the office of the secretary of state of the State of California, there shall be attached to said document the certificate of approval of the commissioner of the new name proposed for said association, and such certificate shall only be issued by the commissioner, after and upon the same notice, proceedings, and reasons to believe, and subject to the same rules, presumptions and restrictions as hereinabove set forth in sections 2.02 and 2.04 of this act in relation to the matters of the name of an association.

Changes of name.

SEC. 2.06. Merger, consolidation and transfer. Any two or more domestic associations may be merged into one of such constituent associations, or consolidated into a new association, with or without any dissolution or division of the funds or property of either of them; or any domestic association may transfer its engagements, funds and property to any other domestic association upon such terms as may be agreed by the affirmative vote of at least a majority of their respective directors, ratified, in the case of each of the contracting associations, by the written consent of stockholders holding in the aggregate more than two-thirds of the outstanding stock and by the written consent of shareholders holding in the aggregate

Merger, etc

Stock-holders' consent

more than two-thirds in value of the outstanding shares; provided, however, that any such merger, consolidation or transfer must also be approved by the commissioner and be made in conformity with the provisions of law applicable to mergers, consolidations and transfers in the case of corporations generally.

Branches
licenses

SEC. 207. Branches No association shall open, maintain or conduct a branch without first applying for and obtaining from the commissioner a license for such branch. The application for such license shall be in such form as the commissioner shall require, and shall include an itemized statement of the estimated receipts and expenditures of such association in connection with such branch for the first year or such longer period as the commissioner in his discretion may require and, except in the case of associations not issuing either stock or investment certificates, a showing that the public convenience and advantage will be promoted by the operation of such branch. If satisfied that the operation of such branch is in the interest of such association, and in the case of an association issuing either stock or investment certificates or both that the public convenience and advantage will be promoted by the operation of such branch, the commissioner shall issue his license for such branch; otherwise such license shall be refused. The applicant shall pay for such license a fee of fifty dollars and such license shall continue in force and effect until canceled by the commissioner for cause. No association issuing investment certificates shall open, maintain or conduct any such branch unless the amount of its investment certificate reserve as defined in section 5.03 of this act shall exceed the amount required by said section 5.03 by the sum of twenty-five thousand dollars for each branch opened, maintained or conducted by it; and no association not issuing investment certificates shall open, maintain or conduct any such branch unless such association shall thereafter, while maintaining such branch or branches, at each apportionment of profits set aside to its loan reserve one per cent of its net profits since the last prior apportionment in addition to the amount required to be so set aside by section 10.03 of this act, until said loan reserve shall exceed the maximum amount required by said section 10.03 for such association by the amount of twenty-five thousand dollars for each branch so opened, maintained or conducted. Any and all business which may be transacted at the principal office of a duly licensed association may be transacted at any duly licensed branch thereof.

Minimum
investment
certificate
reserve

Minimum
loan
reserve

Scope of
branch
business

Directors
stock
ownerships

SEC. 208. Qualifications of directors. No person shall be eligible as director of an association issuing stock or investment certificates unless he is a stockholder or shareholder of such association, owning, in his own right, stock thereof of the par value of at least five hundred dollars or shares thereof of the value of at least one thousand dollars. Every director who shall sell or hypothecate all such stock or shares owned by

him, or so much thereof that he shall cease to be the owner, in his own right free from encumbrances, of the amount of such stock or shares aforesaid, shall immediately notify the commissioner in writing of such sale or hypothecation and such director may be removed from the office of director by the commissioner; provided, however, that any executor, administrator, guardian or trustee, holding stock of an association of the par value of five hundred dollars or shares of an association of the value of at least one thousand dollars in his or her representative capacity, shall be eligible as director thereof. In the case of associations not issuing stock or investment certificates, no person shall be eligible as a director thereof unless he is a shareholder.

Shareholder
in nonstock
association

SEC. 2.09. Amendment of articles and by-laws. Before any certificate or other document effecting or setting forth any amendment to the articles of incorporation of any domestic association, or to the articles of incorporation, certificate of incorporation, charter, or any similar document relating to any foreign association, shall hereafter be filed in the office of the secretary of state of the State of California, there must be attached thereto a certificate of the commissioner approving the same. Upon the adoption of any amendment to the by-laws of any association, a copy of such amendment, certified by the secretary or assistant secretary of such association, shall be delivered or mailed forthwith to the commissioner. No amendment to the articles of incorporation or by-laws of any association which shall make any change in the rights, preferences or privileges of any outstanding stock or shares of such association which shall be adverse to the holders of such stock or shares shall be valid, unless such amendment is approved by the vote or written assent of the holders of two-thirds in par value of such outstanding stock or two-thirds in value of such outstanding shares, or of the class or classes of such outstanding shares adversely affected as aforesaid.

Amend-
ments of
articles,
by-laws

Certificate
of commis-
sioner

Approval of
stockholders

Article III—Withdrawable Shares

SEC. 3.01. Associations may issue shares and/or stock. An association pursuant to its articles of incorporation or by-laws and this act, may issue (1) shares (which shall constitute the holders thereof members of such association), or (2) stock, or (3) both shares (which shall constitute the holders thereof members of such association) and stock. In the case of each domestic association hereafter incorporated, and in the case of each foreign association hereafter qualifying to do business in this state, the stock and shares thereof, if it be an association issuing both stock and shares, shall be of the same par value.

Issue of
shares,
stock

SEC. 3.02. Description of withdrawable shares. Withdrawable shares shall be of the par value of one hundred or two hundred dollars each, as provided in the articles of incorporation or by-laws, and shall be paid for by the subscribers

Withdraw-
able shares

or shareholders as provided in the by-laws. Such payments may be, and are hereafter sometimes in this act, called dues. Certificates evidencing shares, with or without passbooks, shall be issued to each shareholder on the first payment of dues by him. When the dues paid on any share, together with the dividends or profits apportioned thereto, shall equal the par value thereof, such share shall have reached its matured value.

For cash only Except in connection with mergers, consolidations or transfers pursuant to section 2.06 of this act, no shares shall be issued for any consideration other than cash. All shares matured in respect of which payment shall have been made by the association to the shareholder, and all shares surrendered or canceled, may be reissued. Shares of all classes except full paid shares may be issued with the provision that at all times the holder or holders thereof shall be the owners of as many shares and fractions thereof of such association as there are units of the value of such shares invested with the association by such holders. In the case of all shares hereafter issued by associations issuing both shares and stock, and notwithstanding anything to the contrary hereafter contained in this section, the rate or rates of dividends upon the shares, unless agreed and unless specified in the certificates evidencing such shares, shall be prescribed by the by-laws. Shares may be issued as full paid shares, installment shares, accumulative shares or prepaid shares.

Reissue. (a) Full paid shares. Full paid shares shall be shares upon which a single payment of dues amounting to the par value of said shares shall be paid at the time of subscription and upon which the holder shall be entitled either (a) to dividends at such agreed rate, not exceeding six per cent per annum, as shall be specified in the body of the certificate issued; or (b) to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe. All such shares may be issued in one or more classes as to participation, under regulations prescribed in the by-laws and which must be fully set forth in or upon each certificate issued.

Dividends. (b) Installment shares. Installment shares shall be either "serial" or "nonserial" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues per share and at such times as the by-laws provide, and such payments shall continue on each share until, with the dividends or profits apportioned thereto, it reaches its matured value or is withdrawn or canceled. On all serial issues the dividends or profits shall be apportioned and credited equally to each share in the same series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Installment shares issued in "nonserial" form may be issued at any time

Full paid shares - definition

Dividends

Installment shares "serial" and "nonserial"

Dividends

and the dividends thereon shall be credited to such shares. Shares of either form may be issued in "classes" with a different periodical payment for each class, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends; provided, however, that associations issuing stock may, if their by-laws so provide, issue installment shares limited to a maximum rate of dividend.

"Classes."

Dividends.

(c) Accumulative shares. Accumulative shares are shares which shall participate in the apportionment of net profits and be credited therewith at a rate not exceeding the rate apportioned to installment shares, as the board of directors shall determine or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect and as the association may permit until said shares reach their matured value or are canceled or withdrawn.

Accumulative shares participation in profits.

(d) Prepaid shares. Prepaid shares shall be shares not full paid, upon which a single payment shall have been made, and which are to reach their matured value through crediting on such shares, dividends or earnings thereon. The holders of prepaid shares shall be entitled either (a) to dividends at such agreed rate, not exceeding six per cent per annum, as shall be specified in the body of the certificate issued; or (b) to such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine or, in the case of an association issuing both shares and stock, as the by-laws shall prescribe.

Prepaid shares:

Dividends.

Participation in profits.

SEC. 3.03. Maturity of shares. When any share shall have reached its matured value, payment of dues thereon shall cease. Borrowing shareholders whose loans are fully paid shall have their securities released and returned to them. Holders of free shares shall be paid the matured value thereof with interest or earnings at such rate as the by-laws shall provide, from the time the board of directors shall declare such shares to have been matured, until paid; but such payment shall be subject to section 6.02 of this act.

Share maturity.

SEC. 3.04. Retirement of free shares. The directors may in their discretion, under the regulations prescribed by the by-laws, retire any free shares by enforcing the withdrawal thereof, but whenever the withdrawal of any shares is to be enforced, the holders thereof must be given thirty days' notice thereof and be paid the amount actually paid in, and the full amount of profits or dividends applicable thereto to the date of retirement; provided, that the withdrawal of installment shares, unless otherwise provided in the by-laws at the time of the issuance thereof, shall not be enforced until four years after the issuance thereof.

Free shares: retirement.

SEC. 3.05. Arrears in payments. Whenever any shareholder shall be six months in arrears in the payment of any

Forfeiture for delinquency in dues.

installment of his dues upon free shares, the secretary may give him notice thereof in writing and a statement of his arrearages; and if he shall not pay all arrearages within two months thereafter, the association may, at its option, declare his shares forfeited, and at the time of such forfeiture, the withdrawal value thereof shall be determined and stated, and the defaulting shareholder shall be entitled to withdraw the same without interest, upon the same notice and subject to the same conditions as a withdrawing shareholder.

Article IV—Guarantee Stock.

SEC. 4.01. Description of guarantee stock. Guarantee stock shall be of one class, shall have a par value, and the proceeds thereof to the extent of such par value shall be set apart and maintained as a fixed and permanent capital of the association. No stock shall be issued for a consideration other than cash or for a price less than the par value thereof, and when fully paid shall be kept unimpaired to the extent of its par value; provided, however, that an association with the consent of the commissioner may declare and distribute a stock dividend, and may issue stock for a consideration other than cash in connection with mergers, consolidations or transfers pursuant to section 2.06 of this act. The commissioner may require that the consideration for the issuance of stock be sufficient to create a paid in surplus in an amount satisfactory to the commissioner. No association shall pay any commission or other compensation for or on account of any subscription to or sale of its stock.

SEC. 4.02. Permit required for sale of guarantee stock. No association shall sell, except upon a sale for a delinquent assessment made in accordance with the provisions of section 7.06 of this act or title one of part four of division one of the Civil Code, or offer for sale, negotiate for the sale of, or take subscriptions for, or issue any of its stock, until it shall have first applied for and secured from the commissioner a permit authorizing it so to do. Such application shall be in writing, shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the association shall set forth the names and addresses of its officers, the location of its office, an itemized account of its financial condition, the amount and character of its assets and liabilities, a copy of any contract it proposes to make concerning the sale of its stock, a copy of any prospectus or advertisement or other description of its stock then prepared by or for it for distribution or publication, a copy of all minutes of any proceedings of its directors, shareholders or stockholders relating to or affecting the issue of such stock, and such additional information concerning the association, its condition and affairs as the commissioner may require. Upon the filing of such application, it shall be the duty of the commissioner to examine it

and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the association and its affairs. If he finds that the proposed plan for the issue and sale of such stock is not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the association a permit authorizing it to issue and dispose of its stock in such amounts and for such considerations and upon such terms and conditions as the commissioner may in such permit provide. Otherwise, he shall deny the application and notify the association in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued. The commissioner may impose conditions requiring the impoundment of the proceeds from the sale of such stock, limiting the expense in connection with the sale thereof, and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of such stock in the manner and for the purposes provided in such permit. The commissioner may from time to time amend, alter, or revoke any permit issued by him, or temporarily suspend the rights of the association under such permit. The commissioner shall have the power to establish such rules and regulations as may be reasonable and necessary to carry out the purposes and provisions of this section.

This section shall be limited to stock and shall not apply to shares or investment certificates.

Article V—Investment Certificates.

SEC. 5.01. Description of investment certificates. An association may issue investment certificates, with or without pass books. The holders of investment certificates shall have no liability for debts or assessments, and shall be entitled upon liquidation of an association to receive payment in full before any payment or distribution shall be made to shareholders or stockholders. The holders of investment certificates shall have no right to participate in the profits or dividends. Except in connection with mergers, consolidations or transfers pursuant to section 2.06 of this act, no investment certificate shall hereafter be issued for a consideration other than cash. Subject to the provisions of this act and of the respective investment certificates, certificate holders shall be entitled to have interest paid or credited at the rate specified in their respective certificates and to the return of their principal with accrued interest upon withdrawal, redemption or maturity. Investment certificates may be issued as full paid investment certificates, installment investment certificates, accumulative investment certificates, definite term investment certificates, or prepaid investment certificates. Subject to the provisions of sections 5.06 and 5.07 of this act, interest on

installment investment certificates hereafter issued and on prepaid investment certificates hereafter issued shall continue to accrue after the maturity thereof at the same rate as before such maturity, until such certificates shall be withdrawn.

Full paid.

(a) Full paid certificates. A full paid investment certificate shall be an investment certificate, without an expressed date of maturity, for which the association shall have received the principal amount thereof at or prior to the time of the issuance thereof.

Installment.

(b) Installment certificates. An installment investment certificate shall be an investment certificate not full paid, upon which the holder shall be obligated to make payments at the times and in the amounts specified therein.

Accumulative.

(c) Accumulative certificates. An accumulative investment certificate shall be an investment certificate, not full paid and without an expressed date of maturity, upon which the holder shall have the option of making payments at such times and in such amounts as such holder may elect and as the association may permit.

Definite term.

(d) Definite term certificates. A definite term investment certificate shall be an investment certificate, for which the association shall have received a single payment equal to the principal amount thereof, and which shall have a date of maturity expressed therein, which date shall be at least one year from the issuance of such certificate. On or after such maturity date, without any prior notice of intention to withdraw, the holder of a definite term investment certificate shall be entitled, subject to section 6.02 of this act, to receive the full principal amount thereof together with accrued interest thereon, if any such interest be unpaid on such date. Unless otherwise specified in a definite term investment certificate, no interest shall accrue thereon after the date of its maturity except that if the association on or after the maturity date of any such certificate shall fail to make payment thereon upon such certificate being tendered for surrender, then interest shall continue to accrue on such certificate at the rate specified therein from such maturity date until such certificate is paid, or until such association shall have funds available for the payment thereof and shall have notified the holder of such certificate that such funds are so available.

Prepaid.

(e) Prepaid certificates. A prepaid investment certificate shall be an investment certificate not full paid, upon which the holder shall have made a single payment and which is to reach its principal amount through crediting on such certificate interest thereon not withdrawn.

Legal investments.

SEC. 5.02. Investment certificates to be legal investments. All investment certificates issued by any association licensed by and under the direct supervision of the commissioner in accordance with the provisions of this act, shall be legal investments for the funds of executors, administrators, guardians, receivers, and trustees of every kind and nature, and for the

funds of all insurance companies. This section is intended to be, and shall be considered, the latest enactment upon the matters herein contained, and is supplemental to any and all other acts regulating, relating to and declaring what shall be, legal investments for the funds of executors, administrators, guardians, receivers or trustees or for the funds of insurance companies.

SEC. 5.03. Investment certificate reserve. Each association issuing investment certificates shall at all times maintain an investment certificate reserve which shall be not less than the following percentages of its total investment certificate liability:

(1) Ten per cent of any amount up to and including one million dollars;

(2) Seven and one-half per cent of any amount in excess of one million dollars up to and including two million dollars;

(3) Five per cent of any amount in excess of two million dollars up to and including five million dollars;

(4) Three per cent of any amount in excess of five million dollars.

Such investment certificate reserve may consist of either of the following:

(1) If there be nonwithdrawable capital, the aggregate paid-up nonwithdrawable capital, together with any surplus, undivided profits and the loan reserve created pursuant to section 10.03 of this act;

(2) If there be no nonwithdrawable capital, the loan reserve created pursuant to section 10.03 of this act and such part of the undivided profits not apportioned to shareholders as the association shall have set apart for such investment certificate reserve.

No dividends shall be paid or profits be distributed to stockholders of any association issuing investment certificates if such payment or distribution would deplete its investment certificate reserve below the proportions provided in this section. No dividends shall be paid or profits be distributed to shareholders from that part of the undivided profits which the association shall have set apart for such investment certificate reserve if such payment or distribution would deplete such investment certificate reserve below the proportions provided in this section, or if such investment certificate reserve is at the time below the proportions provided in this section. If the investment certificate reserve of any association issuing investment certificates is not maintained in the proportions provided in this section, no additional investment certificates of such association shall be issued except in exchange for installment certificates when fully paid, nor shall any dividends be paid to or profits be distributed to stockholders of such association until such proportions shall have been restored.

SEC. 5.04. Cash fund for investment certificates. If, in the case of any association issuing investment certificates, other

than definite term investment certificates, the cash fund thereof, as defined in this section, shall be less than four per cent of the sum of the investment certificate liabilities thereof, excluding liabilities on its definite term investment certificates, then such association shall not make or purchase any loans or investments until such percentage shall have been restored, excepting (a) pursuant to its obligations to do so theretofore incurred; (b) loans on investment certificates; and (c) investments in readily marketable bonds or other securities referred to in subdivisions (3), (4), (5) and (6) of section 9.02 of this act. The cash fund provided in this section shall consist of cash on hand and in banks and, to the extent of not more than seventy-five per cent of such fund, in readily marketable bonds or other securities referred to in subdivisions (3), (4), (5) and (6) of section 9.02 of this act taken at the unpaid principal amount or market value thereof, whichever is less, and shall be computed after deducting from the aggregate of such cash, bonds and securities all borrowings of such association except through the issuance of investment certificates. Whenever any association's cash fund, as defined in this section, shall become less than the percentage prescribed by this section, such association shall, within twenty-four hours thereafter, mail to the commissioner a statement of such fact; and if the commissioner shall so require, such association shall thereafter, until such percentage shall have been restored, mail to the commissioner daily or otherwise as the commissioner may direct a statement of the matters prescribed in section 6.04 of this act. This section shall take effect January 1, 1932.

SEC. 5.05. Less than six months' interest not to be paid. Upon the withdrawal of any sum evidenced by any investment certificate hereafter issued, other than an investment certificate issued to a bank, no interest shall be paid upon any sum which shall have been received by the association on account of such certificate within six months prior to such withdrawal, except that interest may be paid in respect of sums received on installment investment certificates within six months prior to the date of the final payment which the holder shall be obligated to make thereon. All investment certificates hereafter issued shall expressly state the limitation upon the holder's right to interest, as provided by this section in respect of such certificates. If a part only of the sum evidenced by an investment certificate is withdrawn, the sum withdrawn shall be deemed to be that first received by the association unless otherwise agreed. In the case of each association, sums received within the first ten days of any calendar month may, at the option of such association, be deemed for the purpose of this section to have been received by such association on the first day of such month. No association shall make any contract with any of its certificate holders waiving in any manner the provisions of this section, and if any such contract shall be so made, such contract shall be void.

Content.

Notice to commissioner of depletion.

Section effective Jan 1, 1932.

Minimum interest and time of deposit

Statement in certificate

Waiver in contracts.

SEC. 5.06. Redemption of certificates. All investment certificates hereafter issued shall be subject to redemption, either in whole or in part, at the option of the association at any time after the issuance thereof, by giving the holder at least thirty days' notice of such intended redemption; provided, however, that an association may provide that such certificates shall not be subject to redemption for an initial period after the issuance thereof, which initial period in the case of definite term investment certificates shall not exceed three years and in the case of all other investment certificates shall not exceed one year. All investment certificates hereafter issued shall expressly state that such certificates are subject to redemption, and the period of notice which shall be required for redemption, and if there be an initial period in which the certificate may not be redeemed, shall also state such fact and the length of such initial period. The redemption price of all investment certificates shall be the value thereof at the date fixed for redemption; provided, however, that in the case of definite term investment certificates, such redemption price, if so provided in such certificates, shall include a premium of not to exceed one per cent of the principal amount thereof. On or after the date fixed for redemption as stated in the notice of redemption, each holder of an investment certificate called for redemption shall surrender his certificate properly endorsed to the association and shall thereupon be entitled to receive payment of the redemption price of such certificate, or of the portion thereof to be redeemed; and in case a certificate shall be redeemed in part, to receive a new certificate representing the unredeemed part thereof. If such notice of intended redemption shall have been duly given and if on or before the date fixed for such redemption funds necessary for such redemption shall be and continue available therefor, then, notwithstanding that any certificate called for redemption in whole or in part shall not have been surrendered, the interest thereon with respect to the amount called for redemption shall cease to accrue after the date fixed for such redemption, and all rights of the holder in respect of the amount so called for redemption shall forthwith after such redemption date cease and determine, except only the right of the holder to receive the redemption price without interest after the date fixed for redemption. In all cases the notice of redemption shall expressly state that interest will cease on the date fixed for redemption.

SEC. 5.07. Modification of certificates. If so stated in any investment certificate hereafter issued and subject to the conditions stated in this section and such additional conditions, if any, as may be stated in such certificate, any such certificate shall be subject to modification at the option of the association as to the rate of interest payable thereon, but not otherwise, at any time after such initial period as may be provided in such certificate (which initial period in the case of definite

Redemption

Option of
association

Notice

Statement
in certifi-
cate.

Price

Surrender of
certificateCessation of
certificate-
holder's
rights.Modifica-
tion of
certificates.Statement
in certifi-
cate.
Extent.

Holder's
rights.

term investment certificates shall be at least two years, and in the case of all other investment certificates shall be at least six months) by giving the holder thereof and the commissioner ninety days' notice of such modification; provided that if any holder of any such certificate within said ninety-day period shall demand the redemption price of his certificate and shall tender such certificate properly endorsed for surrender upon payment of such redemption price, then such proposed modification shall not take effect unless such payment shall be available for such certificate holder on or before the expiration of said ninety-day period. If such demand and tender shall be made and such payment shall not be made or made available, then such certificate holder shall be entitled, subject to section 6.02 of this act, upon tendering his certificate properly endorsed for surrender within fifteen days after said ninety-day period, to receive the redemption price of the certificate surrendered. For the purpose of this section, the redemption price of a certificate shall include accrued interest to the date of the payment thereof.

Article VI—Withdrawals.

Withdrawals. SEC. 6.01. Notice of intention to withdraw. Each association must prescribe by its by-laws, or by contract with its shareholders or certificate holders, or by both, the period of notice of intention to withdraw which such association at its option may require, which period shall not be less than thirty days nor more than six months. All certificates hereafter issued evidencing shares or investment certificates shall state the period of such notice and shall also state that the right of the holder thereof to withdraw funds evidenced thereby is subject to the provisions of article VI of this act. Each association may prescribe by its by-laws, or by contract with its shareholders or certificate holders, or both, the terms and conditions of withdrawal, provided such terms and conditions shall not be contrary to the provisions of this act.

Requisites
of notice.

Any notice of intention to withdraw shall be invalid unless it is given in writing to the office of the association at which the shares or investment certificates in question were issued, or at which the account of such association as to such shares or investment certificates is kept, or to the principal office of such association, signed by a holder entitled to make a withdrawal, or by his attorney or agent. A shareholder or certificate holder may at any time revoke or waive, either in whole or in part, a notice of intention to withdraw and thereupon such notice shall become invalid either in whole or as to such part, as the case may be.

Filing of
notice.

All notices of intention to withdraw shall be filed when and as received by each association or by the several offices thereof in the order in which they are received, and each shall be kept on file with the exact time of the receipt thereof noted thereon or recorded, until it is paid or becomes invalid.

When any notice shall have been on file for the period prescribed therefor, or for the period stated in such notice as the period to elapse previous to making the withdrawal (whichever shall be longer) such notice shall be a "matured notice" for all the purposes of this act.

No shareholder or certificate holder whose shares or investment certificates are pledged as security for a loan from the association issuing such shares or investment certificates shall be permitted to make a withdrawal or be entitled to give any valid notice of intention to withdraw in respect of such shares or investment certificates until the indebtedness for which such shares or investment certificates are security has been fully paid, except that withdrawals therefrom may be made without notice provided the full amount of such withdrawals shall be used to pay such indebtedness or any part thereof; provided that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

No valid notice of intention to withdraw may be given in respect of definite term investment certificates, nor shall the holders thereof be entitled to withdraw prior to the maturity thereof except at the option of the association issuing such certificates; provided, however, that if an association is on a pro rata basis, as hereinafter defined, the holder of any definite term investment certificate which has not reached the date of its maturity may, notwithstanding the expressed date of maturity thereof, give thirty days' notice of intention to withdraw, and at the expiration of such period such notice shall be a "matured notice" and such holder shall be entitled to withdraw, subject to section 6.02 of this act. Every definite term investment certificate shall expressly state that such notice for said period of thirty days may be given at any time prior to the date of the maturity thereof in the event that such association shall thereafter be on a pro rata basis.

If the shareholder or certificate holder shall tender his certificate for surrender, duly endorsed, within ten days after any valid notice of intention to withdraw shall have matured, he shall be entitled, subject to section 6.02 of this act, to receive the withdrawal value of his shares or investment certificates or of that part thereof referred to in such notice, which withdrawal value is hereby defined as the full amount paid in upon the shares or investment certificates surrendered exclusive of the entrance fee, if any, together with dividends, profits or interest, if any, applicable thereto, subject to such adjustment of earnings or interest as may be provided by by-law or contract. Shareholders or certificate holders who shall have given notice of intention to withdraw and who shall fail to tender their certificates for surrender within ten days after notice from the association that funds are available for the payment thereof shall have no right to withdraw

Pledged
shares or
certificates.

Definite
term
certificates.

Withdrawal
value

Lapse of
withdrawal
period

except after giving new notice of intention to do so and such prior notice of intention to withdraw shall become invalid for all of the purposes of this act; provided such notice from the association shall have stated that unless such certificates shall be tendered for surrender within such ten-day period the holder shall have no right to withdraw except after giving new notice of intention to do so.

Putting
association
on notice
or pro rata
basis

If in the case of any association the sum of the following, to wit, (1) the value of all shares or investment certificates or parts thereof in respect of which valid notices of intention to withdraw (whether or not the same shall be matured) shall be on file and unpaid, including notices of intention to withdraw by defaulting shareholders pursuant to section 3.05 of this act as well as notices of withdrawal generally pursuant to section 6.01 of this act; (2) the value of all shares which shall have matured pursuant to section 3.03 of this act and which shall be unpaid; (3) the value of all investment certificates in respect of which the holders, pursuant to section 5.07 of this act but subject to section 6.02 of this act, shall be entitled to receive the redemption price but which shall be unpaid, and (4) the value of all definite term investment certificates which shall have reached the expressed date of their maturity but which shall be unpaid, shall exceed three per cent of the value of all outstanding shares and investment certificates of such association, then such association, unless it is on a pro rata basis, shall be an "association on notice" for all the purposes of this act. If in the case of any association said sum shall exceed fifteen per cent of the value of all outstanding shares and investment certificates of such association, then such association shall be an "association on a pro rata basis" for all the purposes of this act: provided, however, that if said sum shall exceed ten per cent of the value of all outstanding shares and investment certificates of such association, then its board of directors may at their option by resolution declare such association to be on a pro rata basis, and thereupon such association shall be an "association on a pro rata basis" for all the purposes of this act. An association which is on notice or on a pro rata basis shall continue to be on notice or on a pro rata basis, as the case may be, notwithstanding the fact that the sum of the foregoing items may become less than the respective percentages aforesaid, unless and until all of the foregoing items shall be paid or funds shall be available for the payment thereof; provided, however, that if, in the case of any association which is on a pro rata basis, the sum of the foregoing items shall become less than ten per cent of the value of all outstanding shares and investment certificates of such association, then, with the prior approval of the commissioner, its board of directors may at their option, by resolution, declare such association to be on notice rather than on a pro rata basis, and thereupon such association shall be an association

Option of
directors

Duration of
condition

on notice rather than on a pro rata basis for all the purposes of this act, subject to becoming again an association on a pro rata basis as before. In making computations for the purpose of this paragraph, shares and investment certificates shall not be deemed to be unpaid if the association has funds available for the payment thereof and has given notice of that fact to the respective holders thereof.

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

Regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be secondary and subsequent to the right of such association to pay, and to provide reasonable reserves for the payment of, the following: taxes, assessments, insurance and other sums necessary to protect and preserve its properties and its interest in properties (including those on the security of which it holds loans); principal and interest on borrowings by such association, otherwise than through the issuance of investment certificates; interest on investment certificates and dividends on shares; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association; and commitments on its incomplete loans or investments; provided, however, that an association on notice or on a pro rata basis shall not pay any dividends on its stock or distribute any profits to its stockholders or make any loans or investments, except loans or investments pursuant to its obligations incurred before it became an association on notice. Moreover, regardless of whether or not an association is on notice or on a pro rata basis, its obligation to pay matured withdrawal claims, and the right of shareholders and certificate holders to receive payment of matured withdrawal claims, shall be limited to payments from its cash on hand or in bank, proceeds from sale of investments and loans and other cash receipts of such

association; and if the association is on notice or on a pro rata basis, shall be further limited to payments pursuant to the subsequent provisions of this section.

Payment
of with-
drawal
claims
when asso-
ciation on
notice.

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

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

Second: To the payment of withdrawals in respect of shares pursuant to sections 3.05 and 6.01 of this act and withdrawals through payment of matured shares pursuant to section 3.03 of this act, without preference of one type of such withdrawal over the other, according to the priority in time of the maturity of the claims for such withdrawals, which in the case of withdrawals pursuant to said sections 3.05 and 6.01 shall be deemed to be the time notice of intention of such withdrawal shall have matured and in the case of withdrawals through payment of matured shares pursuant to said section 3.03 shall be deemed to be the time such shares shall be declared by the board to be matured. In respect of shares so declared to be matured at the same time, then such payment shall be made in the order provided in the by-laws, or in the absence of such provision in the numerical order of issuance.

Exceptions

Notwithstanding anything to the contrary in this act, however, any association which is on notice but not on a pro rata basis may at its option pay in each month, with or without requiring notice of intention to withdraw, and regardless of the nonpayment of any or all matured withdrawal claims, not

to exceed fifty dollars per person to any one or more of its shareholders or certificate holders; and withdrawals may be made at any time from pledged shares and investment certificates, whether or not the association is on notice or on a pro rata basis, and without notice, provided the full amounts of such withdrawals shall be used to pay the indebtedness for which such shares or investment certificates are pledged, or any part thereof; and provided further that in the case of loans upon the mutual plan, such withdrawals without notice shall be permitted only at the option of the association unless the entire indebtedness shall be simultaneously paid.

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

Payment of withdrawal claims when association on pro rata basis.

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

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

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

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

Effect of act on existing rights.

SEC. 6.03. Withdrawals without notice or before maturity. Any association, other than an association on notice or on a pro rata basis, may pay at its option any or all withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw, but no association shall agree in advance to do so. Any association, other than an association on notice or on a pro rata basis, may at its option pay any or all definite term investment certificates before the expressed date of maturity subject to

Advance payment of withdrawals.

Associations
on notice
or on pro
rata basis

such adjustment of interest, if any, as may be provided in such certificates, but no association shall agree in advance to do so. Except as otherwise provided in this act in respect of shares and investment certificates pledged to the association issuing the same and except as otherwise so provided in respect of payments in each month not to exceed fifty dollars per person to any one or more shareholders or certificate holders, no association on notice or on a pro rata basis shall pay any withdrawals except upon matured notice of intention to withdraw, nor allow the withdrawal of any definite term investment certificate before the expressed date of its maturity; provided, however, that an association on notice but not on a pro rata basis may pay withdrawals before the maturity of such notices if such withdrawals are paid in the order provided in section 6.02 of this act in respect of associations on notice and not on a pro rata basis; and provided further that an association on a pro rata basis shall pay withdrawals of definite term investment certificates after the maturity of notices of intention to withdraw subject to the same conditions as investment certificates of other classes. Any agreement contrary to the provisions of this section shall be void.

Reports to
commis-
sioner:
association
on notice
or pro rata
basis.

SEC. 6.04. Reports while on notice or on a pro rata basis. Each association on notice shall, within twenty-four hours after becoming an association on notice, mail to the commissioner a statement that such association is on notice; and so long as such association is on notice or on a pro rata basis it shall mail to the commissioner daily or otherwise as the commissioner may direct a statement showing (1) the amount of its cash on hand and in bank; (2) the amount of its United States government bonds and treasury certificates; (3) the amount and description of all its other bonds; (4) the amount of all unpaid notices of withdrawal filed with such association; (5) the amount of all borrowings other than through the issuance of investment certificates; (6) the amount of all matured shares and of all definite term investment certificates of such association which shall have reached the date of their maturity; (7) the amount of its incomplete loans; and (8) any other data required by the commissioner.

Association
on pro rata
basis
liquidation

SEC. 6.05. Delay in paying after one year. Whenever an association shall have been on a pro rata basis for a period of one year, the commissioner may in his discretion forthwith or at any time thereafter take possession of the property, business and assets of such association and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association may be allowed to resume business upon such conditions as may be approved by the commissioner. The right of the commissioner to take possession under this section is not exclusive, but is additional to his right to take possession under each and every other provision of this act.

SEC. 6.06. Payments received while on pro rata basis. In the event of the liquidation or dissolution of any association which shall have been on a pro rata basis, then notwithstanding anything to the contrary in section 13.16 of this act or elsewhere in this act, all sums paid in to such association on investment certificates or shares after such association shall have been on a pro rata basis shall be repaid in full before any payments shall be made to other certificate holders or other creditors or other shareholders, or to stockholders. An association which has issued and outstanding both shares and investment certificates shall not, while on a pro rata basis, accept any money on account of free shares. No association while it is on a pro rata basis shall accept any money on account of investment certificates or shares if the commissioner in writing shall have directed the association not to accept such money.

Repayment of sums received while on pro rata basis

Sale of free shares.

Power of commissioner

SEC. 6.07. Minimum amount of withdrawals. At least eighty per cent of the aggregate value of all shares and investment certificates hereafter issued by each association shall be evidenced by certificates which shall expressly provide that the holder thereof shall have no right to withdraw less than the entire amount evidenced thereby, except that at the option of each association such certificates or any thereof may provide that such holder shall have the right to withdraw the sum of one hundred dollars or multiples thereof. On certificates hereafter issued containing such provision, no withdrawals shall be permitted of amounts less than those prescribed in such respective certificates. The provisions of this section, however, shall not be applicable to associations issuing neither stock nor investment certificates.

Minimum withdrawals.

Mutual associations.

SEC. 6.08. Withdrawals from associations not issuing stock or investment certificates. The provisions of this section shall not be applicable to any association issuing stock or investment certificates, but shall be applicable to any association not issuing either stock or investment certificates in the event, but only in the event, its by-laws expressly provide that this section shall be applicable to such association. In such case, the provisions of the preceding sections of this article shall also be applicable to such associations, but only if and to the extent that they are not inconsistent with the provisions of this section. In all such associations, holders of free shares therein desiring to withdraw in whole or in part may do so by giving notice thereof in writing of the amount desired to be withdrawn. At all times the right of shareholders to receive payment of withdrawals shall be secondary and subsequent to the right of such association to pay and to provide reasonable reserves for the payment of the following: dividends on shares, taxes, assessments, insurance, amounts necessary to fulfill previous loan commitments, and other sums necessary to protect and preserve its properties and its interests in properties (including those on the security of which it holds loans);

Withdrawals from mutual associations

Rights prior to withdrawals.

principal and interest on borrowings by such association; rent, compensation of officers, agents, salesmen and other employees, and other usual and ordinary operating expenses of such association.

When
association
on notice

While such association is on notice and subject to the foregoing provisions, not more than one-half of the net monthly receipts from assets then owned, in any one month, shall be applied to withdrawals for that month without the consent of the board of directors, and such payment shall continue until the value of all shares with respect to which notices of withdrawal are on file has been reduced to an amount less than three per cent of the value of all outstanding shares. No shareholders shall be permitted to withdraw whose shares are pledged to the association as security for a loan until such loan is fully paid. Whenever the demands of withdrawing shareholders exceed the money applicable to their payment, the notices of intention to withdraw must be registered in the order of filing and while such association is on notice payments thereon must be made in succession in the order that such notices were filed and registered. The remaining one-half of net receipts of such association may be used, in the discretion of the board of directors, for payment of withdrawals not noticed, subject to such limitations as the board of directors may fix, and for the operating expenses of the business and for making loans to members, or applied, in the discretion of the board of directors, to payment of withdrawals on notice. Such association shall at no time be on a pro rata basis, except as hereinafter provided.

New
investments.

All new investments by shareholders after such association is on notice, whether made upon shares already issued or upon new shares issued, shall have priority and shall have a prior right of withdrawal as against all other shareholders.

Withdrawal
claims.

Whenever an application for withdrawal of free shares shall have been on file, or the payment of matured shares demanded, and either shall have remained unpaid for a period of one year, all the receipts of such association from dues, interest, premium, loans repaid, and the proceeds of all other investments, shall, after the payment of expenses and general indebtedness, be applied toward the payment of withdrawals and maturities; and the board of directors or the commissioner may direct that such payments shall be made upon a ratable and proportionate basis. Whenever such application or demands, whether heretofore or hereafter made, have been on file and remain unpaid in whole or in part for more than two years the commissioner may in his discretion forthwith take possession of the property and business of such association, and retain such possession until its affairs be finally liquidated in the manner provided by law for the liquidation of associations by him, or until such association may be allowed to resume business upon such conditions as may be approved by the commissioner.

Liquidation
by commis-
sioner

Article VII—Assessments.

SEC. 7.01. Stockholders' liability to creditors. The stockholders of each association issuing stock shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such association, including investment certificates and shares, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock. The stockholders in any association who shall have transferred their stock or registered the transfer thereof within sixty days next preceding the date upon which the commissioner, or a receiver or trustee of any association appointed by any court, shall have taken possession of the property, business and assets of such association, or who shall have so transferred their stock or registered the transfer thereof with knowledge of impending failure, shall be liable as if they had made no such transfer, to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way any recourse which such stockholders might otherwise have against those in whose names such stock is registered at the time of such failure or taking possession. Persons holding stock as executors, administrators, guardians or trustees shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust funds would be if living and competent to act and hold such stock in his own name.

Stockholders' liability:

SEC. 7.02. Assessments to enforce stockholders' liability. The liability of stockholders pursuant to section 7.01 of this act shall be enforced exclusively pursuant to this section and the next succeeding three sections of this act. Whenever the commissioner, or a receiver or trustee of any association appointed by any court, being in lawful possession of the property, business and assets of such association, shall determine that it is necessary to do so for the purpose of paying the contracts, debts and engagements of such association, such officer may enforce the said individual liability of the stockholders, and for such purpose may levy a ratable assessment upon the stockholders of such association without previous judicial ascertainment of the necessity for such action and the action of such officer in levying such assessment shall be conclusive on the stockholders as to the necessity for such assessment. Said order levying said assessment shall specify the amount thereof and shall fix a date on which said assessment shall be due and payable which date shall not be less than thirty nor more than sixty days from the time of making the order levying the assessment; and shall fix a place or places for the payment of said assessment. Notice of said assessment shall be given by causing a copy of said order to be personally served on each stockholder, or in lieu of personal

Assessments:

service shall be mailed to each stockholder at his place of residence or business, as shown on the books of such association, and if such books show no such address then at the city or town where the principal office in this state of such association is situated. Said copies of said order shall be personally served or placed in the mail within fifteen days after the making of the order levying the assessment.

Actions to
enforce
liability.

SEC. 7.03. Actions to enforce stockholders' liability. If any stockholder of such association shall fail to pay said assessment in full upon the date specified in said order as the date on which said assessment shall be due and payable, a right of action shall immediately accrue to the commissioner or receiver or trustee in possession of the property, business and assets of such association to recover the amount of said assessment or the amount remaining unpaid thereon from the stockholder or stockholders failing to pay said assessment in full. Such officer shall have full power to maintain an action or actions in this state, or in any other state or country, to enforce and collect any sum or amounts due and payable and remaining unpaid upon any such assessment from any stockholder or stockholders failing to pay the same in full; and in any such action such officer may join as defendants one or more stockholders; and in any such action such officer shall have the right of attachment as in other actions upon unsecured debts; provided, however, that such officer maintaining such actions in the courts of this state shall not be required to give bond on attachment or pay filing fees or other court costs.

Assessment
collections.

Use in
liquidation

SEC. 7.04. Disposition of assessment collections. All sums collected from any such assessment, less the expenses of collection, shall be used in the liquidation of claims in the same manner as the assets of the association are so used. If any such assessment shall prove inadequate to pay all of the claims in full, such officer may levy further assessment or assessments and proceed to collect the same in like manner so long as the total of such assessments does not exceed the liability set forth in section 7.01 of this act. If, after the payment of all claims against such association and the costs and expenses of liquidation, any surplus shall remain, the court having jurisdiction shall determine and provide for any equities as between the respective stockholders, including the proportions belonging to each stockholder and of any surplus of any of the assets remaining after payment of all liabilities and the costs and expenses of liquidation by reason of full or partial payment of any such assessment or assessments, and shall direct the payment thereof by the commissioner, receiver or trustee accordingly.

Payment to
stockholders

Successor-
ship of
receivers.

SEC. 7.05. One officer deemed successor of another. In the event the commissioner, or a receiver or trustee of any association appointed by any court, after having been in possession of the property, business and assets of such association, and after having instituted or taken any steps in relation to any

assessment or assessments or the collection thereof, shall be succeeded in such possession by another of such officers, or in the event of two or more such successions, then such officer at the time in possession of the property, business and assets of such association shall have authority to carry forward and complete such assessment or assessments and all actions and proceedings in relation thereto, as fully as if such officer had instituted the same and had previously taken all steps theretofore taken by such predecessor officer or officers in respect of the same; it being the purpose and intent of this section that each of such officers, upon succeeding to such possession previously held by any other or others of such officers, shall have the benefit of, and shall be bound by, all assessments, and all actions, proceedings and transactions in relation thereto, theretofore instituted, taken or conducted by such predecessor officer or officers in respect of such assessments and the enforcement thereof, including all collections and recoveries by such predecessor officer or officers.

SEC. 7.06. Assessments to restore impaired capital. Whenever it shall appear from the report of any association, or the commissioner shall have reason to believe, that the value of the assets of any association after first deducting therefrom the amount of liabilities of such association, including its outstanding investment certificates and shares at the value thereof, is less than the aggregate par value of its outstanding stock, or, in the case of an association issuing both stock and investment certificates, is less than the investment certificate reserve required for such association pursuant to section 5.03 of this act, it shall be the duty of the commissioner and he shall have the power to examine such association and ascertain the facts, and in case he finds that such deficiency exists he shall require such association to make good such deficiency within sixty days after the date of such requisition. The directors of every **such association upon which such request shall have been made,** shall levy an assessment upon the stock thereof to repair such deficiency, and shall cause notice of such request to be given to each stockholder of such association and of the amount of the assessment which he must pay for the purpose of making good such deficiency. If any stockholder shall refuse or neglect to pay the assessment specified in such notice within thirty days from the date of mailing or serving such notice, the directors of such association shall have the right to sell to the highest bidder at public auction the stock of such stockholder, after giving a previous notice of such sale for ten days in a newspaper of general circulation published in the county where the principal office in this state of such association is located, and a copy of such notice of sale shall also be served on such stockholder by being served personally on him or by mailing to his last known address ten days before the day fixed for such sale, or such stock may be sold at a private sale and without such public notice; provided, however, that before making

Deficiency
of capital

Assessment
to cover.

Sale of
delinquent
stock.

such private sale thereof an offer in writing shall first be obtained and a copy thereof served upon the owner of record of the stock to be sold, either personally or by mailing a copy of such offer to his last known address, and if, after service of such offer, such owner shall still refuse or neglect to pay such assessment within two weeks from the time of the service of such offer, the said directors may accept such offer and sell such stock to the person making such offer, or to any other person or persons making a larger offer than the amount named in the offer submitted to the stockholders; but such stock shall in no event be sold for a smaller sum than the valuation put on it by the commissioner in his determination and requisition as to such assessment, nor for less than the amount of such assessment so called for and the expense of sale. Out of the avails of the stock so sold, the directors shall pay the amount of assessment levied thereon, and the necessary cost of sale, and the balance, if any, shall be paid to the person or persons whose stock has thus been sold. A sale of stock as herein provided shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the same null and void and a new certificate shall be issued by the association to the purchaser thereof.

Stock-
holders'
liability
limitation

SEC. 7.07. Limitation of liability. Except as provided in the six preceding sections of this act stockholders, after their stock has been fully paid, shall have no liability whatever to creditors nor for assessments upon their stock; provided, however, that if the articles of incorporation expressly confer such authority, and subject to any limitations therein contained, the directors of any association may in their discretion levy and collect assessments upon stock, which assessments shall be levied, collected and enforced in the manner and subject to the provisions set forth in title one of part four of division one of the Civil Code of this state in respect of assessments upon stockholders of corporations generally. Shareholders and certificate holders shall have no liability whatever to creditors nor for assessments.

Stock
assessments

Void
waiver.

SEC. 7.08. Liability not to be waived. No association shall make any contract whereby the stockholders' liability provided for by this act is in any manner waived and if any such contract shall be so made, such contract shall be void.

Article VIII—Miscellaneous Provisions Affecting Investors.

Voting
rights.

SEC. 8.01. Voting rights. Except as otherwise provided in the articles of incorporation or by-laws pursuant to this section, the shareholders and stockholders of domestic associations shall each have one vote for each one hundred dollars par value of shares or stock held by them; provided, however, that associations authorized by their articles of incorporation or by-laws to issue both shares and stock may provide in their articles of incorporation or by-laws that a majority of the

board of directors shall be elected by the stockholders; and provided further that associations authorized to issue shares may provide in their articles of incorporation or by-laws that the holders of installment, accumulative or prepaid shares shall have lesser voting rights than holders of full paid shares and may provide the extent thereof which may vary according to the value of such installment, accumulative or prepaid shares. Certificate holders shall have no voting rights, except such voting rights, if any, as shall be expressly provided in the by-laws.

SEC. 8.02 Entrance and transfer fees. Every association shall have power pursuant to its by-laws to charge and collect a transfer fee not exceeding ten cents on each share or investment certificate, all of which fees shall be accounted for by the association like other funds of the association. No other fee, charge or deduction of principal shall ever be made or permitted to be made against any shareholder or certificate holder or against any of his shares or certificates hereafter issued, or the dues paid in thereon, for the purpose of creating a fund to be used in the payment of current or running expenses; provided that any domestic association hereafter incorporated which does not propose to issue either stock or investment certificates may charge an entrance fee for each share for the purpose of accumulating an organization fund, which entrance fees as to amount, period and other conditions shall be first approved by the commissioner and shall not exceed one dollar on each one hundred dollars of the par value of such shares. No part of the sums paid for such entrance fees shall be used directly or indirectly to pay commission or compensation on account of the subscription to or sale of such shares, or for the collection of such entrance fees.

SEC. 8.03. Minors and married women. Every association, in addition to being entitled to issue investment certificates to adults, firms or corporations, shall also have power to issue one or more investment certificates to a minor of any age and receive payments thereon by or for such minor. If such minor be fourteen years of age or over, he shall be entitled to withdraw, transfer or pledge any such certificate owned by him and to receive from such association any and all interest or other moneys at any time becoming due thereon in the same manner and subject to the same conditions as an adult, and his receipt or acquittance therefor shall constitute a valid release and discharge to the association for the payment of such money. Every association shall have power to issue shares and investment certificates to or in the name of a married woman and to receive payments thereon by or for such person. Such shares or certificates shall be held by such married woman for the exclusive right and benefit of such person free from the control or lien of all other persons except creditors. Such shares or certificates may, subject to the provisions of this act in respect of withdrawals generally, be withdrawn by and the dividends or interest accruing thereon may be paid to the

person in whose name such shares or certificates are issued, notwithstanding coverture, and the receipt or acquittance of such person shall be a valid and sufficient release and discharge to the association for such withdrawals or payments, or any part thereof.

Joint
tenants

SEC. 8.04. Joint tenants. When shares or investment certificates are issued in the name of two or more persons as joint tenants or in form to be paid to any of them or the survivor or survivors of them, such shares or certificates and all dues paid on account thereof by either or any of such persons shall become the property of such persons as joint tenants and the same, together with all dividends and interest thereon, shall be held for the exclusive use of such persons and may be paid to either or any of them during their lifetime or to the survivor or survivors of them after the death of one or more of them, and such payment and the receipt or acquittance of the person or persons to whom such payment is made as aforesaid shall be a valid and sufficient release and discharge to such association for all payments made on account of such shares or certificates prior to the receipt by such association of notice in writing not to make payments in accordance with the terms of such shares or certificates. The purchase or acceptance of shares or investment certificates in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either the association or the surviving share or certificate holder or holders may be a party, of the intention of such share or certificate holders to vest title to such shares or certificates and dues paid on account thereof and dividends and interest thereon in such survivor or survivors.

Trustees,
guardians

SEC. 8.05. Trustees and guardians. Every association shall have power to issue shares and investment certificates to one or more persons or corporations as trustee or guardian for another or for others. The association shall not be liable to beneficiaries or wards for moneys paid to their trustees or guardians on account of such shares or certificates. Whenever a person holding shares or investment certificates in either such capacity dies and no notice of the terms, revocation or termination of the trust or guardianship shall have been given in writing to the association, the withdrawal or other value of the shares or investment certificates or any part thereof may be paid to the beneficiary or ward; and if no beneficiary or ward has been designated in writing to the association, the withdrawal or other value or any part thereof may be paid to the trustee's or guardian's executor or administrator. Payment as aforesaid by any association shall be a valid and sufficient release and discharge to such association for such payment.

Benefici-
aries

Shares
exemption
from
execution

SEC. 8.06. Exemption from execution. Shares held by any person and the dividends credited thereon shall be exempt from attachment or execution and proceedings supplementary

thereto to the value of one thousand dollars, provided such shares shall have been issued by an association not issuing either stock or investment certificates.

SEC. 8.07. Attachment. In the case of any attachment levied upon any shares or investment certificates of any association or upon any debts owing by any association, the copy of writ and notice must be left, if such association maintains branches, with the manager or any other officer of such association at the office or branch thereof at which such shares or investment certificates were issued or such debt incurred if such office or branch is still being maintained, and otherwise at the principal office of such association; and no attachment not served as aforesaid shall be effective as to any share or investment certificate issued by any such association or as to any debt owing by any such association if such share or certificate was issued or such debt incurred at an office or branch thereof not so served.

Attachment
of shares or
investment
certificates

SEC. 8.08. Notice from association. Any notice which an association is required or shall desire to give to any of its investors may be given either by personal service thereof upon such investor or by mailing the same, postage prepaid, addressed to such investor at his last post-office address given by such investor to such association for the purpose of mailing of notices, or, if no such address shall have been so given, then at the city or town in which the principal office in this state of such association is located and any notice given by mail as aforesaid shall be deemed to have been given upon deposit thereof in the mails; provided, however, that in the case of any investor whose address as aforesaid is more than six hundred miles from the place of mailing such notice as aforesaid, the time within which such investor may exercise any right or remedy following the giving of such notice shall be extended one day for each unit of six hundred miles or fraction of such unit between such address and such place of mailing, not to exceed in any case, however, an extension of ten days

Notices to
investors.

Article IX—Investments, Loans and Borrowings.

SEC. 9.01. Investments and loans limited by act. No association shall hereafter make or purchase any investments or loans except investments or loans authorized by this act; but nothing contained in this act shall require any association to sell, transfer or dispose of any investment or loan heretofore legally made or purchased by such association. The renewal or extension, on or prior to December 31, 1932, of any loan heretofore legally made or purchased by any association shall not be deemed to be a loan hereafter made within the meaning of this section.

Loan and
investment
limitation

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

Authorized
investments

(1) Real property used or to be used primarily as the principal office or branch of such association; provided that no

Real
property

association issuing either stock or investment certificates or both shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation;

Furniture,
fixtures
equipment

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

United
States
bonds

(3) United States government bonds and treasury certificates;

Bonds of
state and
certain sub-
divisions

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

Investments
legal for
savings
banks

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

Approved
public util-
ity bonds

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

Certain
first lien
securities

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

Approved
street im-
provement
bonds
limitation

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

Investment
limit

Provided that, except with the prior consent of the commissioner, no association at any one time shall have invested pursuant to subdivisions (3), (4), (5), (6), (7) and (8) of this section an aggregate amount in excess of twenty-five per cent of the then total assets of such association.

Exemption
bank
deposits

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

Purchase
and man-
agement of
hypothecated
property

SEC. 9.03. Property held as security. Any association may purchase at any sale, public or private, any real or personal property upon which it may have a mortgage, judgment, trust

deed, pledge, lien or other encumbrance, or in which it may have an interest, and may acquire any real or personal property which may be conveyed or transferred to it by borrowers in satisfaction and discharge of loans made thereon. Any association may sell, convey, lease, exchange, improve, repair, mortgage, convey in trust, pledge or encumber any real or personal property purchased or acquired by it pursuant to this section; and loans made by an association for the purpose of facilitating the sale of property owned by such association shall not be subject to the restrictions hereinafter imposed by this act in respect of loans.

SEC. 9.04. Types of loans. Loans may be made upon the "mutual plan" or upon the "definite contract plan." Loans made upon the mutual plan shall be accompanied by a pledge of shares having a matured or par value equal to the face of the loan. Subject to the provisions of this act loans upon the definite contract plan shall be repayable at a designated time or in installments to be specified in the notes or other obligations evidencing such loans.

Loans
"mutual
plan"

"Definite
contract
plan"

For the purposes of this act an "amortized loan" shall be one evidenced by a note or other obligation providing for reduction of principal by installments to be paid at least semiannually commencing not later than one year after the date of such loan, which installments may include interest and, either as to principal alone or as to combined principal and interest, shall be prorated equally over a term of months or years, to be stipulated in such note or other obligation, until the principal amount of such loan has been reduced at least fifty per cent of its original amount; provided that if such note or other obligation calls for such installments retiring the full principal amount of such loan, such term of months or years shall not be longer than fifteen years and that if such note or other obligation does not call for such installments retiring the full principal amount of such loan, such term of months or years shall not be longer than nine years, except that in either case the commissioner may by rules permit and prescribe a longer maximum term in the case of amortized loans upon particular classes of security, which classes he shall have power to prescribe and define; and provided further that in the case of loans evidenced by notes or obligations which do not call for such installments reducing the full principal amount of such loans, the loans evidenced thereby shall cease to be amortized loans after the date of the last obligatory installment payment. In the case of each association at least ninety per cent in unpaid principal of its loans in force at any one time shall be amortized loans; and at least eighty per cent in unpaid principal amount of its loans in force at any one time shall be amortized loans calling for equal monthly installments, either of principal alone or of combined principal and interest.

"Amortized
loan"

Required
proportion

Limit of
unamortized
loans

No association at any one time shall have invested an amount in excess of ten per cent of the aggregate unpaid principal amount of all its loans then in force in (a) loans which do not provide for reduction of principal at least semi-annually by installments commencing not later than one year after the date of such loans; (b) loans which provide for reduction of principal at least semiannually but upon which payments of principal shall have been waived or deferred by the association for a period of more than six consecutive months, and (c) loans which originally provided for reduction of principal at least semiannually by installments, on which loans all such principal installments have been paid except the final payment not to become due within six months; provided, however, that any loans included in (a) and (b) above on which principal installment payments have been commenced or resumed shall not be included for the purpose of the foregoing provision.

Require-
ments on
loans.

Subject to the foregoing limitations loans may be made by an association for a period of not to exceed three years without provision for reduction of principal, but on such loans the note or other obligation must provide either for payment of the entire principal within not to exceed three years or for reduction of principal at least semiannually by installments commencing not later than three years after the date of such loan, which installments may include interest and, either as to principal alone or as to combined principal and interest, shall be prorated equally over a term of months or years to be stipulated in such note or obligation until the principal amount of such loan has been reduced at least fifty per cent of its original amount; provided that if such note or other obligation calls for such installments retiring the full principal amount of such loan, such term of months or years shall not be longer than fifteen years, and that if such note or other obligation does not call for such installments retiring the full principal amount of such loan, such term of months or years shall not be longer than nine years, except that in either case the commissioner may by rules permit and prescribe a longer maximum term in the case of loans upon particular classes of security, which classes he shall have power to prescribe and define.

Solely for the purposes of this section and section 9.05 of this act but not for any other purpose, on loans made on the mutual plan where the installments are applied in payment of its own membership shares pledged therewith, such installments together with the accumulated earnings thereon shall be construed as having been applied to the principal of such loans. In the case of all loans hereafter made on the mutual plan, the note or other obligation shall expressly provide that in the event such association shall thereafter sell, exchange, transfer, pledge, hypothecate or otherwise dispose of or encumber such note, or in the event such association shall thereafter

be liquidated, either voluntarily or involuntarily, then the value of the shares pledged therewith plus the accrued earnings thereon to the date of such sale, disposition or encumbrance or to the date of the commencement of such liquidation, shall be applied first to advances on account of such loans, second to the interest due thereon, and third to the principal thereof; and said shares from that time shall be deemed surrendered to the association and canceled. In computing accrued earnings for the foregoing purpose, the rate used in the last apportionment shall be applied. The rights and obligations of the person executing such note or other obligation, subsequent to such sale, exchange, transfer, pledge, hypothecation or other disposal shall be set forth in such note or other obligation.

For each loan made a note or other obligation expressing the rate of interest must be executed by the borrower and must be secured either (a) by a first mortgage or first trust deed upon fee title to real property pursuant to section 9.05 of this act, or (b) by the pledge of free shares or investment certificates of such association pursuant to section 9.06 of this act, or (c) by the pledge of bonds or other collateral pursuant to section 9.07 of this act.

SEC. 9.05. Loans upon real property. Loans may be made upon the security of improved real property in an amount not in excess of sixty per cent of the appraised value or market value, whichever is less, of such real property; provided, however, that amortized loans may be made in an amount not in excess of seventy per cent of the appraised value or market value, whichever is less, of such real property; provided further that amortized loans upon the security of improved real property may be made in an amount not in excess of eighty per cent of the appraised value or market value, whichever is less, of such real property, subject to each and all of the following conditions in the case of each such loan exceeding seventy per cent: (1) the principal improvement on such real property shall consist of a single family dwelling; (2) such loan shall not exceed six thousand dollars in principal amount; and (3) the note or other obligation evidencing such loan shall provide for reduction of principal by monthly installments commencing in the case of a construction loan not later than six months after the date of such loan, and in case of any other loan not later than one month after the date of such loan.

No association at any one time shall have invested in loans upon the security of unimproved real property an amount in excess of three per cent of the aggregate principal amount of all its loans then in force, but subject to such limitation loans may be made upon the security of unimproved real property in an amount not in excess of thirty-three and one-third per cent of the appraised value or market value, whichever is less, of such real property.

Additional
security.

Notwithstanding anything to the contrary in this act, a mortgage, trust deed or pledge, whether or not the same be a first encumbrance or charge, on property, either improved or unimproved and either real or personal, may be taken at any time and without limit as additional security for loans otherwise permitted by this act.

Construction
loans

In respect of any loan made upon the security of real property for the purpose of erecting, with the proceeds of such loan, a building or buildings upon such real property, such real property shall be deemed to be "improved real property" rather than "unimproved real property" within the meaning of this section, and the building or buildings to be erected shall be deemed to be improvements on such real property within the meaning of this section, and the value of such proposed building or buildings shall be included in the appraised value and market value of such real property; provided, however, that at no time shall the amount advanced by the association on such loan exceed the ratio of loan to value authorized by this section in respect to such loan, excluding from such value the value of such proposed building or buildings but including in such value the actual cost of such building or buildings to such time.

Approved
appraisers

No loan shall be made upon the appraisalment of, nor shall compensation for any appraisalment be paid to, any appraiser, officer or member of any committee who shall not have been first approved in writing by the commissioner for such association. Such approval may be subject to such limitations as may be provided by the commissioner, and may be revoked, for cause, after a hearing and due notice thereof first given to the appraiser and the association.

Loans on
shares and
investment
certificates

SEC. 9.06. Loans upon shares and investment certificates. Loans secured by the pledge of free shares or investment certificates may be made to the extent of not more than ninety per cent of the then value of such shares or investment certificates. Such loans, together with interest and arrearages due or accrued thereon, may be repaid at any time without the payment of any premium or bonus interest, and upon such payment being made the security pledged therefor shall be surrendered.

Collateral
security

SEC. 9.07. Loans upon collateral security. Loans secured by the pledge of notes or other obligations may be made by any association to the extent of not more than ninety per cent of the unpaid principal of such notes or other obligations, if such notes or other obligations evidence loans which at the time of such collateral loans thereon, such association would be authorized to make pursuant to this act in an amount at least equal to the unpaid principal of such notes or other obligations. Loans secured by the pledge of bonds, treasury certificates, notes, mortgage participation certificates or other securities referred to in subdivisions (3), (4), (5), (6), (7) and (8) of section 9.02 may be made by any association to

the extent of not more than ninety per cent of the unpaid principal amount or market value thereof, whichever is less, if at the time of such collateral loans thereon such association would be authorized pursuant to this act to invest in such bonds, treasury certificates, notes, mortgage participation certificates or other securities in an amount at least equal to such unpaid principal amount or market value, whichever is less.

SEC. 9.08. Limitation on single loans. Except with the consent of the commissioner no association issuing investment certificates shall hereafter make any one loan in an amount exceeding twenty-five per cent of the sum of its aggregate paid up nonwithdrawable capital and any surplus or reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation; but the provisions of this section shall not apply to any loans which do not exceed ten thousand dollars principal each.

SEC. 9.09. Loans specifically forbidden and penalties. No loans shall be made, for himself or as agent or as partner of another, directly or indirectly, to any director or officer of any association by such association, except that loans may be made to any corporation in which any director or officer of such association may be a minority stockholder, on authorization of or confirmation within thirty days after making such loan by a majority of all the directors of such association and the affirmative vote of all the disinterested directors of such association present at the meeting authorizing or confirming such loan: provided, however, that such loan shall in all other respects conform to and comply with the other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board upon such loan. Such authorization or confirmation shall be entered upon the records or minutes of such association. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such association who is a stockholder, officer or director of the corporation to which such loan is made, the amount of stock held by him in such borrowing corporation, the amount of such loan, the rate of interest thereon, the time when such loan will become due, the amount, character and value of the security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the association to the commissioner, provided that any loan made to any corporation of which any director, officer, agent or employee of such association owns not more than five per cent of the paid-in capital of such borrowing corporation and any loan made to any corporation of which any two or more directors, officers, agents or employees of such association own not more than twenty per cent of the paid-in capital of such borrowing corporation, need not be reported to the commissioner. No loan

Other corporations controlled by directors

may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such association collectively, except with the previous consent of the commissioner. Any officer or director of any association who knowingly violates any of the previous provisions of this section shall be guilty of a felony. Any officer, director or employee of any association who asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward or any money, property or any thing of value for his own personal benefit or of personal advantage for procuring or endeavoring to procure for any person, firm or corporation any loan from such association shall be guilty of a felony. It shall be unlawful for an association to loan any of its funds upon any of its stock as security. It shall be unlawful for any association to make any loan to, or purchase any loan or investment from, the commissioner or any deputy, attorney, examiner, accountant or appraiser appointed or employed by him. Any officer or director of an association who shall make any such loan for and on behalf of any association shall be personally liable to such association for the full amount thereof and shall also be guilty of a felony. It shall be unlawful for any association to make or purchase any loan or investment not authorized by this act; and any officer or director who on behalf of any such association shall knowingly make or purchase any loan or investment not authorized by this act or who shall knowingly consent thereto shall be personally liable to such association for the full amount of any such loan or investment and he shall also be guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Penalties

Loans to commissioner, etc

Unauthorized loans.

Dealing in loans

SEC. 9.10. Purchases, sales and pledges of loans. An association may purchase any notes or other obligations, together with the mortgages, trust deeds or other security therefor, if such notes or obligations evidence loans which, at the time of such purchase, such association would be authorized to make pursuant to this act in an amount at least equal to the amount so purchased. No association shall sell, exchange, transfer, pledge, hypothecate or otherwise dispose of or encumber any notes or other obligations held by it, evidencing any loan made or purchased by it, or the mortgages, trust deeds or other security therefor, except with the approval of the commissioner; provided that any association may, without the necessity of obtaining such approval, sell and transfer without recourse any of the notes or other obligations held by it, together with the mortgages, trust deeds and other security therefor, to any bank, trust company or insurance company, or to any other association which is in nowise affiliated with such association, or to the holder of

a junior encumbrance upon the same property; and provided that any association may, without the necessity of obtaining such approval, pledge or otherwise hypothecate any of the notes or other obligations held by it, together with the mortgages, trust deeds and other security therefor, to the extent permitted by section 9.11 of this act.

SEC. 9.11. Borrowings. No association shall borrow money except through the issuance of investment certificates or otherwise as authorized by this section. An association may borrow money, otherwise than through the issuance of investment certificates, for a period of not more than one year provided that the aggregate amount of all such borrowings in force at any one time shall not exceed five per cent of the then total assets of such association, except with the approval of the commissioner. No excess loan made to any association, however, shall be invalid or illegal as to the lender. An association, as security for such borrowings, may pledge, hypothecate or otherwise encumber any of the notes, bonds or other securities held by such association, together with the mortgages, trust deeds and other security therefor, provided the unpaid principal amount of such notes, bonds or other securities so pledged, hypothecated or otherwise encumbered shall not exceed one hundred fifty per cent of the amount borrowed by such association, except with the approval of the commissioner.

Borrowings
of associa-
tions

Hypotheca-
tion of
securities
owned by
association.

SEC. 9.12. Arrears in payments. Whenever a borrower shall be in arrears in the payment of his dues on his pledged shares, if any, or in the payment of his interest or loan installments, or shall be in default under the terms of any pledge, deed of trust or mortgage securing his loan, the whole loan shall become due at the option of the association, and the association may proceed to enforce collection upon such loan or the securities held by the association. Upon or after exercising such option, the withdrawal value of all shares pledged as collateral security shall be applied to the payment of the loan, and said shares from the time of such application shall be deemed surrendered to the association and canceled.

Arrears in
payments

Article X—Accounts, Reports, Audits and Statements.

SEC. 10.01. Uniform fiscal year and accounts. The commissioner shall have power to establish a uniform fiscal year for all associations, and shall have power to establish a uniform classification of accounts to be kept by associations, or to classify associations and to establish a uniform classification of accounts for each class, and to prescribe the manner in which such accounts shall be kept. The commissioner may, after hearing, following notice to an association, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited. If the commissioner has established a uniform classification of accounts it shall thereafter

Fiscal year,
classification
of accounts

Penalty for failure to observe

be unlawful for any association to fail to keep its accounts in accordance therewith, excepting such accounts as shall be explanatory of and supplemental to the accounts prescribed by the commissioner.

Form of books

SEC. 10.02. Books of account, and record of appraisals. Each association shall keep its books in such form as to show accurately in detail its assets and liabilities and its receipts and expenditures and shall keep records written in ink or typewriting showing the appraised values of the real estate security held in connection with each loan and signed in each case by the appraiser, officer or committee charged with making such estimated valuations. Every association shall file in writing with the commissioner the names of the appraisers, officers and members of any committee charged with making such estimated valuations for it.

Notice naming appraisers

Felonies

A director, officer, agent or employee of any association shall be guilty of a felony who

False or no entry of property held for association

First: Knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand, and with intent to defraud, omits to make or to cause or direct to be made a full and true entry thereof in its books and accounts; or

Failure to make entry

Second: Knowingly concurs in omitting to make any material entry thereof; or

False reports

Third: Knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which he knows to be false; or

Withholding books from commissioner

Fourth: Having the custody or control of its books, willfully refuses or neglects to make any proper entry in the books of such association as required by law, or to exhibit or allow the same to be inspected and extracts to be taken therefrom by the commissioner, or any of his deputies or examiners.

Apportionment of profits dividend on shares

Sec. 10.03. Apportionment of profits. Profits and losses shall be apportioned at least annually. In computing earnings or dividends on shares, the rate shall be applied to the value thereof, subject to regulations prescribed by the by-laws or directors in respect of payments on such shares since the last prior apportionment. If the loan reserve mentioned in this section shall not equal five per cent of the aggregate unpaid principal amount of the outstanding loans at the time of each apportionment of profits, the directors, before declaring any dividends, shall set aside as a loan reserve not less than five per cent of the net profits accruing since the last prior apportionment and shall continue so to do until said loan reserve shall amount to at least five per cent of the aggregate unpaid principal amount of the loans in force. If at any time thereafter said loan reserve shall be in anywise impaired, it shall thereafter be restored in like manner. In the case of each association said loan reserve shall include such sum as may, at the

Loan reserve

effective date of this act, be in such association's reserve fund mentioned in section 641 of the Civil Code of this state; and also such other sum, if any, as the directors of such association may transfer from its surplus or undivided profits to said loan reserve. Every association issuing stock may, in addition to a dividend on such stock at a rate equal to that declared and paid or credited on installment shares, if any, set aside from and out of the net profits, if any, at each annual distribution thereof an amount not exceeding one per cent per annum on the average loans in force during such period, or a proportionate amount at each semiannual, quarterly or other distribution, from which to declare additional dividends on its stock; provided, however, that at least one-tenth of the amount so set aside shall be carried to stock surplus until such surplus shall amount to at least twenty-five per cent of the par value of the outstanding stock, and if at any time thereafter such stock surplus shall be in anywise impaired, it shall thereafter be restored in like manner. Subject to the requirements of this section as to the loan reserve and stock surplus, and subject to the provisions of other sections of this act expressly restricting the declaration or payment of dividends, the directors of any association issuing stock and not issuing shares may make, declare and pay dividends on the stock of so much of the surplus profits arising from the business thereof as to them appears advisable.

Dividend
on stockStock
surplusFurther
stock
dividends

SEC. 10.04. Annual and other reports. Each association shall make a full report in writing to the commissioner annually within thirty days after the close of its fiscal year, which report shall be verified by its president or vice president and secretary or treasurer, showing accurately the financial condition of such association at the end of such preceding fiscal year and the income and expenses of such association during such preceding fiscal year, together with such statistical and other information as the commissioner may require, all in such form and detail as the commissioner may prescribe. In the discretion of the commissioner such reports may be required in the case of any or all associations quarterly or semiannually, in lieu of annually. Each association shall also make any further reports which the commissioner may require and in such form and as to such matters relating to the conduct of the business of such association as the commissioner may designate. A copy of each annual report made to the commissioner pursuant to this section shall be kept at each office of the commissioner, and shall be open to examination by any investor of the reporting association, subject to such reasonable regulations as the commissioner may prescribe. Any wilfully false statement in making or verifying any such report shall be perjury. Any association which shall fail to furnish the commissioner any report required by this section within thirty days after demand shall forfeit the sum of ten dollars per day for every day such report shall be delayed

Reports
annualSemiannual
or quarterlyInspection
of by
investorFalse state-
ments in
Failure to
furnish

or withheld, which may be recovered in an action brought by the commissioner in the name of the people of this state; and all moneys so recovered shall be disposed of as may be hereafter provided for by law. In the event of the failure of any association to make any report required from it pursuant to this section, the commissioner may in his discretion immediately cause the books, papers and affairs of such association to be examined at the expense of such association.

Annual
audit

SEC. 10.05. Annual audit by public accountant. Each association, at least once in each year, shall cause its books and accounts to be audited at its own expense by a certified or other public accountant or firm of certified or other public accountants selected by such association and approved by the commissioner, and shall furnish to the commissioner annually within ninety days after the end of its fiscal year two signed copies of the report of such public accountant or accountants showing the result of such audit and including a balance sheet of such association at the end of such preceding fiscal year and a statement of the income and expenses of such association during such preceding fiscal year, which balance sheet and statement of income and expenses shall be certified by such public accountant or accountants. The commissioner shall have power to prescribe the scope of such audit, and to require such accountant or accountants to furnish him with information additional to that contained in the report of such audit. A copy of each report furnished to the commissioner pursuant to this section shall be kept at each office of the commissioner, and shall be open to examination by any investor of the association in question, subject to such reasonable regulations as the commissioner may prescribe. The audit required by this section shall be additional to, and shall not be in substitution for, the examination of associations by the commissioner or his deputies or examiners required by section 13.06 of this act.

Copies to
commis-
sioner.

Scope

Annual
financial
statement

SEC 10 06 Annual financial statement. The commissioner shall have power in his discretion to require each association to mail once in each year within sixty days after the close of its fiscal year to each of the investors of such association a copy of a financial statement, showing, in such form and detail as the commissioner may require, the amount and character of the assets and liabilities of such association at the end of its preceding fiscal year; provided, however, that any association in lieu of mailing such financial statements to its investors as aforesaid may publish a copy of such financial statement in any newspaper of general circulation published in the city or town in which its principal office in this state is located and in like newspapers published in each city or town in which its branches in this state are located.

Designation
of capital

SEC. 10.07. Designation of capital. Each association issuing shares shall designate the capital attributable to such shares, in any statement or advertisement which it shall pub-

lish in which any reference shall be made to such capital, as "withdrawable capital," and no such association shall include in such capital the value of any shares pledged in connection with loans made on the mutual plan; and if any such association also issues stock, then in any such statement or advertisement the capital attributable to shares shall be stated separately from the capital attributable to stock, and shall not be combined. No association shall publish any statement or advertisement of its capital authorized or subscribed, unless it shall also publish in connection therewith the amount of its capital actually paid up.

SEC. 10.08. Segregation of loans and contracts in statements. Each association, subject to rules and regulations prescribed from time to time by the commissioner, shall segregate in any statement of its financial condition (1) loans heretofore legally made or purchased, and loans hereafter made or purchased which comply as of the date of such statement with the requirements of this act in respect of original loans; (2) contracts by an association for the sale of real property to any person, firm or corporation, other than an affiliated person, firm or corporation, and loans made by an association for the purpose of facilitating the sale of property owned by such association to a person, firm or corporation, other than an affiliated person, firm, or corporation, unless and until such loans shall comply with the requirements of this act in respect of original loans, and (3) contracts by an association for the sale of real property to any affiliated person, firm or corporation, and loans made by an association for the purpose of facilitating the sale of real property by an association to any affiliated person, firm or corporation, unless and until such loans shall comply with the requirements of this act in respect of original loans. The term "original loans," as used in this section, includes all loans other than loans made by an association for the purpose of facilitating the sale of property owned by such association.

Segregation
in financial
statements

1 Loans
complying
with "origi-
nal loan"
standard

2 Loans
to help sale
to outside
parties

3 Loans
to help sale
to affiliated
parties

"Original
loans"

Article XI—Agents, Salesmen and Collectors.

SEC. 11.01. Licenses, when required. No person, copartnership or corporation shall act as an agent of an association or as a salesman of an association or shall operate an agency of an association unless at the time licensed so to do by the commissioner. No license shall be required for a collector of an association but no person, copartnership or corporation shall hold himself out or act as a collector of an association unless he is thereunto authorized in writing subscribed by such association. Any person, copartnership or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.

Licenses

Penalty

SEC. 11.02. Appointment and authority of agents and salesmen. Each agent and each salesman shall be appointed in writing by the association for which such agent or salesman

Agents,
salesmen
appointment

is to act and a copy or duplicate of such written appointment shall be filed in the office of the commissioner, which shall be notice to all persons of its contents and a copy or duplicate thereof shall be retained in the principal office of such association, each of which copies or duplicates, together with the original delivered to the agent or salesman, shall be subject to public inspection upon reasonable demand during regular business hours. Such writing shall, if it is definitely stated therein that the same is a power of attorney, be considered as a power of attorney and the person, copartnership or corporation therein appointed and his or its directors, officers, employees, and agents shall have no greater authority, ostensible, actual or otherwise, to bind the association than is therein set forth or otherwise conferred in writing subscribed by such association. Any such appointment in writing may from time to time be amended or superseded by a written instrument and copies or duplicates thereof similarly executed, filed and retained. Any such appointment or amendment or superseding instrument may at any time be revoked by written revocation filed with the commissioner by the association which executed the same.

SEC. 11.03. Bonds. Each applicant for a license as agent or salesman shall file with the commissioner a bond in the amount of one thousand dollars, or more in the discretion of the commissioner, in favor of the commissioner for the benefit of any person, firm or corporation sustaining injury, duly executed by such applicant as principal and by a sufficient surety or sureties to be approved by the commissioner. Said bond shall be conditioned upon the payment of all loss or damages suffered by any person, firm or corporation incurring loss or damaged or defrauded by reason of the violation by such principal of any of the provisions of this act or by reason of any fraud of such principal connected with or growing out of any transaction in which such principal shall have acted as agent or salesman (as the case may be) and shall also be conditioned upon the payment to the association of any loss of moneys or property or either of them by reason of any dishonesty on the part of such principal and his or its employees and if such principal be a corporation, its officers, directors and employees, while licensed under this act. Any person, firm or corporation, including the association, who sustains an injury covered by such bond or by the failure of such principal, and his or its employees, or if it be a corporation, its officers, directors or employees, to perform their duties or to comply with the provisions of this act, shall have the right in his or its own name to commence an action against such principal and the surety or sureties on such bond for the recovery of damages resulting from such injuries or any of them. If a collector be not otherwise bonded under the terms of this act, and if the commissioner shall in his or its case so require, such collector shall furnish a bond in the sum of one thousand

Authority.

Changes.

Bond of agent or salesman

Conditions

Action on

Bond of collector

dollars, or more in the discretion of the commissioner, similar in form to bonds for agents and salesmen, except that such bond shall be in favor, and shall inure solely to the benefit, of the association.

SEC. 11.04. Issuance of licenses. Application for the issuance of an agent's license or a salesman's license shall be made by paying the commissioner the fee for such license and by filing with the commissioner: (a) a verified application in such form as the commissioner shall from time to time require, giving references at least five in number and information as to the honesty, integrity, experience and ability of the applicant if a natural person, or of the copartners if a copartnership, or of the officers and directors and employees to be directly in charge of the business involved if a corporation; (b) a request from an association licensed by the commissioner for the issuance of such agent's license or salesman's license, as the case may be; (c) a copy or duplicate of a written appointment by such association of the applicant as the agent or salesman of such association; and (d) the bond in section 11.03 of this act mentioned. Upon receipt of the foregoing, the commissioner, if satisfied as to the honesty, integrity and qualifications of the applicant, shall issue such license. Otherwise he shall refuse to issue such license; provided, however, that no such license shall be refused until the applicant and the association involved have each been given an opportunity on at least ten days' written notice to be heard and produce evidence in support of the application. Licenses shall be in such form as the commissioner shall prescribe and each license may be limited to such territory as the association may request and each license shall state that the authority of the licensee is derived from and limited by this act and documents on file in the commissioner's office and that it is not a license for a branch of an association; and shall state the full and correct corporate name and principal office of the association involved. An agent's license shall be obtained for each agency and may be issued on request of an association for which the agent holds another agent's license and payment of the regular fee, unless the commissioner shall require an additional application or an additional bond or both. Upon this act going into effect the commissioner shall without charge and upon surrender of any license then in effect, issue in lieu thereof a license complying with this act, provided this act, either before or after its going into effect, has been complied with in all respects except as to the form of application. The fee for licenses and renewals is hereby fixed at one dollar for each year or fraction thereof. The commissioner shall have power to issue licenses and renewals in the month of June preceding the year for which they are effective and in such case shall account for and pay over the fees received therefor, and the same shall be considered as if received by him on or after July first following

Licenses issuance

Proceedings on refusal to issue license

Form of license

Agents

Existing licenses

Fees

Expiration
of licenses

SEC. 11.05. Expiration, revocation, suspension and renewal of licenses. All licenses and renewals in respect of agents and salesmen shall be for the year ending June thirtieth, upon which date they shall expire by limitation, unless sooner revoked by the commissioner for cause or canceled by him at the written request of the association involved. In case of revocation or cancellation, the license shall immediately be surrendered to the commissioner. If it shall be brought to the attention of the commissioner, or if written verified charges be filed with him, that any agent or salesman has wilfully misstated any material fact in his application or has obtained his license in an unfair manner or by misrepresentation or concealment or has conducted his business in a dishonest manner or in such a manner as to cause injury to the public or those dealing with him, or to any association formerly his or its principal or employer, or has wilfully violated any of the provisions of this act or of his authority, then the commissioner shall give written notice to such agent or salesman and to the association involved and shall order said agent or salesman to appear before the commissioner at a time and place stated in such order which shall not be less than five days after service of such order, to show cause why his license as an agent or salesman, as the case may be, should not be revoked. If at the hearing of such order to show cause it should appear that any of the matters, things or conditions above set forth are true or exist, the commissioner shall revoke, or suspend for a period to be fixed by the commissioner, the license of such agent or salesman, and shall notify him and his association thereof. All licenses shall be renewed upon request of the association involved and payment of the annual fee therefor, without a new application unless the commissioner shall demand a new application by written notice to both the licensee and the association involved at least ten days before the expiration of the license to be renewed.

Revocation
and suspension
of
licenses.

Renewal
of licenses

Article XII—Miscellaneous Provisions Affecting Associations.

Limited to
corporations

SEC. 12.01. Restriction on building and loan business. No person, firm, copartnership, association, company or society, either domestic or foreign, except a corporation, shall conduct or carry on in this state the business of accumulating the savings of its shareholders, stockholders, members or investors, and of loaning such accumulations in the manner of building and loan associations; and no corporation shall conduct or carry on such business except in accordance with the provisions of this act. This act shall not apply to investment companies as defined in section 635a of the Political Code of this state, approved March 18, 1905, except in the case of investment companies which shall also be building and loan associations as defined in section 1.02 of this act.

Licenses of
associations

SEC. 12.02. Licenses of associations. The commissioner shall require each domestic association, prior to transacting

any business, and each foreign association prior to transacting any business in this state, to procure from him a license to transact business; and no domestic association shall transact any business, and no foreign association shall transact any business in this state, without such license. To procure such license there must be filed with and approved by the commissioner certified copies of the applicant's articles of incorporation, certificate of incorporation, charter, or other similar document, and all subsequent amendments thereto, and by-laws and all subsequent amendments thereto, not previously filed with the commissioner, accompanied by the license fee provided for in this act; and after the expiration of the term for which a license may have been granted to it no association shall continue to transact business in this state without procuring a renewal of such license on the terms provided in this act. Any association violating the provisions of this section shall be subject to a penalty of ten per cent per day of the amount of the license fee required to be paid under section 13.17 of this act in addition thereto, for each day during the continuance of such offense. The commissioner is authorized and empowered after due notice and hearing to revoke, or to suspend for such period as he shall determine, the license of any association the solvency whereof shall have become imperiled by losses or irregularities or which shall have wilfully violated any of the provisions of this act.

SEC. 12.03. Restrictions on name "building and loan." No person, firm, copartnership, association, company, society or corporation, either domestic or foreign, unless the lawful holder of a license to transact business in this state issued by the commissioner and then in force, nor unless actually engaged in carrying on a building and loan business in this state, shall hereafter transact business in this state under any name or title which contains the term "building and loan" or "building-loan" nor use any sign or circulate or use any letter-head, billhead, circular or paper whatever or cause to be published any advertisement which indicates that his or its business is the character or kind of business carried on or transacted by an association, or which is calculated to lead the public to believe that his or its business is that of an association. Any violation of any of the provisions of this section shall constitute a misdemeanor or punishable by a fine of not exceeding five hundred dollars or by imprisonment in the county jail for not exceeding ninety days or by both such fine and imprisonment. Upon action brought by the commissioner, any court of competent jurisdiction may issue an injunction restraining any person, firm, copartnership, association, company, society or corporation from continuing to violate any provision of this section.

"Building and loan" restrictions on name.

Penalty.

Injunctive relief

SEC. 12 04. Foreign associations. No foreign association formed for the purpose of conducting and carrying on a business similar to that authorized by this act, or whose by-laws,

Foreign associations conditions of entry

rules, prospectus, contracts or methods of business provide for the conducting or carrying on the business of accumulating the periodical payments or savings of its shareholders, stockholders, members or investors in the manner of associations, or as authorized and provided in this act, shall enter the State of California for the transaction of business or for selling its shares, stock, and investment certificates or shall sell any of its shares, stock, or investment certificates, or otherwise transact any of its business of a character similar to that authorized by this act unless it shall have first (a) complied with all the requirements of the laws of this state relative to associations as defined in this act and acts amendatory hereof and supplemental hereto, and (b) applied for and received from the commissioner a license to transact business in this state as required of a domestic association, and (c) deposited with the state treasurer the money or securities hereinafter in this section required for the transaction of such business within this state. Every such association transacting business in this state of a character similar to that authorized by this act or in such manner as might lead the public to believe that its business is that of a building and loan association shall become subject to the supervision of the commissioner and shall conduct all its business in accordance with the statutes governing domestic associations.

Supervision
by commis-
sioner

Deposit of
guarantee
fund

Every foreign association mentioned or referred to in the preceding paragraph of this section desiring to enter the State of California for the transaction of business or for selling its shares, stock or investment certificates must first deposit with the state treasurer not less than one hundred thousand dollars in lawful money of the United States, or in bonds or other securities referred to in subdivisions (3), (4) and (5) of section 9.02 of this act, or in lieu thereof promissory notes in such amount secured by first mortgages or first deeds of trust upon improved real property located in this state satisfactory to the commissioner, all duly assigned or endorsed in blank, to be held by him as a guarantee fund for the protection and indemnity of residents of this state who shall invest in any of its shares, stock or investment certificates, or with whom it shall do business. Whenever any foreign association shall have outstanding shares and investment certificates issued to residents of this state of an aggregate value in excess of two million dollars, the deposit above mentioned, in money or security of the character above mentioned, shall be increased and at all times maintained in a sum at least equal to five per cent of such aggregate value. With the consent of the commissioner, any of the securities deposited as herein provided may be withdrawn at any time upon the substitution and deposit of others of the form and character herein specified and of like or greater net value, so long as the aggregate net value of all equals or exceeds the amount named herein. The fund thus created is not to be foreclosed or realized upon

Increase
of deposit

Substitution
of securities

except for the liquidation of a final judgment in favor of residents of California who were investors in such association or with whom it shall have done business, and then only after certified proof thereof has been filed with the state treasurer. Except as above provided, securities deposited as herein specified shall not be withdrawn until satisfactory proof of the liquidation of all liabilities to residents of this state, approved by the commissioner, shall be filed with the state treasurer, when all may then be withdrawn.

Foreclosure,
withdrawal

Any person who, as principal, agent, salesman, solicitor or in any other capacity, shall solicit or conduct in this state the business of selling, disposing of or taking or soliciting subscriptions for the sale of any of the shares, stock, or investment certificates of any foreign association which has not complied with all the requirements of this section and which is not at that time the lawful holder of a license to transact business in this state issued by the commissioner and then in force shall be guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Penalty for
selling
stock, etc.,
of unlicensed
association

No foreign association issuing any securities other than shares, stock and investment certificates shall be entitled to a license to transact business in this state and no foreign association transacting business in this state shall issue any securities except shares, stock and investment certificates. The term "securities," as used in this paragraph, shall not include borrowings permitted by section 9.11 of this act or instruments executed in connection therewith.

Limit on
issue of
securities

SEC. 12.05. Banking and trust business prohibited. No association shall at any time have or carry upon its books for any investor or other person any demand, commercial or checking account or any credit to be withdrawn upon the presentation of any negotiable check or draft. No association shall advertise or hold itself out to the public as a bank, whether commercial or savings, or as a trust company; and no association shall do a trust business; provided, however, that nothing in this section shall prevent any association from acting as trustee under deeds of trust given solely for the purpose of securing obligations for the repayment of money, other than corporation bonds.

Prohibition
of banking,
trust
business

SEC. 12.06. Restrictions on advertising. No association shall issue or publish, or cause or permit to be issued or published, any advertisement that it is doing or permitted to do any business which is prohibited by law to an association, or any advertisement which shall misrepresent the nature of the shares, stock or investment certificates of such association, or the rights of investors in respect thereto. Any association whose corporate name does not include the words "building and loan" or "building-loan" shall in all advertisements state

Advertising
restrictions
on

Supervision by commissioner. Stop orders. Statement of legal investment.

“This is a building and loan association” or words to that effect. The commissioner shall have power to require any or all associations, before issuing, circulating or publishing any advertisement, to file a true copy of the proposed text thereof in the office of the commissioner at least one day prior thereto; and if the commissioner shall have made the aforesaid requirement as to any association, such association shall comply therewith and shall not issue, circulate or publish any advertisement after notice in writing from the commissioner that in his opinion the same is unauthorized, false, misleading or otherwise likely to deceive a reader or hearer thereof. No association in any advertisement shall state or refer to the fact that investment certificates are a legal investment for the funds of executors, administrators, guardians, receivers or trustees, or for the funds of insurance companies, unless it shall also state, at least as conspicuously, that such fact does not constitute a recommendation or endorsement thereof by the State of California.

Bonds of officers, etc.

SEC. 12.07. Bonds of officers and employees. All officers and employees of each association, having access to moneys or negotiable securities of such association in the regular discharge of their duties, or issuing stock, shares or investment certificates of such association in the regular discharge of their duties, before entering upon their duties and throughout the entire term of their office and employment and any subsequent term thereof, shall furnish to the employing association a good and sufficient bond indemnifying such association against loss of money or property by reason of any dishonesty on the part of such officers or employees and by reason of any liability arising from any unauthorized issue of stock, shares or investment certificates on the part of such officers or employees. The commissioner shall prescribe the amount and form of said bond and the term during which it shall run, and the sufficiency of the surety or sureties thereon shall at all times be subject to the approval of the commissioner. Each of such officers and employees shall renew his bond upon the expiration of its term. The commissioner may at any time require an additional bond or surety when in his opinion any such bond then in force is insufficient. All such bonds shall be filed in the commissioner's office.

Death of shareholder or certificate holder affidavit of

SEC. 12.08. Payments upon affidavit following death. Any association upon receiving an affidavit stating that a holder of shares or investment certificates of such association is dead, and that affiant is the surviving husband or wife or the guardian of the estate of the insane or incompetent surviving husband or wife, as the case may be, of such decedent, or stating that decedent left no husband or wife and that affiant is the child or that affiants are the children or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of such decedent, or stating that such decedent left neither husband, wife nor children and that

affiant is the father or mother or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of such decedent, or stating that the decedent left neither husband, wife, children, father nor mother and that affiants are the brothers and sisters or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of such decedent, and that the entire value of the shares and investment certificates of such decedent in any and all associations in this state at the time of his death does not exceed in the aggregate the sum of one thousand dollars exclusive of interest and dividends, may pay to such affiant or affiants any and all such moneys if the total amount thereof does not exceed the sum of one thousand dollars exclusive of interest and dividends, and the receipt of such affiant or affiants shall constitute sufficient acquittance therefor and shall fully discharge such association from any further liability with reference thereto.

Payment of
value of
shares, etc

SEC. 12.09. Leases on office premises. An association may enter into or assume leases covering real property used or to be used in connection with the business of such association; provided that no association issuing stock or investment certificates shall enter into or assume leases providing in the aggregate for rental payments in any one year in excess of five per cent of the sum of its aggregate paid up nonwithdrawable capital and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation, after deducting from such sum any amounts invested in real property pursuant to subdivision (1) of section 9.02 of this act.

Leases of
office space
restrictions
on

SEC. 12.10. Forms. All associations at least ten days before issuing any stock, shares or investment certificates and at least ten days before making any loans evidenced or secured by notes, trust deeds or mortgages, shall file in the office of the commissioner copies of the forms of such instruments to be used; and in the event the commissioner within such period of ten days shall notify such association in writing that, in his opinion, any such form is unauthorized and shall state the reason or reasons that such form is unauthorized, such association shall not thereafter use such form. Notwithstanding anything to the contrary contained in this section, any form of stock, shares, investment certificate, note, trust deed or mortgage may be used without delay if such form has been approved by the commissioner. All investment certificates and notes shall express the rate of interest to be paid thereon. No violation of any of the provisions of this section shall render invalid any stock, shares, investment certificate, note, trust deed or mortgage.

Forms of
legal instru-
ments used
by associa-
tion

Approval
by commis-
sioner.

Article XIII—Building and Loan Commissioner.

Office of
building and
loan com-
missioner
See Sec 2,
Ch 763,
infra

SEC. 13.01. In general. The office of the building and loan commissioner is hereby created, which office shall be a continuation of the office of building and loan commissioner created by chapter 354 of the statutes of 1911. The building and loan commissioner shall be appointed by the governor and shall hold office at the pleasure of the governor. He shall receive such compensation as shall be prescribed or authorized by law. Before entering upon the duties of his office, he shall take and subscribe an oath of office and execute an official bond in the penal sum of fifty thousand dollars, with sufficient surety or sureties as provided by law. The commissioner shall be charged with the administration and enforcement of this act, and of all other laws relating to or affecting the incorporation, organization, business, operation, merger, consolidation, dissolution or liquidation of associations subject to this act, and shall have and may exercise all of the powers necessary or convenient for such purposes. Except as otherwise expressly provided by this act, none of the records of the commissioner shall be deemed to be public documents nor be open to the inspection of the public.

Status of
records of

Appointees
and em-
ployees, etc.
of commis-
sioner
See Sec 2,
Ch 763,
infra

SEC 13.02. Appointees, employees and offices of commissioner. The commissioner shall have power to appoint an attorney, and such deputies and such examiners, accountants, appraisers and other assistants as he may require to discharge in a proper manner the duties imposed upon him by law; and to fix their powers and duties, and such compensation as shall be prescribed or authorized by law or laws enacted subsequent to the enactment of this act. Each of such deputies before he shall enter upon the duties of his office shall take and subscribe an official oath as provided by law. The commissioner's attorney and three of his deputies shall not be subject to any civil service law of this state. There shall also be allowed and paid, as may be hereafter provided for by law, the necessary traveling expenses of the commissioner, his deputies, attorney, examiners, accountants, appraisers and other assistants incurred while traveling in the line of their duties. The commissioner shall procure and have offices in the city and county of San Francisco and in the city of Los Angeles. The commissioner shall also provide as may be hereafter provided for by law for such stationery, printing, postage and all other necessary expenditures as may be necessary for the proper conduct of his office.

Offices

Business
dealings
with asso-
ciations
prohibited

SEC. 13.03. Not to be interested or indebted. Neither the commissioner nor any deputy, attorney, examiner, accountant or appraiser appointed or employed by him shall be interested directly or indirectly in any association; nor shall the commissioner or any such deputy, attorney, examiner, accountant or appraiser be or become indebted directly or indirectly, either as borrower, endorser, surety or guarantor, or sell or

otherwise dispose of any loan or investment, to any association under the commissioner's supervision or subject to his examination.

SEC. 13.04. Bonds. The commissioner may require, at any time or from time to time, of any deputy, examiner or other assistant appointed or employed by him a bond in such amount as he shall deem necessary or expedient, with a sufficient surety or sureties approved by him, and in such form and upon such conditions as shall be approved by him and the attorney general. Except as otherwise provided in section 13.16 of this act the premium or charge for any bond given by a surety company pursuant to this article shall be paid as may be hereafter provided for by law; provided that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond.

Bonds of
deputies,
etc
See Sec 3,
Ch 763,
infra

SEC. 13.05. General duties of commissioner. It shall be the duty of the commissioner to furnish all associations that have otherwise complied with the requirements of law, licenses authorizing them to transact business for the fiscal year established by the commissioner or for the remainder of such fiscal year; to receive and place on file in his office the annual and other reports required by law to be made by associations; to supply each with blank forms for such reports; and to make on or before the first day of May in each year a tabulated report to the governor of this state, showing the condition of all associations reporting to him with such recommendations as he may deem proper, accompanied by a detailed statement of all moneys received by him since his last report and the disposition thereof. It shall be the duty of the commissioner to grant or deny each application filed with him pursuant to this act not later than thirty days after the filing thereof.

Duties of
commis-
sioner.

SEC. 13.06. Examinations of associations. The commissioner in person or by one or more of his deputies or examiners, at least once in each year without previous notice, shall visit and examine into the affairs of every domestic association and of every foreign association doing business in this state; on such occasions the commissioner or such deputies or examiners shall have full access to all the books, records, securities and papers of such association, and shall first count the cash and check the bank balances of such association with the proper amount of funds as shown by the books to be on hand at the date and hour of such examination, and shall then examine and verify the personal accounts of each officer, director and employee of such association on its books, and shall thereafter, so far as deemed necessary by the commissioner, examine and verify the books, accounts and securities of such association, and the amount of its shares, stock and investment certificates outstanding, and ascertain the values of all property and investments owned and of all property held as security for moneys loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency of

Examination
of associa-
tions

Showing of
authority.

such association. Any deputy, examiner or other appointee or employee of the commissioner, before being entitled to make such examination, shall produce under the hand and seal of the commissioner his authority to make such examination. The commissioner and his deputies and examiners shall have power to administer oaths and to examine under oath any director, officer, employee or agent of any association concerning the business and affairs thereof or of any other association.

Extra exami-
nation

Whenever in the judgment of the commissioner the condition of any association renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, the commissioner shall have authority to make any and all necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs and may cause a certified public accountant or accountants appointed by the commissioner to make an audit of such association's business and affairs; and in any such case such association shall pay a reasonable price to be fixed by the commissioner for all such extra services rendered by the commissioner or by such accountants.

Foreign
associations.

The commissioner or one or more of his deputies or examiners shall examine or cause to be examined the books and affairs of any foreign association applying for a license to transact business in this state prior to the granting of such license and at least annually thereafter, and for every such examination made outside this state, a reasonable fee and the actual traveling expenses incurred shall be paid by the association so examined; provided that the result of any similar examination made and certified by the duly constituted authorities of any state having similar laws of supervision may be accepted by the commissioner in his discretion.

Appraise-
ments.

SEC. 13.07. Appraisements. The commissioner may make a revaluation of any property or investments of any association, and of any property which constitutes security for any delinquent loan held by any association. For that purpose, the commissioner may use his own appraisers or may appoint local appraisers, who shall be disinterested persons, at the expense of such association payable to the commissioner in advance upon demand. The expense of such appraisal shall be fixed by the commissioner but shall not exceed for each property so examined and appraised the sum of five dollars for property located outside of any incorporated limits and three dollars for each property located inside of any incorporated limits, except in the case of property exceeding fifteen thousand dollars in value. Each appraiser so appointed shall be required to make a sworn report in writing to the commissioner of his estimated valuations of all property so examined and appraised, and the commissioner shall furnish a copy of such report to the association.

Inquisitory
powers of
commis-
sioner
process.

SEC. 13.08. Power to issue subpoenas. The commissioner shall have power to issue subpoenas and require attendance of

any and all officers, directors, agents, salesmen, collectors and employees of any association, and such other witnesses, including former officers, directors, agents, salesmen, collectors and employees of any association, as he may deem necessary, in relation to its affairs, transactions and condition, and may require such witnesses to appear and answer such pertinent questions as may be put to them by the commissioner, and may require such witnesses to produce any books, documents or other things under their control as may be required by the commissioner. Upon application of the commissioner, any person served with a subpoena issued by him may be required by order of the superior court of the county where the association has its principal office, to appear and answer such pertinent questions as may be put to him by the commissioner and be required to produce any books, documents or other things under his control as may be required by the commissioner.

Enforcement

SEC. 13.09. Power to make rules. The commissioner shall have power to promulgate, and from time to time to amend, supplement and revoke in whole or in part, rules and regulations not inconsistent with this act or the laws of this state, governing procedure before the commissioner and the exercise by the commissioner of the powers, discretions, rights and privileges vested in him by this act.

Rule-making power.

SEC. 13.10. Power to sue. The commissioner shall have power to commence and prosecute actions and proceedings to enjoin violations of this act or violations of orders or decisions of the commissioner rendered pursuant to this act, and for the enforcement of any and all civil penalties provided by this act.

Power to sue

SEC. 13.11. Power to take possession of association. If the commissioner as the result of any examination or from any report made to him or to any association doing business in this state or its investors or any thereof, shall find that such association is violating the provisions of its articles of incorporation or charter or by-laws or any law of this state, or is conducting its business in an unsafe or injurious manner, he may by an order addressed to such association direct a discontinuance of such violations or unsafe or injurious practices and a conformity with all the requirements of law; and if such association shall not comply with such order within the time specified therein, or if it shall appear to the commissioner that any association is in an unsafe condition or is conducting its business in an unsafe or injurious manner such as to render its further proceeding hazardous to the public or to any or all of its investors, or if he shall find that its assets are impaired to such an extent that, after deducting all liabilities other than to its investors they do not equal or exceed the sum of the value of its outstanding shares and investment certificates and the par value of its outstanding stock, or if any association shall refuse to submit its books, papers and accounts to the inspection of the commissioner or any of his examiners, deputies or assistants, or if any officer thereof shall

Seizure of association

Duration refuse to be examined upon oath concerning the affairs of such association, then the commissioner may forthwith demand and take possession of the property, business and assets of such association and retain such possession until such association shall with the consent of the commissioner resume business, or until its affairs be liquidated. Such association may, with the consent of the commissioner, resume business upon such conditions as may be approved by him.

Court remedy for seizure SEC. 13.12 Court application by association aggrieved. Whenever any association of whose property, business and assets the commissioner has taken possession, as aforesaid, deems itself aggrieved thereby, it may at any time within thirty days after such taking possession apply to the superior court of the county in which the principal office of such association is located, to enjoin further proceedings; and said court after citing the commissioner to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts, may upon the merits dismiss such application or enjoin the commissioner from further proceedings and direct him to surrender such business, property and assets to such association.

Appeal An appeal from such judgment enjoining the commissioner from further proceedings and directing him to surrender such business, property and assets to such association shall not operate as a stay thereof, unless the trial court in its discretion shall so order and no bond need be given if such appeal be taken by the commissioner; but if such judgment dismisses such application an appeal therefrom shall not operate as a stay thereof but the court rendering such judgment may, in its discretion, enjoin the commissioner, pending the appeal, from further proceedings and direct him, pending the appeal, to surrender such business, property and assets to such association, provided a bond shall be given as required by section 943 of the Code of Civil Procedure.

Powers upon seizure appointment of representative SEC. 13.13. Powers upon taking possession. Upon taking possession of the business, property and assets of any association, the commissioner may under his hand and official seal appoint a custodian, require from him a good and sufficient bond and place him in charge as his representative. Upon taking such possession, the commissioner shall have authority to collect all moneys due to such association and to give full receipt therefor, and to do such other acts as are necessary or expedient to collect, conserve or protect its business, property and assets. Unless the commissioner shall be enjoined from further proceedings and directed to surrender such business, property and assets or unless such association shall with the consent of the commissioner resume business, then the commissioner shall proceed to liquidate the affairs of such association as hereinafter provided. Whenever the commissioner shall be in possession of the business, property and assets of any

Liquidation association, and regardless of whether or not he shall be

liquidating the affairs of such association, the commissioner may in his discretion (1) apply to the superior court of the county in which the principal office in this state of such association is located for an order confirming any action theretofore taken by the commissioner, or authorizing the commissioner to do any act or to execute any instrument not expressly authorized by this act, which order shall be given and made after a hearing on such notice as the court shall prescribe; (2) pay and discharge any secured claims against such association, whether or not such claims shall theretofore have been presented for payment or have become barred from presentation by the expiration of the time limit hereinafter specified; provided that no such claim shall be paid in an amount larger than the then value of the security therefor; or (3) within six months after taking such possession, disaffirm any executory contracts (including leases) to which such association is a party, and disaffirm any partially executed contracts (including leases) to the extent that they remain executory.

Court orders

Payment of secured claims

Disaffirmance of contracts

SEC. 13.14. Noncompliance with orders. Whenever the commissioner shall demand possession of the property, business and assets of any association, pursuant to section 6.05, section 6.08 or section 13.11 of this act, the refusal of any officer, agent, employee or director of such association to comply with such demand shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment; and if such demand be not complied with within twenty-four hours after service, the commissioner may call to his assistance the sheriff of the county in which the principal place of business of such association is located, by written demand under his hand and official seal, whereupon it shall become the duty of such official to enforce the demands of the commissioner.

Penalty for noncompliance with orders of commissioner

Assistance by sheriff

SEC. 13.15. Officers must furnish schedule of property. Upon taking possession of the property, business and assets of any association, the commissioner shall require the president and secretary of such association to, and such officers shall, make a schedule of all its property and assets and of all collateral held by it as security for loans and make oath that such schedule sets forth all such property, assets and collateral and shall deliver such schedule, and the possession of any and all such property, assets and collateral as may not have been so previously delivered, to the commissioner, who may at any time examine under oath such president and secretary, or other officers of such association, or the directors, agents or employees thereof, to determine whether or not all such property, assets or collateral have been transferred and delivered into his possession.

Delivery to commissioner of schedule of property, etc

SEC. 13.16. Powers upon liquidation. In liquidating the affairs of an association, the commissioner shall have power to

Powers of commissioner on liquidation

Court super-
vision.

collect all moneys due to, and claims of, such association and to give full receipt therefor; to release or reconvey all real or personal property pledged, hypothecated or transferred in trust as security for loans; to approve and pay all just and equitable claims; to commence and prosecute all actions and proceedings necessary to enforce liquidation; and on the order of the superior court of the county in which the principal office in this state of such association is located, given and made after a hearing on such notice as the court shall prescribe, to compound bad or doubtful debts or claims and to sell, convey and transfer real and personal property. If a purchaser for any bad or doubtful debt or claim can not be obtained and it appears improbable that recovery thereon can be had and that the costs of action to enforce collection of the same would probably be lost, the court may direct that suit thereon need not be brought. For the purpose of executing and performing any of the powers and duties hereby conferred upon him, the commissioner may in the name of such association or in his own name prosecute and defend any and all suits and other legal proceedings and may in the name of such association or in his own name as commissioner execute, acknowledge and deliver any and all deeds, assignments, releases, requests for reconveyance, and other instruments necessary and proper to effectuate any sale of real or personal property or other transaction in connection with the liquidation of such association; and any deed, assignment, release, request for reconveyance or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes as though the same had been executed by the officers of such association by authority of its board of directors. In case any of the real property so sold is located in a county other than the county in which the application to the court for leave to sell the same is made, the commissioner shall cause a certified copy of the order authorizing or ratifying such sale to be recorded in the office of the recorder of the county in which such real property is located.

Inventory
of assets

Upon determining to liquidate an association, the commissioner shall cause an inventory of all the assets of such association to be made in duplicate, the original to be filed with the court and the duplicate in the office of the commissioner. He shall cause notice to be given by publication once a week for four successive weeks in some newspaper of general circulation published at or near the principal place of business in this state of such association, to all persons having claims against it as creditors or investors or otherwise, to present and file same and make legal proof thereof at a place and within a time to be designated in such publication, which time shall be not less than two months after such first publication; and within ten days after such first publication he shall cause a copy of such notice to be mailed to all persons whose names appear of record upon its books as creditors or investors; and

upon the expiration of the time fixed for the presentation of claims, the commissioner shall prepare or cause to be prepared in duplicate a full and complete schedule of all claims presented, specifying by classes those that have been approved and those that have been disapproved and shall file the original with the court and the duplicate in the office of the commissioner. Not later than five days after the time of filing such schedule with the court, written notice shall be mailed to all claimants whose claims have been rejected. Action to enforce the payment of or to establish any rejected claim must be brought and service had within four months from and after the date of filing of the schedule of claims with the proper court; otherwise all such actions shall be forever barred. All claims of creditors, investors or other persons against the association or against any property owned or held by it must be presented to the commissioner in writing verified by the claimant or some one in his behalf within the period limited in the above mentioned notice for the presentation of claims; and any claim not so presented shall be forever barred; provided, however, that the claim of any investor, appearing upon the books of the association to be a valid claim, presented after the expiration of the time fixed in said notice, shall be entitled to share in any dividends declared subsequent to the presentation of such claim.

The commissioner may under his hand and official seal appoint one or more special deputies to assist in the duties of liquidation and distribution under his direction and may also employ such special legal counsel, accountants and assistants as may be needful and requisite and fix the salaries and compensation to be allowed and paid to each. All such salaries and compensation with such other reasonable and necessary expenses as may be incurred in the liquidation shall be paid by the commissioner from the funds of such association in his hands. From the net realization of assets in excess of such salaries, compensation and expenses, the commissioner shall first pay all approved claims other than to shareholders and stockholders, without distinction or preference as between the claims of certificate holders and other creditors; and thereafter he shall distribute and pay dividends in liquidation first to the shareholders until their claims are fully paid or such assets or funds are exhausted, and second, if any such assets or funds remain, to the stockholders until such assets or funds are exhausted. Such distributions shall be made as funds are available therefor to the extent of ten per cent or more of the approved claims of the class of claimants then entitled to distribution, and shall continue until all the assets have been realized upon and a final dividend in liquidation shall be declared and paid. Upon the payment of a final dividend in liquidation, the commissioner shall prepare and file with the court a full and final statement of the liquidation, including a summary of the receipts and disbursements, and a duplicate

thereof shall be filed in the office of the commissioner and after due hearing and approval by the court, the liquidation shall be deemed to be closed.

Stay of
process, etc

The determination by the commissioner to liquidate any association, evidenced by filing written notice of such determination with the court, shall operate to stay or dissolve any or all actions or attachments instituted or levied within thirty days next preceding the taking of possession of such association by the commissioner, and pending the process of liquidation as herein provided no attachment or execution shall be levied or lien created upon any of the property of such association.

Disposition
of balance

Whenever in the case of any association which shall have issued stock, the commissioner shall have fully liquidated all claims other than claims of stockholders, and shall have made due provision for any and all known but unclaimed liabilities, excepting claims of stockholders, and shall have paid all expenses of liquidation, then upon the written request of the holders of a majority of the stock of such association any surplus that may then remain in his hands, together with all the records and effects, shall be delivered to the association or its trustees, and thereafter such association or its trustees shall have title thereto free from any claim of the commissioner.

Expenses of
commissioner
assessments
against asso-
ciations

SEC. 13.17. Assessments for salaries and expenses. To meet the salaries and expenses provided for by this act, for the payment of which no provision is otherwise made, the commissioner shall require every association licensed by him or coming under his supervision to pay in advance to him, prior to the issuance of any license, its pro rata amount of all such salaries and expenses as estimated by the commissioner for the ensuing year and it is hereby made the duty of every such association to pay the same. Such pro rata shall be the proportion which its assets bear to the aggregate assets of all such associations receiving licenses as shown by the latest annual reports of such associations to the commissioner. On or before the thirtieth day of December in each year, the commissioner shall notify each of such associations by mail of the amount assessed and levied against it and that the same must be paid within twenty days thereafter, and should payment not be made to him within said twenty days, he shall then assess and collect a penalty in addition thereto of ten per cent per day for each day that such payment may be delayed or withheld; provided, however, that in the levy and collection of such assessment, no association shall be assessed for nor be permitted to pay less than ten dollars per annum and any such domestic association hereafter formed shall be required to pay not less than one dollar per month for the unexpired term ending December thirty-first succeeding its initial application; and in like manner any such foreign association shall be required to pay not less than three

Notice and
payment

Minimum

dollars per month for such unexpired term after its first license.

SEC. 13.18. Disposition of moneys. All moneys collected under the provisions of this act shall be disposed of in the manner and for such purposes as shall be prescribed by law or laws enacted subsequent to the enactment of this act.

Moneys collected
See Secs 4,
5, Ch 703,
infra

SEC. 13.19. Notice from commissioner. Any notice which the commissioner is required or shall desire to give to any association or to any of its investors or to any other person, firm or corporation may be given either by personal service thereof (which, if the person to be served is a corporation, shall be satisfied by personal service upon any officer or director thereof) or by mailing the same, postage prepaid, addressed to such association, investor or other person, firm or corporation at his last post-office address known to the commissioner, or, if no such address shall be known to the commissioner, then, in the case of notice to an association or to any of its investors, at the city or town in which the principal office in this state of such association is located, and in the case of other persons, firms or corporations at San Francisco, California. Any notice given by mail as aforesaid shall be deemed to have been given upon deposit thereof in the mails

Mode of
notice
under act.

Article XIV—Miscellaneous.

SEC. 14.01 Short title. This act shall be known as the "Building and loan association act."

Short title

SEC. 14.02. Repeal of other statutes. Title sixteen of part four of division one of the Civil Code of this state; an act approved April 5, 1911, entitled, "An act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the building and loan commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses of the bureau of building and loan supervision; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an act approved March 21, 1905, entitled 'An act creating a bureau of building and loan supervision:

Repeals.

Repeals.

providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith; also repealing an act approved March 23, 1907, entitled "An act to amend section sixteen (16) of an act entitled 'An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith,' " approved March 21, 1905, relating to and providing for reports to building and loan commissioners and the publication thereof; also repealing an act approved March 20, 1909, entitled 'An act to amend sections 3 and 11 of an act entitled "An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for

the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the attorney general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the state building and loan commissioners," and all acts amendatory thereof; an act approved May 4, 1925, entitled, "An act to add two new sections, to be numbered fifteen c and fifteen d, to the 'Building and loan commission act,' approved April 5, 1911, as amended, relating to building and loan associations"; an act approved April 13, 1927, entitled, "An act making full paid investment certificates issued by any building and loan association licensed by, and under the direct supervision of the building and loan commissioner of the State of California in accordance with the provisions of title sixteen, part four, division first of the Civil Code, legal investments for certain purposes"; an act approved May 23, 1929, entitled, "An act to amend sections two and fifteen b of the 'Building and loan commission act' and to add a new section thereto to be numbered section one a, relating to securing permits from the building and loan commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the building and loan commissioner"; and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 14.03. This act in continuation of prior law. This act shall be construed as a continuation of and as amendatory to title sixteen of part four of division one of the Civil Code of this state, chapter 354 of the statutes of 1911 and acts amendatory thereof and supplementary thereto and chapter 133 of the statutes of 1927. The office of building and loan commissioner created by chapter 354 of the statutes of 1911 is continued by this act and all moneys in the hands of the commissioner, and all moneys in the "building and loan inspection fund" referred to in section 17, chapter 354, statutes 1911,

Continuation
of prior law.

as amended, shall be used in such manner and for such purposes as shall be prescribed by law or laws enacted subsequent to the enactment of this act.

Saving
clauses.

SEC. 14.04. Saving clauses. All decisions, orders, rules, findings, certificates or permits heretofore made or issued, and all acts heretofore done by the commissioner, shall, if lawfully made, issued or done and not heretofore revoked or rescinded, continue in full force and have the same effect as if they had been lawfully made, issued or done under the provisions of this act. This act shall not affect any appeal pending from any decision of the commissioner, or any proceeding to which he, in his official capacity, is a party; but the same may be prosecuted or defended with the same effect as if this act had not been passed. Any examination, audit, appraisal, liquidation or investigation undertaken, commenced or prosecuted prior to the taking effect of this act may be conducted to a final determination in the same manner and with the same effect as if it had been undertaken, commenced or prosecuted under the provisions of this act, and in the manner herein provided. Nothing in this act is intended or shall be construed to impair in any manner the rights of those who have heretofore become investors in any association. No action or proceeding, either civil or criminal, or cause of action arising under any law of this state, shall abate by reason of the passage of this act, but actions or proceedings may be commenced and prosecuted upon such causes in the same manner and with the same effect as if this act had not been passed.

Miscellaneous
violations:
penalties.

SEC. 14.05. Penalties for miscellaneous violations. Every director, officer, agent, salesman or employee of any association and every other person who wilfully violates or wilfully fails to comply with any of the provisions of this act is guilty of a public offense and, except where in this act such offense is declared to be a felony or misdemeanor or a different punishment is prescribed, shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment. Any person who shall wilfully violate any lawful condition of a permit authorizing an association to issue its stock; or who, with knowledge of any direction given by the commissioner pursuant to section 6.06 of this act, shall, contrary to such direction, wilfully accept for an association on a pro rata basis, money on account of investment certificates or shares of such association; or who, with knowledge of any direction given by the commissioner pursuant to section 6.08 of this act, shall, contrary to such direction, make any payment upon a withdrawal otherwise than on a ratable and proportionate basis; or who, with knowledge of any lawful order of the commissioner addressed to any association directing a discontinuance of any unsafe or injurious practice of such association, shall wilfully violate such order, shall be guilty of a public offense and shall be

punished by imprisonment in the state prison not exceeding two years, or in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars, or by both such fine and imprisonment.

SEC. 14.06. Construction not affected by title or headings. In construing this act or any of the provisions thereof, the title of this act, and the headings of the articles, sections and other subdivisions of this act, shall be disregarded.

Construction

SEC. 14.07. Void agreements. Wherever it is stated in this act that an agreement or contract contrary to the provisions of this act, or of a particular article, section or provision of this act, shall be void, such statement shall be deemed limited to the particular portion of such agreement or contract which shall be contrary to such article, section or other provision of this act, and the entire agreement or contract shall not be void unless such particular part thereof shall not be separable therefrom. Except as otherwise expressly provided in this act, no violation of any of the provisions of this act shall render invalid any agreement, contract, stock, share, investment certificate, note, trust deed, mortgage or other instrument.

Effect of act on contracts in violation thereof

SEC. 14.08. Effect of unconstitutional provisions. If any article, section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each article, section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the articles, sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Unconstitutionality

Article XV—Borrowers' Mutual Building and Loan Associations.

SEC. 15.01. Borrowers' mutual building and loan association defined. The term "borrowers' mutual building and loan association" is hereby defined to mean any incorporated institution which shall have been incorporated to conduct or shall be engaged in conducting, the business of borrowing, receiving and lending money, in accordance with the provisions of this article only, and which shall have no nonwithdrawable capital, and which shall make loans on the mutual plan only, and which shall issue no investment certificates, and shall not conduct or maintain any branches, and, in case of each such association hereafter incorporated, shall have its principal office in a city or town of not more than ten thousand population.

Definition

SEC. 15.02. This article is an exception to the other provisions of this act. Nothing contained in this act shall in any manner affect, control, or apply to any borrowers' mutual building and loan association, except the following sections in this article and such other portions of this act as are expressly made applicable thereto by the following sections of this article.

Effect of this article

The following sections of this article shall not affect, control or apply to any building and loan associations except borrowers' mutual building and loan associations.

Powers, etc

SEC. 15.03. Powers—Purposes for which formed. Borrowers' mutual building and loan associations shall have power to receive money and accumulate funds to be loaned, and to loan the same to their shareholders, to permit shareholders and investors to withdraw part or all of their payments or investments, and to prescribe the terms and conditions of such withdrawal; to cancel shares, the payments on which have been withdrawn; to borrow money for the purpose of making loans and of paying withdrawals and maturities; and shall have such further powers as may be specifically set forth under this article; provided, however, that no such association shall, at any time, have or carry upon its books, for any member or investor, any demand, commercial or checking account or any credit to be withdrawn upon the presentation of any negotiable check or draft.

Restriction

Statements
in articles.

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

Capital

Shares

SEC. 15.04. Capital, how accumulated, classes of shares. The capital of every such corporation shall be divided into shares of the matured or par value of one hundred or two hundred dollars each, as provided by the articles of incorporation, and shall be paid in by the subscribers in the manner provided by the by-laws. All such payments shall be called dues. Certificates shall be issued to each shareholder on the first payment of dues by him. Shares pledged as security for the payment of a loan shall be called pledged shares, and all others free shares. All shares matured and surrendered or canceled, shall become the property of the corporation and may be reissued. The capital shall consist of the accumulated dues, together with the apportioned profits of the corporation, and shall be accumulated by the issuance of "installment shares," "prepaid shares" or "full paid shares," as defined in section 3.02 of this act.

Dues

Certificates

Classes of
shares

SEC. 15.05. Entrance and transfer fees. Every borrowers mutual building and loan association shall also have power, by its by-laws, to charge and collect an entrance fee for each share it may issue, not exceeding ten cents on each share, and also to charge and collect a transfer fee, not exceeding ten cents on each share, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduction shall ever be made, or permitted to be made against any shareholder, or against any of his shares, hereafter issued, or the dues paid in thereon for the purpose of creating a fund to be issued in the payment of current or running expenses.

Entrance, transfer fees

SEC. 15.06 Retiring free shares. The directors may in their discretion, under the regulations prescribed by the by-laws, retire any free shares by enforcing the withdrawal thereof, but whenever the withdrawal of any shares is to be enforced, the holders thereof must be paid the amount actually paid in, and the full amount of earnings at the date of retirement; provided, the installment shares shall not be forced out until after they shall have become four years old.

Retirement of free shares

Restriction.

SEC. 15 07. Maturity of shares and payment. When any share shall have reached its matured value, payment of dues thereon shall cease. Borrowing shareholders whose loans are fully paid shall have their securities released and returned to them. Holders of free shares shall be paid the matured value thereof out of the funds of the corporation with interest at such rate as the by-laws shall provide, from the time the board of directors shall declare such shares to have been matured, until paid; but at no time shall more than one-half of the receipts of the corporation be applicable to the payment of matured shares without the consent of said board. The order of the payment of matured shares, if not otherwise determined by the by-laws, shall be in the numerical order of issuance.

Maturity of shares

Payment

SEC. 15 08. Officers and directors may not borrow. Loans shall be made upon the mutual plan only, accompanied by a pledge of shares having a matured or par value equal to the face of the loan. It shall be unlawful for any director or officer of any corporation governed by this article directly or indirectly, for himself, or as a partner or agent for others, to borrow any of the funds of such corporation, and any officer or director violating the provisions of this section shall be guilty of a felony. Any officer or director of any such corporation who consents on behalf of such corporation to make a loan to any officer or director of such corporation shall be guilty of a felony and shall also be personally liable to the corporation for the full amount thereof. Any officer, or director or employee of such corporation who asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward, or any money, property or thing of value, for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person, firm or

Borrowing by officers, etc., forbidden penalty for violation

Civil liability

- Restrictions on loans corporation any loan from such corporation, is guilty of a felony. It shall be unlawful for any borrowers' mutual building and loan association, corporation or society, operated under the provisions of this article, to loan any of its funds upon the security of, or to invest any of its funds in mining shares or mining stocks, or in the stocks or bonds of any corporation, other than in this article provided; and any officer or director
- Penalty for violation who, on behalf of any such corporation, shall make any such loan or investment, or who shall consent thereto, shall be personally liable to the corporation for the whole amount of any such loan or investment, and shall also be guilty of a felony.
- Security for loans **SEC. 15.09.** Security for loans, interest rate to appear, approved appraiser to be used. For every loan made a note or obligation, expressing and setting forth the exact rate of interest, must be executed by the borrower secured by a first mortgage or deed of trust upon real estate having an appraised value of not less than twenty-five per cent in excess of the face of the loan, or in lieu of a mortgage or deed of trust, loans to the extent of not exceeding ninety per cent of the then withdrawable value, may be made upon the pledge of free shares as security for their repayment. The board of directors may from time to time fix the rate of interest to be charged on loans. A borrower may at any time repay his loan together with interest or arrears due thereon and upon the surrender of the shares pledged as security therefor.
- Rate of interest No loan shall be made upon the appraisement of, nor shall compensation for any appraisement be paid to, any appraiser, officer or member of any committee who shall not have been first approved in writing by the commissioner for such association. Such approval may be subject to such limitations as may be provided by the commissioner, and may be revoked, for cause, after a hearing and due notice thereof first given to the appraiser and the association.
- Approved appraisers **SEC. 15.10.** Arrears in payment; default, forfeitures. Whenever any nonborrowing member shall be six months in arrears in the payment of his dues upon free shares, the secretary may give him notice thereof in writing, and a statement of his arrearages, by mailing the same to him at his last post-office address given by him to the association; and if he shall not pay all arrearages within two months thereafter, the board of directors may, at their option, declare his shares forfeited, and at the time of such forfeiture, the withdrawal value thereof shall be determined and stated, and the defaulting member shall be entitled to withdraw the same without interest, upon such notice as shall be required of a withdrawing shareholder.
- Arrears in payment Nonborrowing members Whenever a borrower shall be three months in arrears in the payment of his dues or interest, the whole loan shall become due at the option of the board of directors, and they may proceed to enforce collection upon the securities held by the association. Upon or after exercising such option,
- Borrowers.

the withdrawal value of all shares pledged as collateral security shall be applied to the payment of the loan, and said shares from the time of such application shall be deemed surrendered to the association and canceled.

SEC. 15.11. May purchase real estate on foreclosure sale. Purchase of real estate on foreclosure sale
Any such association may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment, lien, or other encumbrance, or in which it may have an interest, and may sell, lease or mortgage the same, at pleasure, to any person or persons.

SEC. 15.12. Apportionment of profits; and reserve. Profits Annual apportionment of profits
and losses shall be apportioned at least annually, and shall be apportioned to all shares in each class at the time of such To shares
apportionment, according to the actual or book value thereof. If the reserve fund shall not equal five per cent of the out- To reserve
standing loans at the time of each apportionment of profits, the directors shall set aside, as a reserve fund, not less than five per cent of the net profits accruing since the last prior apportionment, and shall continue so to do until said fund shall amount to at least five per cent of the loans in force, at which figure said fund shall thereafter be maintained. Said reserve fund shall at all times be available to meet losses arising from any source.

SEC. 15.13. Withdrawals; conditions and limitations. A Withdrawals
shareholder desiring to withdraw from any such corporation or to surrender a part or all of his shares, may do so by giving thirty days' notice, in writing, of his intention or desire so to do. On the expiration of such notice he is entitled to receive the full amount paid in upon the shares surrendered, exclusive of the entrance fee, together with such proportion of the earnings thereon as the by-laws may provide, or as may be fixed by the board of directors; but not more than one-half of the monthly receipts in any one month must be applied to withdrawals for that month, without the consent of the board of directors, and no shareholder shall be permitted to withdraw whose stock is pledged to the corporation as security for a loan, until such loan is fully paid. All withdrawals must be paid in succession in the order that the notices of intention are given. Whenever the demands of withdrawing shareholders exceed the money applicable to their payments, the notices of intention to withdraw must be registered in the order of filing and payments thereon must be made in succession, in the order that such notices were filed and registered.

SEC. 15.14. Demands unpaid for two years, business may Failure of payments
be taken over. Whenever an application for withdrawal of free shares shall have been on file, or the payment of matured shares demanded and either shall have remained unpaid for a period of one year, all the receipts of the association from dues, interest, premium, loans repaid, and the proceeds of all other investments, shall, after the payment of expenses and Period
Procedure thereafter

Seizure by
commissioner.

general indebtedness, be applied toward the payment of withdrawals and maturities; and the board of directors or the building and loan commissioner may direct that such payments shall be made upon a ratable and proportionate basis. Whenever such applications or demands, whether heretofore or hereafter made, have been on file and remain unpaid in whole or in part for more than two years, the building and loan commissioner may in his discretion forthwith take possession of the property and business of such association, and retain such possession until its affairs be finally liquidated in the manner provided by article XIII of this act.

Membership
minors

SEC. 15.15. Who may become members. Any person of full age and sound mind may become a member of a borrowers' mutual building and loan association by taking one or more shares therein and subscribing to the by-laws, and annexing to his signature his post-office address. A minor may hold shares in the name of a parent, guardian, or next friend, as trustee. The shares in any such corporation held by any person, to the extent of one thousand dollars, shall be exempt from execution.

Exemption
from execu-
tion

Supervision
of commis-
sioner

SEC. 15.16. State supervision and control. Borrowers' mutual building and loan associations as in this article defined, doing business in this state, shall be under the supervision and control of the building and loan commissioner. Each of the following sections of this act, and every section of each of the following articles of this act is hereby incorporated into and made a part of this article: Sections 2.02, 2.04, 2.05, 2.06, 2.09, 8.08, 9.09, 10.02, 10.04, 10.05, 10.06, 10.08; and articles eleven, twelve, thirteen and fourteen.

Sections
applicable

Investments.

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

CHAPTER 270.

Stats. 1927,
p 1068,
amended

An act to amend sections 1 and 2 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution of and punishment of offenses under the same,"

approved May 19, 1927, relating to the sale of jute goods and providing that this act shall take effect immediately.

[Approved by the Governor May 5, 1931 In effect immediately]

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

SECTION 1. Section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, is hereby amended to read as follows:

Stats 1927,
p 1068

Section 1. It shall be the duty of the state board of prison directors from time to time to fix the price, and to give public notice of the same, at which jute goods shall be sold by the state which price so fixed shall not be more than one cent per bag in excess of the net cost of producing the same exclusive of the labor of prisoners and guards. Notice of the price fixed shall be given by publication in at least three newspapers of general circulation, printed and published as follows, to wit, one in Sacramento valley, one in San Joaquin valley and one in the Salinas valley. Between the first day of October of each year and the first day of April of the following year jute bags shall be sold only to consumers thereof. At other times, if a surplus of said jute bags remain unsold, they may be sold to anyone in such quantities and at such prices as the board of prison directors in their discretion may deem proper.

Prison jute
goods sale
price

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

Stats 1927,
p 1068.

Sec. 2. All orders for jute goods filed with the state board of prison directors between the first day of October of each year and the first day of April of the following year must be accompanied by an affidavit, subscribed and sworn to before an officer authorized to administer oaths, setting forth the name, residence, post-office address and occupation of the applicant; that the amount of goods specified in the order is for the applicant's individual and personal use, and that he has not contracted for or agreed to contract for the sale of any portion thereof to any person or persons whatsoever.

Affidavits
accompany-
ing orders

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of article four of the constitution of the State of California and shall take effect immediately. The following is the statement of facts constituting such urgency.

Urgency.

The present economic conditions and conditions of drought do not assure the direct sale of bags to consumers, and the state has been, now is, and, until the taking effect of this act, will be unable to sell or dispose of a supply of jute goods now on hand. The state now has in stock over two hundred fifty thousand dollars worth of such jute goods, which it is the purpose and effect of this act to enable the state, acting

through its board of prison directors, to sell, in order that the moneys now invested in said goods may be rendered available to continue the operation of the state prison jute mill, thereby avoiding unemployment of a portion of the prison population.

CHAPTER 271.

Stats 1925,
p 648,
amended.

An act to add a new section to be numbered 7½ to chapter 358, statutes of 1925, entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," relating to pensions for marshals and deputy marshals.

[Approved by the Governor May 6, 1931 In effect August 14, 1931]

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

New section.

SECTION 1. A new section to be numbered 7½ is hereby added to chapter 358, statutes of 1925, entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein." to read as follows:

Marshals
retirement
annuity

Sec. 7½. In addition to the salaries, compensation and allowances provided in this act for marshals and deputy marshals, there shall be allowed to the marshal and deputy marshals the privilege and right to a pension or retirement annuity in the same manner and in the same amount and under the same terms and conditions as may have been or may be provided by law for county and township peace officers; provided, however, that no deputy marshal shall be entitled to such pension or annuity unless he shall be actively employed in the performance of duties as deputy marshal, and no other employees, such as clerks, bookkeepers, stenographers or persons who may be appointed deputy marshal but who do not perform the duties of deputy marshal, and other persons holding honorary appointment as deputy marshal, but who receive no compensation therefor and who do not regularly perform official duties, shall not be included. The purpose of this provision is to recognize a public obligation to such marshal and deputy marshals whose duties expose them to more than ordinary risk and this provision is designed to provide an additional element of compensation in consideration for the duties performed by such persons.

Where there has been established or may be established a county and township peace officers' retirement or pension system, the marshal and deputy marshals as above defined shall be included in such system and shall for the purpose of carrying out this provision and enabling such municipal court officers to benefit thereby, be deemed to be county employees for this purpose and the pension therein provided and payable to the marshal and deputy marshals as herein provided shall be a legal charge against the county, subject to the provisions of such county and township peace officers' retirement or pension system.

Peace officers' pension system

In computing the length of service of any marshal or deputy marshal entitled to the benefits of a pension or retirement annuity as herein provided, there shall be counted the time such marshal or deputy marshal may have served in a similar capacity with regard to his duties as an officer of any justice's court in said county, or that he may have served as a peace officer, as defined in such county and township peace officers' pension or retirement act in such county; provided, however, that such service must be continuous service as provided in such county or township peace officers' pension or retirement act.

Length of service

The retirement annuity or pension provided by this section shall be granted to the persons therein designated only in the event that in the county where such municipal court is located there shall have been established or provided, or shall be established or provided, a retirement annuity or pension for county and township peace officers who perform duties of the same character as those performed by the marshal and deputy marshals.

Annuity when granted

CHAPTER 272.

An act to add a new section to be numbered 7b to chapter 648, statutes of 1909, entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," as amended, relating to the use and disposition of moneys and funds of district agricultural associations.

Stats 1909, p. 979, amended

[Approved by the Governor May 6, 1931 In effect August 14, 1931]

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

SECTION 1. A new section, to be numbered 7b is hereby added to chapter 648, statutes of 1909, entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the

New section

management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," said section to read as follows:

Disposition
of funds

Sec. 7b. All moneys received by any district agricultural association formed and organized under the provisions of this act in the operation or conducting of a district fair of such association shall be retained by such association for the support of such district fair.

CHAPTER 273.

Stats 1909,
p 969,
amended

An act to amend sections 2, 3 and 4 of, and to add sections 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 to, an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, as amended, relating to charges of personal property brokers, and the licensing of such brokers.

[Approved by the Governor May 6, 1931 In effect August 14, 1931]

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

Stats 1911
p 978

SECTION 1. Section 2 of an act entitled "An act to define personal property brokers and regulate their charges and business," approved April 16, 1909, is hereby amended to read as follows:

Rate of
interest

Sec. 2. Such personal property broker may charge, receive and collect a benefit or percentage upon money or other thing advanced, or for the use and forbearance thereof, of three and one-half per centum per month on remaining unpaid balances on sums loaned up to and including the sum of three hundred dollars, where such loan or advance is made upon security properly falling within the scope of business as set forth in section 1 hereof.

Stats 1911,
p 978

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Further
charges
prohibited

Sec. 3. No further or other charges either for recording, insuring or examining the security or property, or for the drawing, executing or filing of papers, or for any services or upon any pretext whatsoever beyond the aforesaid charge for interest or discount shall be asked, charged, or in any way received, where the same would thereby make a greater charge for the money or thing advanced than the aforesaid rate and where made, all such charges shall be considered and be of the same effect as so much added interest.

Stats 1911,
p 978

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Contract
bearing
greater rate
invalid

Sec. 4. No contract of any kind or nature made by any personal property broker which comes within the scope of business as set forth in section 1 hereof or which in any way involves any security given to secure the performance of such

contract, shall be valid or of any force, virtue or effect, either at law or in equity, if there is therein or thereon directly or indirectly charged, accepted or contracted to be received or paid, either in money, goods, discount, or thing in action, or in any other way, a greater benefit, rate of discount, or interest than the aforesaid rate; and if a greater benefit, rate of discount or interest than the aforesaid rate is directly or indirectly advanced or paid upon any such contract as is in this section designated, the excess above the said rate so advanced or paid may be demanded and recovered by the person or his legal representatives or assigns who advanced or paid the same from the person or corporation either to whom or for whose use or benefit such payment or advance or any part thereof was made.

SEC. 4. A new section to be numbered section 7 is hereby ^{New section} added to said act to read as follows:

Sec. 7. No person, copartnership, association, or corporation shall engage in the business of a personal property broker, as herein defined, until such person, copartnership, association or corporation shall have first applied for and secured a license from the commissioner of corporations of the State of California, hereinafter designated as the "commissioner," as herein provided. ^{License.}

SEC. 5. A new section to be numbered section 8 is hereby ^{New section} added to said act to read as follows:

Sec. 8. Application for such license shall be in writing, ^{Application} and verified under oath in such form as may be prescribed by the commissioner, and shall contain the name and the address both of the residence and place of business of the applicant, and if the applicant is a copartnership or association, or every member thereof, and if a corporation, of every officer and director thereof; also the place or places where the business of such applicant is to be conducted, and together with such further information as such commissioner may require. Such applicant at the time of making such application, shall pay to the commissioner the sum of one hundred dollars (\$100) as a fee ^{Fee} for investigating the application, and the additional sum of two hundred fifty dollars (\$250) as an annual license fee, for a period terminating on the last day of the current calendar year, provided that if the application is filed after June thirtieth in any one year, such payment shall be one hundred twenty-five dollars (\$125), as such license fee, in addition to such fee for investigation.

SEC. 6. A new section to be numbered section 9 is hereby ^{New section} added to said act to read as follows:

Sec. 9. The applicant shall, at the time of filing such ^{Bond} application, deposit with the commissioner a bond, in which the applicant shall be the obligor, in the sum of five thousand dollars (\$5,000), with one or more sureties, which shall be subject to the approval of the commissioner. Such bond shall run to the State of California for the use thereof, and to any

person or persons who may have a cause of action against the obligor of said bond under the provisions of this act, and shall furthermore be conditioned that such obligor will faithfully conform to and abide by the provisions of this act and of all rules and regulations made by the commissioner hereunder, and will pay to the state, and to such person or persons, any and all moneys which may become due or owing to the state or to such person or persons from said obligor under and by virtue of the provisions of this act.

New section

SEC. 7. A new section to be numbered section 10 is hereby added to said act to read as follows:

Issuance
of license

Sec. 10. Upon the filing of such application and the approval of such bond and the payment of such fees, the commissioner shall, if he finds that the financial responsibility, experience, character and general fitness of the applicant and of the members thereof, if the applicant be a copartnership or association, and of the officers and directors thereof, if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business proposed to be conducted will be operated honestly, fairly and efficiently within the purposes of this act, the commissioner shall thereupon issue and deliver a license to the applicant to engage in business, in accordance with the provisions of this act, at the location in said application, which license shall be effective until either surrendered by the licensee, or revoked or suspended, as hereinafter provided; otherwise said commissioner shall not issue such license and shall notify the applicant of his refusal and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining, however, the investigation fee paid to the commissioner to cover the costs of investigating the application.

SEC. 8. A new section to be numbered section 11 is hereby added to said act to read as follows:

New section

License
form, etc

Sec. 11. Such license shall state the address at which the business is to be conducted, and shall fully state the name of the licensee, and if the licensee is a copartnership or association, the names of the members thereof, and if a corporation, the time and place of its incorporation. Such license shall be conspicuously posted in the place of business of the licensee, and shall neither be transferable nor assignable. Whenever the licensee shall change his place of business to any other location other than that designated in the license, he shall at once give written notice to the commissioner, who shall attach to the license in writing his record of the change and the date thereof, which shall be authority for the operation of such business under such license at such new location. Every licensee shall on or before the fifteenth day of January, pay to the commissioner the annual license fee for the next succeeding calendar year, and shall at the same time file with the commissioner a bond in the same amount and of the same character as required by section 9 of this act.

SEC. 9. A new section to be numbered section 12 is hereby added to said act to read as follows: New section

Sec. 12. The commissioner shall, upon ten days' notice to the licensee, stating the contemplated action, and in general the grounds therefor, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that the licensee has failed to pay the annual license fee, or to maintain in effect the bond or bonds required under the provisions of this act, or to comply with any demand, ruling or requirement of the commissioner; or that the licensee has violated any provision of this act or any rule or regulation of the commissioner; or that any fact or condition exists which, if it had existed at the time of the original application for such license, would clearly have warranted the commissioner in refusing the original issuance of such license. Revocation
of license

SEC. 10. A new section to be numbered section 13 is hereby added to said act to read as follows: New section

Sec. 13. For the purpose of discovering violations of this act, or securing information required by him hereunder, the commissioner may, at any time, either personally or by any person or persons designated by him, investigate the loans and business, and examine the books, accounts, records and files used therein of every licensee, and of every person, copartnership, association and corporation who or which shall be engaged in said business, whether such person, copartnership, association or corporation shall act or claim to act under or without the authority of this act, and for such purposes the commissioner and his representatives shall have free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all such persons, copartners, associations and corporations. The commissioner and all persons duly designated by him shall have authority and power to administer oaths and to take the testimony of any witnesses and to issue subpoenas requiring the attendance upon any examination, investigation or hearing in any part of the state of witnesses and the production of books, documents and other things under their control. All of the provisions of chapter 2 of title III of part IV of the Code of Civil Procedure relating to the means of production of evidence out of court shall be applicable to any examination, investigation or hearing under this act. The authority to make or conduct any such examination, investigation or hearing including the authority to administer oaths and to subpoena witnesses, and to take their testimony may be designated by the commissioner to any deputy or examiner appointed by him for that purpose. Such appointment shall be made by instrument in writing, signed by the commissioner under his official seal, and upon such examination, investigation or hearing, the same shall be produced by such deputy or examiner at any time upon demand therefor. Investigation
of books, etc

Hearing

Investiga-
tion fee

The commissioner shall charge and collect for any examination, audit or investigation fifteen dollars (\$15) per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation not exceeding ten dollars (\$10) per day paid to any deputy or other employee of the commissioner that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit or investigation, plus the actual amount of expense reasonably incurred in the performance of such work.

New section

SEC. 11. A new section to be numbered section 14 is hereby added to said act to read as follows:

Accounting
required

Sec. 14. The licensee shall keep and use in his business such books, accounts and records as will properly enable the commissioner to determine whether such licensee is complying with the provisions of this act and with all rules and regulations made by the commissioner hereunder. Every licensee shall preserve such books, accounts and records for at least two years after making the final entry on any loan recorded therein. Every licensee shall annually on or before the fifteenth day of March, file a report with the commissioner giving such reasonable and relevant information as the commissioner may require concerning the business and operations during the preceding calendar year of each licensee's place of business conducted by such licensee within the state, which report shall be under oath and in the form prescribed by the commissioner.

New section

SEC. 12. A new section to be numbered section 15 is hereby added to said act to read as follows:

Rules

Sec. 15. The commissioner shall establish such rules and regulations as he may deem reasonable or necessary for the execution of the provisions of this act.

New section

SEC. 13. A new section to be numbered section 16 is hereby added to said act to read as follows:

Disposition
of fees

Sec. 16. All fees charged and collected under this act shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as "personal property brokers fund," which fund is hereby created.

All moneys paid to the commissioner, as in this act provided, shall be paid by him into the state treasury and credited to the personal property brokers fund, and all such moneys are hereby appropriated to be used by the commissioner in carrying out the provisions of this act; and the comptroller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasurer shall pay the same. The commissioner may, with the consent of the board of control, withdraw from said fund a sum not exceeding one thousand five hundred dollars (\$1,500), to be used as a revolving fund where cash advances are necessary, and the commissioner must account

Revolving
fund

for such sums so withdrawn for said revolving fund at any time upon demand of the board of control.

CHAPTER 274.

An act to provide for the recall of elective officers of incorporated cities and towns, and to repeal chapter 32, statutes of 1911, extra session, entitled "An act to provide for the recall of elective officers of incorporated cities and towns," approved January 2, 1912.

[Approved by the Governor May 8, 1931 In effect August 14, 1931]

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

SECTION 1. The holder of any elective office of any incorporated city or town may be removed or recalled at any time by the electors; provided, he has held his office at least six months, and no other recall petition has been filed against him within a like period. The provisions of this statute are intended to apply to officials now in office, as well as to those hereafter elected. Recall

SEC. 2. The procedure to effect such recall shall be as follows: Procedure

A petition demanding the recall of the officer sought to be recalled shall be filed with the clerk of the legislative body of such city or town, which petition shall be signed by qualified electors equal in number to at least twenty-five per cent of the entire number of votes cast for the office which the incumbent sought to be removed occupies, at the last preceding regular municipal election at which such office was filled by election (or a like percentage of such votes within those precincts embraced within the ward or subdivision of the city or town within which candidates for the said office were to be voted for, in the case of an official not elected by the city or town at large). For the purposes hereof, each seat on the legislative body shall be deemed a separate office. One petition and one election shall be sufficient for the recall of one or more officials. In case a clerk is the officer sought to be recalled, he shall immediately notify the legislative body, and the duties herein provided to be performed by him shall be performed by some other person designated by said legislative body for that purpose, but the time for the performance of such duties shall not begin to run until after such designation. Petition

SEC. 3. Before submitting such a petition for signatures the proponents thereof shall publish a notice of intention so to do which notice must be accompanied by a printed statement not exceeding five hundred words in length of the reasons for the proposed recall. Said notice and statement shall be published at least once in a newspaper of general circulation Notice.

published in such city or town or if no newspaper be published in said city or town, then in a newspaper published within the county and circulated within said city or town or if no newspaper of general circulation be published within said county, then a copy of said notice of intention and the accompanying statement shall be posted in three public places in such city or town, or portion of such city or town wherein the recall is to be voted on.

Affidavit
of service

A copy of said notice shall be served upon or sent to the officer sought to be recalled by registered mail, and an affidavit of such service shall be filed forthwith with the town clerk of the legislative body of such city or town; said affidavit shall designate the mode in which service is made.

Answer

SEC. 4. Within fourteen days after the publication or posting of said notice and statement the officer sought to be recalled or anyone upon his behalf may publish in the same newspaper or post in the same places, as the notice of intention and the accompanying statement, an answer to said statement, but such answer shall not exceed five hundred words in length. Said statement and answer are intended solely for the information of the electors and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken hereunder.

Petition
circulation

SEC. 5. After the expiration of twenty-one days after the publication or posting of the notice and statement provided for in section 3 hereof, the petition demanding the recall of the officer may be circulated among the qualified electors of said city or town for the submission of signatures. Said petition must bear a copy of the printed or posted notice of intention and accompanying statement and the answer if any made by the officer to said statement. If the officer has not answered them the petition must so state. Signatures must be secured and the petition filed as hereafter provided within sixty days from the first publication or posting of the notice of intention.

Signatures

SEC. 6. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence and occupation, giving street and number, where such street and number, or either, exist, and if no street or number exist, then such a designation of the place of residence as will enable the location to be readily ascertained. Each signer shall also add the date of signing opposite his or her name.

Affidavit
signatures

SEC. 7. Each such separate paper shall have attached thereto an affidavit made by a qualified elector of the city or town (or particular subdivision thereof as the case may be) and sworn to before an officer competent to administer oaths, stating that the affiant solicited signatures to that particular paper and saw written the signatures appearing thereon; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name pur-

ports to be thereunto subscribed, and of a qualified elector of the city or town (or particular subdivision thereof.) The term "each separate paper" may include a number of sheets attached together, provided the affiant saw written all the signatures appearing on each of said sheets.

SEC. 8. Within fifteen days from the date of filing such petition, the clerk shall examine and from records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within fifteen days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed.

SEC. 9. The clerk shall, within fifteen days after such supplementing papers are filed, make like examination of the supplementing petition, and if his certificate shall show that all the names of such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect.

SEC. 10. If required by the clerk the legislative body of said city or town shall authorize the clerk to employ in addition to the persons regularly employed by him in his office such persons as may be necessary in the examination of said petition and supplemental petition and shall provide for the compensation to be paid such persons.

SEC. 11. If the petition shall be found to be sufficient, the clerk shall submit the same to the legislative body of the city or town without delay, whereupon that body shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer. Whenever a regular municipal election is to occur not more than sixty days nor less than thirty-five days from the time of the receipt of the petition by the legislative body from the clerk, the legislative body may at its discretion provide for the submission of the question of the recall at such regular election instead of a special election. At any such regular election where the question of the recall of an officer is submitted the ballots for the recording of the vote on a question of such recall must be separate from any other ballots used in such election.

SEC. 12. The clerk shall cause to be printed and mailed to each elector at least ten days prior to the election, sample ballots upon which shall be printed the statement of the proponents which was published with the notice of intention heretofore mentioned, followed by the answer, if any, of the officer sought to be recalled.

There shall also be printed thereon the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" Following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the elector shall indicate by stamping a cross (X) his vote for or against such recall. In case more than one person is sought to be recalled at the same election, the statements and answers for each person shall be printed in a separate column, and the question of recall shall be reprinted for each person separately.

SEC. 13. There shall also be printed on the ballot the following question:

"If the recall prevails shall the council fill the vacancy or vacancies by appointment or call a special election for that purpose?" Following the question shall be the words "By appointment" and "By special election" on separate lines, with a blank space at the right of each in which the elector shall indicate by stamping a cross (X) his vote for appointment or election.

Canvass
of votes

SEC. 14. The vote shall be canvassed on Monday next succeeding the day of said election, and if it appears that a majority of those voting at said election voted "yes" and in favor of the recall of any incumbent from office, such incumbent or incumbents shall be deemed removed from office and a vacancy or vacancies, as the case may be, shall be deemed to exist therein.

Election to
fill vacancy

SEC. 15. If the recall should prevail in any case, and a majority of those voting on the question of filling the vacancy or vacancies, as the case may be, favor a special election for that purpose, the same shall be called forthwith, and held not less than thirty-five nor more than forty days after the date of the order calling such election; provided if a regular municipal election is to occur not more than sixty days nor less than thirty-five days from the date of canvassing the vote aforesaid, the legislative body may at its discretion provide for filling the vacancy at such regular municipal election instead of a special election. Otherwise the council shall forthwith fill the vacancy or vacancies by appointment. In either case the person or persons elected or appointed shall hold office for the unexpired term of the former incumbent or incumbents, as the case may be.

Special
commission

SEC. 16. In the event of a majority of the city council being recalled at one and the same election, then and in that case the governor shall appoint a special commission of three electors of such city or town to call and conduct a special election therein to fill such vacancies, which election shall be held not less than thirty-five nor more than forty days after such appointment, otherwise it shall be conducted in accordance with the general election laws of the state as nearly as may be.

SEC. 17. This act is not intended to apply to those cities having a freeholders' charter, adopted under the provisions of section 8 of article XI of the constitution, and having in such charter provision for the recall of elective officials by the electors. Chartered cities

SEC. 18. This act shall be liberally construed to promote the objects thereof, and no error, omission or irregularity not affecting the substantial rights of any citizen or public official shall ever be held to invalidate any proceedings taken hereunder where the requirements of the act have been substantially complied with. Interpretation

SEC. 19. Chapter 32, statutes of 1911, extra session, is hereby repealed; provided, however, that in the case of any recall petition filed prior to the time this act takes effect, the procedure with respect thereto shall be in accordance with the provisions of chapter 32, statutes of 1911, extra session. Repeal

CHAPTER 275.

An act to provide for the sanitary inspection of slaughter houses, the inspection of animals or meats intended for human consumption, to provide rules and regulations therefor, to provide penalties for the violation thereof and to repeal the California meat inspection law, approved June 3, 1921.

[Approved by the Governor May 8, 1931 In effect August 14, 1931]

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

SECTION 1. This act shall be known as the California meat inspection law. Title

SEC. 2. The following words and phrases, when used in this act, shall have the meaning set forth in this section as follows: Definitions

“Federal inspection” shall mean the inspection maintained by the bureau of animal industry of the United States department of agriculture.

“State inspection” shall mean the inspection maintained by the department of agriculture of the State of California.

“Municipal inspection” shall mean the inspection department of each chartered or incorporated city, or city and county, or county, or unincorporated or unchartered county whose inspection is performed by persons employed who have passed a regular civil service meat or market inspector's examination or who have been employed since January 1, 1929, and who hold license from the State of California to practice veterinary science and whose inspection is performed according to the terms of meat inspection regulations equivalent in health value and protection to the public to those adopted by the United

States department of agriculture for the bureau of animal industry. This term may be used in either the singular or plural.

“Health authority” shall mean the health officer, the chief of meat inspection, or other official designated by the health officer of any city, city and county, or county of the State of California.

“Establishments” shall include all premises where animals are slaughtered or prepared for food purposes, meat canneries, sausage factories, curing and smoke houses, and similar places.

“Animals” shall be limited to the larger mammals and all small species such as rabbits shall be excluded.

Municipal
inspection

SEC. 3. Recognition is hereby extended to the various municipal inspection departments throughout the State of California. The health authority under whose jurisdiction each municipal inspection department operates shall be notified within seven (7) days of the date on which this act becomes effective of the requirements which each establishment operating under his jurisdiction and the inspection system therein must meet in order to receive approval by the director of agriculture. All establishments which meet these requirements by December 15, 1931, shall receive such approval as of January 1, 1932.

Approval
stamp.

SEC. 4. Upon the approval of the director of agriculture being given to an establishment operating under municipal inspection, there may be added to the stamp in use in said establishment the words “Cal. approved,” which shall accord such stamp the same recognition as “Cal. inspected and passed.” The director of agriculture in his supervision of approved municipal inspection departments, or establishments, must transmit all orders to establishments through the respective local health authorities.

Standards

SEC. 5. The original requirements which must be met by establishments under municipal inspection in order to secure the approval of the director of agriculture shall in no case set up a higher standard than the general average actually in force at the time in establishments having state inspection.

Inspection
mandatory.

SEC. 6. No establishment may be operated for the purpose of slaughtering and preparing animals for food purposes, or for the manufacture of meat food products in the State of California unless such establishment is operated under federal inspection, state inspection, or approved municipal inspection. No dressed carcasses of animals intended for food purposes, parts thereof, meats or meat food products shall be sold or offered for sale within the State of California unless the same shall bear the “Inspected and passed” stamp of an establishment operating under federal inspection, state inspection, or approved municipal inspection.

Effective
date

The foregoing provisions of this section shall be effective on and after April 1, 1932, in all counties having a population

of twenty-seven thousand or over. In counties of less than twenty-seven thousand population, the effective date and the period for which this section shall be effective shall be determined by the state department of agriculture.

Nothing herein contained shall prevent the continuance or inauguration of state inspection or municipal inspection on a voluntary basis, not otherwise provided for in this act. Exemptions

Nothing in this act shall be construed to prohibit a live stock producer from occasionally slaughtering animals on his own premises for his own consumption or for partial disposal of the meat in his vicinity without advertisement of any kind and without offering for sale at any public place, nor to prohibit a cattle raiser or dairyman from slaughtering calves under the age of eight months which are the actual increase of his own herd; provided, such calves are accompanied by a certificate of ownership and offered for inspection at any point where inspection is maintained in accordance with regulations issued by the director of the state department of agriculture. Producer's use

Nothing herein contained shall prohibit animals of the bovine species under the age of eight months from being slaughtered and shipped to counties where state inspection or approved municipal or county inspection is maintained and said animals so slaughtered shall be there inspected and the carcasses stamped; provided, that the establishments wherein said animals were slaughtered meet the sanitary requirements of the state department of agriculture. Calves

SEC. 7. For the purpose of this act, the director of agriculture of California is authorized to employ persons who have passed a civil service meat or market inspector's examination and found skilled in the inspection of meats and meat food products for wholesomeness and healthfulness, necessary additional employees and equipment as required, and he is authorized to utilize and employ in the enforcement of this act any employee or agent of the state department of agriculture. Inspectors.

SEC. 8. No animal shall be slaughtered for food purposes in the State of California except between the hours of seven o'clock a.m. and eight o'clock p.m. of any one week day and slaughtering is forbidden on Sundays and legal holidays, unless a special permit in writing is issued by the director of agriculture, or a local health authority of an approved municipal inspection department. Hours for slaughter

SEC. 9. When it is deemed necessary, in order to safeguard the public health, the director of agriculture shall cause to be made an ante mortem inspection of any cattle, sheep, swine, or other animals before being slaughtered for food purposes. Such inspection shall be made prior to slaughter and satisfactory facilities shall be provided for conducting such examinations and separating from the passed animals those deemed unfit for immediate slaughter, and if any owner or person in charge is about to slaughter for food purposes any animal or animals, which the department of agriculture believes may Inspection before slaughter

be affected with disease, said director shall notify the owner or person in charge of said animals to refrain from slaughtering them for food purposes until the previously mentioned ante mortem examination shall be completed, and any owner or person slaughtering animals for food purposes after notification by the director shall be guilty of a misdemeanor; provided, however, that no owner or person shall be required to refrain from slaughtering animals for a period longer than seventy-two hours.

Inspection
after
slaughter

SEC. 10. The director of agriculture is authorized to provide post-mortem inspection of all animals slaughtered for food purposes in any or all establishments in the State of California, in accordance with the provisions of this act in order to safeguard the public health, and the head, tongue, tail, thymus glands, viscera, and other parts and blood used in the preparation of meat food, meat food products, or medicinal products shall be retained in such a manner as to preserve their identity until after the post-mortem examination has been completed. Carcasses and parts thereof found to be sound, healthful and wholesome after inspection and otherwise fit for human food shall be passed and may be marked in the following manner: "Cal. inspected and passed," or with the inspection legend of an approved municipal inspection department, to which has been added the words "Cal. approved." This mark may also include any number given the establishment. Each carcass or part thereof which is found on post-mortem inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be marked conspicuously by the inspector at the time of inspection with the words, "Cal. inspected and condemned," or with the condemned brand of an approved municipal inspection department and such carcasses or parts thereof, under the supervision of the inspector, shall be rendered unfit for human consumption in a manner approved by the director of agriculture.

Application
to conduct
slaughter
house

SEC. 11. Any person, firm or corporation desiring to engage in the slaughtering of cattle, sheep, swine or other animals for human consumption in any county of the State of California, in which section 6 of this act shall be effective shall make application in writing to the director of agriculture or the local health authority for the inauguration of an inspection service in the establishment where said animals are to be slaughtered. Such application shall be in writing addressed to the director of agriculture or local health authority on blanks which shall be furnished by said department of agriculture or municipal inspection department. In such application the applicant for inspection shall agree to comply with the provisions of this act and to maintain said establishment in a clean and sanitary manner. Upon receipt of said application the director of agriculture or local health authority shall make an inspection of said establishment and if found clean and sani-

Official
number

tary, and properly equipped to conduct its business in accordance with the rules and regulations of the department of agriculture, said director of agriculture or local health authority shall inaugurate an inspection service therein, and shall give to such establishment an official number, and this number shall be used to mark the meat and meat food products of the establishment as provided in this section. Such an establishment shall thereafter be known as "official establishment No. ---," and such establishment shall pay for such inspection service a fee in the amount designated by the director of agriculture or the municipal inspection department having jurisdiction. Such fees as are payable to the department of agriculture shall be credited to the department of agriculture fund, to be utilized in the payment of salaries of inspectors, and premiums on account of workmen's compensation insurance, and the balance of moneys paid in under the California meat inspection law, approved June 3, 1921, shall be used for the purposes of this act. All such fees shall be paid during the first week of January, April, July and October of each year, and shall be paid in advance for the ensuing three months in amounts designated by said director. The total amount of said fees collected shall be reported at least once each month to the state controller, and at the same time, the entire amount of such receipts shall be paid into the state treasury.

Fee

Stats 1921,
p. 1269

SEC. 12. The dressed carcasses of all animals intended for human consumption, parts thereof, meats, or meat food products inspected and marked in accordance with sections 4, 9 and 10 of this act shall be permitted to be transported, sold and offered for public consumption in the State of California, and any political subdivision thereof without restriction, except that imposed upon meat or meat food products bearing the inspection stamp of the United States department of agriculture.

Disposition
of meat
passed

SEC. 13. It shall be unlawful for any firm, person, or corporation, except employees of the United States department of agriculture, state department of agriculture or of a municipal inspection department, to have in possession, keep, or use any mark, stamp, or brand provided or used for marking, stamping, or branding the carcass of any animal intended for food purposes, parts thereof, meats, or meat food products, or to have in possession, keep, or use any mark, stamp, or brand having thereon a device or words the same or similar in character or import to the marks, stamps, or brands provided or used by the United States department of agriculture, or state department of agriculture or of any municipal inspection department for marking, stamping, or branding carcasses of animals intended for food purposes, parts thereof, meats, or meat food products.

Unlawful
possession
of stamps

SEC. 14. The director of agriculture shall from time to time provide rules and regulations necessary for the efficient execution of the provisions of this act, and all inspections and

Rules.

examinations made under this act shall be made in such a manner as described in the rules and regulations provided by said director not inconsistent with the provisions of this act; provided, however, that in such rules and regulations said director shall be guided by the rules governing meat inspection of the United States department of agriculture.

Insanitary
slaughter
houses

SEC. 15. It shall be unlawful for any person, firm, or corporation to maintain, or operate a slaughtering house, which is unclean or insanitary.

Sanitary
inspection

SEC. 16. Every establishment in California where cattle, sheep, swine or other animals are slaughtered or where meat or meat food products are prepared or processed for human consumption shall be maintained and operated in a clean and sanitary manner and inspection conducted in accordance with the provisions of this act and the regulations of the director of agriculture, and in the event that an establishment fails so to do, said director is authorized and empowered to suspend inspection in any establishment having state inspection or municipal inspection.

Violations.

SEC. 17. Any person, firm or corporation engaged in the business of slaughtering and preparing animals for food purposes, or preparing or retailing meats, or meat food products, or manufacturing sausage, or operating meat canneries, curing or smoking rooms, or any owner or person in charge of any animal intended for slaughter for food purposes violating any of the provisions of this act, or the rules and regulations promulgated by the director of agriculture for its enforcement shall be deemed guilty of a misdemeanor.

Constitu-
tionality.

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

Repeal

SEC. 19. The California meat inspection law, approved June 3, 1921, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 276.

An act to amend section 736b and repeal section 736c of the Political Code, relating to the salaries of judges of the superior court and to make an appropriation to cover increases in the payments by the state therefor.

[Approved by the Governor May 8, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 736b of the Political Code is hereby amended to read as follows: Stats 1927, p. 578.

736b The annual salary of each of the judges of the superior court of the State of California shall be such as has been or may be fixed by the Legislature, of which amount the state shall pay the sum of four thousand dollars and the remainder thereof shall be paid by the county or city and county in and for which the judge is elected or appointed. In no county shall the salary of a judge of the superior court be less than four thousand dollars. Salary superior judges.

SEC. 2. Section 736c of the Political Code is hereby repealed. Repeal

SEC 3. In addition to any other appropriation made by law for support of the superior courts during the eighty-third and eighty-fourth fiscal years, the sum of one hundred ninety thousand dollars (\$190,000) is hereby appropriated out of moneys in the state treasury, of which sum the sum of sixty thousand dollars (\$60,000) is appropriated from the appropriation "for extra compensation and traveling expenses of judges assigned by judicial council one hundred forty-five thousand dollars (\$145,000)" made by chapter 183 of the statutes of 1931, and the balance thereof, the sum of one hundred thirty thousand dollars (\$130,000), out of moneys in the state treasury not otherwise appropriated to cover the increase of the state's payment toward the salaries of judges of the superior court herein provided. Appropriation.

SEC. 4. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 277.

An act to amend sections 633 and 633a, and to add sections 633a1, 633a2, 633a3, 633a4, 633a5, 633a6, 633a7, 633a8, 633a9, 633a10, 633a11, 633a12, 633a13, 633a14, 633a15, 633a16, 633a17, 633a18, 633a19, 633a20, 633a21, 633a22, 633a23, 633a24, 633a25, 633a26, 633a27, 633a28, 633a29, 633a30, and 633a31 to the Political Code, relating to the qualification, licensing and fees of insurance agents, brokers, and solicitors.

[Approved by the Governor May 8, 1931 In effect August 14, 1931.]

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

Stats 1923,
p. 731.

SECTION 1. Section 633 of the Political Code is hereby amended to read as follows:

Agent
defined

633. An insurance agent is an individual, copartnership, association, or corporation authorized to solicit, negotiate, or effect contracts of surety, indemnity, or insurance other than life, by, and on behalf of, any properly qualified insurance or surety company or association.

Stats 1923,
p. 738

SEC. 2. Section 633a of the Political Code is hereby amended to read as follows:

Broker
defined

633a. An insurance broker is an individual, copartnership, association, or corporation that for compensation and on behalf of another party solicits, negotiates, or effects contracts of surety, indemnity, or insurance other than life with, but without authority to perform such acts on behalf of, any properly qualified insurance or surety company or association. An insurance agent may be a broker with relation to companies or associations for which he is not an authorized agent, but in order to act as a broker he must also be licensed as such.

New section.

SEC. 3. Section 633a1 is hereby added to the Political Code to read as follows:

Insurance
solicitor
defined

633a1. An insurance solicitor is a natural person employed to aid an insurance agent or broker in any manner in soliciting, negotiating, or effecting contracts of surety, indemnity or insurance other than life.

New section

SEC. 4. Section 633a2 is hereby added to the Political Code, to read as follows:

License

633a2. No person, firm, or corporation shall act as an insurance agent, broker, or solicitor until a license is obtained from the insurance commissioner, authorizing such person, firm, or corporation so to act.

New section

SEC. 5. Section 633a3 is hereby added to the Political Code, to read as follows:

Application

633a3. Such license shall be obtained only by a written application in a form prescribed by the insurance commissioner, stating the kind or kinds of insurance in which the applicant desires to deal.

SEC. 6. Section 633a4 is hereby added to the Political Code, New section
to read as follows:

633a4. Every applicant for a license to act as an insurance Bond
broker must file with the application a satisfactory bond to
the people of the State of California, duly executed by a
sufficient surety or sureties to be approved by the insurance
commissioner, in the amount of one thousand dollars, con-
ditioned for the payment by the broker to any insurance or
surety company or association, or to any other person entitled
thereto, of premiums collected by the broker on contracts of
indemnity, surety, or insurance other than life.

SEC. 7. Section 633a5 is hereby added to the Political Code, New section
to read as follows:

633a5. Every application by a copartnership, association Application
or corporation for a license to act as an insurance agent or contents.
broker shall state the name or names of the members, officers
or employees thereof, who intend to exercise the powers
and perform the duties of the agency or brokershhip. Such
application must also contain an agreement by all of the mem-
bers of the copartnership or of an officer empowered to bind
the association or corporation, that in the event the applicant
is granted the license, only those persons designated in the
license will negotiate or effect contracts authorized under said
license. The persons therein named shall, if the applicant is
not already licensed as an insurance broker or agent, take and
pass the qualifying examination provided by this code. But
where one or more of the persons named fails to pass the
examination, the license may be issued with the agreement of
the applicant that the names of such person or persons be
omitted from the list of those empowered to negotiate or effect
the contracts specified in this section.

SEC. 8. Section 633a6 is hereby added to the Political Code, New section
to read as follows:

633a6. Whenever a copartnership, association or corpora- Changes
tion, licensed as an agent or broker, desires to change or add in license
to the persons who are to negotiate or effect the contracts it
is licensed to effect, it must immediately, in writing, notify
the commissioner. The commissioner must require a new
application for license and any persons named to negotiate or
effect such contracts who are not named in the last previous
application of the applicant and who, within two years next
preceding the application, were not either licensed to act as an
insurance agent, broker or solicitor, or named in a license as
authorized to exercise agency or brokershhip powers, must be
required by the commissioner to take the qualifying examina-
tion provided in this code.

SEC. 9. Section 633a7 is hereby added to the Political Code, New section
to read as follows:

633a7. The insurance commissioner shall investigate the Qualifi-
qualifications of the applicants. Except as otherwise pre- cations of
scribed in this code he may issue the license to applicants on a applicants.

showing satisfactory to him of the following facts: That the applicant is properly qualified to perform the duties of an insurance agent, broker, or solicitor, as the case may be; that granting the license will not be against public interest; that the applicant intends actively and in good faith to carry on the business of insurance agent, broker, or solicitor, as the case may be; that in the case of a corporate applicant, the articles of incorporation permit it to act as an insurance agent or broker, as the case may be; or in the case of an association or copartnership applying for such a license, that its articles of association or agreement of partnership do not forbid it from so acting; that the license is not being secured for the purpose of enabling the applicant or the employer of the applicant to obtain contracts of surety, indemnity or insurance other than life, at a cost less than specified in such contracts; that in the case of a person who has not within two years previous to the application held a license to act as an insurance agent, broker, or solicitor, the applicant has taken and passed the qualifying examination provided in this code.

Fees.

The insurance commissioner must require in advance, in United States gold coin, the following fees: For issuing each original annual license to an insurance broker, ten dollars, and for issuing each renewal of annual license to an insurance broker, five dollars; for issuing each annual license to an agent or solicitor, one dollar; which said fees shall be in lieu of the fees provided in subsections 11, 12 and 13 of section 605 of the Political Code.

New section.

SEC. 10. Section 633a8 is hereby added to the Political Code, to read as follows:

License contents.

633a8. Every license to act as an insurance agent, broker, or solicitor, as the case may be, must state on its face (a) the name of the licensee, (b) that he is licensed so to act, (c) the location of the principal office in this state of the licensee by street address, city, or town, if any, and by county, and (d) the conditions, if any, on which the license is issued. Every such license must be prominently displayed in the office of the licensee.

New section

SEC. 11. Section 633a9 is hereby added to the Political Code, to read as follows:

Return of license

633a9. The insurance solicitor's license shall be issued to, and shall remain in the possession of, the employing agent or broker until canceled, or until the licensee withdraws from the employ. Immediately upon the withdrawal the employer must return the solicitor's license to the commissioner for cancellation. If unable to return the license, the employer must furnish evidence of loss or destruction satisfactory to the commissioner, who shall thereupon cancel the license and shall enter the fact in his records. Upon notifying the commissioner in writing of change of office, or change of employer, the solicitor is entitled to the issuance of a new license for the unexpired period without charge.

SEC. 12. Section 633a10 is hereby added to the Political Code, to read as follows: New section.

633a10. No agent or broker shall at the same time be licensed as a solicitor. No solicitor shall, at the same time, be licensed as an agent or broker. No solicitor shall represent that he is an insurance agent for any company, or that he is an insurance broker. License: restrictions

SEC. 13. Section 633a11 is hereby added to the Political Code, to read as follows: New section.

633a11. No license to act as an insurance solicitor must be issued until the applicant files with the insurance commissioner a written statement or agreement of an insurance agent or broker, stating that the applicant, when licensed, will be employed by the broker or agent, with the duties and powers prescribed by the section of this code in which the term insurance solicitor is defined. Employment agreement solicitor

Pending the issuance of the license and during periods when it is canceled by termination or change of employment, the solicitor, upon request, is entitled to a certificate from the insurance commissioner stating that the applicant, or former license holder as the case may be, will be issued a license to act as an insurance solicitor upon the filing of the agreement or statement of employment prescribed in this section.

SEC. 14. Section 633a12 is hereby added to the Political Code, to read as follows: New section

633a12. Before he can receive a license to act as an insurance agent, an applicant must file with the insurance commissioner an agreement, statement, or other document executed by a company or association (or by a duly authorized representative thereof) qualified in this state to effect contracts of surety, indemnity or insurance other than life, appointing the applicant, if licensed, its agent in this state. Upon termination of such agency, the licensee's principal must notify the insurance commissioner thereof and the licensee must return the license to the commissioner for cancellation, or must furnish proof of loss of the license satisfactory to the commissioner. Upon receiving notice from the licensee or from the licensee's principal, of the termination of the agency, the commissioner must cancel the license. Employment agreement agent

SEC. 15. Section 633a13 is hereby added to the Political Code, to read as follows: New section

633a13. Pending the filing of an appointment with the insurance commissioner whether after termination of an agency or otherwise, a person otherwise qualified under the provisions of this code to act as an insurance agent, is entitled to have issued to him a certificate executed by the insurance commissioner, and stating that upon the filing of such an appointment a license to act as insurance agent will be issued. Temporary certificate

SEC. 16. Section 633a14 is hereby added to the Political Code, to read as follows: New section

633a14. Any insurance agent, broker or solicitor upon paying the fee therefor and filing the proper bond, statement of Alternative license restriction.

employment, or appointment, as the case may be, is entitled to be licensed to act in one of the other two specified capacities. But only a natural person may act as a solicitor and no person may at the same time be licensed to act as a solicitor and also as an agent or broker.

New section **SEC. 17.** Section 633a15 is hereby added to the Political Code, to read as follows:

Qualifying examination **633a15.** All applicants for a license to act as an insurance agent, broker, or solicitor, who, at the time of the application, have not within two years previous to date of application, held a license to act in any one of those three capacities, must take and pass a qualifying examination provided by this code.

New section **SEC. 18.** Section 633a16 is hereby added to the Political Code, to read as follows:

License expiration date **633a16.** Unless previously revoked by the insurance commissioner, the license of every insurance agent, broker, or solicitor expires on July 1st of every year. The insurance commissioner, in his discretion, may renew any such license on payment of the fee therefor, without further investigation or requiring further information from the applicant.

New section **SEC. 19.** Section 633a17 is hereby added to the Political Code, to read as follows:

Records **633a17.** Every insurance broker or agent must keep complete records of all business done under the authority of the license to act as such, and of the collection of all premiums and the names of all brokers from whom business is accepted and to whom commissions are promised or paid. These records shall be open to inspection or examination by the insurance commissioner at all times. Every such agent or broker must maintain an office in the State of California for the transaction of business.

New section **SEC. 20.** Section 633a18 is hereby added to the Political Code, to read as follows:

List of agents **633a18.** Every company or association, properly qualified to effect contracts of surety, indemnity or insurance other than life in this state, shall certify to the insurance commissioner, the names and addresses of the individuals, copartnerships, associations or corporations, whom it has appointed its agents in this state and shall likewise notify the commissioner of the termination of such appointments. When licenses, certificates pending issue of licenses, or certificates of convenience have been issued by the insurance commissioner in accordance with the provisions of this code, the insurance commissioner shall compile the names and addresses of agents so certified in such a manner that the names of duly authorized agents and their respective companies or associations may be conveniently ascertained, and must allow any person, upon request, to inspect the list thus compiled.

New section **SEC. 21.** Section 633a19 is hereby added to the Political Code, to read as follows:

633a19. The license of an insurance agent, broker, or solicitor, may be suspended or revoked by the insurance commissioner if, after proper investigation and a hearing upon reasonable notice, he determines that the holder of such license has committed any of the following acts or omissions: Violation of any provision of law relating to conduct of his business by any act or omission in respect to business done under the provisions of his license; wilful making of a material misstatement in the application for the license to act as broker, agent or solicitor; commission of a fraudulent practice or fraudulent practices; demonstrated incompetency or untrustworthiness to transact business permitted to be transacted solely under authority conferred by the license to act as insurance agent, broker or solicitor; or commission of a felony, shown by a final judgment of conviction.

Revocation
or suspension
of
licenses

SEC 22 Section 633a20 is hereby added to the Political Code, to read as follows:

New section.

633a20. Nothing in this code shall be construed as prohibiting the effecting of contracts of surety, indemnity, or insurance other than life, on behalf of, or on behalf of the employer of, any agent or broker, and the receiving of the commission thereon by the agent, broker, or solicitor if the total amount of premiums on all such contracts effected in any year does not exceed the total amount of the premiums on other contracts of surety, indemnity, or insurance other than life, effected by such agent or broker within the same period. The retention of commissions contrary to the provisions of this section shall be deemed an acceptance of a rebate as defined in section 633b of this code and shall be punishable as herein provided.

Restrictions
on agent-
owned, etc.,
risks

SEC. 23. Section 633a21 is hereby added to the Political Code, to read as follows:

New section

633a21. No individual, copartnership, association or corporation whose license is revoked by the insurance commissioner may be issued any license under this act for a period of one year after such revocation. If any such license issued to a copartnership, association or corporation is revoked, no member of the copartnership or officer or director of the corporation shall be entitled to such a license for the same period of time, unless the insurance commissioner finds that such member, officer, or director was not in any way personally at fault in the matter on account of which the license was revoked.

Revoked
licenses
renewal

SEC. 24. Section 633a22 is hereby added to the Political Code, to read as follows:

New section

633a22. If at any time the commissioner revoked the license theretofore issued to an insurance agent, broker or solicitor licensed hereunder or refuses to grant such a license, the applicant, or the insurance agent, broker or insurance solicitor may commence an action in the superior court against the insurance commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of

Action
against com-
missioner

obtaining relief or canceling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the insurance commissioner. All of the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action. Such action shall be commenced and tried in the superior court of the county in which the principal office or residence of such applicant, or insurance agent, broker or solicitor licensed hereunder is located unless the parties thereto stipulate otherwise.

New section

SEC. 25. Section 633a23 is hereby added to the Political Code, to read as follows:

Employer:
revocation
of license of

633a23. No violation of any of the provisions of this code relating to insurance solicitors, by any insurance solicitor or employee of any licensed insurance agent or insurance broker in the state shall cause a suspension or revocation of the license of the employer of such solicitor or employee unless it shall appear, upon a hearing to be held by the insurance commissioner, after reasonable notice to such employer, that the employer had knowledge of, and permitted, required, or benefited by such violation, but this provision shall not relieve the licensed broker and his surety or sureties from liability under the bond filed as provided in this code.

New section

SEC. 26. Section 633a24 is hereby added to the Political Code, to read as follows:

Clerical
help.

633a24. Clerical help necessary in performing any of the functions of insurance agents or brokers need not be licensed in the same manner as their employers nor salesmen selling merchandise in connection with which insurance premiums are included in the purchase price, but no such clerical help shall solicit contracts of surety, indemnity, or insurance other than life, unless licensed as an insurance agent, broker or solicitor.

New section

SEC. 27. Section 633a25 is hereby added to the Political Code, to read as follows:

Nonresident
brokers: ap-
plication,
etc

633a25. Upon the application of an individual, copartnership, association or corporation, not a resident of this state, but duly licensed to effect contracts of surety, indemnity or insurance other than life under the laws of the state wherein such applicant resides, if the state in which the applicant resides does not prohibit residents of this state from acting as insurance brokers therein, the insurance commissioner may issue to such applicant, a license to act as an insurance broker in this state; subject, however, to the same qualifications, requirements, restrictions, and fees as in the case of resident insurance brokers, except that said applicant shall not be required to maintain an office in the State of California for the transaction of business and, further that the board of insurance qualification as hereinafter provided, may in its discretion, accept in lieu of examination of applicant, a cer-

tificate of the insurance commissioner of the state in which the applicant resides to the effect that the applicant has experience or training and is reasonably familiar with the insurance laws of this state and with the provisions, terms and conditions of the policies or contracts which the applicant proposes to solicit, negotiate or effect and has a fair and general understanding of the obligations and duties of an insurance broker.

SEC. 28. Section 633a26 is hereby added to the Political Code, to read as follows: New section

633a26. It shall be the duty of the insurance commissioner at least twice a year, to conduct or arrange for a written examination, to be given by himself or such person or persons as he may designate for such purpose upon questions prepared by said commissioner, as to the qualifications of applicants or members or officers of applicants to act as insurance agent, broker or solicitor, as the case may be. The examinations must be of sufficient scope to satisfy said commissioner that the applicants have sufficient knowledge of and are reasonably familiar with the insurance laws of the state and with the provisions, terms, and conditions of the policies or contracts that they propose to solicit, negotiate or effect, and have a general and fair understanding of the obligations and duties of an insurance agent, broker or solicitor, as the case may be. Examination of applicants

SEC. 29. Section 633a27 is hereby added to the Political Code, to read as follows: New section

633a27. No license to act as an insurance agent, broker, or solicitor may be issued to any person required by this code to pass an examination until such examination has been passed, but the insurance commissioner may issue to an applicant a certificate of convenience, not exceeding a period of six months, permitting such applicant to so act, pending fulfillment of the examination requirements. Failure on the part of the applicant to take the examination within thirty days after being notified by the insurance commissioner of his readiness to hold the examination shall be deemed a failure on the part of the applicant to fulfill the examination requirements and all privileges under any certificate of convenience shall thereupon terminate. Certificate pending examination

SEC. 30. Section 633a28 is hereby added to the Political Code, to read as follows: New section

633a28. Any notice required to be given by the provisions of sections 633 to 633a28, inclusive, of this code, may be given by mailing notices, postage prepaid, to the person to be notified, at his residence or place of business. The affidavit of the person mailing the notice shall be prima facie evidence that the notice was mailed. Notices

SEC. 31. Section 633a29 is hereby added to the Political Code, to read as follows: New section

633a29. Nothing in sections 633 to 633a30, inclusive, of this code, shall be construed to apply to, refer to, or affect Exemptions

county mutual fire insurance companies or their solicitors or agents, title insurance companies or associations and mortgage insurance companies or their solicitors or agents; fraternal benefit societies or their solicitors or agents; or any reciprocal or interinsurance exchanges, or their attorneys, solicitors, agents or employees; or any company or association licensed to transact life insurance or life, health and accident insurance, or the agents, solicitors or employees of any such company or association, or agents licensed under the provisions of section 633aa of the Political Code, or surplus line brokers, nor to prohibit a broker licensed under this act from soliciting or negotiating contracts of life insurance and receiving a commission therefor.

New section SEC. 32. Section 633a30 is hereby added to the Political Code, to read as follows:

Violations 633a30. Any individual, copartnership, or association or penalty. corporation who shall act or offer to act, or assume to act, as an insurance agent, broker or solicitor, as defined in sections 633, 633a and 633a1 of the Political Code without a valid and subsisting license so to act, shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

New section SEC. 33. Section 633a31 is hereby added to the Political Code, to read as follows:

Short title 633a31. Sections 633 to 633a31, inclusive, of the Political Code shall be known as and may be referred to under the short name and title of "Insurance agents, brokers and solicitors qualification act."

Existing SEC. 34. Any individual, copartnership, association or cor- licenses. poration who or which shall have obtained an insurance agent's or insurance broker's license from the insurance commissioner prior to the effective date of this act for the license period expiring June 30, 1932, shall not be required to obtain another agent's or broker's license, as the case may be, prior to the expiration of such license.

Constitu- SEC. 35. If any portion of this act is invalid, the Legis- tionality lature hereby declares that had it known of said invalidity at the time of this enactment, it would have passed the remainder of this act without the invalid portion, and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion thereof.

CHAPTER 278.

An act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name.

[Approved by the Governor May 8, 1931 In effect August 14, 1931]

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

SECTION 1. No contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, the trade-mark, brand, or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of California by reason of any of the following provisions which may be contained in such contract :

Certain sale contracts declared lawful.

1. That the buyer will not resell such commodity except at the price stipulated by the vendor.

2. That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not, in turn, resell except at the price stipulated by such vendor or by such vendee.

Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:

1. In closing out the owners' stock for the purpose of discontinuing delivering any such commodity.

2. When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.

3. By any officer acting under the orders of any court.

SEC. 2. This act shall not apply to any contract or agreement between producers or between wholesalers or between retailers as to sale or resale prices.

Exception

SEC. 3. The following terms, as used in this act, are hereby defined as follows:

Definitions

"Producer" means grower, baker, maker, manufacturer or publisher.

"Commodity" means any subject of commerce.

SEC. 4. If any provision of this act is declared unconstitutional it is the intent of the Legislature that the remaining portions thereof shall not be affected but that such remaining portions remain in full force and effect.

Constitutionality

SEC. 5. This act may be known and cited as the "Fair trade act."

Short title

CHAPTER 279.

An act creating a game refuge and fowl sanctuary to be known as the San Leandro bay game refuge and sanctuary, providing for the conservation and protection of all birds within such district, and providing penalties for violation of the act.

[Approved by the Governor May 8, 1931. In effect August 14, 1931.]

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

- San Leandro game refuge created** SECTION 1. For the protection, conservation and propagation of birds there is hereby created and established a district to be known as the "San Leandro game refuge and fowl sanctuary," which shall include the waters of San Leandro bay.
- Hunting prohibited.** SEC. 2. Any person who, without a permit from the division of fish and game, shall hunt or destroy any bird within the refuge or have in his possession at any place, any bird taken within the refuge shall be guilty of a misdemeanor.
- Penalty** Any person who shall discharge a firearm within or into the game refuge shall be guilty of a misdemeanor.
- Hunting permits** SEC. 3. The division of fish and game may issue permits for the destruction of predatory or destructive birds or for the taking of birds for propagation or scientific purposes.
- Fines disposition** SEC. 4. All fines collected for violations of this act must be paid to the division of fish and game for deposit in the state treasury to the credit of the fish and game preservation fund.

CHAPTER 280

An act to provide for the inspection and certification of liquid eggs, frozen eggs and dried eggs and any other egg products produced in the State of California and within the United States and imported into the State of California from without the United States for the purpose of human consumption; to prescribe certain powers and duties of the state department of public health with respect thereto, and to provide penalties for violations of the provisions of this act.

[Approved by the Governor May 8, 1931 In effect November 1, 1931]

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

- Liquid eggs, etc preparation** SECTION 1. "Liquid eggs," "frozen eggs," "dried eggs" or other egg products intended for human consumption shall be prepared only from eggs that are edible and such "liquid eggs," "frozen eggs," "dried eggs," or other egg products

intended for human consumption shall be prepared only under sanitary conditions that meet with the approval of all state rules and regulations prescribed under authority of the California pure food act, approved March 11, 1907, and the food sanitation act, approved March 6, 1909. Any "liquid eggs," "frozen eggs," or "dried eggs" or other egg products intended for human consumption prepared outside of the State of California, but within the United States, must bear a certificate of an authorized representative of any federal or state department that is authorized to inspect food products, which certificate shall state that the "liquid," "frozen" or "dried" eggs or other egg products intended for human consumption have been prepared from edible eggs and in accordance with the sanitary food laws of the state or territory of origin.

Stats 1907.
p 208
Stats. 1909,
p 151.

Imported
products
certificate
of inspection

SEC. 2. All liquid eggs, frozen eggs and dried eggs and other egg products imported into the State of California from without the United States shall be sold or offered for sale in the State of California subject to the inspection and labeling as hereinafter provided.

Imported
products
inspection
and labeling

SEC. 3. No person, firm or corporation shall sell or offer for sale for human consumption in the State of California any liquid eggs, frozen eggs or dried eggs or other egg products imported into the State of California from without the United States until after the same shall have been first inspected by the state board of public health, hereinafter called "the board," and are found to be fit for human consumption and a permit authorizing such sale shall have been issued by the board. The board shall cause an inspection of all such liquid eggs, frozen eggs, dried eggs and other egg products to be made, and if the same are found, upon such inspection, to be in fit condition for human consumption, the board shall issue to the importer or consignee a permit authorizing the sale thereof for such purpose, together with certificates of inspection equal in number to the number of the containers in which said liquid eggs, frozen eggs, dried eggs or other egg products are packed or otherwise contained. Such certificates of inspection shall be in such form as the board may deem appropriate and shall have printed upon a white background in plain black letters, not less than one inch high, "frozen eggs (or, as the case may be, 'liquid eggs,' 'dried eggs' or 'egg products') imported into the State of California from without the United States, inspected (inserting the date) by California state board of public health." Such certificates shall be printed upon gummed, adhesive labels, and it shall be the duty of the importer or consignee to affix or cause to be affixed one such certificate to each of such containers in such manner that the inspection certificate shall be plainly visible to the buyer. All such frozen eggs, liquid eggs, dried eggs and other egg products, imported into the State of California from without the United States shall be sold only from the original containers. No certificate of inspection shall be removed from the container or defaced, and no container upon

Imported
products
inspection

Permit

Certificate
form

Containers

which such inspection certificate has been affixed shall be used as a receptacle for any frozen eggs, liquid eggs, dried eggs or other egg products imported into the State of California from without the United States which have not been so inspected and pronounced fit for human consumption by the board. The importer or consignee shall pay to the board for such inspection an inspection fee for each certificate of inspection so issued, as the board of health may prescribe.

Record of
purchasers

SEC. 4. It shall be the duty of all importers and wholesale distributors of frozen eggs, liquid eggs, dried eggs and other egg products imported into the State of California from without the United States, when so requested by the board, to furnish said board a record of the manufacturers to whom such products are sold for the purpose of inspection as provided for herein.

Containers
markings on

SEC. 5. The case or container in which liquid eggs, frozen eggs, dried eggs or other egg products imported into the State of California from without the United States are sold in the State of California shall have the words "frozen eggs (or liquid eggs, dried eggs, or egg products, as the case may be) imported from without the United States" displayed on said case or container in letters not less than two inches high and said case or container shall contain the name of the manufacturer by whom the product was prepared or manufactured and the country in which the product was prepared or manufactured. All retailers of said frozen eggs, liquid eggs, dried eggs, or other egg products imported into the State of California from without the United States shall sell the same from the container in which the retailers received such products and shall inform each purchaser of the origin of said eggs or egg products. All restaurants, hotels, cafes, bakeries and confectioneries using or serving frozen eggs, dried eggs, liquid eggs or other egg products imported from without the United States must place a sign in letters not less than four inches high in some conspicuous place in their places of business so that the consumer or customer entering their places of business can see it, which sign shall read "frozen eggs (or dried eggs, or liquid eggs, or egg products, as the case may be) imported from without the United States used here."

Restaurants,
etc

Manufac-
turers

All manufacturers of any food products using liquid eggs, frozen eggs, dried eggs or other egg products imported from without the United States in the manufacture of food products shall stamp on each individual package or container of said food products in letters not less than one-quarter inch in size a statement to the effect that frozen eggs (or liquid eggs, or dried eggs, or other egg products, as the case may be) imported from without the United States have been used in the manufacture of this product.

Rules and
regulations

SEC. 6. The board may make rules and regulations to secure a proper enforcement of the provisions of this act, including rules and regulations with respect to the inspection

of the liquid eggs, frozen eggs, dried eggs and other egg products mentioned herein and the labeling thereof, and the violation of such rules shall be punished on conviction as provided in section 7 of this act.

SEC. 7. Any person, firm or corporation violating any of the provisions of this act or any rules and regulations made pursuant to the provisions of this act by the state board of public health shall, upon conviction, be punished for the first offense by a fine not exceeding five hundred dollars (\$500) and for the second offense by a fine not exceeding one thousand dollars (\$1,000) or by an imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Penalties

SEC. 8. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality

SEC. 9. This act shall take effect November 1, 1931. Effective date

CHAPTER 281

An act to revise and consolidate the law relating to probate, including the custody, disposal by will, succession, administration and distribution of estates of decedents, the custody and administration of estates of persons under guardianship, and the custody of persons under guardianship; to repeal certain provisions of law therein revised and consolidated and therein specified: and to establish a Probate Code.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

GENERAL PROVISIONS.

1. This act shall be known as the Probate Code and is composed of four divisions as follows: Short title

- Division I. Wills.
- II. Succession.
- III. Administration of Estates of Decedents.
- IV. Guardian and Ward.

2. The provisions of this code, so far as they are substantially the same as existing statutes, must be construed as continuations thereof, and not as new enactments. Construction

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

Saving
clause

3. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by its provisions, but the proceedings therein must conform to the requirements of this code as far as applicable.

DIVISION I—WILLS.

CHAPTER I—WHO MAY MAKE AND TAKE BY A WILL.

Article I—General Provisions.

Who may
make will

20. Every person of sound mind, over the age of eighteen years, may dispose of his or her separate property, real and personal, by will.

Community
property

21. The extent to which community property may be disposed of by will is provided in chapter I of division II of this code.

Duress, etc

22. A will or part of a will procured to be made by duress, menace, fraud or undue influence, may be denied probate; and a revocation procured by the same means may be declared void.

Mutual will

23. A conjoint or mutual will is valid, but it may be revoked by any of the testators in like manner as any other will.

Conditional
will

24. A will, the validity of which is made conditional by its own terms shall be granted or denied probate, or denied effect after probate, in conformity with the condition.

Effect of
codicil

25. The execution of a codicil referring to a previous will has the effect to republish the will as modified by the codicil.

Validity of
foreign
wills

26. No will made out of this state is valid as a will in this state unless executed according to the provisions of this act, except that a will valid under the laws of a state or country in which the testator is domiciled at the time of his death is valid in this state so far as the same relates to personal property.

Who may
take by
will

27. A testamentary disposition may be made to the state, to counties, to municipal corporations, to natural persons capable by law of taking the property, to unincorporated religious, benevolent or fraternal societies or associations or lodges or branches thereof, and to corporations formed for religious, scientific, literary, or solely educational or hospital or sanatorium purposes, or primarily for the public preservation of forests and natural scenery, or to maintain public libraries, museums or art galleries, or for similar public purposes. No other corporation can take under a will, unless expressly authorized by statute.

Vesting of
testamen-
tary dis-
positions

28. Testamentary dispositions, including devises and bequests to a person on attaining majority, are presumed to vest at the testator's death.

Plural
devisee

29. A devise or legacy given to more than one person vests in them as owners in common, unless the will otherwise provides.

Article II—Gifts to Charity.

40. All dispositions by will, whether made in or out of this state, are subject to the provisions of this act limiting charitable bequests and devises. Charitable dispositions subject to code.

41. No estate, real or personal, may be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, unless done by will duly executed at least thirty days before the death of the testator. If so made at least thirty days before death, such devises and legacies shall be valid, but they may not collectively exceed one-third of the estate of a testator who leaves legal heirs, and if they do, a pro rata deduction from such devises and legacies shall be made so as to reduce the aggregate thereof to one-third of the estate. All dispositions of property made contrary hereto shall be void, and go to the residuary legatees or devisees or heirs, according to law. Restrictions.

42. Bequests and devises to or for the use or benefit of the state, or any municipality, county or political subdivision within the state, or any institution belonging to the state, or belonging to any municipality, county or political subdivision within the state, or to any educational institution which is exempt from taxation under section 1a of article XIII or section 10 of article IX of the constitution of this state and statutes enacted thereunder, or for the use or benefit of any such educational institution, are excepted from the restrictions of this article. Exemption of certain donees from restrictions.

43. Nothing in this article contained shall apply to bequests or devises made by will executed at least six months prior to the death of a testator who leaves no spouse, child, grandchild or parent, or when all of such heirs, by a writing executed at least six months prior to his death, shall have waived the restriction. Exemption of certain donors from restrictions.

CHAPTER II—EXECUTION OF WILLS.

50. Every will, other than a nuncupative will, must be in writing and every will, other than a holographic will and a nuncupative will, must be executed and attested as follows: Witnessed wills.

(1) It must be subscribed at the end thereof by the testator himself, or some person in his presence and by his direction must subscribe his name thereto. A person who subscribes the testator's name, by his direction, should write his own name as a witness to the will, but a failure to do so will not affect the validity of the will. Subscription

(2) The subscription must be made, or the testator must acknowledge it to have been made by him or by his authority, in the presence of both of the attesting witnesses, present at the same time. Presence of witnesses

(3) The testator, at the time of subscribing or acknowledging the instrument, must declare to the attesting witnesses that it is his will. Testator's declaration

Number of witnesses, attestation.

(4) There must be at least two attesting witnesses, each of whom must sign the instrument as a witness, at the end of the will, at the testator's request and in his presence. The witnesses should give their places of residence, but a failure to do so will not affect the validity of the will.

Devise to subscribing witness.

51. All beneficial devises, bequests and legacies to a subscribing witness are void unless there are two other and disinterested subscribing witnesses to the will, except that if such interested witness would be entitled to any share of the estate of the testator in case the will were not established, he shall take such proportion of the devise or bequest made to him in the will as does not exceed the share of the estate which would be distributed to him if the will were not established.

Creditors as witnesses

52. A mere charge on the estate of the testator for the payment of debts does not prevent his creditors from being competent witnesses to his will.

Holographic will

53. A holographic will is one that is entirely written, dated and signed by the hand of the testator himself. It is subject to no other form, and need not be witnessed. No address, date or other matter written, printed or stamped upon the document, which is not incorporated in the provisions which are in the handwriting of the decedent, shall be considered as any part of the will.

Nuncupative will

54. A nuncupative will is not required to be in writing. It may be made by one who, at the time, is in actual military service in the field, or doing duty on shipboard at sea, and in either case in actual contemplation, fear, or peril of death. or by one who, at the time, is in expectation of immediate death from an injury received the same day. It must be proved by two witnesses who were present at the making thereof, one of whom was asked by the testator, at the time, to bear witness that such was his will, or to that effect.

Property disposable by nuncupative will

55. A nuncupative will may dispose of personal property only, and the estate bequeathed must not exceed one thousand dollars in value.

CHAPTER III—REVOCATION OF WILLS.

By marriage as to the spouse

70 If a person marries after making a will, and the spouse survives the maker, the will is revoked as to the spouse, unless provision has been made for the spouse by marriage contract, or unless the spouse is provided for in the will, or in such way mentioned therein as to show an intention not to make such provision; and no other evidence to rebut the presumption of revocation can be received.

By marriage as to the issue.

71. If a person marries after making a will and has issue of such marriage, and any of the issue survives the maker, or is born after its father's death, the will is revoked as to such issue, unless provision has been made for such issue by some settlement, or unless such issue are provided for in the will, or in such way mentioned therein as to show an intention not

to make such provision; and no other evidence to rebut the presumption of such revocation can be received.

72. A prior will is not revoked by a subsequent will, unless the latter contains an express revocation, or provisions wholly inconsistent with the terms of the prior will. In other cases the prior will remains effectual so far as consistent with the provisions of the subsequent will; but the mere naming of an executor in the prior will need not be given effect by the court when the subsequent will is otherwise wholly inconsistent with the terms of the prior will, the intention of the testator in this respect being left to the determination of the court.

Subsequent will

73. If the instrument by which an alteration is made in the testator's interest in any property previously disposed of by his will expresses his intent that it shall be a revocation, or if it contains provisions wholly inconsistent with the terms and nature of the testamentary disposition, it operates as a revocation thereof, unless such inconsistent provisions depend on a condition or contingency by reason of which they do not take effect.

Instrument altering property interest

74. Except as hereinabove provided, no written will, nor any part thereof, can be revoked or altered otherwise than:

Other means

(1) By a written will, or other writing of the testator, declaring such revocation or alteration, and executed with the same formalities required for the execution of a will; or,

Instrument executed with same formalities.

(2) By being burnt, torn, canceled, defaced, obliterated or destroyed, with the intent and for the purpose of revoking the same, by the testator himself, or by some person in his presence and by his direction. If such act is done by any person other than the testator, the direction of the testator, and the fact of such injury or destruction, must be proved by two witnesses.

Destruction, proof of.

75. If, after making a will, the testator makes a second will, the destruction or other revocation of the second will does not revive the first will, unless it appears by the terms of such revocation that it was the intention to revive and give effect to the first will, or unless, after such destruction or other revocation, the first will is duly republished.

Effect of revocation of subsequent will

76. A will executed in duplicate is revoked if one of the duplicates is burnt, torn, canceled, defaced, obliterated or destroyed under the circumstances mentioned in subdivision 2 of section 74 of this code.

Revocation of duplicate will

77. An agreement made by a testator for the sale or transfer of property disposed of by a will previously made, does not revoke such disposal; but the property passes by the will, subject to the same remedies on the testator's agreement, for a specific performance or otherwise, against the devisees or legatees, as might be had against the testator's successors, if the same had passed by succession.

Property passing by will contracts of testator

78. Neither a charge or encumbrance placed by a testator upon property previously disposed of by his will, for the purpose of securing the payment of money or the performance of

Same encumbrances, etc., by testator

any covenant or agreement, nor a conveyance, settlement, or other act of a testator, by which his interest in any such property is altered, but not wholly divested, is a revocation of the disposal; but the property, subject to such charge or encumbrance, or the remaining interest therein, passes by the will.

Revocation
of codicils

79. The revocation of a will revokes all its codicils.

CHAPTER IV—KINDRED NOT MENTIONED IN WILL, WHO SHARE IN ESTATE.

Rights of
children and
grand-
children.

90. When a testator omits to provide in his will for any of his children, or for the issue of any deceased child, whether born before or after the making of the will or before or after the death of the testator, and such child or issue are unprovided for by any settlement, and have not had an equal proportion of the testator's property bestowed on them by way of advancement, unless it appears from the will that such omission was intentional, such child or such issue succeeds to the same share in the estate of the testator as if he had died intestate.

Sources of
unmen-
tioned
child's
share

91. The share of the estate which is assigned to a child or issue omitted in a will, as hereinbefore mentioned, must first be taken from the estate not disposed of by the will, if any; if that is not sufficient, so much as may be necessary must be taken from all the devisees or legatees, in proportion to the value they may respectively receive under the will, unless the obvious intention of the testator in relation to some specific devise or bequest, or other provision in the will, would thereby be defeated; in such case, such specific devise, legacy or provision may be exempted from such apportionment, and a different apportionment, consistent with the intention of the testator, may be adopted.

Death of
devisee

92. If a devisee or legatee dies during the lifetime of the testator, the testamentary disposition to him fails, unless an intention appears to substitute another in his place; except that when any estate is devised or bequeathed to any kindred of the testator, and the devisee or legatee dies before the testator, leaving lineal descendants, or is dead at the time the will is executed, but leaves lineal descendants surviving the testator, such descendants take the estate so given by the will in the same manner as the devisee or legatee would have done had he survived the testator.

CHAPTER V—INTERPRETATION OF WILLS.

Law
governing.

100. The interpretation of wills, wherever made, is governed, when relating to property within this state, by the law of this state, and the rules prescribed by this code are to be observed, unless an intention to the contrary clearly appears.

Construction
of several
testamentary
instruments.
Intention
of testator.

101. Several testamentary instruments executed by the same testator are to be taken and construed together as one instrument. A will is to be construed according to the inten-

tion of the testator. Where his intention can not have effect to its full extent, it must have effect as far as possible.

102. The words of a will are to receive an interpretation which will give to every expression some effect, rather than one which will render any of the expressions inoperative; and of two modes of interpreting a will, that is to be preferred which will prevent a total intestacy.

Effect given to every expression
Avoidance of intestacy.

103. Where the meaning of any part of a will is ambiguous or doubtful, it may be explained by any reference thereto, or recital thereof, in another part of the will. All the parts of a will are to be construed in relation to each other, and so as, if possible, to form one consistent whole; but where several parts are absolutely irreconcilable, the latter must prevail.

Construction as whole.
Irreconcilable parts.

104. A clear and distinct devise or bequest can not be affected by any reasons assigned therefor, or by any other words not equally clear and distinct, or by inference or argument from other parts of the will, or by an inaccurate recital of or reference to its contents in another part of the will.

Reasons for devise
Inaccurate reference

105. When there is an imperfect description, or no person or property exactly answers the description, mistakes and omissions must be corrected, if the error appears from the context of the will or from extrinsic evidence, excluding the oral declarations of the testator as to his intentions; and when an uncertainty arises upon the face of a will, as to the application of any of its provisions, the testator's intention is to be ascertained from the words of the will, taking into view the circumstances under which it was made, excluding such oral declarations.

Correcting mistakes, etc.

Oral declarations of testator

106. The words of a will are to be taken in their ordinary and grammatical sense, unless a clear intention to use them in another sense can be collected, and that other can be ascertained. Technical words are not necessary to give effect to any species of disposition by a will; but technical words in a will are to be taken in their technical sense, unless the context clearly indicates a contrary intention, or unless it satisfactorily appears that the will was drawn solely by the testator, and that he was unacquainted with such technical sense.

Sense of words

Technical words

107. The term "heirs," or other words of inheritance, are not requisite to devise a fee, and a devise of real property passes all the estate of the testator, unless otherwise limited.

Words of inheritance

108. A testamentary disposition to "heirs," "relations," "nearest relations," "representatives," "legal representatives," "personal representatives," "family," "nearest (or next) of kin" of any person, without other words of qualification, and when the terms are used as words of donation, and not of limitation, vests the property in those who would be entitled to succeed to the property of such person, according to the provisions of division II of this code. Such terms are used as words of donation, and not of limitation, when the property is given to the person so designated, directly, and

Disposition to heirs, etc

Words of donation

not as a qualification of an estate given to the ancestor of such person.

CHAPTER VI—EFFECT OF CERTAIN PROVISIONS.

Devise of land 120. A devise of land conveys all the estate of the testator therein which he could lawfully devise, unless it clearly appears by the will that he intended to convey a less estate.

Interests acquired after execution of will 121. Any estate, right, or interest in lands acquired by the testator after the making of his will, passes thereby and in like manner as if title thereto was vested in him at the time of making the will, unless the contrary manifestly appears by the will to have been the intention of the testator.

References to death or survivorship 122 Words in a will referring to death or survivorship, simply, relate to the time of the testator's death, unless possession is actually postponed, when they must be referred to the time of possession.

Disposition to a class. 123. A testamentary disposition to a class includes every person answering the description at the testator's death; but when the possession is postponed to a future period, it includes also all persons coming within the description before the time to which possession is postponed. A child conceived before but born after a testator's death, or any other period when a disposition to a class vests in right or in possession, takes, if answering to the description of the class.

Afterborn child

Conversion of real property. 124. When a will directs the conversion of real property into money, such property and all its proceeds must be deemed personal property from the time of the testator's death.

Disposition of all real or personal property. 125 A devise or bequest of all the testator's real or personal property, in express terms, or in any other terms denoting his intent to dispose of all his real or personal property, passes all the real or personal property which he was entitled to dispose of by will at the time of his death, including property embraced in a power to devise.

Disposition of residue 126. A devise of the residue of the testator's real property, or a bequest of the residue of the testator's personal property, passes all the real or personal property, as the case may be, which he was entitled to devise or bequeath at the time of his death, not otherwise effectually devised or bequeathed by his will.

CHAPTER VII—CONDITIONS AND REMAINDERS.

Death of devisee of limited interest 140. The death of a devisee or legatee of a limited interest before the testator's death does not defeat the interest of persons in remainder who survive the testator.

Conditional disposition 141 A conditional disposition is one which depends upon the occurrence of some uncertain event, by which it is either to take effect or be defeated.

Condition precedent 142 A condition precedent in a will is one which is required to be fulfilled before a particular disposition takes effect. It is to be deemed performed when the testator's intention has been substantially, though not literally, complied with. Nothing vests until such condition is fulfilled, except

where fulfillment is impossible, in which case the disposition vests, unless the condition was the sole motive thereof and the impossibility was unknown to the testator or arose from an unavoidable event subsequent to the execution of the will.

143. A condition subsequent is where an estate or interest is so given as to vest immediately, subject only to be divested by some subsequent act or event. A testamentary disposition, when vested, can not be divested unless upon the occurrence of the precise contingency prescribed by the testator for that purpose.

Condition
subsequent

CHAPTER VIII—LEGACIES AND INTEREST.

160. In case of a bequest of the interest or income of a certain sum or fund, the income accrues from the testator's death.

Income
date of
accrual

161. Legacies are distinguished and designated, according to their nature, as follows:

Legacies
distinctions

(1) A legacy of a particular thing, specified and distinguished from all others of the same kind belonging to the testator, is specific; if such legacy fails, resort can not be had to the other property of the testator;

Specific

(2) A legacy is demonstrative when the particular fund or personal property is pointed out from which it is to be taken or paid;

Demonstra-
tive

(3) An annuity is a bequest of certain specified sums periodically; if the fund or property out of which a demonstrative legacy or an annuity is payable fails, in whole or in part, resort may be had to the general assets, as in case of a general legacy;

Annuity

(4) A residuary legacy embraces only that which remains after all the bequests of the will are discharged;

Residuary

(5) All other legacies are general legacies.

General.

162. Legacies are due and deliverable one year after the testator's death, and bear interest from that time, except that legacies for maintenance, or to the testator's widow, bear interest from the testator's death. Annuities commence at the testator's death.

When
legacies due.

Interest

163. The provisions of this chapter are in all cases to be controlled by a testator's express intention.

Testator's
intention

DIVISION II—SUCCESSION.

200. Succession is the acquisition of title to the property of one who dies without disposing of it by will.

Definition

CHAPTER I—COMMUNITY PROPERTY.

201. Upon the death of either husband or wife, one-half of the community property belongs to the surviving spouse; the other half is subject to the testamentary disposition of the decedent, and in the absence thereof goes to the surviving spouse, subject to the following provisions.

Succession.

Subject to
debts, etc
Death of
wife.

202. Community property passing from the control of the husband, either by reason of his death or by virtue of testamentary disposition by the wife, is subject to his debts and to administration and disposal under the provisions of division III of this code; but in the event of such testamentary disposition by the wife, the husband, pending administration, shall retain the same power to sell, manage and deal with the community personal property as he had in her lifetime; and his possession and control of the community property shall not be transferred to the personal representative of the wife except to the extent necessary to carry her will into effect.

Community
real prop-
erty

203. After forty days from the death of the wife, the surviving husband shall have full power to sell, lease, mortgage or otherwise deal with and dispose of the community real property, unless a notice is recorded in the county in which the property is situated to the effect that an interest in the property, specifying it, is claimed by another under the wife's will.

CHAPTER II—SEPARATE PROPERTY.

Article I—Particular Provisions.

Succession:
subject to
contract
and code

220. The separate property of a person who dies without disposing of it by will is succeeded to and must be distributed as hereinafter provided, subject to the limitation of any marriage or other contract, and to the provisions of division III of this code.

Surviving
spouse,
issue

221. If the decedent leaves a surviving spouse, and only one child or the lawful issue of a deceased child, the estate goes one-half to the surviving spouse and one-half to the child or issue. If the decedent leaves a surviving spouse, and more than one child living or one child living and the lawful issue of one or more deceased children, the estate goes one-third to the surviving spouse and the remainder in equal shares to his children and to the lawful issue of any deceased child, by right of representation; but if there is no child of decedent living at his death, the remainder goes to all of his lineal descendants; and if all of the descendants are in the same degree of kindred to the decedent they share equally, otherwise they take by right of representation.

No surviving
spouse,
issue

222. If the decedent leaves no surviving spouse, but leaves issue, the whole estate goes to such issue; and if all of the descendants are in the same degree of kindred to the decedent they share equally, otherwise they take by right of representation.

Surviving
spouse, no
issue

223. If the decedent leaves a surviving spouse and no issue, the estate goes one-half to the surviving spouse and one-half to the decedent's parents in equal shares, or if either is dead to the survivor, or if both are dead to their issue and the issue of either of them, by right of representation.

Surviving
spouse, but
neither issue
nor immedi-
ate family

224. If the decedent leaves a surviving spouse and neither issue, parent, brother, sister, nor descendant of a deceased

brother or sister, the whole estate goes to the surviving spouse.

225. If the decedent leaves neither issue nor spouse, the estate goes to his parents in equal shares, or if either is dead to the survivor, or if both are dead in equal shares to his brothers and sisters and to the descendants of deceased brothers and sisters by right of representation.

No surviving spouse nor issue

226. If the decedent leaves neither issue, spouse, parent, brother, sister, nor descendant of a deceased brother or sister, the estate goes to the next of kin in equal degree, excepting that, when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote.

No surviving spouse nor issue nor immediate family

227. If the decedent dies under age without having been married, all the estate that came to the decedent by succession from a parent goes in equal shares to the other children of the same parent and to the issue of any other of such children who are dead, by right of representation; or if all the children of such parent are dead, and any of them has left issue, to such issue; and if all the issue are in the same degree of kindred to the decedent, they share equally, otherwise they take by right of representation.

Minor unmarried decedent.

228. If the decedent leaves no issue, and the estate or any portion thereof was community property of the decedent and a previously deceased spouse, such property goes in equal shares to the children of the deceased spouse and to their descendants by right of representation, and if none, then one-half of such community property goes to the parents of the decedent in equal shares or if either is dead to the survivor, or if both are dead in equal shares to the brothers and sisters of the decedent and to their descendants by right of representation, and the other half goes to the parents of the deceased spouse in equal shares, or if either is dead to the survivor, or if both are dead in equal shares to the brothers and sisters of such deceased spouse and to their descendants by right of representation.

No issue Community property.

229. If the decedent leaves no issue, and the estate or any portion thereof was separate property of a previously deceased spouse, and came to the decedent from such spouse by gift, descent, devise or bequest, such property goes in equal shares to the children of the deceased spouse and to their descendants by right of representation, and if none then to the parents of the deceased spouse in equal shares, or if either is dead to the survivor, or if both are dead in equal shares to the brothers and sisters of the deceased spouse and to their descendants by right of representation.

No issue Separate property of deceased spouse

230. If there is no one to succeed to any portion of the property in any of the contingencies provided for in the last two sections, according to the provisions of those sections, such portion goes to the next of kin of the decedent in the manner hereinabove provided for succession by next of kin.

When next of kin take

Escheat,
procedure

231. If the decedent leaves no one to take his estate or any portion thereof, under the laws of this state, the same escheats to the state as of the date of the death of the decedent. The property or proceeds of any estate deposited in the state treasury after final decree of distribution or judgment of the superior court by reason of the failure of heirs to make claim thereto may be recovered upon judgment of the superior court or order of the state board of control as provided in the Code of Civil Procedure. When such judgment or order is obtained, a certified copy thereof must be filed with the state treasurer as his voucher. Thereupon the property must be delivered, or the proceeds paid, to the claimant, upon filing his receipt therefor. If no one succeeds to the estate or the proceeds, as herein provided, the property of the decedent devolves and escheats to the people of the state, and must be placed by the state treasurer to the credit of the school fund. Property passing to the state under this section, whether held by the state or its officers, is subject to the same charges and trusts to which it would have been subject if it had passed by succession, and is also subject to all the provisions of the Code of Civil Procedure relating to escheated estates.

Article II—General Provisions.

“Right of
representa-
tion”

250. Inheritance or succession “by right of representation” takes place when the descendants of a deceased person take the same share or right in the estate of another that such deceased person would have taken as an heir if living. A posthumous child is considered as living at the death of the parent.

Degree of
kindred

251. The degree of kindred is established by the number of generations, and each generation is called a degree.

Lineal con-
sanguinity

252. Lineal consanguinity, or the direct line of consanguinity, is the relationship between persons one of whom is a descendant of the other. The direct line is divided into a direct line descending, which connects a person with those who descend from him, and a direct line ascending, which connects a person with those from whom he descends. In the direct line there are as many degrees as there are generations. Thus, the child is, with regard to the parent, in the first degree; the grandchild, with regard to the grandparent, in the second; and vice versa as to the parent and grandparent with regard to their respective children and grandchildren.

Collateral
consan-
guinity

253. Collateral consanguinity is the relationship between people who spring from a common ancestor, but are not in a direct line. The degree is established by counting the generation from one relative up to the common ancestor and from the common ancestor to the other relative. In such computation the first relative is excluded, the other included, and the ancestor counted but once. Thus, brothers are related in the second degree, uncle and nephew in the third degree, cousins german in the fourth, and so on.

254. Kindred of the half blood inherit equally with those of the whole blood in the same degree, unless the inheritance came to the intestate by descent, devise, or gift of some one of his ancestors, in which case all those who are not of the blood of such ancestor must be excluded from such inheritance in favor of those who are.

Kindred of
the half
blood

255. Every illegitimate child is an heir of his mother, and also of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father; and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father or mother by inheriting any part of the estate of the parent's kindred, either lineal or collateral, unless, before his death, his parents shall have intermarried, and his father, after such marriage, acknowledges him as his child, or adopts him into his family; in which case such child is deemed legitimate for all purposes of succession.

Illegiti-
mate child.

256. The estate of an illegitimate child, who, having title to any estate not otherwise limited by marriage contract, dies without disposing thereof by will, is succeeded to as if he had been born in lawful wedlock, if he has been legitimated by a subsequent marriage of his parents or adopted by his father as provided by the Civil Code; otherwise, it is succeeded to as if he had been born in lawful wedlock and had survived his father and all persons related to him only through his father.

Estate of
illegiti-
mate child.

257. An adopted child succeeds to the estate of one who has adopted him, the same as a natural child; and the person adopting succeeds to the estate of an adopted child, the same as a natural parent. An adopted child does not succeed to the estate of a natural parent when the relationship between them has been severed by the adoption, nor does such natural parent succeed to the estate of such adopted child.

Adopted
child

258. No person convicted of the murder of the decedent shall be entitled to succeed to any portion of the estate; but the portion thereof to which he would otherwise be entitled to succeed goes to the other persons entitled thereto under the provisions of this chapter.

Person con-
victed of
murder

DIVISION III—ADMINISTRATION OF ESTATES OF DECEDENTS.

CHAPTER I—PROBATE OF WILLS AND APPLICATION FOR LETTERS.

Article I—Jurisdiction.

300. When a person dies, the title to his property, real and personal, passes to the person to whom it is devised or bequeathed by his last will, or, in the absence of such disposition, to the persons who succeed to his estate as provided in division II of this code; but all of his property shall be subject to the possession of the executor or administrator and to the

Title to
decedent's
estate
Possession.

control of the superior court for the purposes of administration, sale or other disposition under the provisions of division III of this code, and shall be chargeable with the expenses of administering his estate, and the payment of his debts and the allowance to the family, except as otherwise provided in this code.

Jurisdiction
of proceed-
ings

301. Wills must be proved, and letters testamentary or of administration granted and administration of estates of decedents had, in the superior court:

(1) Of the county of which the decedent was a resident at the time of his death, wherever he may have died;

(2) Of the county in which the decedent died, leaving estate therein, he not being a resident of the state;

(3) Of any county in which he leaves estate, the decedent not being a resident of the state at the time of his death, and having died out of the state or without leaving estate in the county in which he died; in either of which cases, when the estate is in more than one county, the superior court of the county in which a petition for letters testamentary or of administration is first filed has exclusive jurisdiction of the administration of the estate.

Conclusive-
ness of
order grant-
ing letters.
Exception

302. In the absence of fraud in its procurement, an order of the superior court granting letters, when it becomes final, is a conclusive determination of the jurisdiction of the court (except when based upon the erroneous assumption of death), and can not be collaterally attacked.

Disqualified
judge

303. No will shall be admitted to probate or letters of administration granted or other proceeding had (except the ordering of a transfer as hereinafter provided), before any judge who is interested as an heir of the decedent, or as a legatee or devisee under a will, or when he is named as executor or trustee in the will, or is a witness thereto, or is in any other manner interested or disqualified from acting. When a petition is filed praying for the admission of a will to probate or for the granting of letters of administration, or when proceedings are pending for the settlement of an estate, and there is no judge of the superior court in that county qualified to act, the court or judge must make an order transferring the proceedings to the superior court of an adjoining county, and the clerk must transmit to the clerk of the court to which the proceedings are transferred a certified copy of the order together with all papers in the proceedings on file in his office; and thereafter the court to which the proceedings are transferred shall exercise the same jurisdiction over the estate and all matters relating to the administration thereof as if it had original jurisdiction. But such transfer shall not be ordered when some other judge qualified to act is assigned by the chairman of the judicial council to sit in the county where such proceedings are pending, to hear such proceedings.

Order of
transfer

Right to
letters not
affected by
transfer

304. The transfer of a proceeding from one court to another, as provided for in the preceding section, shall not affect the

right of any person to letters testamentary or of administration, but the same persons are entitled to letters in the order hereinafter provided.

305. If, before the administration of any estate so transferred is closed, another person becomes judge of the court wherein such proceeding was originally commenced, who is not disqualified to act in the settlement of the estate, and the causes for which the proceeding was transferred no longer exist, any person interested in the estate may have the proceeding returned to the court from which it was originally transferred, by filing a petition setting forth these facts, and moving the court therefor. If these facts are satisfactorily shown, and it further appears to the court that the convenience of the parties interested would be promoted by such change, the court must make an order transferring the proceeding back to the court where it was originally commenced; and the clerk must transmit to the clerk of the court in which the proceeding was originally commenced, a certified copy of the order together with all papers in the proceedings on file in his office.

Transfer
back to
court of
original ap-
plication

Article II—Probate of Wills.

320. The custodian of a will, within thirty days after being informed that the maker thereof is dead, must deliver the same to the clerk of the superior court having jurisdiction of the estate, or to the executor named therein. Failure to do so makes such person responsible for all damages sustained by any one injured thereby.

Delivery of
will after
death

321. If it is alleged in a petition that some one has possession of a will, and the court having jurisdiction of the estate, or a judge thereof, is satisfied that the allegation is true, an order must be made and served upon such person, requiring him to produce it at a time named in the order. If he has possession of the will and neglects or refuses to produce it as required, he may by warrant from the court be committed to the jail of the county and confined therein until he produces it. The judge of the court may at any time make and issue all necessary orders and writs to enforce the production of wills and the attendance of witnesses.

Order to
produce
will

322. The rights of a purchaser or encumbrancer of real property, in good faith and for value, derived from any person claiming the same by succession, are not impaired by any devise made by the decedent from whom succession is claimed, unless within four years after the deviser's death the instrument containing such devise is duly proved as a will, or written notice of such devise is recorded with the recorder of the county where the land lies.

Rights of
purchaser
from heir,
etc.

323. Any executor, devisee or legatee named in a will, or any other person interested in the estate, may, at any time after the death of the testator, petition the court having jurisdiction to have the will proved, whether the same be in writing or nuncupative, in his possession or not, lost or destroyed, or beyond the jurisdiction of the state.

Who may
petition for
probate

Executor's
failure to
petition

324. If the person named in a will as executor, for thirty days after he has knowledge of the death of the testator and that he is named as executor, fails to petition the proper court for the probate of the will and that letters testamentary be issued to him, he may be held to have renounced his right to letters, and the court may appoint any other competent person administrator, unless good cause for delay is shown.

Nuncupative
will' limita-
tions period

325. No proof shall be received of a nuncupative will unless it is offered within six months after the testamentary words were spoken, nor unless the words, or the substance thereof, were reduced to writing within thirty days after they were spoken, and such writing is filed with the petition for the probate thereof. Notice of such petition shall be given, and subsequent proceedings in administration had, as in the case of a written will.

Allegations
in petition

326. A petition for the probate of a will must state :

- (1) The jurisdictional facts;
- (2) Whether the person named as executor consents to act or renounces his right to letters testamentary ;
- (3) The names, ages and residences of the heirs, devisees and legatees of the decedent, so far as known to the petitioner ;
- (4) The character and estimated value of the property of the estate ;
- (5) The name of the person for whom letters testamentary are prayed.

Defects

No defect of form or in the statement of jurisdictional facts actually existing shall make void the probate of a will.

Notice of
hearing on
petition

327. When the petition is filed, the clerk of the court shall set the same for hearing by the court upon some day not less than ten nor more than thirty days thereafter, and shall give notice of the time and place of hearing by publishing the same in a newspaper published in the county; if there is none, then by three written or printed notices, posted at three of the most public places in the county. If the notice is published in a weekly newspaper, it must appear therein on at least three different days of publication; and if in a newspaper published oftener than once a week, it shall be so published that there shall be at least ten days from the first to the last day of publication, both first and last day being included. If the notice is by posting, it must be given at least ten days before the hearing.

Service of
notice on
heirs, etc

328. At least ten days before the hearing, copies of the notice must be personally served upon the heirs of the testator and the devisees and legatees named in the will and all persons named as executors who are not petitioning, or mailed, postage prepaid, from a post office within this state, addressed to them at their respective places of residence, if known to the petitioner, if not, at the county seat of the county where the proceedings are pending.

Evidence of
subscribing
witnesses

329. If no one appears to contest the probate, the court may admit the will to probate on the evidence of one of the subscribing witnesses only, if the evidence shows that the will

was executed in all particulars as required by law. If none of the subscribing witnesses resides in the county, but the deposition of one of them can be taken elsewhere, the court may direct it to be taken, and may authorize a photographic copy of the will to be made and to be presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator and the other witness, as would be pertinent and competent if the original will were present. If the subscribing witnesses are competent at the time of attesting the execution, their subsequent incompetency, from whatever cause, will not prevent the probate of the will, if it is otherwise satisfactorily proved. If the evidence of no subscribing witness can be procured, the court may admit the will to probate upon proof of the handwriting of the testator and of any one of the subscribing witnesses.

Proof of
handwriting

330. If the will of a person who at the time of his death was a resident of this state is detained beyond the jurisdiction of the state, in a court of any other state or country, and can not be produced for probate in this state, a copy of the will duly authenticated may be admitted to probate in this state in lieu of, and have the same force and effect as, the original will. The same proof shall be required as would be required if the original will were produced. The court may authorize a photographic copy of the will to be presented to the subscribing witness upon his examination in court, or by deposition as provided in the previous section, and he may be asked the same questions with respect to it and the handwriting of himself, the testator and the other witness, as would be pertinent and competent if the original will were present.

Proof of
will by copy.

331. A holographic will may be proved in the same manner as other private writings

Proof of
holographic
will

332. When the court admits a will to probate it must be recorded in the minutes by the clerk, with the notation: "Admitted to probate (giving date)." If the will is in a foreign language, the court shall certify to a correct translation thereof into English, and such certified translation shall be recorded in lieu of the original.

Minute
entry of
admission
to probate

Article III—Lost or Destroyed Wills

350. No will shall be proven as a lost or destroyed will unless proved to have been in existence at the time of the death of the testator, or shown to have been destroyed fraudulently or by public calamity in the lifetime of the testator, without his knowledge; nor unless its provisions are clearly and distinctly proved by at least two credible witnesses. Knowledge of the destruction of his will by public calamity shall not be imputed to an insane person who has been committed to a state hospital for the insane in this state and never restored to competency.

Requisites
of proof

Requisite
statements
in petition
for probate

351. The petition for the probate of a lost or destroyed will must state, or be accompanied by a written statement of, the testamentary words, or the substance thereof. If the will is established, the provisions thereof must be set forth in the order admitting the will to probate, and the order must be entered at length in the minutes. The testimony of each witness must be reduced to writing, signed by him and filed, and shall be admissible in evidence in any contest of the will if the witness has died or has permanently removed from the state.

Restraining
administra-
tor pending
petition

352. If, before or pending an application to prove a lost or destroyed will, letters of administration are granted on the estate of the testator, or letters testamentary of any previous will of the testator are granted, the court may restrain the administrators or executors, so appointed, from any acts or proceedings which would be injurious to the devisees or legatees claiming under the lost or destroyed will.

Article IV—Foreign Wills.

Local
probate

360. A will admitted to probate in any other state or country may be offered for probate in the superior court having jurisdiction as determined by section 301 of this code.

How
probated

361. The executor or any person interested in the will may file a copy of the will and of the order or decree admitting it to probate, duly authenticated, together with his petition for letters. Notice shall be given and the same proceedings had as in the case of an original petition for the probate of a will.

Effect of
probate
elsewhere

362. If it appears from such authenticated order or decree or otherwise that the will has been admitted to probate in another state or country, and that it was valid according to the law of the place in which the testator was domiciled at the time of his death, or according to the law of this state, it shall be admitted to probate and have the same force and effect as a will first admitted to probate in this state, except as limited by section 26 of this code, and letters testamentary or of administration with the will annexed shall issue thereon to the petitioner.

CHAPTER II—CONTESTS OF WILLS.

Article I—Contests Before Probate.

Proceedings
preliminary
to trial

370. Any person interested may contest the will by filing written grounds of opposition to the probate thereof at any time before the hearing of the petition for probate, and thereupon a citation shall be issued directed to the heirs of the decedent and to all persons interested in the will, including minors and incompetents, wherever residing, directing them to plead to the contest within thirty days after service of the citation, which shall be made personally or by publication in the manner provided by law for the service of summons in civil actions. Any person so served may demur to the contest upon any of the grounds of demurrer available in civil

actions. If the demurrer is sustained, the court may allow the contestant a reasonable time, not exceeding ten days, within which to amend his contest. If the demurrer is overruled, the petitioner and others interested, within ten days after the receipt of written notice thereof, may jointly or separately answer the contest.

371. On the trial, the contestant is plaintiff and the petitioner is defendant. Any issue of fact involving the competency of the decedent to make a last will and testament, the freedom of the decedent at the time of the execution of the will from duress, menace, fraud, or undue influence, the due execution and attestation of the will, or any other question substantially affecting the validity of the will, must be tried by a jury, unless a jury is waived as provided by the Code of Civil Procedure. If no jury is demanded, the court must try and determine the issues joined.

Trial of
contest

372. If the will is contested, all the subscribing witnesses who are present in the county, and who are of sound mind, must be produced and examined; and the death, absence, or insanity of any of them must be satisfactorily shown to the court. If none of the subscribing witnesses resides in the county, and the evidence of none of them can be produced, the court may admit the evidence of other witnesses to prove the due execution of the will; and, as evidence of the execution, it may admit proof of the handwriting of the testator and of any of the subscribing witnesses.

Evidence of
execution

373. The jury must return a special verdict upon the issues submitted to them by the court; and upon the verdict, or upon the proof taken if a jury is waived, the court must render judgment, either admitting the will to probate or rejecting it.

Verdict
Judgment.

374. The testimony of each subscribing witness who has testified must be reduced to writing, signed by him and filed, and shall be admissible in evidence in any subsequent contest of the will if the witness has died or has permanently removed from the state.

Perpetua-
tion of
testimony

Article II—Contests After Probate.

380. When a will has been admitted to probate, any interested person, other than a party to a contest before probate and other than a person who had actual notice of such previous contest in time to have joined therein, may, at any time within six months after such probate, contest the same or the validity of the will. For that purpose he must file in the court in which the will was proved a petition in writing, containing his allegations against the validity of the will or against the sufficiency of the proof, and praying that the probate be revoked.

Who may
contest after
probate.

Filing of
petition

381. Upon filing the petition, and within the time allowed for filing the petition, a citation must be issued directed to the executor of the will, or the administrator with the will annexed, and all the devisees and legatees mentioned

Issue of
citation.

in the will, and the heirs, so far as known to the petitioner, including minors and incompetents, or the personal representative of any such person who is dead, directing them to plead to the contest within thirty days after service of the citation.

Service of
citation.

Trial

382. The citation shall be served and proceedings had thereunder as in the case of a contest before probate. If the original probate was granted without a contest, a trial by jury must be had, as in the case of a contest before probate, unless a jury is waived as provided by the Code of Civil Procedure. If the jury shall find or the court shall decide that the will is invalid or is not the last will of the testator, the probate must be revoked. Thereupon the powers of the executor or administrator with the will annexed cease; but he shall not be liable for any act done in good faith previous to the revocation.

Effect

Costs

383. If the probate is not revoked, the costs of trial must be paid by the contestant. If the probate is revoked, the costs must be paid by the party who resisted the revocation or out of the property of the decedent, as the court directs.

Limitations
period

384. If no person contests the validity of a will or of the probate thereof within the time specified in this article, the probate of the will is conclusive; saving to infants and persons of unsound mind who were not made parties to the proceeding a like period of six months after their respective disabilities are removed.

Probate of
other will

385 Failure to contest a will does not preclude the subsequent probate of another will of the decedent.

CHAPTER III—APPOINTMENT OF EXECUTORS AND OF ADMINISTRATORS WITH THE WILL ANNEXED.

Powers of
executor
before grant
of letters

400 No person has any power as an executor until he qualifies, except that, before letters are issued, he may pay the funeral charges and take necessary measures for the preservation of the estate.

Who may
be executor

401. No person is competent to serve as an executor or executrix who is under the age of majority, convicted of an infamous crime, or adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity. Marriage does not disqualify a woman from serving as executrix.

Executor
not specif-
ically named

402 When it appears, by the terms of a will, that it was the intention of the testator to commit the execution thereof and the administration of his estate to any person as executor, such person, although not named executor, is entitled to letters testamentary in like manner as if he had been named executor.

Executor's
authority
to appoint.
Successor to
corporate
executor.

403. An authority to an executor to appoint an executor is void.

404. When the executor named in the will is a corporation or national banking association that has sold its business and

assets to, or has consolidated or merged with, or is in any manner provided by law succeeded by, another corporation or national banking association authorized and qualified to act as executor, the court may, and to the extent required by the Bank Act shall, issue letters thereon to the successor corporation or association.

405. When a person absent from the state, or a minor, is named as an executor, and there is another executor who accepts the trust and qualifies, the latter may have letters testamentary and administer the estate until the return of the absentee or the majority of the minor, who may then be admitted as joint executor. If there is no other executor, letters of administration with the will annexed must be granted; but the court may, in its discretion, revoke them on the return of the absent executor or the majority of the minor.

Absentee or
minor
executor

406. No executor of an executor shall, as such, be authorized to administer the estate of the first testator. If no executor is named in the will, or if the sole executor or all the executors therein named are dead, or incompetent, or renounce or fail to apply for letters, or to appear and qualify, or die after the issuance of letters and before the completion of the administration, letters of administration with the will annexed shall be issued.

Executor of
an executor

407. Any person interested in the estate or will may file objections in writing to granting letters testamentary to the persons named as executors, or any of them, and the objections must be heard and determined by the court; a petition may, at the same time, be filed for letters of administration with the will annexed. If no objection is made, the court when admitting a will to probate must direct the issuance of letters thereon to the persons named therein as executors who are competent to discharge the trust, unless they or either of them have renounced their right.

Objections
to appoint-
ment

408. When all the executors named are not appointed by the court, those appointed have the same authority to act in every respect as effectually as all would have if appointed.

Failure to
appoint all
named
executors

409. Administrators with the will annexed have the same authority over estates which executors named in the will would have, and their acts are as effectual for all purposes; but if a power or authority conferred upon an executor is discretionary, and is not conferred by law, it shall not be deemed to be conferred upon an administrator with the will annexed. Persons are entitled to appointment as administrators with the will annexed in the same order of priority as in the appointment of administrators, except that, as to foreign wills, a person who is interested in the will has priority over one who is not.

Administra-
tor with will
annexed

Order of
appoint-
ment

CHAPTER IV—APPOINTMENT OF ADMINISTRATORS.

Article I—Competency and Priority.

420. No person is competent to serve as an administrator or administratrix who is not a bona fide resident of this state,

Qualifica-
tions.

or who has not the qualifications required of an executor or executrix. Marriage does not disqualify a woman from serving as administratrix.

Surviving partner.

421. The surviving partner of a decedent must not be appointed administrator of the estate if any person interested in the estate objects to his appointment.

Order of priority of right to letters

422. Administration of the estate of a person dying intestate must be granted to one or more of the following persons, who are entitled to letters in the following order, the relatives of the decedent being entitled to priority only when they are entitled to succeed to the estate or some portion thereof:

(1) The surviving spouse, or some competent person whom he or she may request to have appointed.

(2) The children.

(3) The grandchildren.

(4) The parents.

(5) The brothers and sisters.

(6) The next of kin entitled to share in the estate.

(7) The relatives of a previously deceased spouse, when entitled to succeed to some portion of the estate.

(8) The public administrator.

(9) The creditors.

(10) Any person legally competent.

Nomination

423. Administration may be granted to one or more competent persons, although not otherwise entitled to the same, at the written request of the person entitled, filed in court. If the person making the request is a child, parent, brother or sister of the decedent, the nominee shall have priority next after those in the class of the person making the request; otherwise the court, in its discretion, may appoint either such nominee or a person of a class subsequent in rank to that of the person making the request; but other persons of the class of the person making the request shall have priority over such nominee.

Whole blood and half blood

424. Of several persons claiming and equally entitled to administer, relatives of the whole blood are preferred to those of the half blood.

Discretion of court creditors

425. When there are several persons equally entitled to administer, the court may grant letters to one or more of them; and when a creditor is claiming letters the court, in its discretion, at the request of another creditor, may grant letters to any other person legally competent.

Minors

426. If a person otherwise entitled to administer is a minor or an incompetent person, letters may be granted to his or her guardian, or any other person entitled to letters, in the discretion of the court.

Failure to claim letters

427. Administration must be granted to any competent applicant, when persons having priority fail to claim letters for themselves.

Article II—Application for Letters.

440. A petition for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, and must state: Contents of
petition

- (1) The jurisdictional facts;
- (2) The names, ages and residences of the heirs of the decedent, so far as known to the applicant;
- (3) The character and estimated value of the property of the estate.

No defect of form or in the statement of jurisdictional facts actually existing shall make void an order appointing an administrator or any of the subsequent proceedings.

441. The clerk shall set the petition for hearing by the court and give notice thereof by causing a notice to be posted at the courthouse of the county where the petition is filed, giving the name of the decedent, the name of the applicant, and the time at which the application will be heard. Such notice must be given at least ten days before the hearing. The clerk shall cause similar notice to be mailed, postage prepaid, to the heirs of the decedent named in the petition, at least ten days before the hearing, addressed to them at their respective post-office addresses, as set forth in the petition, otherwise at the county seat of the county where the proceedings are pending. Procedure
before
hearing

442. Any person interested may contest the petition by filing written grounds of opposition thereto, based on the incompetency of the applicant or for other cause, or may assert his own right to letters. In the latter case he must file a petition and give the notice required for an original petition, and the court must hear the two petitions together. Contest.

443. Before letters are granted, the fact of death and that the decedent died intestate, and that notice has been given as above required, must be proved by the evidence of the applicant or others; and the court may also examine any other person concerning the time, place and manner of death, the place of the decedent's residence at the time, the character and value of his property, and whether or not the decedent left any will, and may compel any person to attend as a witness for that purpose. Facts to
be proved.

Article III—Revocation of Letters.

450. When letters of administration have been granted to any person other than the surviving spouse, child, parent, brother or sister of the intestate or the public administrator, any one of them who is competent and had a prior right to letters, or any competent person at the written request of any one of them who is competent and had such prior right, may obtain the revocation of the letters, and be entitled to the administration, by filing a petition praying the revocation, and that letters of administration issue to him. Prior claim-
ants for
letters

- Procedure** 451. When such petition is filed, the clerk shall give notice as in the case of an original application, and shall issue a citation to the administrator to appear and answer the petition at the time appointed for the hearing. At the time appointed, upon proof that the citation has been duly served and notice given as above required, the court shall take evidence upon the petition, and if the right of the applicant is established, and he is competent, letters of administration shall be granted to him and the letters of the former administrator revoked.
- Surviving spouse, etc** 452. The surviving spouse, when letters of administration have been granted to a child, parent, brother or sister of the intestate; or any of such relatives, when letters have been granted to any other of them, may assert his prior right, and obtain letters of administration, and have the letters before granted revoked, in the manner prescribed in the preceding section.
- Discretion of court** 453. The court, in its discretion, may refuse to grant letters of administration as provided in this article to any person or to the nominee of any person who had actual notice of the first application and an opportunity to contest the same.

CHAPTER V---SPECIAL ADMINISTRATORS.

- Causes for appointment** 460. When there is delay in granting letters testamentary or of administration, or when letters are granted irregularly, or no sufficient bond is filed as required, or when no application is made for letters, or when an executor or administrator dies or is suspended or removed, and the circumstances of the estate require the immediate appointment of a personal representative, the superior court, or a judge thereof, shall appoint a special administrator to take possession of the estate of the decedent and to exercise such other powers as may be necessary for the preservation of the estate; or he may direct the public administrator to take charge of the estate.
- Notice and order of appointment**
Order not appealable 461. The appointment may be made at any time without notice or upon such notice to such of the persons interested in the estate as the court or judge may deem reasonable. In making the appointment, preference must ordinarily be given to the person entitled to letters testamentary or of administration, but such order is not appealable.
- Bond oath, issue of letters** 462. Before letters issue to a special administrator, except to a public administrator, he must give bond in such sum as the court or judge may direct, with sureties to the satisfaction of the court or judge, conditioned for the faithful performance of his duties; and he must take the usual oath, and have the same indorsed on his letters. Thereupon the clerk shall issue special letters of administration to him.
- Powers and duties** 463. The special administrator must take possession of all of the real and personal property of the decedent, and preserve it from damage, waste and injury, and must collect all claims, rents and other income belonging to the estate; and for any such purposes may commence and maintain or defend

suits and other legal proceedings as such administrator. He may sell perishable property and exercise such other powers as are conferred upon him by his appointment, but, except when the powers, duties and obligations of a general administrator are conferred upon him as hereinafter provided, he is not liable to an action by any creditor on a claim against the decedent. He may obtain leave to borrow money, or to lease or mortgage real property, in the same manner as a general administrator.

464. If any property in charge of a special administrator is subject to a mortgage, lien, or deed of trust, to secure the payment of money, and there is danger that the holder of the security may enforce or foreclose the same, and the property exceeds in value the amount of the obligation thereon, then, upon petition of the special administrator, or of anyone interested in the estate, and upon such notice as the court or judge shall deem proper, the court or judge may authorize or direct the special administrator to pay the interest due or all or any part of the amount so secured. The order may also direct that interest not yet accrued be paid as it becomes due, and such order shall remain in effect and cover such future interest unless and until for good cause set aside or modified by the court upon petition and notice similar to that hereinabove provided.

Payment of
lien charges
on property.

465. When a special administrator is appointed pending determination of a contest of a will instituted prior to the probate thereof, or pending an appeal from an order appointing, suspending or removing an executor or administrator, the special administrator shall have the same powers, duties and obligations as a general administrator, and the letters of administration issued to him shall recite that such special administrator is appointed with the powers of a general administrator. If a special administrator has been appointed, and thereafter a proceeding to contest a will prior to the probate thereof has been instituted, the court shall make an order providing that such special administrator shall thereafter have the additional powers, duties and obligations of a general administrator, and requiring that he give such additional bond as the court deems proper. Such order is not appealable, and from the time of the approving and filing of any such additional bond as may be required, such special administrator shall have the powers, duties and obligations of a general administrator.

Making
powers
general

466. When letters testamentary or of administration on the estate of the decedent are granted, the powers of the special administrator cease, and he must forthwith deliver all the property of the decedent in his hands to the executor or administrator, who may prosecute to final judgment any suit commenced by the special administrator.

Effect of
grant of
letters tes-
tamentary,
etc

467. The special administrator must render a verified account of his proceedings in like manner as other administrators are required to do. His commissions and the fees of

Accounts,
commissions,
fees of
attorney

his attorney shall be fixed by the court; but the total commissions paid and extra allowances made to the special administrator and executor, or to the special administrator and general administrator of an estate, must not, together, exceed the sums provided for in this code as commissions and extra allowances for the services of executors or administrators; and the total fees paid to the attorneys both of the special administrator and executor, or of the special administrator and general administrator, must not, together, exceed the sums provided in this code as compensation for the ordinary and extraordinary services of attorneys for executors or administrators.

Division of
commissions,
etc

468. When the same person does not act as both special administrator and executor, or as special administrator and general administrator, such commissions and allowances shall be divided between the special administrator and executor, or between the special administrator and general administrator, in such proportion as the court shall deem just; and when the same attorney does not act for both the special administrator and executor, or for the special administrator and general administrator, such fees shall be divided between the attorneys in such proportion as the court shall deem just.

CHAPTER VI—LETTERS, GENERALLY, AND CHANGES IN ADMINISTRATION.

Article I—Trust Companies.

Capacity to
act as
guardian,
executor,
etc

480. A corporation or association authorized to conduct the business of a trust company in this state may be appointed to act as an executor, administrator, guardian of an estate, or trustee, in like manner as an individual; but it shall not be appointed guardian of the person of a ward.

No bond
requirement
Oaths and
affidavits

481. A corporation or association receiving an appointment under the previous section shall not be required to give any bond or security, but the provisions of section 1044 of the Code of Civil Procedure shall govern with respect to its liability and the making of oaths and affidavits.

Article II—Form of Letters.

Signing
and sealing

500. Letters testamentary, or of administration, or of administration with the will annexed, or of special administration, shall be signed by the clerk, under the seal of the court.

Testamen-
tary of ad-
ministration
with will
annexed

501. Letters testamentary, or of administration with the will annexed, shall be substantially in the following form: State of California, county (or city and county) of ----- The last will of A. B., deceased, having been proved in the superior court of the county (or city and county) of -----, C. D., who is named therein as such, is hereby appointed executor (or: and there being no executor named in the will, or as the case may be, C. D. is hereby appointed administrator with the will annexed). Witness, G. H., clerk of the superior

court of the county (or city and county) of _____, with the seal of the court affixed, the _____ day of _____, 19____. (Seal.) By order of the court. G. H., Clerk.

502. Letters of administration, or of special administration, shall be substantially in the following form: State of California, county (or city and county) of _____. C. D. is hereby appointed administrator (or special administrator) of the estate of A. B., deceased. Witness, G. H., clerk of the superior court of the county (or city and county) of _____, with the seal of the court affixed, the _____ day of _____, 19___. (Seal.) By order of the court. G. H., Clerk.

Of administration, general and special.

Article III—Disability and Substitution.

510. Upon the admission to probate of a will after a grant of letters of administration on the ground of intestacy, or upon the admission to probate of a later will than the one before admitted to probate, the preexisting grant of letters testamentary or of administration must be revoked, and the administrator or executor whose grant of authority is thus terminated must render an account of his administration within such time as the court may direct. The newly appointed executor or administrator with the will annexed is entitled to demand, sue for, recover and collect all the property of the decedent remaining unadministered, and may prosecute to final judgment any suit commenced by the previous administrator or executor before the revocation of his letters.

Effect of subsequent probate

New executor, etc.

511. In case any one of several executors or administrators to whom letters are granted dies, becomes insane, is convicted of an infamous crime, or otherwise becomes incapable of executing the trust, or in case the letters testamentary or of administration are revoked or annulled with respect to any one executor or administrator, the remaining executor or administrator must proceed to complete the execution of the will or administration. The fact of such death or disqualification shall be established by a decree of the court, upon such notice as the court deems reasonable.

Incapacity of joint executor, etc.

512. If all the executors or administrators die or become disqualified or incapable, or the power and authority of all of them is revoked, the court shall issue letters of administration, with the will annexed or otherwise, to the person or persons next entitled thereto, in the same order and manner as is directed in relation to original letters of administration. The administrators so appointed must give bond in the like penalty, with like sureties and conditions, as hereinafter required of administrators, and shall have the like power and authority.

Incapacity of all executors, etc

Article IV—Resignation, Suspension and Removal.

520. An executor or administrator may resign his appointment at any time, by a writing filed in the superior court, to take effect upon the settlement of his accounts. If,

Procedure of resignation.

Liability of
person re-
signing

however, by reason of any delay in such settlement, or for any other cause, the circumstances of the estate or the rights of those interested therein require it, the court, at any time after the tendering of the resignation, may revoke the letters of such executor or administrator and appoint in his stead an administrator, either special or general, or with the will annexed, in the same manner as is directed in relation to original letters of administration. The liability of the outgoing executor or administrator, or of the sureties on his bond, shall not in any manner be discharged, released, or affected by such resignation or appointment, but shall continue until the executor or administrator has delivered up all the estate to the person whom the court shall appoint to receive the same.

Suspension
and removal:
causes
and procedure

521. Whenever a judge of the court has reason to believe from his own knowledge, or from credible information, that any executor or administrator has wasted, embezzled or mismanaged, or is about to waste or embezzle the property of the estate committed to his charge, or has committed or is about to commit a fraud upon the estate, or is incompetent to act, or has permanently removed from the state, or has wrongfully neglected the estate, or has long neglected to perform any act as such executor or administrator, he must cite such executor or administrator to appear and show cause why his letters should not be revoked, and may suspend his powers until the matter is investigated. If the executor or administrator has absconded or conceals himself or has removed or absented himself from the state, notice of the pendency of the proceedings may be given to him by publication, in such manner as the court may direct, and the court may proceed upon such notice as if the citation had been personally served.

Filing
charges

522. Any person interested in the estate may appear at the hearing and file allegations in writing, showing that the executor or administrator should be removed; to which the executor or administrator may demur or answer, and the issues shall be heard and determined by the court.

Proceedings
at hearing

523. If the executor or administrator fails to appear in obedience to the citation, or, if he appears and the court is satisfied from the evidence that there exists cause for his removal, his letters must be revoked. The court may compel his attendance by attachment, and may compel him to answer questions, on oath, touching his administration, and, upon his refusal so to do, may commit him until he obeys, or may revoke his letters, or both.

Embezzle-
ment, etc.,
by executor
or adminis-
trator

524. If, upon the settlement of an account of the executor or administrator, it appears that he has embezzled, wasted or mismanaged the estate, his letters must be revoked.

Acts prior
to revoca-
tion

525. All acts of an executor or administrator, as such, before the revocation of his letters testamentary or of administration, are as valid, to all intents and purposes, as if he continued lawfully to execute the duties of his trust.

526. Whenever an executor or administrator is committed for contempt in disobeying an order of the court or judge, and has remained in custody for thirty days without obeying such order or otherwise purging himself of the contempt, the court may, by order reciting the facts, and without further showing or notice, revoke his letters and appoint some other person entitled thereto executor or administrator in his stead.

Commitment
for con-
tempt

CHAPTER VII—OATHS AND BONDS.

540 Before letters testamentary or of administration are issued, the executor or administrator must take and subscribe an oath that he will perform, according to law, the duties of his office, which oath must be attached to or endorsed upon the letters.

Taking of
oath

541. Every person to whom letters testamentary or of administration are directed to issue (unless the testator has waived such requirement), must, before receiving them, execute a bond to the State of California, with two or more persons or an authorized surety company as surety, to be approved by a judge of the superior court, conditioned that the executor or administrator shall faithfully execute the duties of the trust according to law. In form the bond must be joint and several. If the bond is to be given by individual persons, the penalty must be not less than twice the value of the personal property and twice the value of the probable annual income from the real property belonging to the estate, which values must be ascertained by the court or judge by examining on oath the party applying, and any other persons. If the bond is to be given by an authorized surety company, the court in its discretion may fix the amount of the bond at not less than the value of the personal property and the probable value of the annual rents, issues and profits of all of the property belonging to the estate.

Bond

542. Before a sale of any real property of an estate is confirmed, the court, or a judge thereof, shall require such additional bond as may be necessary to make the total penalty the amount provided by the previous section, treating the expected proceeds of the sale as personal property.

Additional
bond on sale
of real
property

543. When it is provided in the will that no bond shall be required of the executor, the court, nevertheless, for good cause, may require one to be given as in other cases, either before or at any time after the issuance of letters.

When
required
despite will

544. When two or more persons are appointed executors or administrators, the court or judge must require and take a separate bond from each of them.

Separate
bonds by
joint
executors

545. In all cases in which bonds are required to be given under the provisions of this code, the sureties must justify thereon in the same manner and in like amounts as required by the Code of Civil Procedure, and the certificate thereof must be attached to and filed with the bond. All such bonds must be approved by a judge of the superior court before being

Sureties,
approval,
entry in
register

filed. Upon filing, the clerk shall enter in the register of actions the date and amount of such bond and the name or names of the surety or sureties thereon. In the event of the loss of such bond, such entries so made shall be prima facie evidence of the due execution of such bond as required by law.

Justification
of sureties.

546. Before the judge approves any bond, or after its approval, he may, of his own motion, or upon the motion of any person interested in the estate, supported by affidavit that the sureties, or some one or more of them, are not worth as much as they have justified to, order a citation to issue requiring such sureties to appear before him at a designated time and place, to be examined touching their property and its value, and a citation to issue to the executor or administrator requiring his appearance at the same time and place. On the return of the citations, he may examine the sureties and such witnesses as may be produced, touching the property of the sureties and its value; and if, upon such examination, he is satisfied that the bond is insufficient, he must require sufficient additional security.

When sure-
ties become
insufficient.

547. Any person interested in an estate may represent to the court or a judge thereof, by verified petition, that the sureties of the executor or administrator thereof have become, or are becoming, insolvent, or that they have removed or are about to remove from the state, or that from any other cause the bond is insufficient, and ask that further security be required. Or if it comes to the knowledge of the judge that the bond is from any cause insufficient, he may, of his own motion, without any application, require further security.

Hearing on
sufficiency

548. If the court or judge is satisfied from the petition or from the judge's own information that the matter requires investigation, a citation must be issued to the executor or administrator requiring him to appear before the judge at a designated time and place, to show cause why he should not give further security. The citation must be served on the executor or administrator personally, at least five days before the return day. If he has absconded, or can not be found, it may be served by leaving a copy of it at his residence, or by such publication as the court or judge may order. On the return of the citation, or at such other time as the judge may appoint, he shall proceed to hear the matter, and if it satisfactorily appears that the security, from any cause, is insufficient, he shall make an order requiring the executor or administrator to give further security, or to file a new bond in the usual form, within a reasonable time, not less than five days.

Appointment
of person
next in
order

549. If sufficient security or additional security is not given within the time fixed by the judge's order, the right of the executor or administrator to the administration shall cease, and the person next entitled to administer the estate, who will execute a sufficient bond, must be appointed. If letters have already been issued to the executor or administrator, the same shall be revoked, and his authority shall thereupon cease.

550. When a petition is presented praying that an executor or administrator be required to give further security, or to give bond, where, by the terms of the will, no bond was originally required, and it is alleged, on oath, that the executor or administrator is wasting the property of the estate, the judge, by order, may suspend his powers until the matter can be heard and determined.

Suspension
of powers
pending
hearing

551. When a surety of an executor or administrator desires to be released from responsibility on account of future acts, he may make application to the court, or a judge thereof, for relief. The court or judge shall cite the executor or administrator to appear at a designated time and place and give other security. If he has absconded, left, or removed from the state, or if he can not be found after due diligence and inquiry, the citation may be served by leaving a copy of it at his residence, or by such publication as the court or judge may order.

Application
for dis-
charge of
surety

552. If the executor or administrator neglects or refuses to give new sureties, to the satisfaction of the judge, on the return of the citation or within such reasonable time as the judge shall allow, unless the surety making the application shall consent to a longer extension of time, the court or judge must revoke his letters.

Revocation
for failure
to give new
sureties

553. If new sureties be given to the satisfaction of the judge, he shall thereupon make an order that the sureties who applied for relief shall not be liable on their bond for any subsequent act, default or misconduct of the executor or administrator.

Discharge
of sureties

554. The liability of principal and sureties upon the bond of an executor, administrator, or guardian, is in all cases to pay in the kind of money or currency in which the principal is legally liable. The bond shall not be void upon the first recovery, but may be sued and recovered upon from time to time, by any person aggrieved, in his own name, until the whole penalty is exhausted.

Nature of
surety's
liability.

Extent of
bond

CHAPTER VIII—POWERS AND DUTIES OF EXECUTORS AND ADMINISTRATORS.

570. When two or more executors or administrators have been appointed and one or more are absent from the state, or legally disqualified from serving, the act of the other or others shall be effectual for all purposes; if upon any hearing it shall appear that one or more of the executors or administrators were absent from the state or legally disqualified from serving, the court may so find in its order or judgment and such finding shall be conclusive of the authority of those acting. When there are more than two executors or administrators, the act of a majority is valid.

Absent
executors

Authority
of those
remaining

571. The executor or administrator must take into his possession all the estate of the decedent, real and personal, and collect all debts due to the decedent or to the estate.

Duties of
executor,
etc :
surviving
partner

When, at the time of his death, a partnership existed between the decedent and any other person, the surviving partner has the right to continue in possession of the partnership, and to settle its business, but the interest of the decedent in the partnership must be included in the inventory, and be appraised as other property. The surviving partner must settle the affairs of the partnership without delay, and account to the executor or administrator, and pay over such balances as may from time to time be payable to him, in right of the decedent. Upon application of the executor or administrator, the court or a judge thereof, whenever it appears necessary, may order the surviving partner to render an account, and in case of neglect or refusal may, after notice, compel it by attachment; and the executor or administrator may maintain against him any action which the decedent could have maintained.

Continuing
business of
decedent.

572. After notice to all persons interested in an estate, given in such manner as may be directed by the court or a judge thereof, the court may authorize the executor or administrator to continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and those interested therein.

Extent of
power to sue
and be sued

573. Actions for the recovery of any property, real or personal, or for the possession thereof, or to quiet title thereto, or to determine any adverse claim thereon, and all actions founded upon contracts, may be maintained by and against executors and administrators in all cases in which the same might have been maintained by or against their respective testators or intestates.

Actions
for trespass

574. Executors and administrators may maintain an action against any person who has wasted, destroyed, taken, or carried away, or converted to his own use, the property of their testator or intestate, in his lifetime, or committed any trespass on the real property of the decedent in his lifetime; and any person, or the personal representative of any person, may maintain an action against the executor or administrator of any testator or intestate who in his lifetime has wasted, destroyed, taken, or carried away, or converted to his own use, the property of any such person or committed any trespass on the real property of such person.

Actions for
partition

575. When the decedent leaves an undivided interest in any property, the executor or administrator may be authorized or directed to institute an action against the other cotenants for the partition thereof, upon petition for such order, and a hearing had upon notice given for the period and in the manner prescribed by section 1200 of this code.

Actions on
bond of for-
mer execu-
tor, etc

576. An executor or administrator, as such, may maintain actions on the bond of any former executor or administrator of the same estate, for the use and benefit of all parties interested in the estate.

577. In actions by or against executors, it is not necessary to join those as parties to whom letters were ordered issued but who have not qualified.

Necessary parties to actions

578. If a debtor of the decedent is unable to pay all his debts, the executor or administrator, with the approval of the court or a judge thereof, may compound with him and give him a discharge, upon receiving a fair and just dividend of his effects. A compromise may also be authorized by the court or judge when it appears to be just and for the best interest of the estate. Reasonable notice of the application for such approval or authorization must be given by the executor or administrator to all persons who have filed appearances as heirs, devisees, legatees, creditors, or as otherwise interested.

Compounding debts

Compromises

579. If the decedent, in his lifetime, conveyed any real or personal property, or any right or interest therein, with intent to defraud his creditors, or to avoid any obligation due another, or made a conveyance that by law is void as against creditors, or made a gift of property in view of death, and there is a deficiency of assets in the hands of the executor or administrator, the latter, on application of any creditor, must commence and prosecute to final judgment an action for the recovery of the same for the benefit of the creditors.

Actions to recover fraudulently conveyed property

580. A creditor making such application must pay such part of the cost and expenses of the suit, or give such security to the executor or administrator therefor, as the court or a judge thereof shall direct. All property so recovered must be sold for the payment of debts, in the same manner as if the decedent had died seised or possessed thereof, and the proceeds must be appropriated in payment of the debts of the decedent in the same manner as other property in the hands of the executor or administrator. The remainder of the proceeds, after all the debts of the decedent have been paid, must be paid to the person from whom such property was recovered.

Costs

Disposal of property recovered

Proceeds

581. The executor or administrator is entitled to the possession of all the real and personal property of the decedent, and to receive the rents, issues and profits thereof until the estate is settled or until delivered over by order of the court to the heirs, devisees or legatees. He must keep in good tenantable repair all houses, buildings and fixtures thereon which are under his control. After the time to file or present claims has expired he is not entitled to recover the possession of any property of the estate from any heir who has succeeded to the property in his possession, or from any devisee or legatee to whom the property has been devised or bequeathed, or from the assignee of any such heir, devisee or legatee, unless he proves that the same is necessary for the payment of debts or legacies, or of expenses of administration already accrued, or for distribution to some other heir, devisee or legatee entitled thereto. The heirs or devisees may themselves, or jointly with the executor or administrator, maintain an action for the possession of the real property, or for

Custody of decedent's property.

Interests of actions by and against heirs and devisees

the purpose of quieting title to the same, against any one except the executor or administrator; but they are not required so to do.

Delivery of
real property
to heirs, etc

582. When the time to file or present claims has expired, the executor or administrator must deliver possession of the real property to the heirs or devisees, unless the income therefrom for a longer period or a sale thereof is required for the payment of the debts of the decedent.

Purchase by
executor of
property of
estate pro-
hibited

583. No executor or administrator may purchase any property of the estate, or any claim against the estate, directly or indirectly, nor be interested in any such purchase; and if he pays any claim for less than its full amount he may have credit in his accounts only for the amount actually paid

Investment
of estate
funds

584. Pending the settlement of an estate, on the petition of the executor or administrator, or of any person interested in the estate, and upon good cause shown therefor, the court may order any money in the hands of the executor or administrator to be invested for the benefit of the estate in securities of the United States or of this state. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code.

Deposit of
estate funds
in banks.

585. An executor or administrator may deposit any money belonging to the estate with one or more banks within this state, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the money is deposited pursuant to an order, under the provisions of the Bank Act, it may be withdrawn without order of court.

Deposit of
estate assets
with trust
company.

586. Personal assets of an estate may be deposited with a trust company, and the bond of the executor or administrator reduced, as provided by the Bank Act.

CHAPTER IX—INVENTORY AND APPRAISEMENT.

Inventory
filing and
contents.
See also
Ch 722.
Stats 1931

600. Within three months after his appointment, or within such further time as the court or judge for reasonable cause may allow, the executor or administrator must file with the clerk of the court an inventory and appraisement of the estate of the decedent which has come to his possession or knowledge. The inventory must include the homestead, if any, and all the estate of the decedent, real and personal, particularly specifying all debts, bonds, mortgages, notes and other securities for the payment of money belonging to the decedent, with the name of each debtor, the date, the sum originally payable, the indorsements thereon, if any, with their dates, and a statement of the interest of the decedent in any partnership of which he was a member, to be appraised as a single item. It must include an account of all moneys belonging to the decedent. If the whole estate consists of money in the hands of the executor or administrator, there need not be an appraisement, but an inventory must be made and returned as in other cases.

601. The inventory must show, so far as the same can be ascertained by the executor or administrator, what portion of the property is community property, and what portion is separate property of the decedent.

Community and separate property.

602. The naming of a person as executor does not thereby discharge him from any just claim which the testator has against him, but the claim must be included in the inventory, and the executor is liable for the same as for so much money in his hands, when the debt or demand becomes due.

Claims against executor.

603. The discharge or bequest in a will of any debt or demand of the testator against the executor or any other person is not valid against the creditors of the decedent, but is a specific bequest of the debt or demand. It must be included in the inventory, and, if necessary, applied in the payment of the debts. If not necessary for that purpose, it must be paid in the same manner and proportion as other specific legacies.

Status of bequest of claim against executor.

604. The executor or administrator must take and subscribe an oath that the inventory contains a true statement of all the estate of the decedent which has come to his possession or knowledge, and particularly of all money belonging to the decedent, and of all just claims of the decedent against the affiant. The oath must be endorsed upon or annexed to the inventory.

Oath.

605. To make the appraisement, the court or judge must appoint three disinterested persons, one of whom must be one of the inheritance tax appraisers provided for by law. Any two of them may act, provided one of them be the inheritance tax appraiser. But the court may, in its discretion, appoint such inheritance tax appraiser as sole appraiser of the estate.

Appointment of appraisers

606. No clerk of the court or deputy clerk, or partner or employee of the judge, or person related to the judge or to his wife within the third degree, or who is married to a relative of the judge within the third degree, shall be competent to act as appraiser.

Competency to act as appraiser

607. If any part of the estate is in a county other than that in which letters issued, an appraiser or appraisers thereof may in the same manner as above provided be appointed, either by the court or judge having jurisdiction of the estate or by the court or judge of such other county, on request of the court or judge having jurisdiction

Appraisement of property in another county

608. Before proceeding to the execution of their duty, the appraisers must take and subscribe an oath, to be attached to the inventory, that they will truly, honestly and impartially appraise the property exhibited to them, according to the best of their knowledge and ability. They must appraise the property by setting down each item separately, with the value thereof in dollars and cents in figures opposite the respective items, specifying the sum which they believe may be collected on each debt or security.

Oath of appraisers See also Ch 722, Stats 1931

Itemized appraisement

Compensation of appraisers

609. Each appraiser is entitled to receive, from each estate he appraises, his actual and necessary expenses and compensation for his services not to exceed five dollars per day, to be allowed by the court; and he must file, with the inventory, a verified account of his services and disbursements.

Failure to file inventory

610. If the executor or administrator neglects or refuses to file the inventory within the time prescribed, the court, upon notice, may revoke his letters, and he shall be liable on his bond for any injury to the estate or any person interested therein, arising from such failure.

Inventory and appraisal of newly discovered property

611. Whenever property not included in the inventory comes to the possession or knowledge of the executor or administrator, he must cause the same to be appraised in the manner hereinbefore prescribed, and an inventory thereof to be filed within two months after the discovery; and the making of such inventory may be enforced, after notice, by attachment or removal from office.

Penalty for embezzlement, etc., of decedent's property

612. If any person embezzles, conceals, smuggles or fraudulently disposes of any property of a decedent, he is chargeable therewith, and liable to an action by the executor or administrator of the estate for double the value of the property, to be recovered for the benefit of the estate.

Procedure against embezzler etc

613. Upon complaint made under oath by an executor, administrator, or other person interested in the estate of a decedent, that any person is suspected of having embezzled, concealed, smuggled or fraudulently disposed of any property of the decedent, or has in his possession or has knowledge of any deed, conveyance, bond, contract or other writing, which contains evidence of or tends to disclose the right, title, interest or claim of the decedent to any real or personal property, or any claim or demand, or any lost will, the court or judge may cite the suspected person to appear before the court, and may examine him on oath upon the matter of such complaint. If such person is not in the county where letters issued, he may be cited and examined before the superior court either of the county where he is found, or of the county where letters issued. But if he appears and is found innocent, his necessary expenses must be allowed him out of the estate.

Enforcement of examination interrogatories

614. If the person so cited refuses to appear and submit to an examination, or to answer such interrogatories as may be put to him, touching the matters of the complaint, the court, by warrant for that purpose, may commit him to the county jail, there to remain until he submits to the order of the court or is discharged according to law. If, upon such examination, it appears that he has embezzled, concealed, smuggled or fraudulently disposed of any property of the decedent, or that he has in his possession or knowledge any of the papers or documents mentioned in the preceding section, the court or judge may make an order requiring him to disclose his knowledge thereof to the executor or administrator, and may commit him to the county jail, there to remain until the order is complied with or he is discharged according to law.

All such interrogatories and answers must be in writing, signed by the party examined, and filed in the court. In addition to the examination of the party, witnesses may be produced and examined on either side.

615 The court or judge, upon the complaint, on oath, of any executor or administrator, may cite any person who has been intrusted with any part of the estate of the decedent to appear before the court or judge and require him to render a full account, on oath, of any moneys, accounts, or other property or papers belonging to the estate, which have come to his possession, and of his proceedings thereon; and if the person so cited refuses to appear and render such account, the court may proceed against him as provided in the preceding section.

Examination
of persons
entrusted
with part
of estate

CHAPTER X—DISPOSITION OF ESTATES WITHOUT ADMINISTRATION.

Article I—Transfer of Personal Property Not Exceeding One Thousand Dollars in Value.

630 When a person dies intestate, leaving no real property in this state, and no personal property in this state other than money in bank, property in boxes and vaults of banks and safe deposit companies, shares of the capital stock of corporations, money due from building and loan associations in this state, including money invested in or represented by shares of stock, membership shares, investment certificates, promissory notes and other evidences of indebtedness standing in his name on the books and records of such associations at the time of his death, and money due the decedent as an heir or legatee of a person whose estate is in probate, and the total value of the decedent's property in this state does not exceed one thousand dollars, the surviving spouse, the children, the parent, the brother or sister of the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, may, without procuring letters of administration, collect such money and receive such property from such bank, company, corporation, association, or the executor or administrator of the estate in probate, and have such capital stock transferred to him by such corporation, upon furnishing such bank, company, corporation, association, or executor or administrator, with an affidavit showing the right of the affiant or affiants to receive such money or property or to have such capital stock transferred.

Intestate's
estate consist-
ing of
intangible
personal
property of
under
\$1,000
value
See also
Ch 1089,
Stats 1931

630.5. Whether a person dies testate or intestate, and irrespective of the character of his or her property, if the value of the estate does not exceed five thousand dollars, the spouse of the decedent, if entitled by succession or by the last will and testament of the decedent to any money of the decedent on deposit in bank, may collect such money, not to

Estates un-
der \$5,000.

exceed the total sum of five hundred dollars, without procuring letters testamentary or of administration, upon furnishing the bank with an affidavit showing the right of the affiant to receive such money.

Effect of receipt of party entitled
See also Ch. 1089, Stats 1831.

631. The receipt of such affiant or affiants shall constitute sufficient acquittance therefor and shall fully discharge such bank, company, corporation, association or personal representative from any further liability with reference thereto, without the necessity of inquiring into the truth of any of the facts stated in the affidavit except that such personal representative of an estate in probate shall first present said affidavit to the judge of the superior court in which the estate is being probated and the judge shall direct him to pay to said affiant or affiants, upon distribution, the sum to which such deceased heir or legatee is entitled under the will or the laws of succession. But such payment or transfer shall not preclude administration when necessary to enforce payment of the decedent's debts.

Administration where necessary

Article II—Setting Aside Estates Not Exceeding Two Thousand Five Hundred Dollars in Value.

Petition to set aside without administration

640. If the decedent leaves a widow or minor child or minor children, and the net value of his whole estate over and above all liens or encumbrances of record at the date of his death does not exceed the sum of two thousand five hundred dollars, the person petitioning for the probate of his will or for letters of administration may add an allegation to that effect to the other allegations of the petition, with a specific description of all of the decedent's property, a list of all of the liens and encumbrances of record at the date of his death, and an estimate of the value of the property, and may include, in his prayer, an alternative prayer that if the court finds that the total value of the estate, over and above all liens and encumbrances of record at the date of the death of the decedent does not exceed two thousand five hundred dollars, the same be set aside to the widow, if there be one, and if there be none, then to the minor child or minor children of the decedent. When such allegation is included in the petition, the petition shall be verified, and the notice of hearing shall include a statement that a prayer for setting aside the estate to the widow or minor child or minor children, as the case may be, is included in the petition.

Petition by widow, etc

641. If the person petitioning for probate of the will or for letters of administration does not include such an allegation as is provided for by the previous section, the widow, if there be one, and if there be none, the guardian of the minor child or minor children, may, at any time prior to the hearing of such petition, file a verified petition setting forth the matters mentioned in the previous section, and pray that the estate be set aside for the use of the widow or minor child or minor children. If the hearing of the original petition is set for a day more than ten days after the filing of the petition

herein provided for, the latter shall be set for hearing at the same time as the former; if not, it shall be set for hearing at least ten days after the date on which it is filed, and the former petition shall be continued until such date.

642. If the decedent leaves a widow or minor child or minor children, and upon the filing of the inventory of the estate it appears that the net value of the whole estate over and above all liens and encumbrances of record at the date of death does not exceed the sum of two thousand five hundred dollars, the personal representative of the decedent or the widow or guardian of the minor child or children may file a verified petition showing the value of the estate to be no greater than as aforesaid, and the clerk shall fix a day for the hearing thereof.

Petition on behalf of minor children.

643. When a petition is filed under section 641 or section 642, the clerk shall give notice of the hearing for the period and in the manner required by section 1200 of this code.

Notice of hearing.

644. When a petition is filed which includes the allegations provided for by section 640 or section 641, unless the whole estate consists of money, the court shall forthwith appoint one inheritance tax appraiser, who shall appraise the property described in the petition, and file his report with the clerk of the court.

Appointment of appraiser.

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances of record at the date of the death of the decedent does not exceed the sum of two thousand five hundred dollars, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the widow of the decedent, if there be a widow, or, if there be no widow, then to the minor child or children of the decedent, if any, the whole of the estate, subject to whatever mortgages, liens, or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in the widow, if there be a widow, or if there be no widow, in the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered. But no widow or minor child having other estate of five thousand dollars in value shall be entitled to such an assignment.

Assignment to widow, etc.

Title after assignment

Restriction

646. If the court finds that the net value of the estate exceeds two thousand five hundred dollars, or that the widow or minor child has other estate of five thousand dollars in value, or that there is neither a widow nor minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

When no assignment to be made.

CHAPTER XI—SUPPORT OF THE FAMILY.

Article I—Homestead and Exempt Property.

Possession
before inven-
tory.

Setting aside
homestead

Designation
of home-
stead.

Notice of
hearing
petition

Vesting of
homestead

Debts of
spouse

660. The decedent's surviving spouse and minor children are entitled to remain in possession of the homestead, the wearing apparel of the family, the household furniture and other property of the decedent exempt from execution, until the inventory is filed. Thereupon, or at any subsequent time during the administration, the court, on petition therefor, may in its discretion set apart to the surviving spouse, or, in case of his or her death, to the minor child or children of the decedent, all or any part of the property of the decedent exempt from execution, and must set apart to such spouse or to such minor child or children the homestead selected, designated and recorded, if such homestead was selected from the community property, or from the separate property of the person selecting or joining in the selection of the same.

661. If none has been selected, designated and recorded, or in case the homestead was selected by the survivor out of the separate property of the decedent, the decedent not having joined therein, the court, in the manner hereinafter provided, must select, designate and set apart and cause to be recorded a homestead for the use of the surviving spouse and the minor children, or, if there be no surviving spouse, then for the use of the minor child or children, out of the community property or out of real property owned in common by the decedent and the person or persons entitled to have the homestead set apart, or if there be no community property and no such property owned in common, then out of the separate property of the decedent. If the property set apart is the separate property of the decedent, the court can set it apart only for a limited period, to be designated in the order, and in no case beyond the lifetime of the surviving spouse, or, as to a child, beyond its minority; and, subject to such homestead right, the property remains subject to administration.

662. When such petition is filed, the clerk must set it for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code.

663. If the homestead selected by the husband and wife, or either of them, during their coverture, and recorded while both were living, was selected from the community property, or from the separate property of the person selecting or joining in the selection of the same, it vests, on the death of either spouse, absolutely in the survivor. If the homestead was selected from the separate property of the decedent without his or her consent, it vests, on death, in his or her heirs or devisees, subject to the power of the court to set it apart for a limited period to the family of the decedent, as hereinabove provided. In either case it is not subject to the payment of any debt or liability existing against the spouses or either of them, at the time of the death of either, except as provided in the Civil Code.

664. If the homestead selected and recorded prior to the death of the decedent is returned in the inventory appraised at not over five thousand dollars, or was previously appraised as provided in the Civil Code and such appraised value did not exceed that sum, the court shall order it set apart to the persons in whom title is vested by the preceding section. If it is returned in the inventory appraised at more than five thousand dollars, the appraisers must, before they make their return, ascertain and appraise the value of the homestead at the time the same was selected, and if such value exceeded five thousand dollars, or if the homestead was appraised as provided in the Civil Code and such appraised value exceeded that sum, the appraisers must determine whether the premises can be divided without material injury, and if they find that they can be thus divided, they must admeasure and set apart to the parties entitled thereto such portion of the premises, including the dwelling house, as will amount in value to the sum of five thousand dollars, and make report thereof, giving an exact description of the portion set apart as a homestead.

Appraisal
of
homesteadDetermina-
tion of
excess

665. If the appraisers find that the value of the premises, at the time of their selection, exceeded five thousand dollars, and that they can not be divided without material injury, they must report such finding, and thereafter the court may make an order for the sale of the premises and the distribution of the proceeds to the parties entitled thereto.

Report of
appraisers

666. Any two of the appraisers concurring may discharge the duties imposed upon the three, and make the report. A dissenting report may be made by the third appraiser. The report must state fully the acts of the appraisers. Both reports may be heard and considered by the court in determining upon a confirmation or rejection of the majority report, but the minority report shall in no case be confirmed. When the report of the appraisers is filed, the clerk shall set the same for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code. If the court is satisfied that the report is correct, it must be confirmed, otherwise rejected. In case the report is rejected, the court may appoint new appraisers to examine and report upon the homestead, and similar proceedings may be had for the confirmation or rejection of their report, as upon the first report.

Majority
and minor-
ity reports

Hearing.

New ap-
praisers

667. When property, other than a homestead selected and recorded during the lifetime of the decedent, is set apart to the use of the family, in accordance with the provisions of this article, such property, if the decedent left a surviving spouse and no minor child, is the property of such spouse; if the decedent left also a minor child or children, one-half of such property belongs to the surviving spouse and the remainder to the child or in equal shares to the children; if there is no surviving spouse, the whole belongs to the minor child or children.

Ownership
of property
set aside

Successor
to holder of
homestead
right

668. A person succeeding by purchase or otherwise to the interest of a surviving spouse in a homestead which has been declared in the lifetime of the decedent, shall have the same right to apply for an order setting aside the homestead to him as is conferred by law on the person whose interest he has acquired.

Article II—Family Allowance.

Right to
allowance

680. The widow and minor children are entitled to such reasonable allowance out of the estate as shall be necessary for their maintenance according to their circumstances, during the progress of the settlement of the estate, which, in case of an insolvent estate, must not continue longer than one year after granting letters. Such allowance must be paid in preference to all other charges, except funeral charges, expenses of the last illness and expenses of administration, and may, in the discretion of the court or judge granting it, take effect from the death of the decedent.

Preference.

When may
be granted

Notice of.

681. Such allowance may be granted before the inventory is filed, either by the court or a judge thereof; in which case it shall continue until modified by the court. After the inventory is filed the court may grant such allowance, or may modify any allowance made before the filing of the inventory, upon the petition of any person interested and a hearing after notice given for the period and in the manner required by section 1200 of this code.

Where par-
ties have
other sup-
port

682. If the widow or any minor child has a reasonable maintenance derived from other property, and there are other persons entitled to a family allowance, the allowance shall be granted only to those who have not such maintenance.

Costs of
proceedings
to set aside

683. The costs of all proceedings provided for in this chapter must be paid by the estate as expenses of administration.

CHAPTER XII—PRESENTATION AND PAYMENT OF CLAIMS.

Article I—Presentation.

Publication
of notice
to creditors

700. The executor or administrator, promptly after letters are issued, must cause to be published in some newspaper published in the county, if there be one, if not, then in such newspaper as may be designated by the court or judge, a notice to the creditors of the decedent, requiring all persons having claims against the decedent to file them, with the necessary vouchers, in the office of the clerk of the court from which letters issued, or to present them, with the necessary vouchers, to the executor or administrator, at his residence or place of business, to be specified in the notice, within six months after the first publication of the notice.

Time of
publication

Filing
claims.

701. Such notice must be published not less than once a week for four weeks. If the executor or administrator neglects to give notice promptly, the court must revoke his letters and appoint some other person in his stead. If the

executor or administrator dies, resigns or is removed after the publication has been completed but before the time to file or present claims has expired, the time to file or present claims is not extended. In such case the claimant may file his claim with the clerk or present it to the new executor or administrator, at the latter's residence or place of business, within the time limited in the notice published by the former executor or administrator.

702. A copy of the notice and an affidavit showing its due publication must be filed with the clerk; and final distribution shall not be decreed unless it be shown that notice to creditors has been duly given. Within thirty days after the first publication of the notice, the executor or administrator shall file with the clerk of the court a printed copy of the notice, accompanied by a statement setting forth the date of the first publication thereof and the name of the newspaper in which it was published. If he files such notice and statement after such thirty-day period, the time to file or present claims shall be extended for a period equal to the period of default in the filing of such notice.

Affidavit of publication.

Statement after publication.

703. If the executor or administrator is a creditor of the decedent, he shall file his claim with the clerk, who must present it for allowance or rejection to the judge. Its allowance by the judge is sufficient evidence of its correctness, and it must be paid as other claims in due course of administration. If the judge rejects the claim, action thereon may be had against the estate by the claimant, and summons must be served upon the judge, who shall appoint an attorney, at the expense of the estate, to defend the action. If the claimant fails to recover, he must pay all costs, including defendant's reasonable attorney's fees, to be fixed by the court.

Claims of executor, etc

704. If a judge of the superior court files or presents a claim against the estate of a decedent, the administration of which is pending before him, and the executor or administrator allows the claim, the judge must designate, in writing, some other judge of the superior court of the same or an adjoining county, who, upon the presentation of such claim to him, is vested with power to approve or reject it. In case of its rejection by the executor or administrator, or by such designated judge, the claimant has the same right to sue for its recovery as other persons whose claims are rejected.

Claims of judge, etc

705. Every claim which is due, when filed or presented, must be supported by the affidavit of the claimant or some one in his behalf, that the amount is justly due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant. If the claim is not due when filed or presented, or is contingent, the particulars of the claim must be stated. When the affidavit is made by a person other than the claimant, he must set forth in the affidavit the reason therefor. The executor or administrator may also require satisfactory vouchers or proof to be produced in support of the claim. If

Affidavit and proof on claim

the claimant leaves any original voucher in the hands of the executor or administrator, or suffers the same to be filed with the clerk, he may withdraw the same, when a copy thereof has been already, or is then, attached to his claim.

Claim
founded on
written
instrument

706. If the claim is founded on a written instrument, the original need not be filed or presented, but a copy thereof with all indorsements must be attached to the claim. The original instrument must be exhibited to the executor or administrator or judge, upon demand, unless it is lost or destroyed, in which case its loss or destruction must be stated in the claim. If the claim or any part thereof is secured by a mortgage or other lien which has been recorded in the office of the recorder of the county in which the land affected by it lies, it shall be sufficient to describe the mortgage or lien, and refer to the date or volume and page of its record.

Secured by
lien

Claims on
contract
Funeral
expenses.

707. All claims arising upon contract, whether they are due, not due, or contingent, and all claims for funeral expenses, must be filed or presented within the time limited in the notice or as extended by the provisions of section 702 of this code; and any claim not so filed or presented is barred forever, unless it is made to appear by the affidavit of the claimant to the satisfaction of the court or a judge thereof that the claimant had not received notice, by reason of being out of the state, in which event it may be filed or presented at any time before a decree of distribution is rendered. The clerk must enter in the register every claim filed, giving the name of the claimant, the amount and character of the claim, the rate of interest, if any, and the date of filing.

Effect of
statute of
limitations

708. No claim which is barred by the statute of limitations shall be allowed or approved by the executor or administrator, or by the judge. When a claim is presented to a judge for his allowance or approval, he may, in his discretion, examine the claimant and others on oath, and hear any legal evidence touching the validity of the claim. No claim which has been allowed is affected by the statute of limitations, pending the administration of the estate.

Pending
actions.

709. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner file his claim with the clerk or present it to the executor or administrator for allowance or rejection, authenticated as required in other cases; and no recovery shall be had in the action unless proof is made of such filing or presentation.

Procedure-
claims filed
with clerk

710. When a claim has been filed with the clerk before being presented to the executor or administrator, the clerk shall immediately notify the executor or administrator, or his attorney, personally or by mail, giving the name of the claimant and the amount of the claim. The executor or administrator must allow or reject it, and his allowance or rejection must be in writing and filed with the clerk. If he allows the claim, the clerk, immediately after the filing of the allowance, must present the claim and the allowance to the judge, and at the same time must indorse on the claim the date of such

presentation. The judge must indorse upon the claim his approval or rejection, with the date thereof.

711. When a claim is presented to the executor or administrator before filing, he must indorse thereon his allowance or rejection, with the date thereof. If he allows the claim, it must be presented to the judge for approval, who must in the same manner indorse upon it his approval or rejection, and, if approved, it must be filed with the clerk within thirty days thereafter.

Claims presented to executor or administrator

712. If, when a claim has been filed without presentation, the executor or administrator refuses or neglects to file his allowance or rejection for ten days after the claim has been filed, or if, where a claim has been presented before filing, the executor or administrator refuses or neglects to indorse such allowance or rejection for ten days after the claim has been presented to him, or if the judge refuses or neglects to indorse such approval or rejection for ten days after the claim has been presented to him, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a rejection on the tenth day. If the claim is presented by a notary, the certificate of the notary, under seal, shall be prima facie evidence of such presentation and the date thereof. If the claim is filed with the clerk or presented to the executor or administrator before the expiration of the time limited for the filing or presentation of claims, the same is filed or presented in time, though acted upon by the executor or administrator, and by the judge, after the expiration of such time.

Failure to act on claims.

Time of filing, etc.

713. Every claim allowed by the executor or administrator and approved by the judge shall be ranked among the acknowledged debts of the estate, to be paid in due course of administration; but the validity thereof may be contested by any person in interest, at any time prior to the settlement of the account of the executor or administrator in which it is first reported as an allowed and approved claim, unless established by a judgment against the executor or administrator. The date of allowance of each claim, together with the amount allowed, must be entered in the register by the clerk after the allowance or approval thereof by the judge.

Status of allowed claim

714. When a claim is rejected either by the executor or administrator or by the judge, written notice of such rejection shall be given by the executor or administrator to the holder of the claim or to the person filing or presenting it, and the holder must bring suit in the proper court against the executor or administrator, within three months after the date of service of such notice if the claim is then due, or, if not, within two months after it becomes due; otherwise the claim shall be forever barred. If it appears to the satisfaction of the court that the residence of the claimant is not known, and that he can not be found, the court shall order the notice to be served on the claimant by filing it with the clerk.

Rejection of claims
Suit

Vacancy in
the adminis-
tration.

715. The time during which there is a vacancy in the administration is not included in any limitation herein prescribed.

Claims must
be filed or
presented.

716. No holder of a claim against an estate shall maintain an action thereon, unless the claim is first filed with the clerk or presented to the executor or administrator, except in the following case: An action may be brought by the holder of a mortgage or lien to enforce the same against the property of the estate subject thereto, where all recourse against any other property of the estate is expressly waived in the complaint; but no counsel fees shall be recovered in such action unless the claim was filed or presented as aforesaid.

Mortgage
or lien.

Partial
allowance
of claim.

717. The executor or administrator or the judge may allow or approve a claim in part, in which case he must state in his allowance or approval the amount for which it is allowed or approved. If the creditor refuses to accept the amount allowed in satisfaction of his claim, he shall recover no costs in any action therefor brought against the executor or administrator, unless he recovers a greater amount than that allowed.

Reference of
controversy

718. If the executor or administrator doubts the correctness of any claim filed or presented, he may enter into an agreement in writing with the claimant to refer the matter in controversy to some disinterested person, to be approved by the court or a judge thereof, which agreement and approval shall be filed with the clerk, who shall thereupon enter an order referring the matter in controversy to the person so selected; or, if the parties consent, a reference may be had in the court. The referee must hear and determine the matter, and make his report thereon to the court. The same proceedings shall be had in all respects, and the referee shall have the same powers, be entitled to the same compensation and subject to the same control, as in other cases of reference. The court may remove the referee, appoint another in his place, set aside or confirm his report, and adjudge costs, as in actions against executors or administrators, and the judgment of the court thereon shall be as valid and effectual, in all respects, as if the same had been rendered in a suit commenced by ordinary process; but the report of the referee, if confirmed, merely establishes or rejects the claim, the same as if it had been allowed or rejected by the executor or administrator and judge.

Reimburse-
ment for
costs.

719. When a judgment is recovered, with costs, against any executor or administrator, he shall be individually liable for such costs, but they must be allowed him in his administration accounts, unless it appears that the suit or proceeding in which the costs were taxed was prosecuted or defended without just cause.

Article II—Rules as to Payment of Claims.

Status of
judgment
against
estate

730. A judgment rendered against an executor or administrator, upon any claim for money, against the estate of his

testator or intestate, when it becomes final, conclusively establishes the validity of the claim for the amount of the judgment; and the judgment must be that the executor or administrator pay, in due course of administration, the amount ascertained to be due. A certified transcript of the original docket of the judgment must be filed in the administration proceedings. No execution shall issue upon the judgment, nor shall it create any lien upon the property of the estate, or give the judgment creditor any priority of payment.

731. A judgment against a person who dies between the rendering of a verdict or decision and the entering of judgment thereon is not a lien on the real property of the decedent, but is payable in due course of administration.

When death occurs before entry of judgment.

732. When a judgment has been rendered against the testator or intestate, no execution shall issue thereon after his death, except as provided in the Code of Civil Procedure. A judgment against the decedent for the recovery of money must be filed or presented in the same manner as other claims. If execution is actually levied upon any property of the decedent before his death, the same may be sold for the satisfaction thereof; and the officer making the sale must account to the executor or administrator for any surplus in his hands. A judgment creditor having a judgment which was rendered against the testator or intestate in his lifetime, may redeem any real property of the decedent from any sale under foreclosure or execution, in like manner and with like effect as if the judgment debtor were still living.

Death after entry of judgment. Execution.

733. No greater rate of interest shall be paid upon any claim after its allowance by the administrator or executor and its approval by the judge than is allowed upon judgments; and if the estate is insolvent, no greater rate of interest shall be paid upon any debt, from the time of the first publication of notice to creditors, than is allowed upon judgments. If any debt of the decedent bears interest, whether filed or presented or not, the executor or administrator, by order of the court, may pay the amount then accumulated and unpaid, or any part thereof, at any time when there are sufficient funds properly applicable thereto, whether the claim be then due or not; and interest shall thereupon cease to accrue upon the amount so paid.

Interest on claims and debts, etc.

734. If a claim is payable in a particular kind of money or currency, it shall, if allowed, be payable only in such money or currency.

Payment in specie.

735. If there are subsisting liens or encumbrances on the homestead, and the funds of the estate are adequate to pay all claims against the estate, the claims secured by such liens and encumbrances, whether filed or presented or not, if known or made known to the executor or administrator, must be paid out of such funds. If the funds of the estate are not sufficient for that purpose, the claims so secured shall be paid proportionately with other claims allowed, and the liens or encum-

Liens, etc., on homestead.

brances on the homestead shall only be enforced against the homestead for any deficiency remaining after such payment.

Deviser of
land subject
to lien.

736. When a testator devises land subject to a mortgage or other lien, other property specifically devised or bequeathed shall not be sold for the purpose of exonerating the encumbered property, unless a contrary intention can be gathered from the terms of the will, read in the light of the circumstances surrounding its execution. A mere direction that all the testator's debts be paid is not sufficient evidence of such contrary intention.

Executor
not charge-
able with
estate debts
except on
a writing

737. No executor or administrator is chargeable upon any special promise to answer in damages or to pay the debts of the decedent out of his own estate, unless the agreement for that purpose, or some memorandum or note thereof, is in writing signed by such executor or administrator, or by some other person by him thereunto specifically authorized in writing.

Where
claimant
can not be
found

738. Whenever an estate is in all other respects ready to be closed, and it is made to appear to the satisfaction of the court or judge, by affidavit or by evidence taken in open court, that an allowed and approved claim has not been and can not be paid because the claimant can not be found, the court or judge shall make an order fixing the amount of the claim, with interest, if any, and directing the executor or administrator to deposit that amount with the county treasurer of the county in which the proceedings are pending, who shall give a receipt for the same, and who shall be liable upon his official bond therefor. Thereupon the executor or administrator shall make the deposit and shall forthwith proceed to settle and close the estate. The receipt of the treasurer shall be received as a proper voucher for the payment of the claim.

Payment
to state
treasury

739. When the money so deposited is not claimed within five years, the court or judge, upon such showing by the affidavit of the county treasurer, must direct the same to be deposited in the state treasury for the benefit of such claimant or his legal representative, to be paid to him whenever, within five years after such deposit, proof to the satisfaction of the state controller and state treasurer is produced that he is entitled thereto. When so claimed, a transcript of the evidence and the joint order of the controller and treasurer must be filed by the treasurer as his voucher, and the amount of the claim paid to the claimant or his legal representative, on filing the proper receipt. If no one claims the deposit as herein provided, the same devolves and escheats to the people of the state and shall be placed by the state treasurer to the credit of the school fund.

Escheat.

CHAPTER XIII—SALES.

Article I—Sales in General.

Order of
resort to
estate assets
for payment
of debts,
expenses,
etc

750. If the testator makes provision by his will, or designates the estate to be appropriated, for the payment of his debts, the expenses of administration, or family allowance,

they must be paid according to such provision or out of the estate thus appropriated, so far as the same is sufficient. If insufficient, that portion of the estate not disposed of by the will, if any, must be appropriated for that purpose; and if that is not sufficient, the property given to residuary legatees and devisees, and thereafter all other property devised and bequeathed is liable for the same, in proportion to the value or amount of the several devises and legacies, but specific devises and legacies are exempt from such liability if it appears to the court necessary to carry into effect the intention of the testator, and there is other sufficient estate.

751. The property of a testator, except as otherwise provided in this code, must be resorted to for the payment of legacies in the following order:

Order of resort for payment of legacies.

(1) The property which is expressly appropriated by the will therefor.

(2) Property not disposed of by the will.

(3) Property which is devised or bequeathed to a residuary legatee.

752. Unless a different intention is expressed in the will, abatement takes place in any class only as between legacies of that class, and legacies to a spouse or to kindred are chargeable only after legacies to persons not related to the testator.

Order of abatement of legacies

753. When property given by will to persons other than the residuary devisees and legatees is sold for the payment of debts or expenses or family allowance, all the devisees and legatees must contribute according to their respective interests to the devisee or legatee whose devise or legacy has been sold, and the court, when distribution is made, must settle the amount of the several liabilities and decree the amount each person shall contribute, and reserve the same from his distributive share for the purpose of such contribution.

Contribution between devisees and legatees

754. In selling property to pay debts, legacies, family allowance or expenses, there shall be no priority as between personal and real property. When a sale of property of the estate is necessary for any such purpose, or when it is for the advantage, benefit, and best interests of the estate and those interested therein that any property of the estate be sold, the executor or administrator may sell the same, either at public auction or private sale, using his discretion as to which property to sell first, except as provided by sections 750 and 751 of this code.

Sale of estate property

755. Except as provided by sections 770 and 771 of this code, all sales of property must be reported to the court and confirmed by the court before the title to the property passes. The report must be verified. Such report and a petition for confirmation of the sale must be made within thirty days after each sale. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code.

Order of confirmation of sale

Notice

Written
objection
Hearing.

756. Any person interested in the estate may file written objections to the confirmation of the sale and may be heard thereon, and may produce witnesses in support of his objections. Before an order is made confirming a sale, it must be proved to the satisfaction of the court that notice of the sale was given as prescribed by this code, and the order of confirmation must show that such proof was made.

Proof of
notice

Sales under
direction
of will.

757. When property is directed by the will to be sold, or authority is given in the will to sell property, the executor may sell the same either at public auction or private sale, and with or without notice, as he may determine; but he must make a return of sales and obtain confirmation thereof as in other cases. In either case no title passes unless the sale is confirmed by the court; but the necessity of the sale, or its advantage or benefit to the estate or to those interested therein, need not be shown. If directions are given in the will as to the mode of selling, or the particular property to be sold, such directions must be observed.

Petition
for order
requiring
sale.

758. If the executor or administrator neglects or refuses to sell any property of the estate when it is necessary or when it is for the advantage, benefit and best interests of the estate and those interested therein, or when the executor is directed by the will to sell the same, any person interested may petition the court for an order requiring the executor or administrator to sell. The clerk shall set the petition for hearing by the court, and notice thereof must be given to the executor or administrator by citation served at least five days before the hearing.

Neglect,
etc. of exec-
utor or ad-
ministrator.

759. If there is any neglect or misconduct in the proceedings of the executor or administrator in relation to any sale, by which any person interested in the estate suffers damage, the party aggrieved may recover the same in an action upon the bond of the executor or administrator, or otherwise.

Contracts
to find
purchaser,
etc.

760. The executor or administrator may enter into a written contract with any bona fide agent to secure a purchaser for any real or personal property of the estate, which contract shall provide for the payment to such agent out of the proceeds of a sale to any purchaser secured by him of a commission, the amount of which must be fixed and allowed by the court upon confirmation of the sale; and when said sale is confirmed to such purchaser, such contract shall be binding and valid as against the estate for the amount so allowed by the court. By the execution of any such contract no personal liability shall attach to the executor or administrator, and no liability of any kind shall be incurred by the estate unless an actual sale is made and confirmed by the court.

Where
higher price
secured.
division of
commissions

761. In case of sale on an increased bid made at the time of confirmation to a purchaser not procured by the agent holding the contract, the court shall allow a commission on the full amount for which the sale is confirmed, one-half of said commission on the original bid to be paid to the agent

whose bid was returned to the court for confirmation and the balance of the commission on the purchase price to the agent, if any, who procured the purchaser to whom the sale is confirmed.

Article II—Sale of Personal Property.

770. Perishable property and other personal property which will depreciate in value if not disposed of promptly, or which will incur loss or expense by being kept, and so much other personal property as may be necessary to provide the family allowance pending the receipt of other sufficient funds, may be sold without notice, and title shall pass without confirmation; but the executor, administrator or special administrator is responsible for the actual value of the property unless, after making a sworn return, and on a proper showing, the court shall approve the sale.

Perishable
and depreciating
property.

771. Stocks or bonds may be sold and title thereto passed without the necessity for confirmation, upon obtaining an order of the court. A petition for such an order shall be filed with the clerk, who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by section 1200 of this code, but the court or judge may order the notice to be given for a shorter period or dispensed with. The order shall fix the terms and conditions of sale, and may dispense with notice of sale when the minimum selling price is fixed or when the securities are to be sold upon an established stock or bond exchange.

Stocks
or bonds

772. Except as provided by sections 770 and 771 of this code, personal property may be sold only after public notice given for at least ten days by notices posted in three public places in the county in which the proceedings are pending, or by publication in a newspaper in such county, or both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order.

Other
personal
property

773. Personal property may be sold for cash, or upon a credit. If a sale is made upon a credit, not less than twenty-five per cent of the purchase price shall be paid in cash at the time of sale. The executor or administrator shall take the note of the purchaser for the balance of the purchase money, with a pledge or chattel mortgage of the personal property sold, to secure the payment of said balance, or shall enter into a conditional sale contract under which title is retained until such balance is paid, the terms of said note and pledge or chattel mortgage or contract to be approved by the court at the time of confirmation of sale.

Terms of
sale, etc

774. Partnership interests or interests belonging to an estate by virtue of any partnership formerly existing, an interest in personal property pledged, and choses in action,

Partnership
interests.

may be sold in the same manner as other personal property. Before confirming the sale of a partnership interest, whether made to the surviving partner or to any other person, the court must carefully inquire into the condition of the partnership affairs, and must examine the surviving partner, if in the county and able to be present in court.

Article III—Sale of Real Property.

Notice and
publication
of sale

780. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, for two weeks before the day of sale, or, in the case of a private sale, before the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisalment that the value of the property to be sold does not exceed five hundred dollars, the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale in three of the most public places in the county in which the land is to be sold for two weeks before the day of the sale, or in the case of a private sale, before the day on or after which the sale is to be made. The property proposed to be sold must be described with common certainty in the notice.

Public
auction.

781. Sales at public auction must be made in the county in which the land lies, and if it lies in two or more counties, it may be sold in either. The sale must be made between the hours of nine o'clock in the morning and the setting of the sun on the same day, and must be made on the day named in the notice of sale, unless the same is postponed.

Private
sale.

782. In the case of a private sale, the notice must state a place where bids or offers will be received, and a day on or after which the sale will be made, which day must be at least fifteen days from the first publication of notice, and the sale must not be made before that day, but must be made within one year thereafter; but if it be shown that it will be for the best interests of the estate, the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen but not less than eight days from the first publication of the notice, in which case the notice of sale and the sale may be made to correspond with such order. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court where the proceedings are pending, at any time after the first publication of the notice and before the making of the sale.

Postpone-
ment of sale

783. If, at the time appointed for the sale, the executor or administrator deems it for the interest of all persons concerned therein that the same be postponed, he may postpone it from time to time, not exceeding in all three months. In case

of a postponement, notice thereof must be given by a public declaration at the time and place first appointed for the sale.

784. When the executor or administrator makes a return of his proceedings, the notice of hearing hereinbefore provided for must briefly indicate the land sold, and must refer to the return for further particulars. No sale of real property at private sale shall be confirmed by the court unless the sum offered is at least ninety per cent of the appraised value thereof, nor unless such real property has been appraised within one year of the time of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, a new appraisement must be had, as in the case of an original appraisement of an estate. This may be done at any time before the sale or confirmation thereof.

Return of
sale, ap-
praisement,
etc.

785. Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and witnesses in relation to the sale; and if it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the requirements of the previous section, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding such bid at least ten per cent exclusive of the expenses of a new sale may be obtained, the court shall make an order confirming the sale and directing conveyances to be executed: otherwise it shall vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no previous sale had taken place. But if a written offer of ten per cent more in amount than that named in the return is made to the court by a responsible person, and the bid complies with all provisions of the law, it is in the discretion of the court to accept such offer and confirm the sale to such person or to order a new sale.

Showing on
hearing, etc

Higher offer.

786. Conveyances must thereupon be executed to the purchaser by the executor or administrator, and they must refer to the order confirming sale and directing conveyances to be executed, a certified copy of which order must be recorded in the office of the recorder of the county in which the land or any portion thereof lies. Conveyances so made convey all the right, title, interest and estate of the decedent in the premises at the time of his death; and if prior to the sale, by operation of law or otherwise, the estate has acquired any right, title, or interest in the premises, other than or in addition to that of the decedent at the time of his death, such right, title, or interest also passes by such conveyances.

Conveyances
after con-
firmation
of sale

787. If a sale is made upon a credit, the executor or administrator must take the note or notes of the purchaser for the unpaid portion of the purchase money, with a mortgage or deed of trust on the property to secure their payment.

Sales on
a credit.

788. If, after the confirmation, the purchaser neglects or refuses to comply with the terms of the sale, the court, on motion of the executor or administrator, and after notice to the

Failure of
purchaser
to complete
sale

purchaser, may vacate the order of confirmation and order a resale of the property. If the amount realized on such resale does not cover the bid and the expenses of the previous sale, such purchaser is liable to the estate for the deficiency.

Real prop-
erty subject
to lien

789. When real property is sold which is subject to a mortgage or other lien which is a valid claim against the estate of the decedent, and has been filed and allowed, or presented and allowed, the purchase money must be applied, after paying the necessary expenses of the sale, first, to the payment and satisfaction of the mortgage or lien, and the residue, if any, in due course of administration. The application of the purchase money to the satisfaction of the mortgage or lien must be made without delay: and the land is subject to such mortgage or lien until the purchase money has been actually so applied.

Method of
discharging
lien.

790. The purchase money, or so much thereof as may be sufficient to pay such mortgage or lien, with interest, and any lawful costs and charges thereon, may be paid to the clerk of the court, whereupon the mortgage or lien upon the land shall cease, and the purchase money must be paid over by the clerk of the court without delay, in payment of the expenses of sale, and in satisfaction of the debt to secure which the mortgage or other lien was taken, and the surplus, if any, at once returned to the executor or administrator, unless for good cause shown, after notice to the executor or administrator, the court otherwise directs.

Lienholder
as pur-
chaser.

791. At any sale of real property upon which there is a mortgage or lien, the holder thereof may become the purchaser, and his receipt for the amount due him from the proceeds of the sale is a payment pro tanto. If the amount for which he purchased the property is insufficient to defray the expenses and discharge his mortgage or lien, he must pay the clerk of the court an amount sufficient to pay such expenses.

Fraudulent
sale.
Penalty.

792. An executor or administrator who fraudulently sells any real property of a decedent contrary to or otherwise than under the provisions of this chapter, is liable in double the value of the land sold, as liquidated damages, to be recovered in an action by the person having an estate of inheritance therein.

Limitations
period

793. No action for the recovery of any property sold by an executor or administrator, on the claim that the sale is void, can be maintained by any heir or other person claiming under the decedent, unless it is commenced within three years after the settlement of the final account of the executor or administrator, or within three years after the discovery of any fraud upon which the action is based. This limitation shall not apply to minors or others under any legal disability to sue at the time the right of action accrues; but any such person may commence an action at any time within three years after the removal of the disability.

Article IV—Sale of Contract to Purchase.

800. If a decedent, at the time of his death, was possessed of a contract for the purchase of real property, his interest in such property and under such contract may be sold by his executor or administrator, in the same manner as if he had died seised of such property, and the same proceedings may be had for that purpose as are prescribed in this chapter for the sale of property of which he died seised, except as herein-after provided.

Method
of sale

801. The sale must be made subject to all payments which are due at the time of sale or which may thereafter become due on such contract, and if there are any such, the sale must not be confirmed by the court until the purchaser executes a bond to the executor or administrator for the benefit and indemnity of himself and of the persons entitled to the interest of the decedent in the lands so contracted for, in double the whole amount of payments then due and thereafter to become due on such contract, with such sureties as the court or judge shall approve. The bond must be conditioned that the purchaser will make all payments for such property which are then due or which become due after the date of the sale, and will fully indemnify the executor or administrator and the persons so entitled against all demands, costs, charges and expenses, by reason of any covenant or agreement contained in such contract. Such bond need not be given when no claim has been made against the estate upon the contract and the time for filing or presenting claims has expired.

Sale subject
to claims,
etc.
Bond

802. Upon the confirmation of the sale, the executor or administrator must execute to the purchaser an assignment of the contract, which vests in the purchaser, his heirs and assigns, all the right, title and interest of the estate, or of the persons entitled to the interest of the decedent, in the property sold at the time of the sale, and the purchaser has the same rights and remedies against the vendor of such land as the decedent would have had if he were living.

Assignment
after con-
firmation

Article V—Sale of Mining Property.

810. To enter into an agreement to sell, or to give an option to purchase, a mining claim or claims, or real property worked as a mine, belonging to the estate of a decedent, the executor or administrator or any person interested in the estate shall file a verified petition describing the property in question, stating the terms and general conditions of the proposed agreement or option, showing the advantage or advantages that may accrue to the estate from entering into it, and praying for an order authorizing or directing its execution. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by sections 1200 and 1201 of this code.

Petition
for sale

Notice

811. At the time appointed, the court, upon proof that due notice of the hearing has been given, shall proceed to hear the petition and any objection thereto that may have been

Hearing.

Order
authorizing
sale.

filed or presented; and if, after a full hearing, the court is satisfied that it will be to the advantage of the estate to enter into the proposed agreement, it shall make an order authorizing and directing the executor or administrator to enter into such agreement of sale or to give such option to purchase. The order may prescribe the terms and conditions of the agreement or option. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the land affected by the agreement or option, or any portion thereof, lies.

Additional
bond of
executor,
etc.

812. At the time of making the order, the court shall fix the amount of such additional bond as it determines should be given by the executor or administrator, who shall not be entitled to receive any of the proceeds from said agreement or option until such bond is given and approved. When the order is made, the executor or administrator shall execute, acknowledge and deliver an agreement or option to purchase containing the conditions specified in the order and setting forth therein that it is made by authority of the order, and giving the date of the order.

Option
to purchase.

Failure to
comply with
option.

813. If the purchaser or option holder neglects or refuses to comply with the terms of the agreement or option, the court, on motion of the executor or administrator and after notice to the purchaser or option holder, shall make an order canceling the agreement or option; but such cancellation shall not affect any liability theretofore created.

Procedure
after com-
pliance with
option.

814. When the terms of such agreement to sell or option to purchase have been complied with by the purchaser or option holder and all payments have been made according to the terms thereof, the executor or administrator must make a return of his proceedings to the court and petition for a confirmation thereof, and thereupon notice shall be given, a hearing had, an order made by the court confirming or refusing to confirm the proceedings, and conveyances executed, in the same manner and with like effect as in the case of the sale of any real property.

CHAPTER XIV—NOTES, MORTGAGES, LEASES, CONVEYANCES AND EXCHANGES.

Article I—Borrowing Money and Mortgaging Property.

Authoriza-
tion to bor-
row money,
etc.

830. Whenever it shall appear to be to the advantage of the estate to borrow money upon a note or notes, either unsecured, or to be secured by a chattel mortgage or other lien upon the personal property of the decedent, or any part thereof, or to be secured by a mortgage or deed of trust upon the real property of the decedent, or any part thereof, or to mortgage or give a deed of trust upon, or to pledge or give other lien upon, such property or any part thereof, in order to pay the debts of the decedent, or legacies, or expenses or charges of administration, or to pay, reduce, extend or renew some lien or mortgage or deed of trust already subsisting upon property of the estate, and as often as occasion therefor shall

arise in the administration of the estate, the court may authorize, empower and direct the executor or administrator to borrow the money and to execute such note or notes, and, in a proper case, to execute such mortgage or deed of trust, or to give other security by way of pledge or other lien. To obtain such an order, the proceedings to be taken and the effect thereof shall be as provided in the following sections of this article.

831. The executor or administrator, or any person interested in the estate, shall file a verified petition showing the particular purpose or purposes for which the order is sought, the necessity for or advantage to accrue from the order, the amount of money proposed to be raised, if any, the rate of interest to be paid, the length of time the note or notes are to run, and a general description of the property proposed to be mortgaged or subjected to such deed of trust or other lien. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by sections 1200 and 1201 of this code. Petition.

832. At the time appointed, the court, upon proof that due notice of the hearing has been given, shall proceed to hear the petition and any objection thereto that may have been filed or presented; and if, after a full hearing, the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing and directing the executor or administrator to borrow the money and to execute such note or notes, and, in a proper case, to execute such mortgage or deed of trust, or to give other security by way of pledge or other lien. The court may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest and the period of the loan, and may direct in what coin or currency it shall be paid, and require that the interest and the whole or any part of the principal be paid, from time to time, out of the whole estate or any part thereof, and that the personal property to be mortgaged or subjected to the lien, or any buildings on the premises to be mortgaged or subjected to the deed of trust, shall be insured for the further security of the lender, and the premiums paid from such income. A certified copy of the order shall be recorded in the office of the county recorder of every county in which land affected by the order, or any portion thereof, lies. Hearing
and order.

833. The executor or administrator shall execute, acknowledge and deliver the mortgage or deed of trust as directed, setting forth therein that it is made by authority of the order, giving the date of the order. The note or notes and mortgage or deed of trust shall be signed by the executor or administrator as such, and shall create no personal liability against the person so signing. Execution
of instru-
ments.

834. Every mortgage or deed of trust so made shall be effectual to mortgage or subject to the deed of trust all right, Effect of
proceedings
under this
chapter

title, interest and estate which the decedent had in the premises described therein at the time of his death or prior thereto, and any right, title or interest in said premises acquired by the estate of such decedent by operation of law or otherwise, since the time of his death. Jurisdiction of the court to administer the estate of such decedent shall be effectual to vest the court with jurisdiction to make the order for the note or notes, and mortgage or deed of trust, and such jurisdiction shall conclusively inure to the benefit of the mortgagee named in the mortgage, or the trustee and beneficiary in the deed of trust, his or their heirs and assigns. No omission, error or irregularity in the proceedings shall impair or invalidate the same or the note or notes, mortgage or deed of trust given in pursuance thereof, and the mortgagee or the trustee and beneficiary, their heirs and assigns, shall have and possess the same rights and remedies on the note or notes and mortgage or deed of trust as if it had been made by the decedent prior to his death, except that upon any foreclosure, or sale under the deed of trust, if the proceeds of the sale of the encumbered property are insufficient to pay the note or notes, the mortgage or deed of trust, and the costs or expenses of sale, no judgment or claim for any deficiency shall be had or allowed, except in cases where the note or notes, mortgage or deed of trust were given to pay, reduce, extend or renew a lien or mortgage or deed of trust subsisting at the time of the death of the decedent and the indebtedness secured thereby was an allowed and approved claim against the estate; in which case the part of the indebtedness remaining unsatisfied must be classed and paid with other allowed claims against the estate.

Article II—Leasing.

Authoriza-
tion to
lease.

840. Whenever it shall appear to be to the advantage of the estate to lease any real property of the decedent, and as often as occasion therefor shall arise in the administration of the estate, the court may authorize and direct the executor or administrator to execute such lease.

Petition.

841. To obtain such an order, the executor or administrator, or any person interested in the estate, shall file a verified petition showing the advantage to accrue from giving the lease, a general description of the property proposed to be leased, and the term, rental and general conditions of the proposed lease. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by sections 1200 and 1201 of this code.

Hearing
and order

842. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented; and if the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing and directing the executor or administrator to make such lease. The order may prescribe the minimum rental or royalty to be received for the premises, and the period of the lease, which must not

be longer than ten years, and may prescribe other terms and conditions of the lease; except that for the purpose of exploiting for minerals, or mineral oils or petroleum, and extracting minerals therefrom, the lease may be for a period not to exceed twenty years. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the leased land or any portion thereof lies.

843. The executor or administrator shall execute, acknowledge and deliver the lease as directed, setting forth therein that it is made by authority of the order, giving the date of the order. Every lease so made shall be effectual to demise and let the premises described, at the rent, for the term and upon the conditions therein prescribed. Jurisdiction of the court to administer the estate of the decedent shall be effectual to vest the court with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns. No omission, error or irregularity in the proceedings shall impair or invalidate the same or the lease made in pursuance thereof.

Execution
of lease.

Effect of
proceedings

844. The executor or administrator may lease real property without an order of court when the tenancy is from month to month, or for a term not extending beyond the time for filing or presenting claims, and the rental does not exceed one hundred dollars a month.

When pro-
ceedings not
necessary

Article III—Conveyance to Complete Contract.

850. If a person who is bound by contract in writing to convey any real property or to transfer any personal property dies before making conveyance or transfer, and the decedent, if living, might have been compelled to make such conveyance or transfer, the court in which proceedings are pending for the administration of the estate of the decedent may make a decree authorizing and directing the executor or administrator to convey or transfer the property to the person entitled thereto.

Authoriza-
tion of
conveyance

851. The executor or administrator or any person claiming to be entitled to such conveyance or transfer may file with the clerk of the court a verified petition, setting forth the facts upon which the claim is predicated. Thereupon the clerk shall set the petition for hearing by the court, and notice thereof shall be served on the executor or administrator personally when he is not the petitioner, and shall be published for at least ten days before the hearing, in a newspaper published in the county where the proceedings are pending, or, if there is no such newspaper, then, in lieu of publication, three written or printed notices of the hearing shall be posted at three of the most public places in the county at least ten days before the hearing; but if such contract was recorded before the death of the person executing it, notice of the hearing may be given by serving such notice on the executor or administrator personally, when he is not the petitioner, and posting a copy of the notice at the courthouse of the county

Petition
and notice

in which the proceedings are pending, for at least ten days prior to the hearing.

Hearing
and order

852. At the time appointed, the court, upon proof that due notice of the hearing has been given, shall proceed to hear the petition and any objection thereto that may have been filed or presented; and if the court is satisfied that the conveyance or transfer should be made, it shall make an order authorizing and directing the executor or administrator to execute the same to the party entitled thereto. If the transaction relates to real property, a certified copy of the decree must be recorded with the deed in the office of the county recorder of the county in which the land or any portion thereof lies.

Effect of
decree

853. The decree shall be prima facie evidence of the correctness of the proceedings and of the authority of the executor or administrator to make the conveyance or transfer; and after its entry the person entitled to the conveyance or transfer has a right to the possession of the property contracted for, and to hold the same according to the terms of the intended conveyance or transfer, in like manner as if the same had been conveyed or transferred in pursuance of the decree. Nevertheless, the executor or administrator must execute the conveyance or transfer according to the directions of the decree, and the court may enforce its execution by process. The conveyance or transfer shall pass title to the property contracted for, as fully as if the contracting party had executed it while living.

Execution of
conveyance.

Article IV—Exchange of Real Property.

Mode of
authorizing.

860. Whenever it shall appear to be to the advantage of the estate to exchange any real property of the decedent for other property, the court may authorize such exchange, upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by section 1200 of this code.

CHAPTER XV—COMPENSATION AND ACCOUNTING.

Article I—Commissions.

Expenses
and compen-
sation of
executor,
etc.

900. The executor or administrator shall be allowed all necessary expenses in the care, management and settlement of the estate, and, for his services, the compensation herein-after provided; but when the decedent, by his will, makes other provision for the compensation of the executor, that shall be a full compensation for his services, unless by a written instrument, filed in the court, he renounces all claim for compensation provided for in the will.

Commissions.

901. The executor, when no compensation is provided by the will or he renounces all claim thereto, or the administrator, shall receive commissions upon the amount of estate accounted for by him, as follows: For the first thousand dollars, at the rate of seven per cent; for the next nine thousand dollars, at the rate of four per cent; for the next ten thousand

dollars, at the rate of three per cent; for the next thirty thousand dollars, at the rate of two per cent; and for all above fifty thousand dollars, at the rate of one per cent. If there are two or more executors or administrators, the compensation shall be apportioned among them by the court according to the services actually rendered by each.

902. Such further allowances may be made as the court may deem just and reasonable for any extraordinary services, such as sales or mortgages of real or personal property, contested or litigated claims against the estate, the adjustment and payment of extensive or complicated estate or inheritance taxes, litigation in regard to the property of the estate, the carrying on of the decedent's business pursuant to an order of the court, and such other litigation or special services as may be necessary for the executor or administrator to prosecute, defend, or perform.

Commissions
for extraor-
dinary
services,
etc

903. All contracts between an executor or administrator and an heir, devisee or legatee, for a higher compensation than that allowed by the foregoing sections, shall be void.

Contracts for
higher com-
pensation
void.

904. Any executor or administrator, at any time after six months from the issuance of letters testamentary or of administration, and upon such notice to the persons interested in the estate as the court or a judge thereof shall require, may apply to the court for an allowance upon his commissions; and on the hearing the court shall make an order allowing him such portion of his commissions, for services rendered up to that time, as the court shall deem proper, and the portion so allowed may be thereupon charged against the estate.

Allowance
on commis-
sions

Article II—Attorneys' Fees.

910. Attorneys for executors and administrators shall be allowed out of the estate, as fees for conducting the ordinary probate proceedings, the same amounts as are allowed by the previous article as commissions to executors and administrators; and such further amount as the court may deem just and reasonable for extraordinary services.

Fees for
ordinary
proceedings

Extraordi-
nary services

911. Any attorney who has rendered services to an executor or administrator, at any time after six months from the issuance of letters testamentary or of administration, and upon such notice to the executor or administrator and to the persons interested in the estate as the court or a judge thereof shall require, may apply to the court for an allowance upon his fees; and on the hearing the court shall make an order requiring the executor or administrator to pay such attorney out of the estate such compensation, on account of services rendered up to that time, as the court shall deem proper, and such payment shall be made forthwith.

Allowance
on fees

Article III—Rendering of Exhibits and Accounts.

920. Every executor and administrator is chargeable in his accounts with all of the estate of the decedent which comes into his possession, and with all the income, issues and profits

Liability of
executor or
administra-
tor.

of the estate; but he is not accountable for any debts due to the decedent which remain uncollected without his fault, nor is he liable for the act or negligence of a coexecutor or coadministrator, except for collusion or gross negligence. He shall not make profit by the increase, nor suffer loss by the decrease or destruction without his fault, of any part of the estate. He must account for the excess when he sells any part of the estate for more than the appraisement, but is not responsible for the loss if any is sold for less than the appraisement, if the sale has been justly made.

Trust
company
executor

920.5. When a trust company is an executor, special administrator, or administrator with the will annexed, and in the exercise of reasonable judgment deposits money of the estate in any department of the corporation of which it is a part, it shall be chargeable with interest thereon at the rate of interest prevailing among banks of the locality upon such deposits.

Interest on
deposits of
estate.

Accounting
when re-
quired by
court

921. Whenever required by the court or a judge thereof, either upon its or his own motion or upon the application of any person interested in the estate, the executor or administrator must render and file with the clerk a verified account showing the amount of money received and expended by him, the claims filed or presented against the estate, giving the name of each claimant, the nature of the claim, when it became due or will become due, whether it was allowed or rejected by him, or not yet acted upon, and all other matters necessary to show the condition of the estate. If he neglects or refuses to appear and render such account, after having been duly cited, an attachment may be issued against him and such accounting compelled, or his letters may be revoked, or both, in the discretion of the court or judge.

After close
of period for
presenting
claims.

922. Within thirty days after the time to file or present claims against the estate has expired, the executor or administrator must render a full and verified account and report of his administration, which shall include all of the matters mentioned in the previous section. He must render a final account, and pray a settlement of his administration, whenever there are sufficient funds in his hands for the payment of all debts and the estate is in a proper condition to be closed. If he fails to present his account the court or judge must compel the accounting by attachment. Any person interested in the estate may apply for and obtain an attachment, but no attachment shall issue unless a citation has first been issued, served and returned, requiring the executor or administrator to appear and show cause why an attachment should not issue.

Final
account

After
authority
ceases

923. When the authority of an executor or administrator is revoked or ceases for any reason, he may be cited to account before the court, at the instance of the person succeeding to the administration of the estate, in like manner as he might have been cited by any person interested in the estate while he was executor or administrator.

924. If the executor or administrator absconds, or conceals himself so that a citation can not be personally served, and he neglects to render an account as prescribed in this article, or if an attachment has been executed, and he neglects to render an account within thirty days after being committed, his letters must be revoked.

When executor absconds, etc

925. Except as hereinafter provided, the executor or administrator, in rendering his account, must produce and file vouchers for all payments which he has made. The vouchers must remain on file until returned or destroyed as hereinafter provided. Any voucher may be withdrawn on leaving a certified copy on file, but must be produced on demand, unless permanently withdrawn with the permission of the court. Five years from the time the decree of final distribution has become final, the clerk of the court may destroy the vouchers or deliver them to the executor or administrator or to his attorney.

Vouchers for payments.

926. When an account is rendered for settlement, the clerk shall set the same for settlement by the court and give notice thereof for the period and in the manner required by section 1200 of this code. If the account is for a final settlement, and a petition for the final distribution of the estate is filed with the account, the notice of settlement must so state, and on the settlement of the account, distribution of the estate to those entitled thereto may be had immediately, without further notice or proceedings.

Notice of rendering account.

927. Any person interested in the estate may appear and file written exceptions to the account, and contest the same. Upon the hearing, the executor or administrator may be examined on oath touching the account and the property and effects of the decedent, and the disposition thereof. All matters, including allowed claims not passed upon on the settlement of any former account and not reduced to judgment, may be contested for cause shown. The court may appoint one or more referees to examine the accounts, and make report thereon, subject to confirmation; and may allow a reasonable compensation to them to be paid out of the estate.

Hearing

Referees

928. Whenever an allowed claim is contested by any person entitled to contest it, either the contestant or the claimant is entitled to a trial by jury of the issues of fact presented by the contest, unless a jury is waived as provided by the Code of Civil Procedure with regard to civil actions; and the court shall call the jury and submit such issues to them, and after receiving their verdict, enter an order disposing of the contest in accordance therewith.

Jury trial.

929. If it appears that debts of the decedent have been paid without verified claims having been filed or presented and allowed and approved, and it shall be proven that such debts were justly due, were paid in good faith, that the amount paid was the true amount of such indebtedness over and above all payments or set-offs, and that the estate is

Debts paid without filing claim

solvent, the court, in settling the account, shall allow the sums so paid.

Lost
vouchers

930. If it is proven that vouchers for any disbursements have been lost or destroyed, that it is impossible to obtain duplicates, and that the items were paid in good faith and were legal charges against the estate, the executor or administrator shall be allowed such items. He may be allowed any item of expenditure not exceeding twenty dollars, for which no voucher is produced, if it is supported by his uncontradicted oath positive to the fact of payment, specifying when, where, and to whom it was made; but the total amount of such allowances in all his accounts must not exceed five hundred dollars.

When
vouchers
unnecessary

Effect of
order set-
tling
account

931. The order settling and allowing the account, when it becomes final, is conclusive against all persons interested in the estate, saving, however, to persons under legal disability, the right to move for cause to reopen and examine the account, or to proceed by action against the executor or administrator or his sureties, at any time before final distribution; and in any such action such order is prima facie evidence of the correctness of the account.

Accounts of
deceased
executor.

932. If the executor or administrator dies, his accounts may be presented by his personal representative to, and settled by, the court in which the estate of which he was executor or administrator is being administered, and, upon petition of the successor of such deceased executor or administrator, such court shall compel the personal representative of the deceased executor or administrator to render an account of the administration of his testator or intestate, and must settle such account as in other cases.

Article IV—Payment of Debts, Expenses and Charges.

Order in
which paid.
See also
Ch 821,
Stats 1931.

950. The debts of the decedent, the expenses of administration and the charges against the estate must be paid in the following order:

- (1) Expenses of administration;
- (2) Funeral expenses;
- (3) Expenses of last illness;
- (4) Family allowance;
- (5) Debts having preference by the laws of the United States;
- (6) Wages, to the extent of one hundred dollars, of each employee of the decedent, for work done or services rendered within sixty days prior to the death of the employer;
- (7) Mortgages and other liens, in the order of their priority, so far as they may be paid out of the proceeds of the encumbered property. If such proceeds are insufficient for that purpose, the part of the debt remaining unsatisfied must be classed with general demands against the estate;
- (8) Judgments rendered against the decedent in his lifetime, in the order of their date;
- (9) All other demands against the estate.

951. As soon as he has sufficient funds in his hands, after retaining sufficient to pay the expenses of administration, the executor or administrator must pay the funeral expenses, the expenses of the last illness, and the family allowance; but he is not obliged to pay any other debt or any legacy until, as prescribed in this article, the payment has been ordered by the court.

Funeral and
last illness
expenses
Family
allowance
See also
Ch 821,
Stats 1931.

952. Upon the settlement of any account of the executor or administrator after the time to file or present claims has expired, the court shall order the payment of the debts, as the circumstances of the estate permit. If there are not sufficient funds to pay all of the debts, the decree shall specify the sum to be paid to each creditor. No creditor of any one class shall receive any payment until all those of a preferred class are fully paid; and if the estate is insufficient to pay all the debts of any one class, each creditor of that class must be paid a dividend in proportion to his claim. If the property of the estate is exhausted by the payment ordered, such account shall constitute a final account, and the executor or administrator shall be entitled to his discharge on producing and filing the necessary vouchers and proof showing that he has complied with the decree.

Order of
payment

953. If there is any claim not due, or any contingent or disputed claim against the estate, the amount thereof, or such part of the same as the holder would be entitled to if the claim were due, established, or absolute, must be paid into court, and there remain, to be paid over to the party when he becomes entitled thereto; or, if he fails to establish his claim, to be paid over or distributed as the circumstances of the estate require. If a creditor whose claim has been allowed, but is not yet due, appears and assents to a deduction therefrom of the legal interest for the time the claim has yet to run, he is entitled to be paid accordingly. The payments provided for in this section are not to be made when the estate is insolvent, unless a pro rata distribution is ordered.

Contingent,
etc., claims

954. When an order is made for the payment of creditors, the executor or administrator is personally liable to each creditor for his allowed claim, or the dividend thereon, and execution may be issued on such order, as upon a judgment, in favor of each creditor, and the same proceeding may be had under such execution as under execution in civil actions. The executor or administrator is liable therefor on his bond to each creditor.

Liabilities
of executor,
etc

955. When the accounts of the executor or administrator have been settled, and an order made for the payment of debts and distribution of the estate, no creditor whose claim was not included in the order for payment has any right to call upon the creditors who have been paid, or upon the heirs, devisees or legatees, to contribute to the payment of his claim; but if the executor or administrator has failed to give the notice to creditors, as prescribed by law, such creditor may

When claim
not included
in order of
payment

recover on the bond of the executor or administrator the amount for which his claim would properly have been allowed.

Closing ad-
ministration

956. If all of the debts have been paid by the first order for payment, the court must direct the payment of legacies and the distribution of the estate among the persons entitled, as provided in the next chapter; but if there are debts remaining unpaid, or if, for other reasons, the estate is not in a condition to be closed, the administration may continue for such time as may be reasonable.

CHAPTER XVI—DISTRIBUTION AND DISCHARGE.

Article I—Partial Distribution.

Petition
and notice
of hearing

1000. At any time after the lapse of four months from the issuing of letters testamentary or of administration, any heir, devisee or legatee, or his assignee, grantee or successor in interest, may petition the court for the legacy or share of the estate to which he is entitled, or any portion thereof, to be given to him upon his giving a bond as hereinafter provided. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code, and to the executor or administrator by citation. The executor or administrator or any person interested in the estate may resist the application.

Allowance
of distribu-
tee's share
Bond

1001. If, at the hearing, it appears that the estate is but little indebted, and that the share of the applicant may be allowed to him without loss to the creditors or injury to the estate or any person interested therein, the court shall make an order requiring the executor or administrator to deliver to the applicant the share of the estate to which he is entitled, or such part thereof as the court may designate, upon receiving a bond executed by the applicant and payable to the executor or administrator, in such sum as the court may designate, with sureties to be approved by the judge, and conditioned for the payment, whenever required, of the applicant's proportion of the debts due from the estate, not exceeding the value or amount of the legacy or portion of the estate to which he is entitled. When the time for filing or presenting claims has expired, and all valid claims have been paid or are sufficiently secured by mortgage, and the court is satisfied that no injury can result to the estate, the court may dispense with the bond.

Order of
repayment

1002. When a bond has been executed and delivered under the provisions of the preceding section, and it is necessary for the settlement of the estate to require the payment of any part of the money thereby secured, the executor or administrator must petition the court for an order requiring the payment, and have a citation issued and served on the party bound, requiring him to appear and show cause why the order should not be made. If satisfied, upon the hearing, of the necessity of such payment, the court shall make an order accordingly, designating the amount and giving a time within which it must be paid. If the money is not paid within the time

Action on
bond

allowed, an action on the bond may be maintained by the executor or administrator.

1003. The cost of proceedings for a partial distribution must be paid by the applicant, or if there are more than one must be apportioned equally among them. Costs.

Article II—Ratable Distribution.

1010. When the time for filing or presenting claims has expired, and all valid claims have been paid, or are sufficiently secured by mortgage, but the estate is not in a condition to be finally closed and distributed, the executor or administrator may petition the court for a ratable payment of the legacies, or ratable distribution of the estate, to the heirs, devisees or legatees, or their assignees, grantees or successors in interest, or, where there are priorities, to those of the class or classes having priority; or, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and an authenticated copy thereof has been admitted to probate in this state, or if he died intestate and an administrator has been duly appointed and qualified in the state of his residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in this state should be delivered to the executor or administrator in the state of the decedent's residence, the executor or administrator may petition the court for an order authorizing the delivery of such portion of the estate as the court shall deem safe and proper and for the best interests of the estate, to the executor or administrator in the state of the decedent's residence. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code. Any person interested in the estate or any coexecutor or coadministrator may resist the application. Petition and notice of hearing

1011. If, at the hearing, it appears that the allegations of the petition are true, and that no injury will result to the estate or any person interested therein, the court shall make an order requiring the executor or administrator to deliver to the heirs, devisees or legatees, or to their assignees, grantees or successors in interest, or to the executor or administrator in the state of decedent's residence, such portion of the estate as the court may designate. Hearing and order for delivery of property

1012. The delivery, in accordance with the order of the court, is a full discharge of the executor or administrator in this state, in relation to all property embraced in the order, and when the order becomes final it binds and concludes all parties in interest. Effect of delivery and of order

1013. The cost of proceedings for a ratable distribution must be paid by the estate, excepting that when a partition Costs

is necessary the cost of the partition must be apportioned amongst the parties interested in the partition.

Article III—Final Distribution.

Procedure.

1020. Immediately upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, devisee or legatee, or his assignee, grantee or successor in interest, and after notice given for the period and in the manner required by section 1200 of this code, the court must proceed to distribute the residue of the estate among the persons entitled thereto. A statement of any receipts and disbursements of the executor or administrator since the rendition of his final account must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court and included in the order or decree, or the court or judge may order notice to be given of the settlement of such supplementary account as in other cases of the settlement of accounts.

Decree of distribution.

1021. In its decree, the court must name the persons and the proportions or parts to which each is entitled, and such persons may demand, sue for, and recover their respective shares from the executor or administrator, or any person having the same in possession. Such order or decree, when it becomes final, is conclusive as to the rights of heirs, devisees and legatees.

Intestate legatee: unmarried minor.

1022. If any heir, devisee or legatee who is issue of the decedent dies intestate while under age and not having been married, before the close of the administration, no administration on the estate of such deceased heir, devisee or legatee is necessary, but his share of his ancestor's estate must be distributed directly to his heirs at law.

Distribution to estate.

1023. If an heir, devisee or legatee dies before the distribution to him of his share of the estate, such share may be distributed to the representative of his estate for the purpose of administration therein, with the same effect as if it had been distributed to him while living.

Payment of taxes

1024. Before any decree of distribution is made, all inheritance taxes due from the distributee and all personal property taxes due and payable by the estate must be paid.

Testamentary limitation of time of administration

1025. When a testator, by his will, has limited the time for administration upon his estate, such limitation is directory, only, and shall not limit the power of the executor or of the court to continue the administration beyond the time limited where the same is necessary or convenient.

Article IV—Estates of Nonresidents.

Delivery of property or its proceeds to foreign representative

1040. Upon application for distribution after final settlement of the accounts of the executor or administrator, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and an authen-

ticated copy thereof has been admitted to probate in this state, or if he died intestate, and an administrator has been duly appointed and qualified in the state of his residence, and it is necessary in order that the estate, or any part thereof, may be distributed according to the will, or it is for the best interests of the estate, that the estate in this state or any part thereof should be delivered to the executor or administrator in the state of the decedent's residence, the court may order such delivery to be made, and, if necessary, direct a sale of the real property and a like delivery of the proceeds. Such sale must be made in the same manner as other sales of real property of decedents.

1041. The order may be made on the petition of the executor or administrator or of any person interested in the estate. When such petition is filed, the clerk shall set the same for hearing by the court, and give notice thereof for the period and in the manner required by section 1200 of this code. Any person interested in the estate may appear and contest the petition by filing written objections thereto.

Petition for such delivery. Hearing and notice.

1042. The delivery, in accordance with the order of the court, is a full discharge of the executor or administrator in this state, in relation to all property embraced in the order, and when the order becomes final it binds and concludes all parties in interest.

Effect of delivery.

Article V—Advancements and Ademptions.

1050. A gift before death shall be considered as an ademption of a bequest or devise of the property given; but such gift shall not be taken as an advancement to an heir or as an ademption of a general legacy unless such intention is expressed by the testator in the grant or otherwise in writing, or unless the donee acknowledges it in writing to be such.

Gifts before death

1051. Any property, real or personal, given by the decedent in his lifetime as an advancement to an heir, is a part of the estate of the decedent for the purposes of division and distribution thereof among his heirs, and must be taken by such heir toward his share of the estate of the decedent. If the amount of such advancement exceeds the share of the heir receiving the same, he must be excluded from any further portion in the division and distribution of the estate, but he shall not be required to refund any part of such advancement. If the amount so received is less than his share, he is entitled to so much more as will give him his full share of the estate of the decedent.

Where advancements made, computation of share of heir

1052. If the value of the property so advanced is expressed in the conveyance, or in the charge thereof made by the decedent, or in the acknowledgment of the party receiving it, it must be held as of that value in the division and distribution of the estate; otherwise, it must be estimated according to its value when given, as nearly as the same can be ascertained.

Value of property advanced

1053. If an heir receiving an advancement dies before the decedent, leaving heirs, the advancement must be taken into

Predeceased heir

consideration in the division and distribution of the estate, and the amount thereof must be allowed accordingly by the representatives or successors in interest of the heir receiving the advancement, in like manner as if the advancement had been made directly to them.

Determina-
tion of ques-
tions as to
advancement

1054. All questions as to advancements made, or alleged to have been made, by the decedent to his heirs, may be heard and determined by the court, and must be specified in the decree assigning and distributing the estate; and the decree of the court, when it becomes final, is conclusive on all parties interested in the estate.

Article VI—Discharge.

Payments
to county
treasurer
for nonresi-
dent, etc.

1060. When property is assigned or distributed to a person residing out of, and having no agent in, this state, or to a distributee who can not be found or who refuses to accept the same or to give a proper voucher therefor, or to a minor or incompetent person who has no legal guardian to receive the same or person authorized to receipt therefor, and the same or any part thereof consists of money, the executor or administrator may deposit the money, in the name of the assignee or distributee, with the county treasurer of the county in which the proceedings are pending, who shall give a receipt for the same, and be liable upon his official bond therefor; and said receipt shall be deemed and received by the court, or judge thereof, as a voucher in favor of the executor or administrator, with the same force and effect as if executed by such assignee or distributee.

Distribution
to guardians,
etc.

1061. If the assignee or distributee is a nonresident minor or insane or incompetent person, who has a guardian of his estate legally appointed under the laws of any foreign jurisdiction, the distribution of such assignee's or distributee's share may be made to such legally appointed guardian, whose receipt therefor, together with a certificate of his appointment issued, under seal of the court, by the clerk of the court appointing him, when filed with the clerk of the court in which such assignment or distribution was ordered, shall be deemed and received by the court, or a judge thereof, as a voucher in favor of said executor or administrator.

Sale of
unclaimed,
etc., person-
al property

1062. When personal property remains in the hands of the executor or administrator unclaimed for a year, or when the distributee refuses to accept or to give a proper receipt for the property, or is a minor or incompetent person and has no legally qualified guardian of his estate, and it appears to the court that it is for the benefit of those interested, or if the executor or administrator desires his discharge and it appears to the court that no injury will result to those interested, the court shall order the property to be sold. The proceeds, after deducting such expenses of sale as may be allowed by the court, must be paid into the county treasury. The depositor must take from the treasurer duplicate receipts, one of which he must file in the office of the auditor, and the other with the court.

1063. Until the property is delivered or thus disposed of, the executor or administrator must render to the court, annually, an account showing what income he has received, what property he has sold and at what price, and the character and value of the property remaining in his hands.

Annual
account

1064. When any person appears and claims the money paid into the treasury, the court making the distribution must inquire into such claim, and if satisfied of his right thereto must grant him a certificate to that effect, under its seal; and upon presentation of the certificate the auditor must draw his warrant on the treasurer for the amount.

Claim for
money paid
into treas-
ury, etc.

1065. Where a specific legacy is for life only, the life tenant must sign and deliver to the remainderman, or, if there is none, to the personal representative, an inventory of the property, expressing that the same is in his custody for life only, and that, on his decease, it is to be delivered to the remainderman.

Specific
legacy for
life only.

1066. When the estate has been fully administered, and it is shown by the executor or administrator, by the production of satisfactory vouchers, that he has paid all sums of money due from him, and delivered up, under the order of the court, all the property of the estate to the parties entitled, and performed all the acts lawfully required of him, the court must make a decree discharging him from all liability to be incurred thereafter.

Decree of
discharge.

1067. The final settlement of an estate, as in this chapter provided, shall not prevent a subsequent issue of letters testamentary or of administration, or of administration with the will annexed, if other property of the estate is discovered, or if it becomes necessary or proper for any cause that letters should be again issued.

Subsequent
adminis-
tration

CHAPTER XVII—DETERMINATION OF HEIRSHIP.

1080. When the time to file or present claims against the estate has expired, but the estate is not in a condition to be closed, any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim and praying that the court determine who are entitled to distribution of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

Procedure.
petition,
etc

1081. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented, and shall determine who are the heirs of the decedent or entitled to distribution of the estate and shall specify their interests.

Hearing and
determina-
tion

Effect of
decree of
discharge.

1082. When such decree becomes final it shall be conclusive upon the matters determined during the remainder of the administration of the estate and upon any subsequent proceeding for distribution.

CHAPTER XVIII—PARTITION BEFORE DISTRIBUTION.

Petition

1100. When two or more heirs, devisees or legatees are entitled to the distribution of undivided interests in any real or personal property of the decedent and they have not agreed among themselves, before distribution, to a partition, allotment or other division thereof, any one or more of them, or the executor or administrator, at the request of any one or more of them, may petition the court to make such partition, allotment or division of the property as will be equitable and will avoid the distribution of undivided interests.

Content of
petition,
citation.

1101. Such petition may be filed with the clerk at any time after the time to file or present claims has expired, and before the distribution of the property to be affected has been ordered. It shall describe the property and give the names of the persons having or claiming the undivided interests and shall state what those interests are, so far as known to the petitioner. Thereupon a citation shall be issued by the clerk directed to the persons, other than the petitioner, who are entitled to distribution of the undivided interests, and to the executor or administrator, directing them to answer the petition within thirty days after service of the citation. The citation shall be served personally or by publication in the same manner as a summons in a civil action. If there is unreasonable delay in serving the citation, the court may dismiss the proceeding.

Notice of
hearing

1102. When all the persons in interest have appeared or are in default, the clerk shall set the matter for hearing by the court. The persons in interest who have filed written appearances shall be considered the parties to the proceeding, and each shall be entitled to five days' notice of the hearing. No one shall be considered as a plaintiff or as a defendant.

No plaintiff
or defendant.
Partition,
sale, undi-
vided inter-
ests

1103. The court shall proceed to take evidence and to partition, allot and divide the property so that each party shall receive property of a value proportionate to his interest in the whole, and for that purpose it may direct the executor or administrator to sell any property which can not be partitioned without great prejudice to the owners and which can not conveniently be allotted to any one party. The sale shall be conducted and confirmed in the same manner as other probate sales. Any two or more parties may agree to accept undivided interests.

Appointment
of referees

1104. The court, in its discretion, may appoint one or three referees to partition property capable of being partitioned, if requested to do so by any party in interest. The number of referees appointed must conform to the request of at least one of the parties. The referees shall have the powers

and perform the duties of referees in civil actions for partition, and the court shall have the same powers with respect to their report as in such actions.

1105. The expenses of such partition shall be equitably apportioned by the court among the parties, but each party must pay his own attorney's fees. The amount charged to each party shall constitute a lien on the property allotted to him.

Costs a lien on property. Attorney's fees

1106. The allotment made by the court shall control upon proceedings for distribution, unless modified for good cause upon reasonable notice, and the proceedings leading to such allotment may be reviewed upon appeal from the decree of distribution.

Effect of allotment by court. When appealable.

CHAPTER XIX—ADMINISTRATION OF TRUSTS.

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail reporting his acts as trustee, and showing the condition of the trust estate, and giving the names and post-office addresses, if known, of the beneficiaries. The trustee may also petition such court, from time to time, for instructions as to the administration of the trust. The clerk shall set the account and report or petition for settlement or hearing by the court and give notice thereof for the period and in the manner required by section 1200 of this code. The notice of the hearing shall be mailed to the beneficiaries whose addresses are known, as provided in section 1200, whether they have requested special notice or given notice of appearance or not.

Jurisdiction of court after final distribution.

Accounting by trustee.

Notice of rendering account.

1121. Upon application of any beneficiary of the trust, or the guardian of a beneficiary, the court, in its discretion, or a judge thereof, may order the trustee, after citation, to render his account; and such application shall not be denied where no account has been rendered to the court within six months.

Application for accounting.

1122. On the settlement of each such account the court shall allow the trustee his proper expenses and such compensation for services as the court may deem just and reasonable. Where there are several trustees it shall apportion the compensation among them according to the respective services

Expenses, etc., of trustee.

rendered. It may, in its discretion, fix a yearly compensation for the trustee or trustees, to continue as long as the court may deem proper.

Conclusive-
ness of
decree.

1123. A decree rendered under the provisions of this chapter, when it becomes final, shall be conclusive upon all persons in interest, whether or not they are in being.

Declination
of trustee.

1124. Any person named or designated as a trustee in a will may, at any time before distribution of any of the estate to him, decline to act as such trustee, and an order of court shall thereupon be made accepting such resignation; but the declination of any such person who has qualified as trustee shall not be accepted by the court unless the same shall be in writing and filed in the matter of the estate in the court in which the administration is pending, and such notice shall be given thereof as is required upon a petition for letters of administration. In accepting a declination, the court may make and enforce any order which may be necessary for the preservation of the estate.

Appointment
to fill
vacancy

1125. The court in which the administration is pending shall have power, at any time before final distribution, to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from such declination, removal, or otherwise, if such appointment is necessary to carry out the trust. The person appointed, before acting as trustee, shall give a bond such as is required of a person appointed administrator. Such appointment may be made by the court upon the written application of any person interested in the trust, filed in the probate proceedings, and shall be made only after notice to all parties interested in the trust, given as required upon a petition for the probate of a will.

Vacancy
after dis-
tribution

1126. If a trustee of a testamentary trust dies, resigns or is removed after distribution, and a vacancy in the trusteeship is created thereby, the court which had jurisdiction over the settlement of his accounts shall have the power to appoint a new trustee to fill the vacancy, upon the petition of anyone interested in the trust estate and notice given for the period and in the manner required by section 1200 of this code.

CHAPTER XX—PUBLIC ADMINISTRATORS.

Duties of
public ad-
ministrator

1140. The public administrator of each county must take immediate charge of the property within his county of persons who have died, when no executor or administrator has been appointed, and in consequence thereof the property, or any part thereof, is being wasted, uncared for, or lost; and of all estates ordered into his hands by the court. He shall apply for letters of administration upon the estates of decedents who have no known heirs, when the superior court of his county has jurisdiction thereof, and may apply for such letters upon any other estate which he is entitled to administer.

1141. When a public administrator takes charge of an estate which he is entitled to administer, without letters of administration being issued, or under order of the court, he must, with all convenient dispatch, procure letters of administration thereon, in like manner and on like proceedings as letters of administration are issued to other persons. His official bond and oath are in lieu of the administrator's bond and oath on the grant of special letters of administration, or general letters of administration, or letters of administration with the will annexed; but when real property is sold, another bond may be required by the court, as in the case of other administrators.

Duty to procure letters

Bonds.

1142. The public administrator shall receive the same compensation and allowances as are granted by this code to other administrators. He shall file an inventory, institute suits for the recovery or protection of property, render accounts and deliver up the property of the estate, in the same manner as administrators generally; and the provisions of this code shall govern the administration of estates in his hands, except as otherwise provided in this chapter.

Compensation and allowances.

Other duties.

1143. When a public administrator takes possession of the estate of a decedent as hereinbefore provided, and the defrayal of the expense of the burial of the decedent is not otherwise provided for by law, or by the rules, agreement or death benefits of any order or lodge to which the decedent belonged or with which he was affiliated, the public administrator, in order to defray the expense of burial and the expenses of the last illness, may apply to the superior court of his county or a judge thereof for an order permitting him summarily to sell any personal property belonging to the decedent, and to withdraw any money of the decedent on deposit with any bank, and to collect any indebtedness or claim that may be owing to the decedent. No notice of the application need be given.

Summary sale of decedent's effects to defray burial expense.

1144. If it appears that the total value of the estate of the decedent does not exceed one hundred dollars, the court or judge shall make an order granting the application and there shall be no administration upon the estate unless additional property is found or discovered. No fee shall be charged by the clerk of the court or the public administrator or his attorney for filing the application, or for any duty or service connected therewith. Such sales may be made with or without notice, as the public administrator may elect, and title to the property sold shall pass without the need of confirmation by the court. The money received from such sales and collections shall be used to defray the expenses of the burial of the decedent and the expenses of his last illness. The public administrator shall file with the clerk of the court a statement showing the property of the decedent that came into his hands and the disposition that he made thereof, together with vouchers for all expenditures.

Estates of \$100 or under

Notice of
death of
stranger,
etc

1145. Whenever a stranger, or person without known heirs, dies intestate in the house or premises of another, the possessor of such premises, or any one knowing the facts, must give immediate notice thereof to the public administrator of the county; and in default of so doing, he is liable for any damage that may be sustained thereby, to be recovered by the public administrator or any party interested.

Information
furnished by
civil officers.

1146. All civil officers must inform the public administrator of all property known to them, belonging to a decedent, which is liable to loss, injury or waste, and which, by reason thereof, ought to be in the possession of the public administrator.

Deposit of
decedent's
money.

1147. The public administrator, as soon as he receives the same, must deposit all moneys of the estate with the county treasurer of the county in which the proceedings are pending; or, if not required for current expenses, he may deposit any amount thereof with one or more banks authorized to do business in his county, and if there is none then with any bank in the state. The court may direct the deposit of any such money with a bank. Money deposited with the county treasurer or with a bank may be withdrawn upon the order of the public administrator, countersigned by the judge, when required for the purposes of administration. The moneys thus deposited may be invested, pending the administration of the estate, in securities of the United States or of this state, upon the same proceedings had as in other cases of administration.

Decedent's
money in
custody of
county
treasurer

1148. The county treasurer shall receive and safely keep all such moneys deposited with him and pay them out upon the order of the public administrator, when countersigned by the judge, and not otherwise, and shall keep an account with each estate of all moneys received and paid. He shall be allowed one per cent upon all moneys received and kept by him, and no greater fees, for any services herein provided; and for the safekeeping and payment of all such moneys, as herein provided, he and his sureties are responsible upon his official bond. After a final settlement of the estate, if there are no heirs or other claimants thereof, the county treasurer must pay into the state treasury all moneys and effects in his hands belonging to the estate, upon order of the court; and if any such moneys and effects escheat to the state, they must be disposed of as other escheated estates.

Escheat

Fees

1149. All fees of officers chargeable to estates in the hands of a public administrator must be paid out of the assets thereof as soon as sufficient money comes into his hands.

No interest
in expendi-
tures of
estate.

1150. The public administrator must not be interested in any expenditure made on account of any estate he administers, nor must he be associated, in business or otherwise, with any one who is so interested; and he must attach his affidavit to each of his published reports, showing that he is not so interested or associated.

Affidavit

1151. The public administrator shall keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every decedent whose estate he administers, the date of granting letters, the money received, the property appraised and its value, the proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of the estate after all charges and expenses have been paid, the disposition of property on distribution, the date of his discharge, and such other matters as may be necessary to give a full and complete history of each estate administered by him.

"Register of public administrator." Content

1152. The authority of a public administrator to administer an estate upon which letters have been issued to him does not cease by virtue of the termination of his office as public administrator, but his authority and duties as administrator of such estate continue until he is discharged, as in the case of other administrators.

Continuation of authority after term expires Discharge.

1153. The public administrator, or any person who received letters of administration while acting as public administrator, must return to the superior court, once in every six months, a report, under oath, of all estates of decedents which have come into his hands, giving the value of each estate, the amount of money which he has received from each estate, a statement of what he has done with it, and the amount of his fees and expenses incurred in each estate, and the balance, if any, in each estate remaining in his hands. He must publish such report six times in some newspaper published in the county, or if there is none, then post the same, legibly written or printed, in the office of the county clerk of the county. One copy of the report must be filed with the papers in each estate so reported, on the first Monday in January and July of each year.

Reports, publication thereof.

1154. When it appears from any such report, or otherwise, that after the final settlement of an estate any money remains in the hands of the public administrator unclaimed, which should be paid over to the county treasurer, the superior court, or a judge thereof, must order such payment to be made; and on failure of the public administrator to comply with the order within ten days after the date thereof the district attorney of the county must immediately institute the requisite legal proceedings against the public administrator for a judgment against him and the sureties on his official bond, in the amount of money so withheld, and costs.

Unclaimed money after final settlement: payment to county treasurer.

1155. Every public administrator, or person who holds letters of administration who was appointed while acting as public administrator, who fails to return accounts as provided in section 1153 of this code, or who fails to deliver any money or property as ordered by the court, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than one hundred dollars for each offense; and it shall be the duty of the district attorney of the county to see that the provisions of this chapter are fully complied with.

Penalty for failure to account, etc.

CHAPTER XXI—ESTABLISHING FACT OF DEATH OR HEIRSHIP.

Article I—To Determine Right to Aid.

Petition to
determine
right to aid.

1180. When the right of any child to receive state aid, county aid, or state and county aid, depends upon the presumptive death of the father of the child, any person interested in the welfare of the child may file in the superior court of the county in which the child resides a petition setting forth the facts giving rise to the presumption that the father is dead and praying that such presumption of death be judicially ascertained and established by the court.

Service on
district
attorney

1181. The clerk must set the petition for hearing by the court not less than ten days subsequent to its filing, and, unless the petition is filed by the district attorney shall deliver forthwith a copy of the petition, to be furnished by the petitioner, to the district attorney of the county, to which there shall be appended, or endorsed thereon, a statement of the time and place fixed for the hearing.

Hearing
and order

1182. The court shall hear the petition and all objections that may be interposed thereto. If, as a result of the hearing, the court is satisfied that the evidence adduced in support of the petition is sufficient to establish the presumption that the father of the child is dead, it shall make an order adjudging such father to be presumptively dead. Upon the filing of the order the clerk shall send a certified copy thereof to the state department of social welfare at Sacramento. The clerk shall not charge or collect any fee for filing the petition or for any other service rendered by him under the provisions of this article.

No fees

Newly
discovered
evidence

1183. A petition under this article once heard and denied shall not be renewed in the same or any other court except upon the ground of newly discovered evidence. Any subsequent petition shall contain a recital of the former presentation and denial of a similar petition, and shall distinctly set forth a statement of the newly discovered evidence.

Article II—Identity of Heirs.

Petition to
determine
heirship

1190. When title to real or personal property, or any interest therein, vests, other than by the laws of succession, in the heirs, heirs of the body, issue, or children of any person, without other description or means of identification of the persons embraced in such description, any person interested in such property as such heir, heir of the body, issue or child, or his successor in interest, or the personal representative of any such interested person or of his successor in interest, may file a verified petition in the superior court of the county in which the property or any part thereof is situated, setting forth briefly the deraignment of title of petitioner, a description of the property affected, and, so far as known to the petitioner, the names, ages and residences of the heirs, heirs of the body, issue or children whose identity is sought to be determined, and if any is dead or if the residence of any is

unknown, stating such facts, and requesting that a decree be entered determining and establishing the identity of the persons embraced in such general description.

1191. The clerk must set the petition for hearing by the court and give notice thereof by causing notice of the time and place of hearing to be posted at the courthouse of the county where the proceeding is pending, at least ten days before the hearing. Posting of notice

1192. At any time before the hearing any person interested in the property may answer the petition and deny any of the matters contained therein. The court shall hear the proofs offered by the petitioner and by any person contesting and must make a decree conformable to the proofs. Such decree shall be prima facie evidence of the facts determined thereby, and shall be conclusive in favor of anyone acting thereon in good faith without notice of any conflicting interest. Answer, hearing, and decree.

CHAPTER XXII—NOTICES, ORDERS AND PROCEDURE.

Article I—Notices.

1200. Upon the filing of a petition for the setting aside of an estate not exceeding two thousand five hundred dollars in value, or of a petition to set apart a homestead or exempt property, or of a petition relating to the family allowance filed after the return of the inventory, or of a petition for the sale of stocks or bonds, or of a petition for confirmation of a sale, or of a petition for leave to sell or give an option to purchase a mining claim or real property worked as a mine, or of a petition for leave to execute a promissory note or mortgage or deed of trust or give other security, or of a petition for leave to lease, or to exchange, or to institute an action for the partition of property, or of a petition for an order authorizing or directing the investment of money, or of a report of appraisers concerning a homestead, or of an account of an executor or administrator or trustee, or of a petition for partial or ratable or final distribution, or of a petition for the delivery of the estate of a nonresident, or of a petition for determination of heirship or interests in an estate, or of a petition of a trustee for instructions, or of a petition for the appointment of a trustee after distribution, and in all cases in which notice is required and no other time or method is prescribed by law or by the court or judge, the clerk shall give notice of the petition or application or report or account by causing a notice to be posted at the courthouse of the county where the proceedings are pending, at least ten days before the day of hearing, giving the name of the estate, the name of the petitioner and the nature of the application, briefly indicating the particular property to which the application applies when it applies to particular property only, referring to the petition for further particulars, and notifying all persons interested to appear at the time and place mentioned in the notice and show cause, if any they have, why the order Mode of giving notice in certain instances and where not otherwise prescribed.

should not be made. Within two days after the filing of such petition, account or report, the petitioner or person filing the account or desiring the confirmation of a report of appraisers must cause a copy of the notice to be mailed to the executor or administrator, when he is not the petitioner, to any coexecutor or coadministrator not petitioning, and to all persons (or to their attorneys, if they have appeared by attorney), who have requested notice or who have given notice of appearance in the estate in person or by attorney, as heir, devisee, legatee or creditor, or as otherwise interested, addressed to them at their respective post-office addresses given in their requests for special notice, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such person. Proof of the giving of notice must be made at the hearing; and if it appears to the satisfaction of the court that said notice has been regularly given, the court shall so find in its order, and such order, when it becomes final, shall be conclusive upon all persons.

Publication
in case of
sales of
mines, etc

1201. In the case of a petition for leave to sell, or to give an option to purchase, a mining claim or real property worked as a mine, or for leave to borrow money or execute a mortgage or deed of trust or give other security, or for leave to execute a lease, the clerk shall also cause such notice of the application to be published in a newspaper of general circulation in the county. If the notice is published in a weekly newspaper, it must appear therein on at least two different days of publication; if in a newspaper published oftener, there must be at least ten days from the first to the last day of publication, both days included.

Requests for
special
notice per-
sons inter-
ested, state
controller

1202. At any time after the issuance of letters testamentary or of administration, any person interested in the estate, whether as heir, devisee, legatee, creditor, beneficiary under a trust, or as otherwise interested, or the state controller, may, in person or by attorney, serve upon the executor or administrator or trustee, or upon the latter's attorney, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of such service, a written request, stating that he desires special notice of the filing of any or all of the petitions, accounts or reports mentioned in section 1200 of this code, and giving the post-office address of the person making the same, or his attorney. Thereafter such person shall be entitled to notice as provided in said section 1200.

United
States
agencies

1203. When compensation, pension, insurance or other allowance is made or awarded by the United States government, or a department or bureau thereof, to estates of decedents, the department or bureau making or awarding such compensation, pension, insurance or allowance, shall have the same right as any person interested in the estate to request notice of proceedings, to commence and prosecute actions on the bonds of executors or administrators, and to file exceptions

in writing to accounts of executors or administrators and to contest the same.

1204. Whenever the court deems that the notice which has been given of any proceeding or hearing is insufficient, it may require such further and additional notice to be given as it deems proper. Additional notice.

1205. The court may continue or postpone any hearing, from time to time, in the interest of justice, and no further notice of the continued or postponed hearing is required unless ordered by the court. Postponement

1206. When personal notice is required, and no mode of giving it is prescribed by this code, it must be given by citation. The citation must be directed to the person to be cited, signed by the clerk, issued under the seal of the court, and must contain the title of the proceeding, a brief statement of the nature of the proceeding, and a direction that the person cited appear at a time and place specified. Personal notice by citation

1207. The citation may be issued by the clerk upon the application of any party, without an order of the court or judge, except in cases in which such order is expressly required by law. The citation must be served in the same manner as a summons in a civil action, and when no other time is specially prescribed by law, it must be served at least five days before the return day thereof. Issue and service of citation.

1208. Whenever a minor or an insane or incompetent person has a guardian of his estate residing in this state, personal service upon the guardian of any process, notice, or order of the court, concerning the estate of a deceased person in which the ward is interested, is equivalent to service upon the ward, and it is the duty of the guardian to attend to the interests of the ward in the matter. Such guardian may also appear for his ward and waive any process, notice, or order to show cause which an adult person of sound mind might waive. Powers of resident guardians

1209. When any publication is ordered, such publication must be made daily, or otherwise as often during the prescribed period as the paper is regularly issued, unless otherwise provided by this code. The court, or a judge thereof, may, however, order a less number of publications during the period. Number of publications

1210. When court is held at a place other than the county seat, the posting of a notice at the building where the court is held shall be the equivalent of posting at the courthouse of the county. Court held away from county seat

Article II—Orders.

1220. Orders and decrees made by the court or a judge thereof, in probate proceedings, need not recite the existence of facts, or the performance of acts, upon which the jurisdiction of the court or judge may depend, but it is only necessary that they contain the matters ordered or adjudged, except as otherwise provided by this code. Jurisdictional facts not needed

Entry and filing 1221. All orders and decrees of the court or judge must be entered at length in the minute book of the court, or else signed by the judge and filed: but decrees of distribution must always be so entered at length.

Recordation of orders relating to real property 1222. When an order is made setting apart a homestead, confirming a sale or making distribution of real property, or determining any other matter affecting the title to real property, a certified copy thereof must be recorded in the office of the county recorder of each county in which the land, or any part thereof, lies; and from the time of filing the same for record, notice is imparted to all persons of the contents thereof.

Constructive notice
Orders affecting property registered under land title act 1223. When an order or decree authorizing a lease, mortgage or transfer of property, or distributing property, or making any change in the status of the title to property, deals with land registered under the provisions of the land title law which took effect December 19, 1914, the court, in its order or decree, shall direct the registrar of titles to issue a certificate of title, or to note a memorial of the transaction, as the case may require, in accordance with such order or decree.

Article III—Rules of Procedure.

Trial rules 1230. All issues of fact joined in probate proceedings must be tried in conformity with the requirements of the rules of practice in civil actions. The party affirming is plaintiff, and the one denying or avoiding is defendant. When a party is entitled to a trial by jury and a jury is demanded, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice, must settle and frame the issues to be tried. If no jury is demanded, the court must try the issues joined, and sign and file its decision in writing, as provided in civil actions. Judgment on the issue joined, as well as for costs, may be entered and enforced by execution or otherwise by the court as in civil actions.

Motion for new trial. 1231. A motion for a new trial in probate proceedings can be made only in cases of contests of wills, either before or after probate, in proceedings to determine heirship and interests in estates, and in those cases where the issues of fact, of which a new trial is sought, were of such character as to entitle the parties to have them tried by a jury, whether or not they were so tried.

Costs 1232. When not otherwise prescribed by this code, either the superior court or the court on appeal, may, in its discretion, order costs to be paid by any party to the proceedings, or out of the assets of the estate, as justice may require.

Part II of C. C. P. applicable 1233. Except as otherwise provided by this code, the provisions of part II of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to trials, new trials, appeals, records on appeal, and all other matters of procedure.

Article IV—Appeals.

1240. An appeal may be taken to the supreme court from an order granting or revoking letters testamentary or of administration; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed two thousand five hundred dollars in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; directing or allowing the payment of a debt, claim, legacy or attorney's fee; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; refusing to make any order heretofore mentioned in this section; or fixing an inheritance tax or determining that none is due.

Appealable orders

DIVISION IV—GUARDIAN AND WARD.

CHAPTER I—THE RELATIONSHIP, AND RULES GOVERNING ITS CREATION.

1400. A guardian is a person appointed to take care of the person or property of another. The latter is called the ward of the guardian. The relation of guardian and ward is confidential, and is subject to the provisions of law relating to trusts. In the management and disposition of the person or property committed to him, a guardian may be regulated and controlled by the court.

Definition of relationship.

1401. Guardians are either general or special. A general guardian is a guardian of the person or of the general estate of the ward within this state, or of both. Every other is a special guardian.

General and special guardians

1402. A parent may appoint a guardian by will or by deed for the property of any child of such parent, living or likely to be born, which such child may take from such parent by will or succession.

Guardian of property appointment by will or deed

1403. Either parent of a legitimate child living or likely to be born, may appoint a guardian of the person and estate, or person or estate of such child, by will or by deed, to take effect upon the death of the parent appointing, with the written consent of the other parent, or if the other parent is dead or incapable of consent. If the child is illegitimate, such appointment may be made by the mother.

Guardian of person and estate appointment to take effect at death.

1404. Either parent of an unmarried insane or incompetent person may appoint a guardian of the person and estate, or person or estate, of such person, by will or by deed, to take effect upon the death of the parent appointing, with the written consent of the other parent, or if the other parent is dead or incapable of consent. If the insane or incompetent

Guardian of insane or incompetent person.

person is married, such appointment may be made by the spouse.

General
guardian
court ap-
pointment

1405. The superior court shall appoint a general guardian of the person and estate, or person or estate, of minors and insane or incompetent persons, whenever necessary or convenient, and when no guardian has been appointed for the purpose by will or by deed. The court, in its discretion, may appoint more than one guardian, each of whom must give a separate bond, and be governed and liable in all respects as a sole guardian. The court shall also confirm an appointment made by will or by deed, whenever requested, upon the same procedure and notice as in the case of appointment by the court.

Rules for
appointment

1406. In appointing a general guardian of a minor, the court is to be guided by what appears to be for the best interest of the child in respect to its temporal and mental and moral welfare; and if the child is of sufficient age to form an intelligent preference, the court may consider that preference in determining the question. If the child resides in this state and is over fourteen years of age, he may nominate his own guardian, either of his own accord or within ten days after being duly cited by the court; and such nominee must be appointed if approved by the court. When a guardian has been appointed for a minor under fourteen years of age, the minor, at any time after he attains that age, may nominate his own guardian, subject to the approval of the court.

Order of
right to
guardianship

1407. Of persons equally entitled in other respects to the guardianship of a minor, preference is to be given as follows:

- (1) To a parent;
- (2) To one who was indicated by the wishes of a deceased parent;
- (3) To one who already stands in the position of a trustee of a fund to be applied to the child's support;
- (4) To a relative.

Rights as
between
parents

1408. As between parents claiming the guardianship adversely to each other, neither is entitled to priority; but other things being equal, if the child is of tender years, it should be given to the mother; if it is of an age to require education and preparation for labor and business, then to the father.

Effect of
abandoning
child

1409. A parent who knowingly or wilfully abandons or, having the ability so to do, fails to maintain his minor child under fourteen years of age, forfeits all right to the guardianship of such child; and a parent or guardian who knowingly permits his child or ward to remain for one year in an orphan asylum where the child is supported by charity, without notifying the managers or officers of the asylum that he is such parent or guardian, abandons and forever forfeits all right to the guardianship of the child. The officers and managers of any orphan asylum having such abandoned child in its care have the preferred right to the guardianship of the child.

1410. The authority of a guardian is not extinguished or affected by the marriage of the guardian. Effect of marriage of guardian

1411. No person ineligible to citizenship in the United States and no company, association or corporation of which a majority of the members are aliens ineligible to citizenship in the United States, or in which a majority of the issued capital stock is owned by such aliens, may be appointed guardian of any estate which consists in whole or in part of real property. Aliens and corporations controlled by aliens.

CHAPTER II—WHEN GUARDIANSHIP NOT NECESSARY.

1430. If a minor has no guardian of his estate, money belonging to the minor not exceeding the sum of two hundred fifty dollars may be paid to a parent of the minor entitled to the custody of the minor to hold for the minor, upon written assurance of such parent that the total estate of the minor does not exceed one thousand dollars in value; and the written receipt of such parent shall be an acquittance of the person making such payment. Payments not exceeding \$250 when entire estate under \$1,000.

1431. When a minor has a disputed claim for money against a third person, his father, or if his father is dead or has deserted or abandoned him then his mother, shall have the right to compromise such claim, but before the compromise is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. If the court approves the compromise, it may direct that the money be paid to the father or mother of the minor, with or without the filing of a bond, or it may require a general guardian or guardian ad litem to be appointed and the money to be paid to such guardian or guardian ad litem with or without a bond as in the discretion of the court seems to the best interests of the minor. The clerk of the court shall not charge any fee for filing the petition. Compromise of disputed claim held by minor.

1432. The parent receiving any money under the provisions of this chapter shall account to the minor for the money when the minor reaches the age of majority. Parent must account.

1433. No guardian shall be appointed of the person of a married minor. Married minor

CHAPTER III—APPOINTMENT OF GUARDIANS FOR MINORS.

1440. When it appears necessary or convenient, the superior court of the county in which a minor resides or is temporarily domiciled, or in which a nonresident minor has estate, may appoint a guardian for his person and estate, or person or estate. The appointment may be made upon the petition of a relative or other person on behalf of the minor, or on the petition of the minor, if fourteen years of age. Power of court to appoint.

1441. Before making the appointment, such notice as the court or a judge thereof deems reasonable must be given to the person having the care of the minor and to such relatives of the minor residing in the state as the court or judge deems proper. In all cases notice must be given to the parents of the minor or proof made to the court that their addresses Notice to persons having custody.

are unknown, or that, for other reason, such notice can not be given.

Order for temporary custody.

Warrant.

1442. In such proceeding, when it appears to the court or judge either from a verified petition or from affidavits, that the welfare of the minor will be imperiled if he is allowed to remain in the custody of the person then having his care, an order may be made providing for his temporary custody until a hearing can be had on the petition. And when it appears that there is reason to believe that the minor will be carried out of the jurisdiction of the court, or will suffer some irreparable injury before compliance with such order providing for the temporary custody of the minor can be enforced, the court or judge, at the time of making the order for temporary custody, may cause a warrant to be issued, reciting the facts, and directed to the sheriff, coroner, or a constable of the county, commanding such officer to take the minor from the custody of the person in whose care he then is and place him in custody in accordance with such order.

CHAPTER IV—APPOINTMENT OF GUARDIANS FOR INSANE OR INCOMPETENT PERSONS.

Power of court to appoint.

Definitions

Petition for appointment

Appointment

Preferences

1460. Any superior court to which application is made as hereinafter provided may appoint a guardian for the person and estate or person or estate of an insane or an incompetent person. As used in this division of this code, the phrase "incompetent person," "incompetent," or "mentally incompetent," shall be construed to mean or refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind, or other cause, is unable, unassisted, properly to manage and take care of himself or his property, and by reason thereof is likely to be deceived or imposed upon by artful or designing persons.

1461. Any relative or friend may file a verified petition alleging that a person is insane or incompetent. Thereupon the clerk shall set the same for hearing by the court and shall cause notice to be given to the alleged insane or incompetent person of the time and place of hearing, not less than five days before the time so appointed; and such person, if able to attend, must be produced at the hearing, unless he is a patient at a state hospital in this state and the certificate of the medical superintendent or acting medical superintendent thereof is produced, to the effect that such patient is unable to attend the hearing, which certificate shall be prima facie evidence of that fact.

1462. If, upon the hearing, it appears to the court that the person in question is insane or incompetent, the court must appoint a guardian of his person and estate, or person or estate. In awarding letters of guardianship, the court shall give preference to such person as may have been designated by will or deed, unless good cause to the contrary is shown.

CHAPTER V—RESTORATION TO CAPACITY.

1470. Any person who has been declared insane, or for whom a guardian has been appointed as an insane or incompetent person, or the guardian, or any relative or friend, may apply, by petition, to the superior court of the county in which such person was declared insane, or from which letters of guardianship were issued, to have the fact of his restoration to capacity judicially determined. The petition must be verified, and must state that such person is then sane or competent.

Petition
for deter-
mination

1471. The clerk shall set the petition for hearing by the court. At the request of the person so declared insane or for whom a guardian has been appointed, the question of his restoration to capacity must be tried by a jury, which must be summoned and impaneled in the same manner as juries in civil actions. At least five days' notice of the trial must be given to the guardian of the person so declared insane or for whom a guardian has been appointed, if there is a guardian, and to the person's spouse, if any, and to his or her father and mother, if in the state.

Procedure
before trial.

1472. On the trial, the guardian or relative of the person so declared insane or for whom a guardian has been appointed, and, in the discretion of the court, any other person, may contest the right to the relief demanded. Witnesses may be required to appear and testify, as in civil cases, and may be called and examined by the court on its own motion. If it is found that the person in question is sane and capable of managing and taking care of himself and his property, his restoration to capacity must be adjudged and the guardianship of such person, if not a minor, must cease.

Trial and
judgment

CHAPTER VI—OATHS, BONDS AND LETTERS.

1480. Before the order appointing a guardian takes effect, and before letters issue, the person appointed must take an oath, which must be attached to or endorsed upon his letters, that he will perform the duties of his office as such guardian according to law, and, except as otherwise provided in this division, must furnish a bond to the ward, with two or more persons or an authorized surety company as surety, to be approved by the judge, and in such sum as required by the order, which sum shall be not less than twice the value of the personal property and twice the value of the probable annual rents, issues and profits of all property belonging to the ward, or, when the bond is given by an authorized surety company, not less than the value of the personal property and the probable annual rents, issues and profits of all property belonging to the ward, and conditioned that the guardian will faithfully execute the duties of his trust according to law.

Oath and
bond

1481. Upon filing the bond, duly approved, letters of guardianship shall issue to the person appointed, substantially in the same form as letters of administration.

Issue of
letters

Additional
bond on real
property
transactions

1482. Before any sale of real property is confirmed, or any mortgage or deed of trust is authorized by which money is to be raised, the guardian must furnish such additional bond to the ward as shall be required by the court, with two or more persons or an authorized surety company as surety, to be approved by the judge, in order to make the total penalty of the guardian's bonds to his ward equal to that required by section 1480 of this code, taking into account the proceeds of the sale or mortgage or deed of trust.

New bond
and dis-
charge of
sureties

1483. The court may require a new bond to be given by a guardian whenever it deems it necessary; and when it appears that no injury can result therefrom to those interested in the estate, it may discharge the existing sureties from further liability, after such notice given as the court may direct.

Powers and
duties of
testamentary
guardian

1484. Every testamentary guardian must qualify and has the same powers and must perform the same duties with regard to the person and estate of his ward as guardians appointed by the court, except so far as his powers and duties are legally modified, enlarged or changed by the will by which he was appointed.

Bond

1485. A testamentary guardian need not give bond unless required by the court from which the letters issue.

Filing and
remedy
on bond

1486. Every bond given by a guardian must be filed and preserved in the office of the clerk of the court, and in case of a breach of a condition thereof, may be sued upon for the use and benefit of the ward, or of any person interested in the estate.

Limitations
on action
on bond

1487. No action may be maintained against the sureties on a bond given by a guardian unless commenced within three years from the discharge or removal of the guardian; but if at the time of such discharge the person entitled to bring the action is under any legal disability to sue, the action may be commenced at any time within three years after the disability is removed.

CHAPTER VII—POWERS AND DUTIES.

Period of
guardian-
ship, etc

1500. Every guardian has the care and custody of the person of his ward and the management of his estate, or the care and custody of the person of his ward or the management of his estate, according to the order of appointment, until legally discharged, or, in case of the guardianship of a minor, until the minor reaches the age of majority or, as to the guardianship of the person, until the ward marries. The guardian of a minor also has charge of the education of the minor. The guardian of the person of a ward may fix the residence of the ward at any place in the state, but not elsewhere without the permission of the court.

Ward's
debts and
claims, etc

1501. Every guardian must pay the ward's just debts out of the ward's personal estate and the income of his real estate, if sufficient; if not, then out of his real estate upon selling or mortgaging or giving a deed of trust upon any of his real property as hereinafter provided. He must demand,

sue for, and collect all debts due to the ward, or, with the approval of the court, he may compromise the same and give discharges to the debtor, on receiving a fair and just settlement; and he must appear for and represent his ward in all actions and proceedings, unless another person is appointed for that purpose.

1502. Every guardian of an estate must manage it frugally and without waste, and apply the income, as far as may be necessary, to the comfortable and suitable support, maintenance and education of the ward and his family, if any; and if the income is insufficient for that purpose, he may sell or mortgage or give a deed of trust upon any of the property, as hereinafter provided. When a guardian has advanced, for the suitable support, maintenance or education of his ward, an amount not disproportionate to the value of the ward's estate or his condition of life, and the same is made to appear to the satisfaction of the court, by proper vouchers and proofs, the guardian must be allowed credit therefor in his settlements.

Management
of ward's
estate

Reimburse-
ment of
guardian

1503. Whenever a guardian fails, neglects or refuses to furnish suitable support, maintenance or education for his ward, the court may order him to do so, and enforce such order by proper process, and whenever a third person, at the request of a ward, supplies him with such suitable support, maintenance or education, and it is shown to have been done after the refusal or neglect of the guardian to supply the same, the court may direct the guardian to pay therefor out of the estate, and enforce such payment by proper process.

Failure to
support
ward, etc.

Reimburse-
ment of
third party

1504. If a minor having a father living has property, the income of which is sufficient for his support, maintenance and education in a manner more expensive than his father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the support, maintenance and education of such minor may be defrayed out of the income of his own property, in whole or in part, as judged reasonable, and as directed by the court; and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

Support of
ward having
father living

1505. If a husband is unable to provide suitably for the support and maintenance of a wife over whose estate a guardian has been appointed by reason of her incompetency, the expense of providing such support or maintenance may, to the extent necessary, be charged against and defrayed out of such estate, as directed by the court or as approved by the court in settling the accounts of the guardian; for this purpose the guardian may sell or mortgage or give a deed of trust upon any of her property as hereinafter provided.

Support of
ward having
husband
living

1506. When a ward owns an undivided interest in real or personal property, the guardian of his estate may commence and prosecute an action for the partition thereof or may consent and agree to a partition thereof without action and to the part to be set off to his ward, and may execute deeds or

Partition
of property

conveyances to the owners of the remaining shares of the parts to which they may be respectively entitled, but in either case he must first obtain authority from the court having jurisdiction of the estate.

Order
granting
authority
to partition

1507. The order granting such authority shall be made only after a hearing in open court upon the petition of the guardian. Upon filing the petition, the clerk of the court shall set the same for hearing by the court and cause notice thereof to be mailed, at least ten days before the hearing, to such relatives of the ward residing in the state as the court or judge deems proper.

Defense
of partition
suit

1508. When a ward, or his guardian, as such, is made a defendant in a partition suit, the guardian may defend the same without leave of court.

Fees of
attorney
for minor

1509. A contract for attorney's fees for services in litigation, made by or on behalf of a minor, is void unless the contract is approved by the court in which the litigation is pending or the court having jurisdiction of the estate of the minor, upon petition of any person in interest. When no such contract is approved, and a judgment is recovered by or on behalf of a minor, the attorney's fees chargeable against the minor shall be fixed by the court rendering the judgment.

Money
judgments
in favor
of minor

1510. If the judgment is for the recovery of money or other property, and there is no general guardian of the minor, one shall be appointed by the court to receive and care for the money or property recovered, upon notice and a hearing as in other cases of appointment. But if a minor has brought an action by a guardian ad litem and has recovered a money judgment not in excess of five hundred dollars, exclusive of costs, and the guardian ad litem is a blood relative of the minor, then upon the approval of the court which rendered the judgment the amount thereof may be paid directly to such guardian ad litem without any bond being required therefor.

Payment
of fees of
attorney
for minor.

1511. Whenever the court fixes or approves an attorney's fee for services rendered to or for the benefit of a minor in litigation pending before it, it may direct the judgment debtor to pay such fee to the attorney and the balance of the judgment to the guardian ad litem or general guardian.

Court may
impose addi-
tional con-
ditions of
guardianship

1512. When a person is appointed guardian of a minor, the court, with the consent of such person, may insert in the order of appointment conditions not otherwise obligatory, providing for the care, treatment, education and welfare of the minor and for the care and custody of his property. The performance of such conditions shall be a part of the duties of the guardian, for the faithful performance of which he and the sureties on his bond shall be responsible.

Deposit
of ward's
money
in bank

1513. A guardian may deposit any money belonging to the ward with one or more banks within this state, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Unless the

money is deposited pursuant to an order, under the provisions of the Bank Act, it may be withdrawn without order of court.

1514. Personal assets of the ward may be deposited with a trust company, and the bond of the guardian reduced, as provided by the Bank Act.

Deposit of
assets with
trust
company

CHAPTER VIII—SALES, MORTGAGES, LEASES AND CONVEYANCES.

1530. If the income of an estate under guardianship is insufficient for the support, maintenance and education of the ward and of such members of his family as he is legally obligated to support and maintain, including his care, treatment and support, if confined in a state hospital for the insane, or if the personal estate and the income from the real estate is insufficient to pay his debts, his guardian may sell any of his real or personal property, or mortgage or give a deed of trust upon any of his real property for that purpose, subject to confirmation or direction by the court as hereinafter provided.

Purposes
of sale, etc.

1531. When it will benefit a ward to sell any of his real or personal property and to put out the proceeds at interest or invest the same in some productive stock or bonds, or in the improvement or security of any other real property of the ward, his guardian may sell the same for that purpose, subject to confirmation by the court as hereinafter provided. The particular investment or investments to be made must be specified in the order confirming the sale, or authorizing the sale of stocks or bonds.

Conversion of
property for
purpose of
investment

1532. All sales must be for cash or for part cash and part deferred payments, the credit in no case to exceed three years from the date of sale, and the terms being subject to the approval of the court. When real property is sold upon deferred payments, the guardian must demand and receive from the purchasers, notes, and a mortgage or deed of trust on the property sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred, and the interest thereon.

Terms
of sale

1533. A guardian may borrow money, with or without giving security, when it will benefit his ward, and, in addition to the contingencies mentioned in section 1530 of this code, may mortgage real or personal property, or give a deed of trust upon real property, of the ward, in order to pay, reduce, extend or renew some lien or mortgage or deed of trust already subsisting on property of the ward, or to erect, alter or repair buildings or other structures upon, or otherwise to improve, the property proposed to be mortgaged, or some part thereof.

Borrowing
money,
refinancing,
and repair-
ing property

1534. Sales by guardians may be at public auction or private sale, as the guardian deems best. All proceedings concerning sales by guardians, giving notice of sale, reselling the same property, return of sale and application for confirmation thereof, notice and hearing of such application, making orders rejecting or confirming sales and reports of sales, ordering and making conveyances of property sold, and allowance of commissions, must conform, as nearly as may be, to the provisions

Sales
governed by
provisions
concerning
administra-
tors

of this code concerning sales by administrators, unless otherwise specially provided in this chapter.

Ward in
state hospi-
tal for
insane

1535. When the ward is or has been, during the guardianship, confined in a state hospital for the insane in this state, notice of the hearing of the return must be given to the director of institutions or to the attorney general at least five days before the hearing.

Application
of proceeds
of sale

1536. The guardian must apply the proceeds of the sale to the purposes for which it was made, as far as necessary, and put out the residue, if any, at interest, or invest it in the best manner in his power, until needed for the support, maintenance or education of the ward or his family, or the payment of debts, at which time the capital may be used for that purpose, as far as necessary, in like manner as if it had been personal estate of the ward.

Conveyance
to comply
with
contract

1537. When an incompetent ward is bound by a contract in writing to convey any real property, executed by him while competent, or executed by his predecessor in interest, the court may authorize and direct his guardian to convey the property to the person entitled thereto. The proceedings to obtain such a decree and the proceedings thereunder must conform, as nearly as may be, to the provisions of this code concerning conveyances by administrators of property contracted to be sold by their decedents.

Promissory
notes, etc
order of
court re-
quired

1538. Promissory notes for money borrowed, mortgages, deeds of trust, leases, and agreements for the sale of, or for options to purchase, mining claims or real property worked as mines, may be executed by guardians, with respect to the property of their wards, only upon obtaining an order of court authorizing the same. The proceedings to obtain any such order and the proceedings thereunder must conform, as nearly as may be, to the provisions of this code concerning similar proceedings by administrators.

Limitations
period on
sales by
guardian

1539. No action for the recovery of any property sold by a guardian can be maintained by the ward or any person claiming under him, unless commenced within three years after the termination of the guardianship, or, when a legal disability to sue exists by reason of minority or otherwise at the time the cause of action accrues, within three years after the removal thereof.

CHAPTER IX—INVENTORY AND ACCOUNTING.

Original
inventory
and ap-
praisement

1550. Within three months after his appointment, or within such further time as the court or judge for reasonable cause may allow, the guardian must file with the clerk of the court an inventory and appraisement of the estate of his ward. The guardian must make oath to the inventory, and the property therein described must be appraised, by an appraiser or appraisers appointed by the court or judge, in the manner provided for the inventory and appraisement of estates of decedents. The inventory and appraisement must be recorded by the clerk in a book kept for that purpose, and

whenever any ward is or has been during the guardianship confined in a state hospital in this state the guardian must deliver or mail a copy of the inventory to the director of institutions or the attorney general. Whenever any property of the ward is discovered which was not included in the inventory, and whenever any other property has been inherited or acquired by the ward, other than by purchase by the guardian, like proceedings must be had for the inventory and appraisal thereof and the delivery or mailing of a copy thereof as are herein provided in relation to the first inventory.

1551. If the guardian neglects or refuses to file the inventory within the time prescribed, the court, upon notice, may revoke his letters, and he shall be liable on his bond for any injury to the estate or any person interested therein, arising from such failure.

Failure to file inventory

1552. Upon complaint under oath made by a guardian, ward, creditor or other person interested in the ward's estate, or having a prospective interest therein as heir or otherwise, that any person is suspected of having embezzled, concealed, smuggled or fraudulently disposed of any property of the ward, or has in his possession or has knowledge of any instrument in writing belonging to the ward, the court or judge may cite the suspected person to appear before the court, and may examine and proceed against him on such charge in the manner provided in this code with respect to persons suspected of having embezzled, concealed, smuggled, or fraudulently disposed of property of a decedent.

Citation of persons embezzling property of ward, etc

1553. At the expiration of a year from the time of his appointment, and as often thereafter as he may be required by the court, the guardian must present his account to the court for settlement and allowance. When an account is rendered by two or more joint guardians, the court, in its discretion, may allow the same upon the oath of any of them.

Annual account

1554. No account of the guardian of an insane person who is or has been during the guardianship confined in a state hospital in this state shall be settled or allowed unless notice of the settlement of the account has been given to the director of institutions or the attorney general at least five days before the hearing.

Notice to attorney general, etc

1555. The termination of the relation of guardian and ward by the death of either guardian or ward or by the ward attaining his majority or being restored to capacity shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the guardian. The account of a deceased guardian shall be presented by his executor or administrator.

Jurisdiction of court after termination of relation

1556. Every guardian shall be allowed the amount of his reasonable expenses incurred in the execution of his trust, and shall have such compensation for his services as the court in which his accounts are settled deems just and reasonable. He shall also be allowed all reasonable disbursements made after

Expenses and compensation of guardian

the legal termination of the guardianship, but while that relation, by consent or acquiescence of the parties, still subsists in fact, and before the discharge of the guardian by the court, and which were made by the consent, express or implied, of the ward, and for his benefit or the benefit of his estate.

Order
authorizing
investment

1557. On the application of the guardian or of any person interested in the estate of the ward, and after such notice to persons interested therein as the court or judge shall direct, the court may authorize and require the guardian to invest the proceeds of sales, and any other of his ward's money in his hands, in real property, or in any other manner most to the interest of the ward; and the court may make such orders and give such directions as are needful for the management, investment and disposition of the estate as circumstances require.

CHAPTER X—NONRESIDENT WARDS.

Jurisdiction
to appoint
guardian of
nonresident
ward

1570. The superior court may appoint a guardian of the person and estate, or person or estate, of a minor or insane or incompetent person who resides out of the state and who is within the county, or who has estate within the county, and who has no guardian within the state, upon petition of any friend of such person or of any one interested in his estate, in expectancy or otherwise. Before making such appointment, the court or judge must cause notice to be given to all persons interested, in such manner as deemed reasonable. The guardianship which is first granted of a nonresident ward extends to all the estate of the ward within this state, and the court of no other county has jurisdiction.

Extent of
guardianship

Powers and
duties

1571. Every guardian of a nonresident ward has the same powers and duties, with respect to the estate of the ward within this state, and with respect to the person of the ward while living therein, as are prescribed by this code with respect to any other guardian. Such guardian must give bond to the ward as hereinbefore provided for other guardians, but his responsibility with regard to inventory, accounting and disposal of the estate is confined to such estate as comes into his hands in this state.

Bond

Removal of
property
from state

1572. When the guardian and ward are both nonresidents, and the ward owns property in this state which may be removed to another state without conflict with any restriction or limitation thereupon, or impairing the right of the ward thereto, such property may be removed to the state of the ward's residence upon the application of the guardian to the superior court of the county in which the estate of the ward, or the principal part thereof, is situated.

Notice of
application
for removal
Certificate
required

1573. Such application must be made upon ten days' notice to the resident guardian or executor or administrator, if there be such. The nonresident guardian must produce and file a certificate, under the hand of the clerk and seal of the court from which his appointment was derived, showing: (1) a transcript of the record of his appointment; (2) that he has entered upon the discharge of his duties; and (3) that he

is entitled, by the laws of the state of his appointment, to the possession of the estate of the ward; or must produce and file a certificate, under the hand of the clerk and seal of the court having jurisdiction, in the state of his residence, of the estates of persons under guardianship, or of the highest court of such state, attested, in the case of a foreign country, by a minister, consul or vice consul of the United States, resident in such state, that, by the laws of such state, the applicant is entitled to the custody of the estate of his ward, without the appointment of any court.

1574. Upon such application, unless good cause to the contrary is shown, the court must make an order granting to such guardian leave to remove the property of his ward to the state of his residence, which is authority to him to sue for and receive the same in his own name, for the use and benefit of his ward. Such order is a discharge of the local guardian or executor, administrator or other person in whose possession the property may be at the time the order is made, on filing with the clerk of the court the nonresident guardian's receipt therefor and transmitting a duplicate receipt, or a certified copy of such receipt, to the court from which such nonresident guardian received his appointment.

Order granting removal.

Effect thereof

CHAPTER XI—SUSPENSION, REMOVAL AND RESIGNATION.

1580. A guardian appointed by will or deed or by the court may be removed by the court for any of the following causes:

Causes for removal of guardian

(1) For waste or mismanagement of the estate, or abuse of his trust;

(2) For failure to file an inventory or to render an account within the time allowed by law, or for continued failure to perform his duties;

(3) For incapacity to perform his duties suitably;

(4) For gross immorality;

(5) For having an interest adverse to the faithful performance of his duties;

(6) For removal from the state;

(7) In the case of a guardian of the property, for insolvency; or,

(8) When it is no longer necessary that the ward should be under guardianship.

1581. The removal may be ordered after such notice to the guardian as the court or a judge thereof may require; and the court may compel him to surrender the estate of the ward to the person found to be lawfully entitled thereto. Pending the hearing, the court or the judge thereof may suspend the powers of the guardian to such extent as deemed necessary.

Notice and suspension of powers

1582. Any guardian may resign when it appears proper to allow it; and upon the resignation or removal of a guardian, the court may appoint another in his place, after notice and a hearing as in the case of an original appointment.

Resignation of guardian

CHAPTER XII—TERMINATION OF GUARDIANSHIP.

Events which terminate guardianship

1590. (1) The marriage of a minor ward terminates the guardianship of the person, but not of his estate.

(2) If the appointment of a guardian is made solely because of the ward's minority, the guardianship is terminated by his attaining majority.

(3) In all other cases the guardianship is terminated only by order of the court upon application of the guardian or the ward, after such notice to the other as the court or judge may require.

Survivorship of joint guardians

1591. On the death of one of two or more joint guardians, the powers continue in the survivor until a further appointment is made by the court.

Release by ward

1592. After a ward has reached his majority, he may settle accounts with his guardian and give him a release, which is valid if obtained fairly and without undue influence.

When guardian entitled to discharge

1593. A guardian appointed by a court is not entitled to his discharge until one year after the ward's majority.

CHAPTER XIII—NOTICES AND PROCEDURE.

Request for special notice

1600 At any time after the issuance of letters of guardianship, any relative of the ward, in person or by attorney, or the attorney for any department or bureau of the United States government which makes or awards compensation, pension, insurance or other allowance for the benefit of the ward's estate, may serve upon the guardian or upon the latter's attorney, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of such service, a written request, stating that he desires special notice of the filing or commencing of any or all of the following:

(1) Petitions for the sale, lease or mortgage or confirmation of sale of any property of the ward;

(2) Accounts;

(3) Application for removal of the ward's property to a foreign jurisdiction;

(4) Petitions for partition of any property of the ward;

(5) Petitions for allowances of any nature payable from the ward's estate;

(6) Petitions for the investment of funds of the estate;

(7) Proceedings for the removal, suspension, or discharge of the guardian or final termination of the guardianship.

Compliance with request

1601. Such request shall give the post-office address of the person making the same, or of the attorney, and thereafter a brief notice of the filing or any such petition or account, or of the commencement of any such proceeding, except petitions for the sale of perishable property or other personal property which will depreciate in value if not disposed of promptly, or which will incur loss or expense by being kept, together with a copy of such petition, application, account or proceeding, shall be mailed to such relative or attorney, at his stated post-office address, or personally served upon him, within two days

after the filing of such petition, account or application, or the commencement of such proceeding.

1602. Proof of mailing or of personal service of the notice must be made at the hearing; and if it appears to the satisfaction of the court that said notice has been regularly given, the court shall so find in its order, and such order, when it becomes final, shall be conclusive upon all persons.

Proof of compliance with request

1603. The court in which a guardianship proceeding is pending may transfer the proceeding to the superior court of any other county which at the time of such transfer would have jurisdiction to issue original letters in such proceeding. To obtain such transfer, the guardian shall file in the court in which the proceeding is pending a verified petition setting forth:

Transfer of guardianship proceeding to another court

Petition

(1) The name of the county to which it is sought to transfer the proceedings;

(2) The name of the county in which the ward resides and that in which the guardian resides;

(3) The name of the county or counties in which the property of the ward is situated, and a brief description of the character and condition of the property;

(4) The reasons for such transfer;

(5) The names and residences, so far as they are known to the guardian, of the relatives of the ward within the third degree residing in the county in which the proceedings are pending.

1604. Upon the filing of the petition, the court or judge shall make an order fixing a time for the hearing thereof, which shall be not less than five days thereafter, and directing that notice thereof be mailed to each of the relatives of the ward named in the petition as resident in the county; and may require such other or further notice of the hearing as may be deemed proper. Any relative of the ward, or any person interested in the estate of the ward, may appear and file written grounds of opposition to the petition. If, after a hearing, it appears to the court that the transfer of the proceeding to the court designated in the petition, or to the superior court of any other county, will be for the best interest of the ward, it shall make an order transferring the proceeding to said court. Thereupon the clerk must transmit to the clerk of the court to which the proceeding is transferred a certified copy of the order together with all papers in the proceeding on file in his office; and thereafter the court to which the proceeding is transferred shall exercise the same jurisdiction over the ward or his estate as if it had original jurisdiction.

Hearing, transmission of papers

1605. The clerk of the court to which the proceeding is removed shall be entitled to receive a fee of six dollars on filing the papers transmitted to him, in addition to the expense of such transmission, payable on receipt of the papers by him.

Fee for transmission

1606. When not otherwise specially prescribed in this division, practice and procedure and the making and entry of

Division III of code governs practice, etc

orders under this division shall be governed by the provisions of division III of this code, so far as they are applicable.

Guardian
ad litem

1607. The provisions of this division do not limit the power of any court to appoint a guardian ad litem to protect the interests of any minor or insane or incompetent person in an action or proceeding pending therein.

CHAPTER XIV—APPEALS.

Appealable
orders.

1630. An appeal may be taken to the supreme court from an order granting or revoking letters of guardianship; settling an account of a guardian; or refusing to make any order heretofore mentioned in this section.

Effect of
appeal

1631. An appeal from an order appointing a guardian for an insane or incompetent person shall stay the power of the guardian, except that, for the purpose of preventing injury or loss to person or property, the court making the appointment may direct the exercise of the powers of the guardian, from time to time, as though no appeal were pending, and all acts of the guardian pursuant to such directions shall be valid, irrespective of the result of the appeal.

CHAPTER XV—UNIFORM VETERANS' GUARDIANSHIP ACT.

Definitions

1650. As used in this chapter:

The term "person" includes a partnership, corporation or an association.

The term "bureau" means the United States veterans' bureau or its successor.

The terms "estate" and "income" shall include only moneys received by the guardian from the bureau and all earnings, interest and profits derived therefrom.

The term "benefits" shall mean all moneys payable by the United States through the bureau.

The term "director" means the director of the United States veterans' bureau or his successor.

The term "ward" means a beneficiary of the bureau.

The term "guardian" as used herein shall mean any person acting as a fiduciary for a ward.

Appointment
of guardian
as condition
of payment
of federal
benefits

1651. Whenever, pursuant to any law of the United States or regulation of the bureau, the director requires, prior to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided.

Petition
filing

1652. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the bureau to the last known address of such person indicating the necessity for the same a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this state.

The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable by or through the bureau and shall set forth the amount of moneys then due and the amount of probable future payments. Contents.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the bureau in accordance with the laws and regulations governing the bureau.

1653. Where a petition is filed for the appointment of a guardian of a minor ward a certificate of the director, or his representative, setting forth the age of such minor as shown by the records of the bureau and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the bureau, shall be prima facie evidence of the necessity for such appointment. Appointment of guardian for minor

1654. Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the director, or his representative, setting forth the fact that such person has been rated incompetent by the bureau on examination in accordance with the laws and regulations governing such bureau and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the bureau, shall be prima facie evidence of the necessity for such appointment. Appointment of guardian for incompetent

1655. Upon the filing of a petition for the appointment of a guardian, under the provisions of this chapter, the court shall cause such notice to be given as provided by law. Notice.

1656. Before making an appointment under the provisions of this chapter the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file the bond required by law. Bond

Where a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution. Certificate of sureties

1657. Every guardian, whether appointed under this chapter or prior to the effective date of this chapter, who shall receive on account of his ward any moneys from the bureau, shall file with the court annually, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. Accounts of guardian.

certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the bureau having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen days nor more than thirty days from the date of filing same and notice thereof shall be given by the court to the aforesaid bureau office not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

Failure of guardian to file account

1658. If any guardian shall fail to file any account of the moneys received by him from the bureau on account of his ward within thirty days after such account is required by either the court or the bureau, or shall fail to furnish the bureau a copy of his accounts as required by this chapter, such failure shall be grounds for removal.

Compensation and expense of guardian

1659. Compensation payable to guardians shall not exceed five per cent of the income of the ward during any year. In the event of extraordinary services rendered by such guardian the court may, upon petition and after hearing thereon, authorize additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office of the burcau in the manner provided in section 1657. No compensation shall be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

Investment and deposit of funds

1660. Every guardian shall invest the funds of the estate in such manner or in such securities in which the guardian has no interest, as allowed by law, or such funds may be deposited by the guardian with any bank which has been designated by the superintendent of banks of this state as depository for the funds of other banks, but no investment or deposit shall be made without the approval of the court with the exception of such deposits as shall be required for the safekeeping of the funds pending the approval of the court.

Limit on application of ward's funds

1661. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward except upon order of the court after a hearing, notice of which has been given the proper office of the bureau in the manner provided in section 1657.

Copies of records

1662. Whenever a copy of any public record is required by the bureau to be used in determining the eligibility of any person to participate in benefits made available by such bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such bureau with a certified copy of such record.

Commitment of ward to United States hospital

1663. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States veterans' bureau hospital and commitment

to such hospital is necessary for the proper care and treatment of such veteran, the courts of this state are hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate of eligibility from the official in charge of such hospital the court may then direct such veteran's commitment to such United States veterans' bureau hospital. Thereupon such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

1664. When a minor ward for whom a guardian has been appointed under the provisions of this chapter or other laws of this state shall have attained his or her majority, and if incompetent shall be declared competent by the bureau and the court and when any incompetent ward, not a minor, shall be declared competent by said bureau and the court, the guardian shall upon making a satisfactory account be discharged upon a petition filed for that purpose.

Discharge
of guardian

1665. This chapter shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the bureau.

Construction
of chapter

1666. This chapter may be cited as the "Uniform veterans' guardianship act."

Short title

1667. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Uniform law

1668. The invalidity of any portion of this chapter shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Constitutionality.

1669. All laws or parts of laws relating to beneficiaries of the bureau inconsistent with this chapter are hereby repealed.

Repeal of
inconsistent
acts

SCHEDULE OF REPEALS.

1700. Sections 236 to 257, inclusive, and 1270 to 1409, inclusive, of the Civil Code and section 1205 and sections 1294 to 1722, inclusive, and sections 1724 to 1810c, inclusive, of the Code of Civil Procedure and "An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto," approved June 3, 1929, and "An act to provide for the appointment of guardians of children maintained in any orphans' home or orphan asylum in this state," approved March 23, 1893, are hereby repealed.

Code sections
repealedStats 1929,
p 1113,
and
Stats, 1893,
p 203,
repealed

CHAPTER 282.

An act to amend section 831 of the Code of Civil Procedure, relating to change of place of trial.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats 1929,
p 1692

SECTION 1. Section 831 of the Code of Civil Procedure is hereby amended to read as follows:

Change of
venue from
municipal
courts

831. The municipal court must, on motion, based upon a demand of the defendant therefor in writing, accompanied by an affidavit of merits, made and filed at the time he answers or demurs, change the place of trial of an action commenced in such court to another court in which such action is cognizable, as follows:

Real prop-
erty actions

1. For the recovery of possession of real property, and for injuries thereto; to the municipal court or justice's court, if the action be cognizable in such justice's court, established in the city or township, respectively, where the real property is situated.

Where the real property is situated partly within and partly without a city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's court, or in the superior court, and the court so selected is the proper court for the trial of such action; provided, that all such action must be tried in a court in which such action is cognizable, established in the county in which such real property or some part thereof is situated.

Actions for
recovery of
a penalty for
forfeiture

2. For the recovery of the penalty or forfeiture imposed by the statute; to the municipal court or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause of action, or some part thereof, arose; provided, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which said action is cognizable, situated in the county where said cause of action arose; and provided, that when such penalty or forfeiture is imposed for an offense, committed on a lake, river or other stream of water, situated partly within and partly without the city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court of such city, or in the appropriate justice's or superior court, and the court so selected is the proper court for the trial of such action.

Actions
against pub-
lic officer

3. Against a public officer, or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer; to the municipal or justice's court, if the action be cognizable therein,

established in the city or township, respectively, where the cause, or some part thereof, arose; provided, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which such action is cognizable, situated in the county where the cause of action arose.

4. In all other cases; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, in which the defendants, or some of them, reside at the commencement of the action, if within the county in which the municipal court, in which the action is commenced, is situated; provided that none of the defendants reside in the city where the action is commenced; and cases in which none of the defendants reside in the county in which such action is commenced, to the municipal or justice's court, if cognizable therein, situated in the city or township, as the case may be, where the defendants, or some of them reside; otherwise to the superior court of such county.

Other cases.

When the action is for injury to person or personal property, or for death from wrongful act or negligence, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's or superior court, having jurisdiction over the territory where the injury occurs, or the injury causing death occurs, or in which the defendants, or some of them, reside at the commencement of the action, and the court so selected is the proper court for the trial of such action.

Actions for injury to person or property

If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the municipal court established in the city where he resides, his residence must not be considered in determining the demand for change of place of trial of the action.

Improper defendant

If none of the defendants reside in the state, or, if residing in the state and the place in which they reside is unknown to the plaintiff, the plaintiff may elect to sue in any municipal court, and the court so selected is the proper court for the trial thereof.

Nonresident defendants

If the defendant is about to depart from the state, the plaintiff may elect to sue in the municipal court established in the city in which either of the parties reside, and the court so selected is the proper court for the trial thereof.

Defendant about to leave state.

CHAPTER 283.

An act to add section 5.128 to the School Code, relating to the requirements to be met by persons applying for credentials for employment in the public schools.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

New section SECTION 1. A new section is hereby added to the School Code, to be numbered 5.128, to read as follows:

Oath 5.128. Except as otherwise provided in this section, no credential shall be granted to any person unless and until such person has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the constitution of the United States of America, the constitution of the State of California, and the laws of the United States and the State of California, and will by precept and example, promote respect for the flag and the statutes of the United States and of the State of California, reverence for law and order, and undivided allegiance to the government of the United States of America." Such oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of a board of trustees or any board of education of this state with the state board of education. Any person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the state shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the state. Upon the violation of any of the terms of the oath or affirmation, it shall be the duty of the state board of education to suspend or revoke the credential which has been issued.

CHAPTER 284.

Stats 1915. *An act to amend section 15 of chapter 755 of the statutes of*
 P. 1502, *1915, entitled "Los Angeles county flood control act,"*
 amended *approved June 12, 1915, as amended, relating to contracts*
for work, materials and supplies.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats 1927. SECTION 1. Section 15 of an act known and designated as
 P 1016 "Los Angeles county flood control act," approved June 12,
 1915, is hereby amended to read as follows:

Letting of contracts Sec. 15. All contracts for any improvement or unit of work, except as hereinafter provided, estimated to cost in

excess of five thousand dollars, shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for the construction of the improvement or work. The said board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids not suitable to the best interest of the district. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars, or the work consists of channel protection, maintenance work, of emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by force account. It shall be the duty of the purchasing agent of Los Angeles county, and ex officio the purchasing agent of Los Angeles county flood control district, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, except emergency purchases costing less than ten dollars, and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed five hundred dollars. Said purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district and approved by one member of the board of supervisors of said district. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by a vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the county of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or

Bids

Bonds.

Duty of
purchasing
agent

Plans, etc.

cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

Plans
approval

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; provided, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within thirty days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

CHAPTER 285

An act to amend section 585 of the Code of Civil Procedure, relating to judgments.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats 1915,
p 932.

Judgment
if defendant
fails to
answer

Contract
actions

SECTION 1. Section 585 of the Code of Civil Procedure is hereby amended to read as follows:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if the defendant has or if more than one defendant if any of said defendants have been personally served and no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk, upon application of the plaintiff, must enter the default of the defendant or defendants, so served and immediately thereafter enter judgment for the amount demanded in the complaint, including the costs, against said defendant, or defendants, or against one or more of said defendants, in the cases provided for in section 414.

Other
actions.

2. In other actions, if the defendant has been personally served and no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint. If the taking of an account, or the proof of any fact, is necessary

to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided.

3. In all actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer has been filed, apply for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided, that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided, further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

Actions
where service by
publication

Real prop-
erty actions

CHAPTER 286.

An act to amend section 1607 of the Penal Code, relating to the medical treatment of prisoners.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1607 of the Penal Code is hereby amended to read as follows:

Stats 1927,
p 393

1607. When a county jail or building contiguous to it is on fire, and there is reason to apprehend that the prisoners may be injured or endangered, the sheriff or jailer must

Removal of
prisoners in
case of fire

remove them to a safe and convenient place, and there confine them as long as it may be necessary to avoid the danger.

Medical
attention

When it is made to appear to a judge of the superior court by affidavit of the sheriff or district attorney and oral testimony that a prisoner confined in any city or county jail require medical or surgical treatment necessitating hospitalization, which treatment can not be furnished or supplied at said city or county jail, the court in its discretion may order the removal of such person or persons from said city or county jail to the county hospital in said county, provided if there is no county hospital in said county, then to any hospital designated by said court; and it shall be the duty of the sheriff to maintain the necessary guards for the safe keeping of such prisoner, the expense of which shall be a charge against the county. When such prisoner is poor and indigent the cost of such medical services and such hospital care and treatment shall, in the case of persons removed from the city jail be paid out of the general fund of such city, and in the case of persons removed from the county jail to a hospital other than a county hospital, such cost shall be paid out of the general fund of such county or city and county. In the case of city jail prisoners removed to the county hospital, the cost of such hospital care and treatment to be paid by the city to the county, shall be the rate per day fixed by the board of supervisors of such county. The said board of supervisors may, but need not, fix different rates for different classes of patients, or for different wards, and any and all such rates may be changed by the said board of supervisors at any time, but shall at all times approximate as nearly as may be, the average actual cost to the county of such hospital care and treatment either in such wards or for such classes of patients or otherwise. In the event such prisoner is financially able to pay for his care, support and maintenance, the medical superintendent of said hospital other than a county hospital may, with the approval of said judge of the superior court, enter into a special agreement with such person, or with his relatives or friends, for his care, support, maintenance and other hospital expenses. Any prisoner may decline such care or treatment and provide other care and treatment for himself at his own expense.

CHAPTER 287.

Stats 1919,
p 1229,
revised

An act to amend the title of and to revise chapter 577, statutes of 1919, entitled "An act to provide for the certification of potato seed, authorizing the state commissioner of horticulture to employ a potato inspector and to fix his salary, declaring the violation of the provisions hereof to be a misdemeanor and making an appropriation to carry out the purposes hereof," approved May 27, 1919, relating to the

state department of agriculture and the growing of potatoes and the inspection and certification thereof.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. The title of chapter 577, statutes of 1919, entitled "An act to provide for the certification of potato seed, authorizing the state commissioner of horticulture to employ a potato inspector and to fix his salary, declaring the violation of the provisions hereof to be a misdemeanor and making an appropriation to carry out the purposes hereof," approved May 27, 1919, is hereby amended to read as follows:

An act relating to the growing, the inspection and certification of potato seed, defining the powers and duties of the state department of agriculture in relation thereto, and prescribing penalties for violations of the provisions hereof.

SEC. 2. Said act is hereby revised as follows:

Section 1. The state director of agriculture is hereby empowered to promote and protect the potato industry of California, and to establish and enforce such rules and regulations as may be deemed necessary for the examination and certification of potatoes grown within the State of California, for the purpose of producing improved varieties or a higher quality of seed. He shall issue to each grower a certificate showing the variety, quality and freedom from insect pests and diseases of the seed crop examined, and each certificate shall show the amount of seed which can be sold thereunder. All such certified potato seed shall be labeled with copies of the certificate, such additional copies to be furnished by the state director of agriculture. The state director of agriculture shall fix a reasonable charge to cover the cost of such inspection and certification, and shall publish a list of all growers of all such seeds.

Sec. 2. Any person who desires to engage in the growing of certified seed potatoes within this state shall first make application to the director of agriculture, and shall establish to the satisfaction of said director the fact that the initial planting of such seed potatoes he will make, will be made from fields where masking of the mosaic diseases has not occurred and that such intended planting will be located where masking of mosaic or other disease is not likely to occur. If the said director of agriculture approves the application of such prospective grower of certified potatoes he shall thereupon notify the applicant and also advise the county agricultural commissioner of the county where the planting is to occur, and he may instruct such commissioner to make the necessary inspections and certification.

Sec. 3. Upon the passage of this act the state director of agriculture may employ a "potato inspector," who shall have an intimate knowledge of the potato industry, who shall be

Title

Certification of potato seed

Application of seed grower.

Potato inspector

an expert on varieties and who shall be qualified to carry on potato investigations for the purpose of certification of seed. The salary of the "potato inspector" shall be fixed by the state director of agriculture, and he shall be paid the expenses incurred by him while traveling in performance of his duties.

Test plats

Sec. 4. The director of agriculture is hereby empowered to maintain potato seed test plats, under such climatic conditions as he may deem necessary, where samples of potato seed to be certified from any county may be sent to assure that such planting is maintained free from the masked or incipient stage of mosaic or other disease.

Penalty

Sec. 5. Any person, company, firm, or corporation, who wilfully misbrands, adulterates, or otherwise misrepresents or interferes with the grade or quality of certified seed, or who in any way changes the certificates so issued by the state director of agriculture, shall be guilty of a misdemeanor.

Repeal

Sec. 6. All acts, or parts of acts in conflict herewith are hereby repealed.

CHAPTER 288.

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

[Approved by the Governor May 11, 1931 In effect August 14, 1931.]

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

Stats 1929,
p 78

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

Vagrants
defined

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

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

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

4. Every person known to be a pickpocket, thief, burglar or confidence operator, either by his own confession, or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of amusement, auction room, store, shop or crowded thoroughfare, car, or omnibus, or any public gathering or assembly; or,

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

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

7. Every person who lodges in any barn, shed, shop, out-house, vessel, or place other than such as is kept for lodging

purposes, without the permission of the owner or party entitled to the possession thereof; or,

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

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

10. Every common prostitute; or,

11. Every common drunkard; or,

12. Every person who is a drug addict; provided, that a drug addict within the meaning of this section, is any person who habitually takes or otherwise uses narcotics, except that when such user of narcotics is suffering from an incurable disease or an accident or injury and to whom such narcotics are furnished, prescribed or administered in good faith and in the course of his professional practice by a physician duly licensed in this state and who is in attendance upon such user of narcotics, such person shall not be held to be a drug addict within the meaning of this section;

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

CHAPTER 289.

An act to amend the "Irrigation district improvement act," as amended, by amending sections 1, 2, 6, 7, 8, 9, and 10, thereof, relating to the time in which proceedings may be attacked, and actions to determine the validity of assessments and warrants and to organization, notice to bidders, carrying of water, control of weeds, assessments, warrants and property, and by adding three new sections to be numbered 15, 16 and 17, relating to assessments. Stats 1927, p 1415, amended

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of the "Irrigation district improvement act," as amended by chapter 189, statutes 1929, is hereby amended to read as follows: Stats 1929, p 343

Section 1. Two-thirds in number of the holders of title, or evidence of title to any tract or contiguous tracts of land situate within any irrigation district organized and existing under the California irrigation district act and susceptible of irrigation or being served by a domestic water supply, by a system of laterals, ditches, and pipes, or requiring a system of pumps for the irrigation thereof, or drains or drainage works for the drainage thereof, or requiring the acquisition of existing laterals, ditches, pipes, pumps or other works incidental to a water distribution system, separate and apart from or supplementary to the works of said irrigation district, or Improvement district within irrigation district

desiring a change therein or improvement thereof, or desiring maintenance of existing irrigation ditches and structures therein, or control of weeds in or along such ditches, may petition the board of directors of such irrigation district to organize and create an improvement district, for the purpose of providing such means of irrigation, furnishing of a domestic supply of water, or drainage, or for the acquisition of existing laterals, ditches, pipes, pumps or other works incidental to a water distribution system for the lands described in said petition, or the said change and improvement thereof, or for maintenance of existing irrigation ditches and structures therein, or control of weeds, and for the levy of an assessment or assessments for the payment of the costs thereof.

Stats 1929,
p 343

SEC. 2. Section 2 of said act, as amended by chapter 189, statutes 1929, is hereby amended to read as follows:

Petition

Sec. 2. Said petition shall contain a statement of the plans of the proposed improvement or of the existing improvement, if any, proposed to be acquired, a description of the boundaries of such proposed improvement district, the names of the owners of all lands within such improvement district with their last known addresses and a description of the land owned thereby which petition shall be signed by the requisite number of landowners. A certificate of acknowledgment or proof of signature taken before a notary public or justice of the peace of any state or any acknowledgment taken according to the laws of the State of California, or an affidavit by any person in the presence of whom such petition was signed shall be sufficient evidence of the genuineness of such signature. The petition may consist of any number of separate instruments. Such petition and all proceedings in reference thereto, and the lands affected thereby, and said improvement district shall be designated by number, and the description of the parcels of land shall be according to the last duly equalized assessment book of the irrigation district, and said assessment roll shall be conclusive evidence as to the holders of title or evidence of title to said lands. Guardians, executors, administrators or other persons holding property in a trust capacity under appointment of court may sign any petition provided for in this act, when authorized by an order of court, which order may be made without notice.

Stats 1929,
p 343

SEC. 3. Section 6 of said act, as amended by chapter 189, statutes 1929, is hereby amended to read as follows:

Dismissal of
proceedings,
or final
order

Sec. 6. If at said hearing said board of directors shall determine and find that it would not be to the best interests of said irrigation district and improvement district to proceed with such improvement, or to acquire such improvements or to organize said improvement district for any of the purposes set forth in this act, then said board shall order said proceedings dismissed without prejudice to the renewal thereof. If however, said board shall determine and find that it would be to the best interests of said irrigation district and said

improvement district to proceed with such improvement, or the acquisition of such improvements or be organized for any of the purposes set forth in this act, they shall make a final order to be entered in the minutes of said board, approving said petition, creating said improvement district, levying said assessment, if such assessment is necessary for said purposes, and apportioning the same to the said lands according to benefits, which said assessment shall include a sum that shall equal interest on any deferred payments at a rate of not to exceed seven per cent per annum, and ten per cent additional for anticipated delinquencies. Said order shall contain a description of the boundaries of said improvement district, and the secretary of the board shall cause a certified copy thereof to be recorded in the office of the county recorder in each county in which any of said lands of said improvement district are located. Said assessment may be made payable in not to exceed ten annual installments and the board of directors of said irrigation district shall, at the time of the levy of the annual assessment of said district, add to the amount of the annual assessment levied upon said lands within said improvement district, such amount for which they may be liable by reason of the levying of said improvement district assessment, and if said annual irrigation district assessment is made payable in two installments then said improvement district assessment or the installment thereof shall likewise be made payable in two installments. Said improvement district assessment, and each installment thereof, shall be and remain a lien on said lands in the same manner as and be a part of the annual assessment of said irrigation district. At any time before the warrants provided for in section 7 of this act have been issued, the amount of any such assessment, exclusive of interest and the ten per cent added for anticipated delinquencies, may be paid in cash and such land thereafter not be subject to the annual assessments levied thereon for the purposes of the said improvement or acquisition; provided, however, that such lands shall be and remain liable for any assessments levied thereon for maintenance and operation and for any supplementary or additional assessments levied thereon under the provisions of this act.

SEC. 4. Section 7 of said act, as amended by chapter 189, statutes 1929, is hereby amended to read as follows: Stats 1929,
p 343

Sec. 7. Said irrigation district shall have power to issue warrants signed by the president and secretary of the board of directors of said irrigation district, in face amount not exceeding in the aggregate the cost of said improvement and/or acquisition, exclusive of interest and the ten per cent added for anticipated delinquencies, which warrants shall be made payable in amounts and at the times corresponding substantially to the amounts and times of payments of the installments of said improvement district assessment, and shall bear interest at such rate of interest as may have been fixed on the

levy of said improvement district assessment. Coupons for the interest on said warrants may be attached thereto which may be made payable semiannually. Said warrants may be made payable to bearer or to persons furnishing work, labor or material, or if said work of improvement is done under contract as hereinafter provided, then to such contractor. Said warrants may be sold by the board of directors of the irrigation district for not less than par at either public or private sale. Said warrants shall be payable only out of funds derived from the levy and collection of said improvement district assessment on said lands, and shall be used solely for the acquisition or construction of the improvement for the acquisition or construction of which the improvement district shall have been organized, and the necessary incidental expenses. The board of directors of said irrigation district may, in their discretion, invest in such improvement district warrants any money held by such district in sinking or depreciation funds. Any landowner of the improvement district who shall desire at any time to lessen or remove the lien upon his land of any improvement district assessment on which warrants have been or hereafter may be issued, may deliver to the district treasurer for cancellation warrants payable out of said assessment, and the treasurer shall credit against the assessment on his land the principal and interest of said warrants; provided, however, that the board of directors of said district may require that such warrants so delivered and canceled shall be substantially of the average maturities of such issue of warrants.

Stats 1927,
p 1415

SEC. 5. Section 8 of said act is hereby amended to read as follows:

Doing of
work, etc

Sec. 8. The said work of improvement provided for in this act and the purchase of all necessary supplies, material and equipment therefor shall be performed and done by said irrigation district or in the discretion of the board of directors bids may be received for said work and material after such notice calling for bids as the board of directors may prescribe; provided, however, that the cost thereof shall be paid only out of assessments levied upon and collected from the said lands in said improvement district.

Stats 1929,
p 343

SEC. 6. Section 9 of said act, as amended by chapter 189, statutes 1929, is hereby amended to read as follows:

Additional
assessments

Sec. 9. If said improvement district desires to do additional work or acquire additional property at any time upon the petition of two-thirds in numbers of the holders of title or evidence of title to said lands in said improvement district, an additional assessment, or assessments, may be levied substantially in the same manner as on the original assessment. If at any time it is desired that additional lands be included in said improvement district, a petition for such inclusion signed by the owners of such lands to be included and by two-thirds in number of the holders of title or evidence of

Petition

title of lands in said improvement district, may be filed with the board of directors of said irrigation district, and the same proceedings had as upon the original petition for the organization of said improvement district. Said petition shall describe the boundaries of said improvement district as enlarged by such inclusions, and give the names and addresses of the owners of said lands in substantially the same manner as in said original petition. Should the assessments levied upon said lands in such improvement district be insufficient to pay in full the cost of such improvements or to pay the warrants issued for said improvements, an additional and supplemental assessment shall be made and levied upon all of said lands sufficient to pay said cost of said warrants in full, and the procedure followed in making such additional and supplemental levy of assessment shall be substantially the same as the levy of the original assessment, but without the necessity of a petition. If the proceeds from said assessment so levied shall exceed the final amount necessary for such purposes, said lands so paying said assessment shall be entitled to a credit in said excess amount upon the succeeding district annual assessment or assessments levied upon such land.

At any time prior to the incurring of any indebtedness or upon the full payment of all indebtedness of such improvement district, a petition signed and acknowledged by not less than the number of the holders of title, or evidence of title to the tracts of land constituting such improvement district required to organize such improvement district, may be filed with the board of directors of such irrigation district requesting that such improvement district be dissolved. A hearing shall be had in the same manner and after the same notice as is required for the organization of such improvement district, and the board of directors may, after such hearing, order such improvement district dissolved, which order shall be recorded in the same manner as the order organizing such improvement district. Dissolution

Upon a change or resubdivision upon the assessment book of the irrigation district of any parcel of land within such improvement district, the board of directors, upon a petition of the owner or owners of such parcel of land so changed or resubdivided, may reapportion the improvement district assessment upon such parcel of land, and the order of such reapportionment shall be recorded in the same manner as the order levying the original assessment. Resubdivision.

SEC. 7. Section 10 of said act, as amended by chapter 189, statutes 1929, is hereby amended to read as follows: Stats. 1929,
p. 343.

Sec. 10. Said board of directors and all other officers of said irrigation district shall have all the rights, powers and privileges concerning said improvement district, and lands thereof and the proceedings herein provided for, as such board may have concerning the irrigation district, of which it is a part, and including the right of said district, to condemn lands Powers of directors and officers

and to acquire, own and hold property within said improvement district. Said board of directors may also hold property either real or personal, used or acquired in said improvement in the name of said directors, and their successors in office, as trustees for such improvement district.

Said board of directors may allow, on such terms as may be agreed upon, any corporation, association, firm, or individual, to carry water through any canal, ditch, or conduit, for the improvement or acquisition of which the improvement district was organized, and may cancel the right for such use in the event that payments therefore are not made in accordance with the terms agreed upon.

New section SEC. 8. A new section to be numbered section 15 is hereby added to said act to read as follows:

Effect of findings of board SEC. 15. All actions, proceedings, conclusions and findings of fact of a board of directors of an irrigation district concerning an improvement district therein and the levying of assessments on the lands thereof shall be conclusive and final, and no action shall be brought or maintained concerning or attacking the same, unless such action is instituted within six months after such actions, proceedings, conclusions or findings were had and made or said assessments levied.

New section SEC. 9. A new section to be numbered section 16 is hereby added to said act to read as follows:

Validity of assessments or warrants SEC. 16. The board of directors of the irrigation district in which said improvement district is located may, at any time after the levy of any assessment or the issuance of any warrants herein provided for, bring an action to determine the validity of such assessment or the issuance of such warrants in the same manner and with the same effect as provided for in sections 68 and 71 of the California irrigation district act for the determination of the validity of irrigation district bonds and assessments.

New section SEC. 10. A new section to be numbered section 17 is hereby added to said act to read as follows:

Irregularity of proceedings SEC. 17. No irregularity, error, informality or omission not affecting the substantial rights of the landowners within an improvement district shall affect the validity of any act done or proceeding taken under the provisions of this act.

CHAPTER 290.

An act to amend sections 3 and 8 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, relating to the state board of architectural examiners. Stats 1901,
p 641

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3 of an act entitled "An act to regulate the practice of architecture," as amended, is hereby amended to read as follows: Stats 1929,
p 139

Sec. 3. The state board may adopt rules and regulations to govern its proceedings, not inconsistent with this act. It shall adopt a seal for its own use and one for each of the district boards. The seal used by the northern district board shall have the words state board of architectural examiners, northern district inscribed thereon, and the one for the southern district board shall have the words state board of architectural examiners, southern district inscribed thereon, and the secretary and assistant secretary, respectively, shall have care and custody thereof. The secretary and assistant secretary, in their respective districts, shall keep an accurate record of all proceedings of the state board and the district boards, which shall be open to inspection by the public at all times. Board of
architecture
Seal

Records

Six members shall constitute a quorum of the state board and three members shall constitute a quorum of the district boards for the transaction of business.

Special meetings of the California state board of architectural examiners shall be called by the secretary upon the written request of four of its members, by giving each member of said board twenty days written notice in advance, of the time and place of such meeting. District boards shall call special meetings upon the written request of two of their members made to the secretary and upon five days similar written notice to each member of the district board calling such meeting. Meetings

Within thirty days after the date of its appointment, the state board shall meet to organize, elect officers as in this act provided, and to formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice architecture in this state; and such other rules and regulations as may be necessary and proper, not inconsistent with this act. Organiza-
tion

Said board may, from time to time, repeal, amend or modify its rules and regulations. The board shall meet annually on the second Tuesday in April, for the purpose of transacting such business as may lawfully come before it. The district boards shall hold their regular meetings on the last Tuesday of February, May, September and November of each year for Examination
of appli-
cants

the examination of applicants for certificates to practice architecture. The board of the northern district shall meet in San Francisco and the board of the southern district shall meet in Los Angeles. At such meetings the said boards may transact any other business that may properly come before them. The district boards may also hold other meetings at such times and places as they may elect.

Violations
of act.

The district boards are authorized to prosecute all persons guilty of violating the provisions of this act. Said boards shall have the power to employ legal counsel for such purposes, and may also employ inspectors, special agents, investigators, and such clerical assistants as they may deem necessary to carry into effect the provisions of this act. They may also fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

Examination
fee

Any person shall be entitled to an examination for a certificate to practice architecture upon payment, with his application, to the secretary of the district board of a fee of fifteen dollars, which fee shall be retained by the board; should the applicant's examination prove satisfactory to said district board the secretary shall, upon payment of a further fee of ten dollars, issue to the applicant a provisional certificate, signed by the president and the secretary, sealed with the seal of the district board, and directed to the California state board of architectural examiners, showing that the person therein named passed a satisfactory examination and is entitled to a certificate to practice architecture in the state, in accordance with provisions of this act. And upon said provisional certificate being filed with the said California state board of architectural examiners, the said state board shall at its annual meeting issue a certificate to the applicant to practice architecture in this state, duly signed by its president and secretary and its seal affixed, which certificate shall contain the name of the applicant, his birthplace and age, provided no charges of dishonest practice, of deception resorted to in obtaining a certificate, of gross incompetency in the practice of architecture or of any other violation of the provisions of this act, have been filed and substantiated with the state board. Proper index and record thereof shall be kept by the state board. If the provisional certificate be issued less than sixty days before the annual meeting of the state board, then the final certificate shall not be issued until the annual meeting next succeeding. A holder of a provisional certificate may practice architecture until said annual meeting. Certificates to practice architecture shall remain in full force until revoked or suspended for cause as hereinafter provided.

Certificate

Stats 1929.
p 139

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

Suspension
of certifi-
cate.

Sec. 8. A provisional certificate issued by a district board, or a certificate issued by the state board, may be suspended for a period not exceeding one year or revoked for dishonest practice, for deception resorted to in obtaining a certificate,

for a failure of recordation, for a failure to pay the annual license fee prior to the delinquency date, for gross incompetency in the practice of architecture, or for any violation of the provisions of this act, which shall be determined solely by the board of the district in which the person, whose certificate is called in question, is residing or is doing business; and upon full investigation of the charges by the district board, reasonable opportunity having been given the accused to be heard in his own defense or by counsel.

The proceedings to suspend or revoke a certificate under the provisions of this act shall be taken in accordance with such rules and regulations as the state board has heretofore or may hereafter adopt, not inconsistent with this act. In all proceedings, the district board shall have power to take and hear the evidence touching matters under investigation, administer oaths and affirmations, and upon the hearing of such matters shall have power to compel the attendance of witnesses and the production of books, papers and documents pertaining to said matters under investigation by subpoena as in civil cases issued as hereinafter provided. Said subpoenas shall be issued by the secretary of the district board under the seal of the board and shall be served in accordance with the statutes of this state then in force as to the service of civil subpoenas generally, and all provisions of the statutes of this state then in force relating to civil subpoenas are hereby made applicable to the civil subpoenas provided for herein. In the event of the refusal of any person to obey a subpoena, the secretary of the district board may certify the fact of that refusal to the superior court of the county in which the service of said subpoena was made, and said court shall thereupon proceed to hear and determine the matter of the disobedience of said subpoena in accordance with the statutes of this state then in force concerning a contempt for disobedience of the process of the court. No witness shall be compelled to attend a hearing outside of the county in which he resides, unless the distance be less than fifty miles from his place of residence to the place of hearing.

In all cases involving a violation of the provisions of this act, depositions of witnesses may be taken, in the same manner for the taking of depositions in civil cases, and all of the provisions of the statutes of this state then in force as to the taking of civil depositions are hereby made applicable to the taking of depositions under this act.

The vote of four members of the district board shall be sufficient to suspend or revoke a certificate or provisional certificate. Upon the suspension or revocation of either of such certificates, it shall be the duty of the secretary of the district board to give notice of its action to the county recorder of the county in which the certificate was recorded; whereupon, the recorder shall mark the certificate of such architect, recorded in his office, "suspended" or "revoked." Record of suspension or revocation shall also be filed with the California state board of architectural examiners, by the said district board secretary.

New
certificate

After the expiration of one year the person whose certificate has been revoked may file application with a district board for a new certificate.

CHAPTER 291.

An act to amend section 2322e of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats. 1929,
p. 655.

SECTION 1. Section 2322e of the Political Code of the State of California is hereby amended to read as follows:

Terms
defined.

2322e. Certain terms when used in this act shall be construed as follows:

(a) The term "county" shall include in its meaning a consolidated city and county.

(b) The term "shipment" shall mean any article or thing or articles or things which may be, are being, or have been transported from one place to another place.

(c) The term "noxious weed" shall mean any species of plant injurious to agriculture or the seeds thereof.

(d) The term "insect or other animal pests" shall mean any form of animal life which is or may be detrimental to agriculture in any of its phases, and shall include the eggs, larvae, pupae, or other immature stages of such form of animal life.

(e) The term "plant diseases" shall mean any unhealthy condition of plants or parts thereof caused by the infectious agents known as fungi, bacteria, and viruses.

(f) The term "seeds" shall be construed to include any reproductive or propagative part of a plant.

(g) The term "nursery stock" shall mean any trees, shrubs, plants, vines, bulbs, cuttings, grafts, scions or buds.

(h) The term "appliance" shall be construed to mean any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity.

CHAPTER 292.

An act to amend section 239 of the Political Code, relating to organization of the Assembly.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 239 of the Political Code is hereby amended to read as follows: Pol Code, 1872.

239. At the hour of twelve o'clock m., on the day appointed for the meeting of any regular session of the Legislature, the clerk of the Assembly, or in case of his absence or inability, then the senior member elect present, must take the chair, call the members elect to order, and then call over the roll of counties in alphabetical order; and as the same are called the members elect must present their certificates, take the constitutional oath of office, and assume their seats; provided, however, if there be more than one senior member elect present and said senior members are unable to agree as to who shall call the session to order, then the attorney general or one of his deputies must call the session to order. The Assembly must thereupon, if a quorum is present, proceed to elect its officers and there shall be no other business, motion or resolution considered before the election of the speaker, save and except a motion to adjourn or a motion for a call of the house. Assembly organization

CHAPTER 293.

An act authorizing the department of finance to convey by deed certain tidelands belonging to the State of California situate in the county of San Diego, State of California.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. The department of finance is hereby authorized and empowered to convey to the United States of America by quit claim deed or other instrument, upon such terms and conditions as shall appear in the judgment of the director of finance to be for the best interests of the State of California, in and to all tidelands and submerged lands (whether filled or unfilled), held by said state by virtue of its sovereignty, situated in the bay of San Diego, in Spanish bight in the bay of San Diego, and in the Pacific ocean, in the county of San Diego, State of California, adjacent to North island and the strand connecting North island with South Island Coronado, more particularly described as follows: Department of finance to convey San Diego property.

(a) All tidelands and submerged lands situated along the north, northwesterly, and westerly side of North island, lying Description.

Description between the line of the peninsula of San Diego, as shown on the plat accompanying the United States patent to the peninsula of San Diego, dated June 11, 1869, and the pierhead line in the bay of San Diego as the same has been or may hereafter be established by the federal government.

(b) All tidelands and submerged lands situated in Spanish bight, in the bay of San Diego, adjacent to North island and the strand connecting North island with South Island Coronado, lying between the line of the peninsula of San Diego as shown on the plat accompanying United States patent to the peninsula of San Diego, dated June 11, 1869, and the low water mark in said Spanish bight and lying between the said line of the peninsula of San Diego and the pierhead line in said Spanish bight, as the same may hereafter be established by the federal government; save and except the tidelands and submerged lands in said Spanish bight conveyed to the city of Coronado, a municipal corporation in the county of San Diego, State of California, by an act of the Legislature of the State of California approved April 27, 1923 (California statutes, 1923, chapter 49).

(c) All tidelands and submerged lands, situated in the Pacific ocean, adjacent to North island and the strand connecting North island with South Island Coronado, lying between the line of the peninsula of San Diego as shown on the plat accompanying the United States patent to the peninsula of San Diego dated June 11, 1869, and the low water mark in said Pacific ocean and lying between the said line of the peninsula of San Diego and the pierhead line in the said Pacific ocean as the same may hereafter be established by the federal government, and lying westerly of the prolongation of the line crossing the said strand in the position and direction particularly described as follows: Commencing at a concrete monument (marked CCIII) placed on the mean high tide line of Spanish bight in the bay of San Diego, California, and being north 77°, 20' west 1640.5 feet from the intersection of the northeasterly line of Alameda avenue with the southeasterly line of Olive avenue and being the most westerly corner of block 23 Coronado Beach South island according to official map of said Coronado Beach South island No. 376 filed in the office of the recorder of said San Diego county, the course of said Olive avenue being north 71°, 08' east; thence south 23°, 07' west across said strand to the mean high tide line of the Pacific ocean.

CHAPTER 294.

An act to amend section 10 of chapter 69 of the statutes of 1929, entitled "An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof," approved April 9, 1929.

Stats 1929,
p. 145,
amended.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1929,
p 145.

Sec. 10. Such lease when so prepared shall be forthwith sent by registered mail to the applicant. Within thirty (30) days after the mailing of such lease the applicant shall sign such lease in duplicate as lessee, and pay to the department of finance for the State of California the installment of rental which by the terms of such lease is to be paid on or before its delivery. Such lease shall then be signed in duplicate in the name and on behalf of the State of California by the governor, attested by the secretary of state, and sealed with the great seal of the state. The department of finance shall deliver or send to the applicant by registered mail, one of the executed copies, and file the other thereof in the state land office, and such lease shall thereupon be in full force and effect. If the applicant shall fail to sign such lease in duplicate or make such initial payment of rental within thirty (30) days the applicant shall be deemed to have waived all right to obtain such lease upon the application theretofore filed, and a lease of any tide or submerged lands covered by such application shall not thereafter be made except upon another application for lease being filed pursuant hereto.

Execution
and delivery
of lease

CHAPTER 295.

An act authorizing and directing the governor of the State of California to grant to the United States of America an easement, the nature of which is described hereinafter, in and over a certain parcel of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin river and Stockton channel, which said parcel of real property is more particularly described hereinafter, said easement to be used by the United States in connection with the deepening, widening and rectification of the San Joaquin river and Stockton channel, in accordance with an act of congress entitled "An act authorizing the construction, repair, and preservation of certain

public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Governor to
grant ease-
ment in
San Joaquin
property

SECTION 1. The following parcel of real property having been heretofore acquired by the State of California in connection with the rectification of the San Joaquin river and Stockton channel, the State of California hereby declares its willingness to cooperate with the government of the United States in its proposed project for the deepening, widening and rectification of the channel of said river as more particularly provided and described in the house of representatives document 554, sixty-eighth congress, second session and in the act of congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President of the United States on January 21, 1927, the governor of the State of California is hereby authorized and directed, on behalf of the State of California, to furnish, grant, convey, release, and relinquish unto the United States of America an easement in, over and through the following parcel of real property, as follows, to wit:

For channel and/or levee purposes as provided by the house of representatives document and the act of congress, above referred to:

Description

All that portion of that certain real property situate, lying and being in section nine (9), township one (1) north, range six (6) east, M. D. B. and M., located in San Joaquin county, State of California, known as parcel 8-C, as deeded to the State of California, by Frank S. Boggs and Katherine Q. Boggs, by deed dated January 31, 1917, and recorded in book "A" of deeds, volume 317, page 68, San Joaquin county records, and a portion of parcel 7-C, as conveyed by the West-Wilhoit Company to the State of California by deed dated January 31, 1917, and recorded in book "A" of deeds, volume 317, page 134, San Joaquin county records. Said portion of parcel 7-C being a portion of that property acquired by the Southern Pacific Company by deed dated March 31, 1920, and recorded in book "A" of deeds, volume 477, page 312, San Joaquin county records; parcel 8-C being a portion of that property acquired by the Southern Pacific Company by deed dated August 7, 1923, and recorded in book of official records, volume 57, page 365, San Joaquin county records. Both parcels also being portions of parcel 123-A, Stockton deep water channel rights of way, and more particularly described as follows, to wit:

Beginning at a point south 87° 38' 07" west 2484.19 feet from monument "C" marking the intersection of the westerly line of the city of Stockton and the southerly bank of Stockton

channel, which monument is 137.77 feet northerly from the southerly boundary line of the 750 foot Stockton deep water channel right of way strip measured along the westerly line of the city of Stockton, said point of beginning being at the intersection of the northerly line of said parcel 7-C and the westerly line of the Southern Pacific property as acquired by deed dated March 31, 1920, and recorded in book "A" of deeds, volume 477, page 312, said point also being on a line common to parcels 106 and 123-A, Stockton deep water channel right of way; thence leaving said point of beginning and following the westerly line of the Southern Pacific property, said line also being common to parcels 106 and 123-A, Stockton deep water channel rights of way, south 3° 22' east 50 feet to the southerly line of the said parcel 7-C; thence leaving the westerly line of the Southern Pacific property and following the southerly line of said parcel 7-C north 85° 48' east 306.50 feet to a point common to parcel 7-C and parcel 8-C above mentioned; thence leaving the southerly line of said parcel 7-C and following the southerly line of said parcel 8-C north 85° 48' east 950 feet, more or less, to the low water line of the westerly bank of Mormon channel, said low water line being the easterly boundary line of parcel 8-C; thence leaving said southerly boundary line and following said low water line north 47° 54' west 69.2 feet, more or less, to the northerly line of parcel 8-C; thence leaving said low water line and following said northerly line of parcel 8-C south 85° 48' west 908 feet, more or less to a point on a line common to said parcels 8-C and 7-C; thence leaving the north line of parcel 8-C and following the northerly line of parcel 7-C south 85° 48' west 300 feet to the point of beginning, containing 141 acres, more or less.

All bearings are referred to true north.

SEC. 2. The governor of the State of California is hereby authorized and directed to execute a conveyance granting to the United States of America an easement, over and through the parcel above described and for the purposes hereinabove set forth, in such form as shall be acceptable to the chief of engineers of the United States army. Deed

CHAPTER 296

An act to amend section 4249 of the Political Code, relating to compensation of county and township officers in counties of the twentieth class.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4249 of the Political Code is hereby amended to read as follows:

4249. In counties of the twentieth class the county officers shall receive as compensation for the services required of

Stats 1929,
p. 1117
(formerly
Sec. 4252)

Ventura
county:
salaries.

them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk shall receive a salary of four thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the county clerk one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of two thousand seven hundred dollars per annum; which said deputy shall act as a court room clerk and be in attendance upon the superior court; one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand six hundred eighty dollars per annum; one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand five hundred dollars per annum; and one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of one thousand two hundred dollars per annum. The salaries of each of said deputies shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; provided, that the county clerk be, and he is hereby allowed the sum of ten cents for the registration of each voter, which registration is taken and made outside of the office of the county clerk; provided, further, that in any year that a general election, primary election, special state election, or special county election within the county is held, such number of assistants as is necessary to properly prepare for and conduct said election shall be allowed, to be paid out of the general fund of the county on the presentation and filing with the board of supervisors, of duly verified claims therefor, approved by the county clerk, said compensation not to exceed seven hundred fifty dollars for each election held. The office of the county clerk shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m., to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

Sheriff.

2. The sheriff shall receive a salary of five thousand dollars per annum; provided, that in counties of this class there shall be, and there hereby is, allowed to the sheriff the following deputies, who shall be appointed by the sheriff and who shall be paid salaries as follows to wit: One undersheriff at a salary of three thousand three hundred dollars per annum; one deputy sheriff at a salary of three thousand dollars per annum; seven deputy sheriffs at a salary of two thousand four hundred dollars each per annum; one deputy sheriff at a salary of one thousand five hundred dollars per annum, who shall be the head jailer at the county jail in said county; one deputy sheriff, who shall be assistant to the head jailer and who shall receive a salary of one thousand two hundred dollars per annum, and who shall also receive his board and lodging at the county jail at the expense of the county, and one deputy sheriff at a salary of one thousand five hundred dollars per annum, who shall be assigned by the sheriff to the performance of clerical duties.

Said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except that the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to state institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasury, and belong to said county. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

3. The county recorder shall receive a salary of four thousand dollars per annum; provided, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of four thousand eight hundred dollars per annum; and provided, further, that in counties of this class there shall be, and there is hereby, allowed to the recorder one chief deputy recorder of said county, who shall receive a salary of two thousand one hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand five hundred dollars per annum; and one deputy recorder, who shall receive a salary of one thousand two hundred dollars per annum. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid; and provided, further, that the recorder may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall each receive for their services not to exceed the sum of six cents per folio; and for copies of any paper or record, not to exceed six cents per folio. The compensation of such copyists shall be paid monthly by said county, upon claims duly presented to and allowed by the board of supervisors of said county, as other claims are presented and allowed. All fees, commissions, and perquisites collected by the recorder from whatever source received, shall belong to said county and shall be paid by the recorder into the county treasury. Recorder.

4. The county auditor shall receive a salary of three thousand five hundred dollars per annum; and there is hereby allowed to the auditor one chief deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of two thousand one hundred dollars per annum; one deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of one thousand eight hundred dollars per annum; three deputies, who shall be appointed by the auditor and who shall each receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by Auditor

the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; provided, that the auditor shall be allowed not to exceed the sum of one thousand five hundred dollars per annum for additional clerical assistance when needed in computing the tax roll.

Tax
collector

5. The tax collector shall receive a salary of three thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the tax collector two deputies, each to be appointed by the tax collector, one to receive a salary of two thousand four hundred dollars per annum and the other to receive a salary of one thousand five hundred dollars per annum, each of which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid, provided, that the tax collector shall be allowed not to exceed two thousand dollars per annum for necessary clerical assistance when needed.

Assessor

6. The assessor shall receive a salary of four thousand dollars per annum and his necessary traveling expenses, not to exceed four hundred dollars per annum, paid or incurred by him in the performance of duties of his office; and said assessor may appoint one chief deputy, who shall receive a salary of two thousand four hundred dollars per annum; one field deputy, who shall receive a salary of two thousand four hundred dollars per annum, and said deputy shall receive not to exceed seven cents per mile for each mile actually traveled by said deputy in the discharge of the duties of said deputy pertaining to the office of assessor, unless transportation is furnished to said deputy by the county; and three deputies, who shall each receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The assessor shall receive no compensation or commissions of any kind for the collection of any kind of personal property taxes or for compiling the military roll, and all commissions, perquisites or fees now, or hereafter allowed by law, from whatever source received or derived, collected by him, shall be paid into the county treasury and shall belong to said county. The assessor may also appoint other deputies, whose compensation, in the aggregate, shall not exceed eight thousand dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the assessor; provided, that said deputies, unless transportation is provided for them by said county, shall each receive not to exceed seven cents per mile for each mile actually traveled by each of said deputies in the discharge of the duties of said deputies pertaining to the office of assessor; provided, that the assessor shall file with the county auditor on the first Monday in each month, a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The office of

county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

7. The county treasurer shall receive a salary of three thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the treasurer a deputy, to be appointed by the treasurer, who shall receive a salary of two thousand four hundred dollars per annum; which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid; provided, that the treasurer shall be allowed not to exceed nine hundred dollars per annum for necessary clerical assistance, when needed.

Treasurer

8. The district attorney shall receive a salary of four thousand eight hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the district attorney one chief deputy to be appointed by the district attorney, who shall receive a salary of three thousand three hundred dollars per annum; one deputy, to be appointed by the district attorney, who shall receive a salary of two thousand eight hundred eighty dollars per annum; one deputy who shall be appointed by the district attorney, and who shall receive a salary of two thousand seven hundred dollars per annum; one stenographer, to be appointed by the district attorney, and who shall receive a salary of two thousand one hundred dollars per annum; one stenographer, to be appointed by the district attorney, and who shall receive a salary of one thousand six hundred twenty dollars per annum; and one stenographer, to be appointed by the district attorney, who shall receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

District attorney

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

Coroner.

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

Public administrator

11. The superintendent of schools shall receive a salary of four thousand dollars per annum. This office shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. The superintendent of schools shall be allowed actual traveling expenses when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law, for services as a member of the county board of education; provided, that in counties of this class there shall be, and there is hereby, allowed to the superintendent of schools a deputy to be appointed by the superintendent of schools, who shall receive from the county a salary of two thousand one hundred dollars per annum; and there is hereby allowed to the

Superintendent of schools

superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand five hundred dollars per annum; and there is hereby allowed to the superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand two hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments and at the same time and in the same manner and out of the same fund as is the salary of the superintendent of schools.

Surveyor

12. The county surveyor shall receive a salary of two thousand five hundred dollars per annum; provided, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superintendent, then and in that event such county surveyor shall receive a salary of four thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the county surveyor the following deputies, who may be appointed by the county surveyor and who shall be paid salaries as follows: One assistant county surveyor and engineer, who shall receive a salary of three thousand dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand seven hundred dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand four hundred dollars per annum; one deputy county surveyor, who shall receive a salary of one thousand eight hundred dollars per annum; and one deputy county surveyor, who shall receive a salary of one thousand five hundred dollars per annum; which offices are hereby created, and the salaries of said deputies and each of them shall be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Librarian

13. The county librarian, two thousand one hundred dollars per annum.

Board of education

14. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition, each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same fund and in the same manner as is the salary of the county superintendent of schools.

Justices of the peace

15. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is ten thousand or more, two hundred twenty-five dollars per month. in townships where the population is four thousand and less than ten thousand, one hundred fifty dollars per month; in townships where the population is two thousand and less than four thousand, eighty dollars per

month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. Provided, that the said justices of the peace shall be furnished with offices and the necessary supplies by the board of supervisors of the said county; provided, further, that there is hereby allowed two clerks, who may be appointed by the justice of the peace of the township wherein the county seat of the county is located; and one of said clerks shall receive a salary of one thousand five hundred dollars per annum and one of said clerks shall receive a salary of one thousand two hundred dollars per annum; which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. Provided, further, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all funds received, together with the treasurer's receipt for said funds; and provided, further, that no justice of the peace shall hold the office of city recorder.

16. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is ten thousand or more, one hundred twenty-five dollars per month; in townships where the population is four thousand and less than ten thousand, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, seventy-five dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

17. Population of townships. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination.

Supervisors. 18. Each member of the board of supervisors shall receive two thousand four hundred dollars per annum, and his necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents per mile in traveling from his residence to the county seat; provided, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

Salary payment 19. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

Jurors 20. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile.

CHAPTER 297.

An act to repeal part V of division IV of the School Code, embracing sections 4.960 to 4.1353, both inclusive thereof, and to add a new part to division IV thereof, to be known as part V, embracing sections 4.960 to 4.1044, both inclusive, all relating to elementary district, high school district and junior college district bonds.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Sch C. SECTION 1. Part V of division IV of the School Code, **p 198** embracing sections 4.960 to 4.1353, both inclusive thereof, is hereby repealed.

New part SEC. 2. A new part is hereby added to division IV of the School Code to be known as part V, embracing sections 4.960 to 4 1044, both inclusive, and to read as follows:

PART V—BONDS.

CHAPTER I—DISTRICT BONDS.

Article I—Election.

Bonds 4.960. Except as otherwise provided by law, the governing board of any elementary school district, high school district or junior college district, of whatsoever type or class, may, when in its judgment it is advisable, and must, upon a petition of the majority of the heads of families residing in the school district, call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes:

- Purposes**
1. The purchasing of school lots;
 2. The building or purchasing of one or more school buildings;

3. The making of alterations or additions to the school building or buildings;
4. The repairing, restoring or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity;
5. The supplying of school buildings with furniture or necessary apparatus;
6. The improving of the school grounds;
7. The liquidating of any indebtedness already incurred for the purposes hereinbefore mentioned;
8. The refunding of any outstanding valid indebtedness of the district, evidenced by bonds or warrants thereof.

Any one or more of the purposes enumerated herein, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds or warrants thereof, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition.

4.961. The election must be called by posting notices, signed by a majority of the governing board of the district in at least three public places in the district, not less than twenty days before the election. If there is a newspaper of general circulation published in any county in which any part of the district is situated, the notice must be published therein at least once in each calendar week for three successive calendar weeks prior to the election. Notice of election.

4.962. The said notice must contain :

1. The time and place, or places, of holding the election;
2. The names of the officers of the election appointed to conduct the same;
3. The hours during the day in which the polls will be open;
4. The purposes for which the bonds are to be issued;
5. The amount of the bonds and the denomination thereof;
6. The rate of interest not to exceed five per cent;
7. The number of years, not exceeding twenty-five, the whole or any part of said bonds are to run. Notice contents

4.963. The election shall be conducted as elections for school trustees of elementary school districts are conducted, except as may be otherwise provided in this chapter. The polls shall be kept open only during the hours specified in the notice of the bond election and not otherwise, provided, that the polls shall not be opened before six o'clock a.m. nor kept open later than eight o'clock p.m. and must be kept open for not less than four hours. Election

4.964. The words to appear upon the ballots shall be "Bonds—Yes," or "Bonds—No." or words of similar import. Each elector voting at the election shall mark a cross with a pencil, ink or rubber stamp after the answer he desires to give. Ballot.

4.965. On the seventh day after the election, at one o'clock p.m., if the returns have been made to the governing board of the school district, the board must meet at its usual meeting place and publicly canvass the returns. If all the Canvass of returns

returns have not then been received, the board must adjourn from day to day until the returns are all received, and must then proceed to canvass them. The canvass may be continued from day to day until completed.

Issuance
of bonds

4.966. If it appear that two-thirds of the votes cast at the election were cast in favor of issuing the bonds, then the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the school district in accordance with the proceedings payable out of the interest and sinking fund of the district naming the same.

Article II—Issuance and Sale.

Amount
of bonds

4.970. The total amount of bonds issued shall not exceed five per cent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

Denomina-
tion

4.971. The denomination of each of the bonds shall not be less than one hundred dollars nor more than one thousand dollars.

Interest

4.972. The bonds shall not bear a rate of interest greater than five per cent per annum, payable annually or semi-annually.

Maturity

4.973. The number of years the whole or any part of the bonds are to run shall not exceed twenty-five years.

Form.

4.974. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any.

Sale:
time of.

4.975. The bonds must be sold at the times and in the amounts prescribed by the board of supervisors, but for not less than par. The proceeds of the sale of the bonds, exclusive of any premium received therefrom, must be deposited in the county treasury to the credit of the building fund of the school district, and be drawn out for the purposes for which the bonds were issued, as other school moneys are drawn out. Any premium or accrued interest received from the sale of the bonds shall be deposited in the interest and sinking fund of the district.

Bids.

4.976. Before selling the bonds, or any part thereof, the board of supervisors must advertise for bids therefor at least two weeks in some daily or weekly newspaper of general circulation published in the county. If there be no such newspaper published in the county, in a newspaper published in some other county in the state having a general circulation in the county.

Sale.

4.977. If satisfactory bids are received, the bonds offered for sale must be awarded to the highest responsible bidder. If no bids are received, or if the board determines

that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Article III—Payment.

4.980. The board of supervisors by an order entered upon its minutes must fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than twenty-five years from the date thereof. Payment of principal.

4.981. If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in gold coin of the United States, the bonds shall be made payable in gold coin of the United States as to principal and interest. Payment: gold, etc.

If the notice calling the election shall have provided that the bonds and the interest thereon shall be payable in lawful money of the United States, the bonds shall be made payable in lawful money of the United States, as to principal and interest.

If the notice calling the election shall have made no specific provisions, the board of supervisors shall have power in the order prescribing the form of the bonds, either to make the bonds payable in gold coin of the United States as to principal and interest, or to make them payable in lawful money of the United States as to principal and interest.

4.982. The board of supervisors may make the principal and interest of the bonds payable at the office of the treasurer of the county, or at any other place within the United States which the board may designate, or at the office of the county treasurer or at such other designated place at the option of the bondholder; which place of payment shall be specified in the bonds. This provision shall apply to all bonds not yet issued when this chapter takes effect, regardless of the time when the election therefor was held. The expense of paying the bonds elsewhere than at the office of the treasurer shall be a proper charge against the district to be paid out of the tax levied and collected for the payment of the bonds. Place of payment.

4.983. The principal and interest on the bonds shall be paid by the county treasurer of the county, the superintendent of schools of which county has jurisdiction of the district in behalf of which the bonds were issued, at the place required by the terms of the bonds, upon presentation and surrender of warrants drawn by the county auditor in payment thereof after he has canceled the bonds and coupons, or upon the receipt of the registered owner, if such bonds are registered, after a proper warrant has been drawn by the auditor therefor, out of the fund provided for their payment. Warrants.

4.984. Any money remaining in the interest and sinking fund of any district after the payment of all bonds and coupons payable from the fund, or any money in excess of an amount sufficient to pay all unpaid bonds and coupons payable therefrom, shall be transferred to the general fund of the district upon the order of the auditor. Surplus.

Article IV—Tax for Payment.

Tax for
payment.

4.990. The board of supervisors of the county, the superintendent of schools of which has jurisdiction over any district must annually at the time of making the levy of taxes for county purposes, levy a tax for that year upon the property in the district for the interest and redemption of all outstanding bonds of the district. The tax must not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during that year. In any event the tax must be high enough to raise annually, for the first five years the bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term high enough to pay the annual interest and to pay annually a proportion of the principal of the bonds, equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Payment
into
treasury.

4.991. All taxes so levied, when collected shall, as hereinbefore provided, be paid into the county treasury of the county whose superintendent of schools has jurisdiction over the school district in behalf of which the tax was levied, to the credit of the interest and sinking fund of the school district, and be used for the payment of the principal and interest of the bonds and for no other purpose.

Article V—Tax for Payment when District is Situated in Two or More Counties.

Tax when
district in
two counties

4.1000 In case of a district lying in two or more counties, the assessor of each of the counties in which the district lies, must annually as soon as the county assessments have been equalized by the state board of equalization, certify to the board of supervisors of each of the counties in which any portion of the district is situated, the assessed value of all taxable property in such county situated in such school district. The tax shall be levied according to the ratio which the assessed value of the property in the school district in any county bears to the total assessed value of the property in the district. Each board of supervisors shall levy upon the property of the district and within their own county such rate of tax as will be sufficient to raise not less than the amount needed to pay the interest and such portion of the principal of the bonds as is to become due during the year.

Collection

4.1001. The tax shall be entered upon the assessment roll and collected in the same manner as other school taxes are entered and collected.

Payment
into
treasury

The tax when collected shall be paid into the county treasury of the county. It shall then be the duty of the treasurer of any such county (other than the one whose superintendent of schools has jurisdiction over the school) to pay the sum collected on account of the tax into the treasury of the county whose superintendent of schools has jurisdiction over the school.

4.1002. Whenever money has been raised for the payment of principal or interest of outstanding bonds of any school district and the same is at the time this chapter takes effect in the treasury of any other county than that prescribed by this chapter for the custody of such funds, the same shall at once be paid into the proper county treasury as above provided. Transfer of funds.

Article VI—Cancellation of Unsold Bonds.

4.1010. Whenever any bonds authorized under the provisions of this chapter, shall remain unsold for a period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the governing board of the district, for and on account of which the bonds were issued, may petition the board of supervisors to whom the proceedings were certified, to cause the unsold bonds to be withdrawn from the market and canceled. Cancellation of unsold bonds.

4.1011. Upon receiving the petition, signed by a majority of the members of the governing board, the said board of supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice stating the time and place of the hearing, and the object of the petition in general terms, to be published for ten days prior to the hearing, in some newspaper published in the school district, if there is one, and if there is no newspaper published in the school district, then in a newspaper published at the county seat of the county. Petition.

4.1012. At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing may be postponed, the said board of supervisors shall hear any reasons that may be submitted for or against the granting of the petition. Hearing.

4.1013. If the said board shall deem it for the best interests of the school district named in the petition that the unsold bonds be canceled, the board shall make and enter an order in the minutes of its proceedings that said unsold bonds be canceled and thereupon the bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever. Order

Article VII—Form of Bonds.

4.1020. Whenever under the provisions of this chapter any bonds are issued, whether the proceedings for the issuance of such bonds have been had in whole or in part, prior to the enactment of this chapter or whether the same have been in whole or in part after the enactment of this chapter, such bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds and some in the form of registered bonds, as has been or hereafter may be provided in the proceedings for the issuance of such bonds, and notwithstanding any language or Form of bonds

provision to the contrary contained in any such statute authorizing the issuance of the bonds, or in any other law of this state.

Article VIII—Signature and Seals.

Bonds
signature

4.1030. In case any officer whose signature or countersignature or attestation appears on any school bonds or coupons thereof, issued under the provisions of this chapter, shall cease to be such officer before the delivery of such bonds to the purchaser thereof, such signature or countersignature or attestation either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of such bonds, and the signature upon the coupons of the person who is auditor at the date of such bonds, shall be valid although the bonds themselves may be attested by a different person who is auditor at the time of delivery of such bonds.

Change of
officers

4.1031. Any bonds executed in the manner provided by the board of supervisors heretofore or hereafter delivered shall be valid, notwithstanding any change in the officers who signed the bonds or the coupons attached thereto, or in the seal of the board of supervisors, occurring after such execution.

Article IX—Registration.

Registration
of bonds

4.1040. Whenever the owner of any coupon bond so issued, or any other coupon bond or of any bond payable to bearer, already issued or hereafter issued by any school district, now or hereafter existing in this state, shall present any such bond to the treasurer or other officer of the county in which said district is located, who by law performs the duties of treasurer, with a request for the conversion of such bond into a registered bond, such treasurer or such other officer, shall cut off and cancel the coupons of any coupon bond, so presented, and shall stamp, print, or write upon such coupon bond, or such other bond payable to the bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner.

Transfer

4.1041. Thereafter, and from time to time any such bond may be transferred by such registered owner in person, or by attorney duly authorized, or presentation of such bond to such treasurer or such other officer and the bond be again registered as before, a similar statement being stamped, printed, or written thereon.

Form of
registry

4.1042. The statement stamped, printed, or written upon such bond may be substantially in the following form:

(Date, giving month, day and year.)

This bond is registered pursuant to the statute in such cases made and provided in the name of (insert name of owner) and

the interest and principal thereof are hereafter payable to such owner.

Treasurer (or such other officer)

4.1043. After any bond shall have been registered as provided in this article, the principal and interest of such bond shall be payable to the registered owner. Payment to registered owner

4.1044. Such treasurer or other officer shall keep in his office a book or books which shall at all times show what bonds are registered and in whose name respectively. Records

CHAPTER 298.

An act to amend section 19x24 of the "juvenile court law," as relating to salaries of probation officers in counties of the twenty-fourth class. Stats 1915, p. 1225, amended.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x24 of the "juvenile court law," is hereby amended to read as follows: Stats 1921, p. 1479 (formerly Sec 19x19).

Sec. 19x24. In counties of the twenty-fourth class there shall be one probation officer, whose salary is hereby fixed at the sum of two hundred dollars per month. He shall be allowed one deputy probation officer, whose salary is hereby fixed at the sum of one hundred fifty dollars per month and one assistant probation officer whose salary is hereby fixed at the sum of one hundred twenty-five dollars per month and one assistant probation officer whose salary is hereby fixed at thirty-five dollars per month. In counties of this class, the probation officer and his assistants shall perform, in addition to their duties as probation officers, the duties of investigators for the board of supervisors on applications for county and state aid without any additional compensation; provided, however, that they shall receive their necessary traveling and other expenses and such mileage as the board of supervisors shall fix and allow in the performance of such duties. Solano county probation officer.

The salary of such deputy and assistant probation officers shall be paid at the same time, in the same manner and out of the same fund as the salary of the probation officer is paid.

CHAPTER 299.

An act to amend section 2322x20 of the Political Code, relating to the salary of the agricultural commissioner, his deputies and inspectors in counties of the twentieth class.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats. 1929,
p 1011
(formerly
Sec
2322x23).
Ventura
county
agricultural
commis-
sioner.

SECTION 1. Section 2322x20 of the Political Code is hereby amended to read as follows:

2322x20. In counties of the twentieth class, the commissioner shall receive a salary of three thousand nine hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby, allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) The commissioner is hereby authorized and empowered to appoint one chief deputy commissioner at a salary of three thousand dollars per annum; one deputy commissioner at a salary of two thousand seven hundred dollars per annum, but the aggregate amount which may be expended in any year for such deputies shall not exceed five thousand seven hundred dollars per annum.

(b) The commissioner is also authorized, and empowered to appoint not to exceed six inspectors at a salary of one thousand nine hundred twenty dollars each per annum during the time actually employed; four inspectors at a yearly salary not to exceed one thousand six hundred eighty dollars each; two inspectors at a yearly salary not to exceed one thousand five hundred dollars each, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-one thousand two hundred forty dollars.

(c) The commissioner is also authorized and empowered to employ one mechanic at a salary of one hundred forty dollars per month during the time actually employed; four rodent control supervisors at a monthly salary not to exceed one hundred twenty-five dollars each during the time actually employed; six rodent control supervisors at a daily salary not to exceed five dollars per day each during the time actually employed, but the aggregate amount which may be expended in any year for all such help shall not exceed twelve thousand three hundred sixty dollars.

(d) The commissioner is also authorized and empowered to appoint one clerk at a salary not to exceed one thousand six hundred twenty dollars per annum; one clerk at a salary not to exceed one thousand three hundred twenty dollars per annum, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand nine hundred forty dollars.

CHAPTER 300.

An act to amend section 4279 of the Political Code, relating to compensation of county and township officers in counties of the fiftieth class.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4279 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1301
(formerly
Sec 4280).
Lake county:
salaries.

4279. In counties of the fiftieth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum and such fees as he may be by law allowed to retain; provided, that in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall be appointed by the county clerk, to serve such times as may be required by the county clerk, and who shall receive a salary of fifty dollars per month; which said salaries of said deputies shall be paid by said county in the same manner and out of the same funds as the salary of the county clerk; and provided, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies or clerks to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk.

Clerk.

2. The sheriff, two thousand four hundred dollars per annum, and the fees or commissions for the services of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters, said expenses to be allowed by the board of supervisors as other county charges are allowed; provided, that in counties of this class there shall be, and there is hereby allowed to the sheriff one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand five hundred dollars per annum, which shall be paid by the county in equal monthly installments at the same time and in the same manner, and out of the same funds as the salary of the sheriff is paid.

Sheriff.

Recorder.

3. The recorder, one thousand six hundred dollars per annum; provided, that when the amount of fees collected by said recorder in any month shall exceed the sum of three hundred dollars, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of three hundred dollars collected by him in such month, provided, that in counties of this class there shall be one deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum. The salary of said deputy to be paid at the same time and in the same manner and out of the same fund as the recorder is paid.

Auditor.

4. The auditor, two thousand two hundred dollars per annum in lieu of all fees and commissions; provided, that in counties of this class there shall be one deputy auditor who shall be appointed by the county auditor and who shall receive a salary of one thousand five hundred dollars per annum; one deputy for one hundred fifty days at four dollars and twenty-five cents per diem; one assistant for fifty days at ten dollars per diem; two assistants for thirty days each at four dollars per diem each.

Treasurer

5. The treasurer, nine hundred dollars per annum and the fees or commissions now or hereafter allowed by law.

Tax collector

6. The tax collector, two thousand dollars per annum; provided, that in counties of this class there shall be one deputy tax collector who shall be appointed by the tax collector and who shall receive a salary of one thousand five hundred dollars per annum as chief deputy; two deputies for seven months of each year to serve at such times to be designated by the tax collector and to receive a salary of one hundred dollars per month each. In counties of this class the tax collector, with the approval of the board of supervisors, may employ such additional assistants as may be necessary, at a compensation of not to exceed five dollars per diem each, for each day actually employed; provided, that the aggregate amount which may be expended in any one year for such additional assistants shall not exceed five hundred dollars. The salaries of said deputies and assistants shall be paid at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor

7. The assessor, two thousand dollars per annum and the fees or commissions now or hereafter allowed by law; provided, he shall also have one deputy for a period of six months in each year at a salary of one hundred twenty-five dollars per month; two assistants for a period of four months in each year at a salary of one hundred dollars per month, and the salaries of which shall be paid by said county at the same time and in the same manner, and out of the same funds as the salary of the assessor; provided, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of four hundred

dollars per year, to be allowed and paid as other claims against the county are allowed and paid, at the rate of ten cents for each mile actually traveled.

8. The district attorney, two thousand dollars per annum. District attorney.

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

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

11. The superintendent of schools, two thousand two hundred dollars per annum; provided, that he shall have an assistant for a period of seventy-five days in each year to serve at times to be designated by such officer at a salary of four dollars per diem, which office is hereby created, and the salary of which deputy shall be paid by the county at the same time and in the same manner, and out of the same funds as that of the superintendent of schools; provided, that the board of supervisors shall allow the traveling expenses of the superintendent of schools necessarily incurred in the performance of said office. not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid. Superintendent of schools

12. The county surveyor, the sum of ten dollars per day for all work performed for the county; provided, that in counties of this class the board of supervisors shall provide the county surveyor with a suitable office, office furniture, heat, light and care for the same, office and record books and other necessary material, and also all necessary expenses and transportation on work performed in the field. Surveyor.

13. In counties of this class justices of the peace in all townships shall be paid the sum of three hundred dollars per annum, payable monthly, at the same time and in the same manner and out of the same fund as county officers are paid. Justices of the peace.

14. Constables, each the sum of three hundred dollars per annum, which shall be paid in the manner and the same time and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury. Constables.

15. Each member of the board of supervisors shall receive a salary of nine hundred dollars per annum for his services as supervisor, and a further sum of twenty cents per mile, mileage, in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of six hundred dollars per annum; provided, that after January 1, 1931, he shall receive ten cents per mile, mileage, for every mile actually traveled in the performance of his duties as road commissioner; provided, that he shall not receive more than five hundred dollars in any one year as such mileage. Supervisors.

16. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as Board of education.

compensation for his services when in actual attendance upon said board and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section 1770 of this code.

Jurors. 17. In counties of this class, for attending as a grand juror or as a trial juror, for each day's attendance the sum of four dollars per day, and as mileage twenty cents per mile in traveling to and from the county seat.

Witnesses, etc. 18. In counties of this class witnesses shall be allowed for each day's actual attendance, when legally required to attend upon the superior court in criminal cases, the fee allowed by law and his actual necessary expenses as shall be determined by the court.

The provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers.

The provisions of this act shall become effective immediately upon its passage in so far as providing additional deputies and assistants for the offices herein mentioned are concerned.

Constitutionality If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repeal All acts and parts of act in conflict with this act are hereby repealed

CHAPTER 301.

An act confirming and validating the formation or organization and existence of reclamation districts.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Reclamation districts validated SECTION 1. In all cases where the board of supervisors of any county in this state has purported to form or organize a reclamation district under any law or laws of this state, and such purported formation or organization has been completed

for a period of one year previous to the taking effect of this act, and such reclamation district has acted or functioned as a district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such district are hereby legalized, validated and declared to be sufficient, and such reclamation district is hereby declared to be duly formed and organized under its appropriate name as of the time of its purported formation, with boundaries as shown or indicated in the order of said board of supervisors, and shall have all the rights and privileges and be subject to all the duties and obligations of a duly formed or organized reclamation district.

CHAPTER 302.

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

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

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

Reclamation
district
bonds
validated.

Tax to pay
off bonds

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

CHAPTER 303.

An act to add new sections to chapter seven of title fourteen of part two of the Code of Civil Procedure to be numbered 1043 and 1044, relating to the appointment and qualification of executors, administrators, guardians, assignees, receivers, depositaries and trustees.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1043, and to read as follows:

Trust com-
pany may be
executor,
etc.

1043. A corporation or association authorized to conduct the business of a trust company in this state may be appointed to and act as an executor, administrator, guardian of an estate, assignee, receiver, depositary or trustee, in like manner as an individual.

New section

SEC. 2. A new section is hereby added to the Code of Civil Procedure to be numbered 1044, and to read as follows:

Security
required of
trust com-
pany as
executor,
etc

1044. Such corporation or association shall not be required to give any bond or security in case of such appointment, but in lieu thereof shall be liable on the securities deposited with the state treasurer as required by law for the conduct of a trust company business, and shall be responsible for all assets entrusted to it to the same extent as an individual. When it is required that an executor, administrator, guardian of an estate, assignee, receiver, depositary or trustee shall qualify by taking and subscribing an oath, or when an affidavit is required, it shall be sufficient qualification by such corporation or association if such oath be taken and subscribed or such affidavit be made by its president, vice president, secretary, manager, trust officer or assistant trust officer.

CHAPTER 304.

An act to repeal section 92 of chapter 76, statutes of 1909, entitled "An act to define and regulate the business of banking," approved March 1, 1909. Sec. 92, Stats. 1909, p. 87, repealed.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 92 of chapter 76, statutes of 1909, entitled "An act to define and regulate the business of banking," is hereby repealed. Stats. 1921, p 1409

CHAPTER 305.

An act to amend sections 4181 and 4182 of the Political Code, relating to the duties of the public administrator.

[Approved by the Governor May 11, 1931. In effect August 14, 1931]

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

SECTION 1. Section 4181 of the Political Code is hereby amended to read as follows: Stats 1907, p 406.

4181. The public administrator must perform such duties as are prescribed in chapter 20, division three, of the Probate Code, and shall perform such other duties as are required by law. Duties of public administrator.

SEC. 2. Section 4182 of the Political Code is hereby amended to read as follows: Stats 1907, p 406

4182. The publication of the semiannual report required to be made by the public administrator shall be a county charge. Publication of report.

CHAPTER 306

An act to amend chapter 207, statutes of 1921, entitled "An act to authorize counties to cooperate with the secretary of agriculture of the United States for the survey, construction and maintenance of roads and trails, and to pay part of the expenses thereof, pursuant to the provisions of section 8 of the act of congress approved July 11, 1916, entitled 'An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes.'" approved May 23, 1921, relating to roads and trails. Stats 1921, p 237, amended

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of chapter 207, statutes of 1921, entitled "An act to authorize counties to cooperate with the secretary of agriculture of the United States for the survey, Stats. 1921, p 237.

construction and maintenance of roads and trails, and to pay part of the expenses thereof, pursuant to the provisions of section 8 of an act of congress approved July 11, 1916, entitled 'An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes.' " is hereby amended to read as follows:

Federal-
county coop-
eration in
road im-
provement

Section 1. The board of supervisors of any county, or city and county, in the State of California, is hereby authorized to enter into cooperative agreements with the secretary of agriculture of the United States for the survey, construction, and maintenance of roads and trails within such county, or city and county, or for the construction and maintenance of roads and trails outside of its corporate limits where authorization therefor is given by ordinance or resolution of the board of supervisors of the county or city and county in which the same are to be constructed, pursuant to the provisions of section 8 of the act of congress, approved July 11, 1916, entitled "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes," or pursuant to the provisions of section 23 of the federal highway act, upon such terms as may be agreed upon by such county and the secretary of agriculture, to incur expenses necessary to perform its part of such cooperative agreements, and to pay the cost and expenses thereof out of the general county fund, of the county treasury or such other fund as the board of supervisors may designate, or which shall otherwise be provided. Any such cooperative agreement heretofore executed by any board of supervisors for the survey, construction and maintenance of roads or trails outside of the corporate limits of the county are hereby ratified and confirmed.

CHAPTER 307

Stats 1915,
p 1034,
amended

An act to amend section 2 of chapter 591, statutes of 1915, entitled "An act to create a reclamation district to be called 'reclamation district number sixteen hundred and sixty,' and providing for the control and management thereof."

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

Stats 1915,
p 1034

SECTION 1. Section 2 of an act entitled "An act to create a reclamation district to be called 'reclamation district number sixteen hundred and sixty,' and providing for the control and management thereof," approved June 1, 1915, is hereby amended to read as follows:

District
subject to
Pol Code

Sec. 2. The management and control of said reclamation district is hereby made subject to the provisions of the Political Code and other laws of the State of California relative to reclamation districts formed under the provisions of

said Political Code. The management and control of said reclamation district number sixteen hundred and sixty shall be vested in three trustees, who shall be, within thirty days after this act takes effect, appointed by the governor of this state to act until their successors are elected and qualified. An election of three trustees shall be held in said district on the third Tuesday in October, 1919, and on the same date every four years thereafter. In case of any vacancy in the office of trustees of said district, the governor of this state shall appoint a qualified person as trustee, who shall hold said office until the next election. All the trustees, whether appointed by the governor of this state or elected as herein provided, shall hold office at his pleasure. The office and principal place of business of said district shall be in the city of Sacramento, or at a place in or near the district, and the board of trustees thereof may from time to time fix such place and change the same. The board of supervisors of the county of Sutter shall have jurisdiction of all matters concerning said district to the same extent as if the said district was formed under the provisions of the Political Code of the State of California. All funds of said district shall be deposited in the county treasury of the county of Sutter and shall be disbursed by the treasurer of said county in payment of the warrants of said district.

Trustees

Office

Funds

CHAPTER 308.

An act to amend section 37a of chapter 25, statutes of 1911, extra session, entitled the "Reclamation board act," approved December 24, 1911, as amended, relating to the application of moneys released, reimbursed, or appropriated under and pursuant to chapter 176, California statutes of 1925 and the war department appropriations act of congress of the United States for the fiscal year ending June 30, 1930, being public law number eight hundred forty-three, seventieth congress, approved February 28, 1929.

Stats. ex.
sess. 1911,
amended

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 37a of the "Reclamation board act," approved December 24, 1911, as added by chapter 388, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 714

Sec. 37a. The purpose of this section is to further the provisions of chapter 176 of the California statutes of 1925 approving the modified report of the California debris commission dated January 5, 1925, as a plan for controlling the flood waters of the Sacramento and San Joaquin rivers and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of lands

Purpose of
section

that are susceptible to overflow from said rivers and their tributaries, which said report was adopted by the congress of the United States in section 13 of that certain act of said congress entitled "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928.

Money received from United States

All money or funds which have heretofore or shall hereafter be reimbursed, paid or released by the United States to the State of California under and pursuant to the war department appropriations act of congress for the fiscal year ending June 30, 1930, being public law number eight hundred forty-three, seventieth congress, approved February 28, 1929, and any and all acts of similar import adopted by the United States under and pursuant to the modified report of the California debris commission aforesaid are hereby appropriated for the uses and purposes hereinafter set forth, and all said money or funds together with all money which shall be or has been appropriated or made available by the State of California for expenditure during the eighty-first, eighty-second, eighty-third and eighty-fourth fiscal years under and pursuant to said chapter 176 California statutes of 1925 hereinbefore referred to (except for purposes of maintenance and except appropriations pursuant to the provisions of chapter 556, statutes of 1919,) shall immediately, upon any of said moneys becoming available, be deposited in a fund which is hereby created to be known as "Joint navigation and flood control project fund," which said fund shall be expended and disbursed by the state reclamation board for the uses and purposes and subject to the conditions hereinafter set forth at such times and in such manner as said reclamation board in its discretion shall deem necessary or proper; provided, further, that in the event any moneys so made available during any of said fiscal years are not expended or encumbered during such year said moneys shall not revert to the general fund but shall continue to be available for the uses and purposes herein specified from year to year until expended. The state controller shall issue his warrants upon order by the reclamation board payable out of said fund and the state treasurer is hereby directed to pay the same. Said money shall be set aside, disbursed and applied by the reclamation board for the uses and purposes hereinafter set forth in such amounts as said board may from time to time determine and declare, as follows, to wit:

"Joint navigation and flood control project fund" created

Use of fund

1 New construction, etc

(1) For new construction, lands, rights of way, or easements required to be done or acquired by the State of California, pursuant to said plan or project. On all work which, under said report of the California debris commission is to be prosecuted jointly by the United States and the State of California, the reclamation board may upon request by the California debris commission cause warrants to be drawn by the state controller and the state controller shall draw his warrant in favor of the

treasurer of the United States payable out of said fund; provided, however, that no amounts shall be so drawn from said fund and paid to the said treasurer of the United States unless an equal amount shall have been appropriated or authorized to be appropriated by the congress of the United States conditional on the payment of an equal amount by the State of California, for the prosecution of said work so to be undertaken jointly as aforesaid.

(2) The reclamation board shall have the right to draw upon said fund in an amount not to exceed twenty-five thousand dollars during any one fiscal year for the purpose of defraying the general administrative operations and overhead of the said reclamation board in connection with the prosecution and completion of said modified report of the California debris commission. 2. Overhead.

(3) The reclamation board may from time to time set aside for the uses and purposes hereinafter in this subdivision (3) set forth such portion, or portions, of the moneys of said fund as shall not theretofore have been set aside for the uses and purposes in subdivisions (1) and (2) of this section provided, and the state department of finance with the consent of the reclamation board is hereby authorized, from time to time and in such manner as it in its discretion shall determine to purchase, retire and cause to be canceled, at such price or prices as it may deem advisable, but not to exceed par plus the accrued interest thereon, all or any warrants or bonds of the Sacramento and San Joaquin drainage district heretofore or hereafter issued as provided in the reclamation board act or in chapter 520, statutes of California 1919 and drawn on or based upon or secured by Sutter-Butte by-pass assessment number six, Feather river assessment number seven or Sacramento river outlet assessment number two. 3. Certain projects

Such of said money as becomes available for the purchase of warrants prior to or during the fiscal year commencing July 1, 1929, shall be allocated to the projects hereinafter set forth in the following proportions, to wit:

Sutter-Butte by-pass project number six-----	78.97%
Feather river project number seven-----	3.36%
Sacramento river outlet project number two-----	17.67%

Such of said money as may become available during the fiscal year commencing July 1, 1930, and each fiscal year thereafter, shall be allocated to the said projects in the following proportions, to wit:

Sutter-Butte by-pass project number six-----	76.45%
Feather river project number seven-----	3.76%
Sacramento river outlet project number two-----	19.79%

The Legislature hereby declares that said percentages are based upon what it has determined to be a relatively fair Legislative policy

division and allocation of said funds based upon the proportion which the costs of each of said projects incurred for public benefits bears to the total cost for all of said projects for public benefits as distinguished from private and reclamation benefits and also having in mind appropriations pursuant to the provisions of statutes of California 1919, chapter 556 thereof. The use of moneys heretofore, or hereafter to be, appropriated or made available by the State of California to further carry out the legislation contained in chapter 176 of California statutes of 1925 shall not be restricted to the uses and purposes hereinabove in subdivision (3) set forth, but such money, or any part thereof, may be set aside, applied and disbursed for any and all of the purposes in subdivisions (1), (2) and/or (3) of this section provided and in the manner and to the extent as hereinabove set forth

Repeals

All other acts or parts of acts in so far as they are in conflict with this act are hereby repealed.

CHAPTER 309.

Stats 1927,
p 1503,
amended

An act to amend sections 2 and 13 of chapter 774, statutes of 1927, entitled "Sacramento and San Joaquin drainage district refunding act," approved May 26, 1927, as amended, relating to the maintenance and operation of certain flood control project works and to the payment of assessments.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats 1929,
p 705

SECTION 1. Section 2 of chapter 774, statutes of 1927, entitled "Sacramento and San Joaquin drainage district refunding act," as amended by chapter 387, statutes of 1929, is hereby amended to read as follows:

Flood control work transferred to department of public works

Sec. 2. For a period of six years from and after the date upon which this act as hereby amended becomes effective, the operation and maintenance of the units or portions of the flood control work within the Sacramento and San Joaquin drainage district hereinafter enumerated shall be under the direction and control of the department of public works, and the cost of such operation, control and maintenance, during said period, shall be defrayed by the state:

(1) The east levee of the Sutter by-pass north of Nelson slough

(2) The levees and channels of the Wadsworth canal, the intercepting canals draining into the same, and all structures incidental thereto

(3) The collecting canals, sumps, pumps and structures of the drainage system of project number six east of the Sutter by-pass

(4) The by-pass channels of the Butte slough by-pass, the Sutter by-pass, the Tisdale by-pass, the Yolo by-pass, and the Sacramento by-pass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(5) The levees of the Sacramento by-pass.

(6) The channels and the overflow channels of the Sacramento river and its tributaries within the Sacramento and San Joaquin drainage district.

(7) The Sacramento river outlet enlargement project below Cache slough to the extent of the state's liability therefor.

(8) The Knights Landing ridge cut flowage area.

The Sacramento and San Joaquin drainage district and the reclamation board and the members thereof, during said period, are hereby relieved of all responsibility or liability for the operation or maintenance of all levees, overflow channels, by-passes, weirs, cuts, canals, pumps, drainage ditches, sumps, bridges, basins, or other flood control works within or belonging to the Sacramento and San Joaquin drainage district.

SEC. 2 Section 13 of chapter 774, statutes of 1927, as amended by chapter 387, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p 707

Sec. 13. Any owner or holder of lands within the boundaries of said district whose lands are subject to the lien of said assessment number six or said supplemental assessment number six levied in connection with said project number six shall have the right to present to any officer authorized by law to collect such assessments, or any part thereof, warrants of said district now, or hereafter to be, issued in connection with said project number six in payment of his assessment, or any part thereof, and it shall be the duty of such officer to accept such warrants so presented or tendered in payment of such assessment, or any part thereof, at the face value of such warrant or warrants so presented, plus accrued interest. All warrants when received by any officer authorized by law to receive same shall be by him transmitted to the state controller who is hereby authorized and directed to give said officer a receipt for said warrants. It shall be the duty of the state controller, upon demand of the reclamation board, to cancel said warrants and to credit the face value thereof, plus the accrued interest thereon to the date of the tender of said warrants in payment of assessments, to the fund upon which said warrants were originally drawn and to charge said fund with said accrued interest. Thereupon it shall be the duty of the state controller to notify the state treasurer of such cancellation and the state treasurer shall make the proper entry in his books. Partial payments on any tract in excess of any regular installment amount shall be credited to the payment of the principal amount of the assessment upon that tract thereby reducing the interest that would thereafter accrue Payment of
assessment
with war-
rants

Duty of state
controller

upon that tract. Any and all such partial payments of principal, whether heretofore or hereafter made, may be credited (and must be so credited upon the request of the party making such payment) first, to the amounts charged against said tract by reason of benefits other than flood control until such charges have been paid in full and thereafter to the amounts charged against said tract by reason of flood control benefits.

CHAPTER 310.

An act to amend section 5.21 of the School Code, relating to the management and control of funds of state teachers colleges.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

Sch. C.
p. 218

Control of
funds

SECTION 1. Section 5.21 of the School Code is hereby amended to read as follows:

5.21. The director shall control and expend all moneys appropriated for support and maintenance of the teachers colleges, and all moneys received for tuition or donations. No fees nor deposits shall be charged or collected in any state teachers college unless authorized by the director of education, with the approval of the director of finance. All moneys collected, except such moneys as are designated by the director of finance as trust moneys, shall be remitted each month to the state treasurer for credit to the general fund. The director of education shall prescribe rules and regulations subject to the approval of and audit by the department of finance covering the collection, custody and disposition of any and all moneys collected at any state teachers college.

CHAPTER 311.

An act to amend section 384 of the Penal Code, relating to fires.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

Stats 1929,
p. 634

Certain acts
made mis-
demeanors

SECTION 1. Section 384 of the Penal Code is hereby amended to read as follows:

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars,

or imprisonment in the county jail not more than six months, or by both such fine and imprisonment:

(1) Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land or lighting, maintaining or using a camp fire upon any brush, grass or forest covered land which is the property of another between April fifteenth and December first of any year without first obtaining a written permit from the owner, lessee or agent thereof, unless he possesses a written camp fire permit duly issued by or under the authority of the United States forestry service for use in a territory under the jurisdiction of said United States forest service adjacent to said property of another and is fully complying with all the rules and regulations of the United States forestry service provided, however, that the area north of thirty-eight degrees north latitude, and west of one hundred twenty-two degrees west longitude, is hereby declared to be an area of early seasonal rainfall, and the provisions of subdivisions 1, 2 and 10 of this section shall apply to such area only between May first, and October thirty-first, of each year.

1. Firing brush during dry season without permit

(2) Allowing a fire kindled or attended by him to escape from his control or to spread to the lands of any person other than the builder of such fire without using every reasonable and proper precaution to prevent such fire from escaping.

2. Allowing fires to escape

(3) Burning brush, stumps, logs, fallen timber, fallows, slash, or grass, brush or forest covered land or any other inflammable material or blasting with dynamite, powder or other explosives, or setting off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April fifteenth and December first of any year, unless such burning is done under a written permit from the state forester or his duly authorized agent, and in strict accordance with the terms of the permit; provided, however, that no written permission shall be necessary to burn inflammable material in small heaps or piles, where the fire is set on a public road, in door yard premises, corrals, gardens, or plowed fields, at a distance not less than one hundred feet from any woodland, timber, or brush covered land or field containing dry grass or other inflammable material; and provided, also, that there shall be at least one adult person in actual attendance and in charge of such fire at all times during its burning.

3. Burning brush, etc., during dry season

(4) Setting a backfire, or causing such backfire to be set, except under the direct supervision or permission of a state or federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property.

4. Setting backfires

(5) Throwing or placing any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where such lighted

5. Dropping lighted cigarettes, etc., where fire may result.

cigarette, cigar, match, ashes or other flaming or glowing substance, or other substance or thing, may directly or indirectly start a fire.

6 Throwing lighted cigarette, etc., from moving vehicle

(6) Throwing from a moving vehicle any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire.

7 Using locomotive, etc., without spark arresters

(7) Using any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain or stubble land, unless he shall prove upon the trial, affirmatively, that such engine or boiler used by him was provided with adequate devices to prevent the escape of fire or sparks from smokestacks, ashpans, fire-boxes, or other parts and that he has used every reasonable precaution to prevent the causing of fire thereby.

8 Using grain harvester without fire extinguisher

(8) Harvesting grain or causing grain to be harvested by means of a combined harvester, header, or stationary threshing machine, or baling hay by means of a hay press, unless he shall keep at all times in convenient places upon each said combined harvester, header, or stationary threshing machine, or hay press, fully equipped and ready for immediate use, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of the capacity of not less than two and one-half gallons

9 Operating machines near grain, etc., without fire extinguisher

(9) Operating or causing to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine or auto truck in harvesting or moving grain or hay, or moving said tractor, engine, machine or auto truck in or near any grain or grass lands, unless he shall maintain attached to the exhaust on said gas tractor, oil-burning engine or gas-propelled harvesting machine an effective spark-arresting and burning carbon-arresting device

10 Using steam engine during dry season without fire break

(10) Use of steam-operated engines in woods. Using or operating by any person, corporation or company between May first and October thirty-first of each year, any wood or coal-burning steam-operated donkey or stationary engine in any woods operation, located in any forest or brush covered land, without first clearing away all inflammable material, including snags, from an area of at least one hundred feet in radius about such engine, unless substitute fire prevention measures are adopted that meet with the approval of the state forester; provided, that loaders may be operated where inflammable material has been removed from an area of twenty-five feet radius from machine, and snags have been felled and tops of rotten wood covered with mineral earth within a radius of fifty feet from such loader.

Without fire fighting tools

Using or operating by any person, corporation or company between May first and October thirty-first of each year any gas, steam or electrically-driven donkey or stationary engine in any woods operation located in any forest or brush covered lands, without providing and maintaining at all times, for fire-fighting purposes only, a suitable box containing sufficient tools to equip ten men for fire fighting, among which tools

there shall be not less than five shovels and two axes at each engine so operated. It is provided, however, that when two or more such engines are working within a distance of three hundred feet from each other, that only one such box equipped as above may be maintained.

Using or operating by any person, corporation or company between May first and October thirty-first of each year any steam-operated donkey, stationary engine, locomotive or loader without providing such engines with an adequate force pump or water under pressure equivalent to a pump, and not less than two hundred feet of hose, of not less than one inch in diameter; provided, however, that where two stationary or donkey engines customarily operate within one hundred feet of each other, that one engine only need be equipped with pump and hose. Without
water pump

It is provided that the requirements of this section shall not apply to logging operations in the redwoods (*sequoia sempervirens*) region.

(11) Refusing or failing to render assistance in combating a forest fire at the summons of the state forester, deputy state forester, assistant state forester, or any state forest inspector, state ranger, or state fire warden, unless prevented from so doing by sickness or other physical disability. 11 Refusing
to fight fire.

(12) Leaving a camp fire, kindled or attended by him, burning or unextinguished unless he leaves some person in attendance thereat, or unless such fire is enclosed within a stove, oven, drum or other noninflammable container, in such manner that the fire can not escape from the container, or unless such fire is within a permanent dwelling regularly and permanently inhabited by human beings at the time thereof or allowing any such fire to spread after being built. 12 Neglect-
ing camp
fire

(13) The provisions of this act shall not apply to the customary use of fire and powder in logging operations in the redwood region (*sequoia sempervirens*) nor to the setting of fire on lands within any municipal corporation of the state. 13 Exem-
tion

CHAPTER 312

An act to amend section 626s of the Penal Code relating to the protection of fish and game.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

SECTION 1. Section 626s of the Penal Code is hereby amended to read as follows: Stats 1929,
p 399

626s. Fish and game districts one "A," one "B," one "C," one "D," one "E," one "F," one "G," one "H," one "I," one "J," one "K," one "L," one "M," one "N," one "O," one "P," one "Q," one "R," one "S," one "T," two Game refuges
established

“A,” two “B,” three “A,” three “B,” three “C,” three “D,” three “E,” three “F,” three “G,” three “H,” four “A,” four “B,” four “C,” four “D,” four “E,” four “F,” and four “G,” inclusive are hereby designated as game refuges.

Regulations
in refuges

Every person who hunts, pursues, takes, kills or destroys, or has in his possession any species of bird or mammal or parts thereof, or any firearms in any game refuge, except under written permit from the board of fish and game commissioners, is guilty of a misdemeanor; provided, that nothing in this section shall prohibit the hunting and possession of waterfowl in fish and game districts four “A” and four “E” in accordance with the provisions prescribed in this chapter; provided, further, that nothing in this section shall prohibit the taking of any fish in any game refuge by such means and in such manner as may be prescribed in this chapter for the taking of fish in the main districts in which the refuge is located.

Disposition
of fines

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than twenty-five days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 313.

An act to promote the development of the California ripe olive industry and to prevent deception in the packing and sale of canned ripe olives by establishing and defining certain standards for canned ripe olives, defining the powers and duties of the director of the department of agriculture in relation hereto including the collection of fees, creating a board of appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provision hereof.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

Short title

SECTION 1. This act shall be known and for any and all purposes may be cited as the “California ripe olive standardization act.”

Standards
established

SEC. 2. To promote the development of the California ripe olive industry and to prevent deception in the packing, ship-

ping and sale of ripe olives, packed in tin or glass containers, there are hereby created and established certain standards of quality and size and requirements for marking the grades herein referred to.

SEC. 3. For the purpose of this act the following are hereby declared and established as the standard sizes of cans for canned ripe olives packed, shipped, delivered for shipment, offered for sale, or sold in the State of California, to wit:

(a) Buffet can, which is hereby defined as a cylindrical can two and eleven-sixteenths inches in diameter by three or three and one-quarter inches in altitude;

(b) Six ounce, which is hereby defined as a cylindrical can two and eleven-sixteenths inches in diameter and four inches in altitude;

(c) Number one tall, which is hereby defined as a cylindrical can three inches in diameter and four and twenty-one thirty-seconds inches in altitude;

(d) Cylinder pint, which is hereby defined as a cylindrical can two and eleven-sixteenths inches in diameter and six inches in altitude;

(e) Cylinder quart, which is hereby defined as a cylindrical can three and three-eighths inches in diameter and seven and one-quarter inches in altitude;

(f) Number two and one-half, which is hereby defined as a cylindrical can four inches in diameter and four and eleven-sixteenths inches in altitude;

(g) Number 10, which is hereby defined as a cylindrical can six and one-eighth inches in diameter and six and fifteen-sixteenths inches in altitude.

SEC. 4. In any of the cases and under any of the conditions in this section provided with respect to the variety of fruit hereinbelow specified, packed, shipped, delivered for shipment, offered for sale or sold in the State of California, the same shall be and are hereby designed, declared and designated as seconds, to wit:

(1) If the canned fruit shall count more than one hundred forty olives per pound;

(2) If the fruit is not of firm texture;

(3) If the fruit is not reasonably free of woody, spotted, shriveled, misshapen or otherwise defective olives serious for the grade;

(4) If the fruit is not reasonably uniform in size for the variety conforming to the size as marked;

(5) If the fruit is not reasonably free from mixed varieties;

(6) If the fruit has any foreign disagreeable flavor

The above specifications as to quality of grade and uniformity of size shall apply to olives packed in tin or glass containers of all sizes whether specifically designated in this act or not.

SEC. 5. In defining and establishing the grades or classifications of standards for canned ripe olives, this act recognizes that there are now packed and sold in this state California ripe

Standard
sizes of cans.

"Seconds."

Tin and glass
containers

"Choice"
and
"fancy."

olives of better grade, and known to the trade in the rising order of grade and quality as "choice" and "fancy."

"Seconds"

Also in defining and establishing the classification or grade of standards, this act recognizes that ripe olives marked as seconds shall not be unclean, immature, moldy, overripe, infested with fungus, rot or other defects to the extent of rendering the product unwholesome, or olives processed or artificially colored to the extent that the meat has turned black and/or flavor impaired.

No sale, etc.
of noncon-
forming
olives

No canned olives which fail to meet the above requirements for seconds shall be packed, shipped, sold or offered for sale within the State of California and it shall be the duty of the director of agriculture and the appeal board herein created, to bring about the condemnation and destruction of such canned olives in the manner hereinafter provided.

Marking of
"seconds"

SEC. 6. All canned olives shipped, delivered for shipment, offered for sale or sold in the State of California, which is of a grade hereinabove defined and designated as "seconds" shall be clearly, indelibly and permanently marked "seconds" such printed marking to be in letters not less than one-fourth of an inch high, embossed or lithographed in the tin of the top or cover of the can, except where the space of the lid is insufficient, then letters to be as large as practicable for the space on the lid. No other marking or sticker or wrapping shall be placed on or about said top or cover in a manner which will wholly or partially obscure or divert attention from the above designated marking, and if printed or lithographed labels are placed on the walls of the cans, they shall be so placed that the top of the label corresponds with the top of the can, but with a tolerance of ten per cent to cover errors in so placing the label.

Nothing contained herein shall be construed to prohibit the proper printing of factory can marks in ink or embossing on the top or cover of the can.

False
marking

SEC. 7. There shall be no false or misleading marking or designation on any container of canned ripe olives. The label covering the walls of the container, except in the case of olives packed in clear glass, shall show a cut or imprint representing the approximate size and the approximate number of olives contained in the can, this to be in addition to any other marking or wording on the label and shall not be construed as conflicting with any existing label laws.

Duration of
standard re-
quirements

SEC. 8. The foregoing markings shall be enforced until such time as markings shall be promulgated by the United States department of agriculture, at which time the above markings shall be changed to comply with regulations of the United States department of agriculture.

Powers of
director of
agriculture

SEC. 9. The director of agriculture of the State of California shall be charged with the enforcement of the provisions of this act and for that purpose shall have the power:

(a) To enter and inspect every place within the State of California where olives are canned, stored, shipped, delivered for

shipment, offered for sale or sold, and to inspect all olives and containers found in any such place.

(b) In accordance with the provisions of the civil service laws of this state, to appoint, superintend, control and discharge such chief inspector and subordinate inspectors as in his discretion may be deemed necessary for the specific purpose of enforcing the terms of this act, prescribe their duties, and in conjunction with the department of finance, to fix their compensation.

(c) Personally, or through any such deputy, or any such inspector to seize and retain possession of any canned olives packed, shipped, delivered for shipment, offered for sale, or sold, in violation of any of the provisions of this act, and to hold same pending decision by the board of appeal hereinafter provided for, or the order of the court.

(d) In the name of the people of the State of California, to cause to be instituted and to be prosecuted in the superior court of any county or city and county of the State of California, in which may be found canned olives which are packed, shipped, delivered for shipment, offered for sale, or sold, in violation of any of the provisions of this act, an action or actions for the condemnation of canned olives as provided in section 8 of this act.

(e) To appoint, subject to the approval of the governor of the State of California, a board of appeal composed of citizens of the State of California, who are recognized as men of experience in the judging of the grade and quality of California canned olives, and, from time to time, subject to such approval, to fill vacancies in said board. The number of members so appointed to such board shall be seven; they shall hold office for a period of one year from the date of appointment, and shall be subject to removal by the director of agriculture with the approval of the governor of the State of California. No less than three of the members of such board shall be empowered to conduct any of the hearings hereinafter provided for, and at least one of said three shall be an olive canner, but the director of agriculture need secure the attendance of no more than three for any one hearing. The decision of the majority of those in session shall be controlling. The board of appeal, with the cooperation of the director of agriculture, may adopt such rules and regulations as they may deem necessary, not inconsistent with the provisions of this act, in connection with their official duties hereunder.

SEC. 10. In the event of seizure of any product of a can-

Procedure
on seizure
of olives.

nery under the provisions of this act the director of agriculture shall immediately give written notice thereof to the party from whom such seizure was made, or to the party who originally packed and sold such product. Within five full business days thereafter the party so notified, or any other party interested therein, may file with the director of agriculture a written notice of appeal from such seizure. The party so filing such notice of appeal shall accompany the same with

the payment of a fee of thirty dollars. Upon receiving such notice of appeal and said fee for filing the same, the director of agriculture shall set a time and place for the hearing of such appeal, which time shall not be more than ten days from the filing of such notice of appeal. The director of agriculture shall summon any three members of the board of appeal to conduct such hearing and shall also give written notice of the time and place of such hearing to all parties concerned.

After such hearing if the board of appeal shall determine that the product under seizure has been packed in conformity with the requirements of this act they shall make an order to that effect and that such product be immediately released.

Where no
"wilful vio-
lation "

If the board of appeal shall decide that such product does not conform to the requirements of this act, but that there has been no wilful violation of the provisions hereof, the board shall order the containers of the product to be, within a reasonable time after actual notice of such decision, remarked or relabeled, as nearly as can then practically be done in conformity with the provisions of this act, and that such product be released only upon such conditions to be prescribed by the board as will prevent as far as possible the marketing of such product in violation of the terms and provisions of this act. The term "wilful violation" as used herein is hereby defined to mean a violation committed with actual intent so to do or with actual knowledge at the time that the same is being done, in the case of an individual or a partnership, on the part of such individual or one or more of the partners, and, in the case of a corporation, on the part of one or more directors, officers, managers or superintendents; provided that any failure to conform to such order of the board within the time designated thereby after such notice shall be deemed to be wilful violation of this act, if the court, in any proceeding commenced as hereinafter provided shall determine that such product does not conform to the provisions of this act.

"Wilful vio-
lation "

If the board shall determine that there has been a wilful violation of this act, or in case of a failure to conform to any order of the board as to any product found to be below standard grade, the director of agriculture shall certify the same, together with the facts leading up to the making of such order, to the district attorney of the proper county, and it shall be the duty of such district attorney to institute and prosecute appropriate court proceedings for the punishment of the violation of this act and for the condemnation of any product found to be below second grade as above provided.

Prosecution.

If no appeal from such seizure be filed within the time allowed as above provided, or in case of an appeal, if no appearance on behalf of the appellant is made at the time and place set for the hearing thereof, the director of agriculture shall certify the fact of such seizure, together with the facts upon which the same has been based, to the district attorney whose duty shall be as provided in the preceding paragraph.

Those provisions in this section which refer to relabeling and to wilful intent shall not apply to violations enumerated in paragraph two of section 5 of this act, the procedure against the product or products in such violation or violations being seizure and condemnation in the manner prescribed herein. Exception.

SEC. 11. In case the court shall condemn any of such product, the same may be destroyed, or, under appropriate direction from the court, may be released upon such conditions as the court in its discretion may impose to insure that such product will not be shipped, delivered for shipment, offered for sale or sold, in violation of any of the provisions of this act. Disposal of condemned olives

SEC. 12. It shall be lawful for any person, firm, company, corporation or organization and for any common carrier to refuse to accept for shipment or transportation and to refuse to ship or to transport any canned olives which upon inspection are found to be or to be packed in violation of any of the provisions of this act, and any such person, firm, company, corporation, organization or common carrier, may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment or transportation and to return to such consignor, or to hold at the expense and risk of the latter, all canned olives which upon inspection are found to be or to be packed in violation of any of the provisions of this act. Refusal to accept non-conforming products for shipment

SEC. 13. No person, firm, company, organization or corporation, shall be convicted of a violation of any provisions of this act, if he shall establish a guaranty, signed by the person, firm, company, organization or corporation, residing or lawfully engaged in business in the State of California, by or for whom the canned olives in question were originally packed to the effect that the product in question complies in all respects with the provisions of this act. Such guaranty, to afford protection, shall contain the name and address of the party making such guaranty, and such guarantor shall be amenable to all of the prosecutions, fines and penalties provided for by this act. Guaranty of olives

SEC. 14. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Penalty

SEC. 15. It shall be the duty of the district attorney of the county, or city and county, in which any violation of this act may occur, to prosecute every person, firm, company, organization and/or corporation accused of such violation, and also, at the request of the director of agriculture, or any one of his deputies, to institute and prosecute such actions for condemnation as may be authorized under the provisions of this act. Prosecution of violators.

Compensa-
tion of board
of appeal.

SEC. 16. The members of the board of appeal in attendance at any session of the board at which a hearing is held shall each receive as compensation for such attendance the sum of ten dollars for each half day or part thereof. Such compensation shall be paid out of the fees collected by the director of agriculture as herein provided

Stats 1907,
p 208,
not affected

SEC. 17. No act which is made unlawful by any provisions of an act of the Legislature of the State of California, entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs and making an appropriation therefor," approved March 11, 1907, or any amendment thereto, shall be deemed lawful by reason of any provision of this act; nor shall this act be construed in any respect to limit the powers of the state board of health.

Constitu-
tionality

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

Act applies
only after
Oct. 1,
1931

SEC. 19. This act shall not apply to any olives packed prior to October 1, 1931.

CHAPTER 314

Stats 1921,
p 1727,
amended

An act to amend section 21, chapter 914, statutes of 1921, known as "California water storage district act," approved June 3, 1921, as amended, relating to the collection of unpaid assessments, the sale of property for delinquent assessments and the redemption of said property.

[Approved by the Governor May 11, 1931 In effect August 14, 1931]

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

Stats 1929,
p 399

SECTION 1. Section 21 of chapter 914, statutes of 1921, entitled, "California water storage district act," as amended by chapter 218, statutes of 1929, is hereby amended to read as follows:

Collection
of unpaid
assessments

Sec. 21. At the end of thirty days the county treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as

hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

(Name) water storage district. (Location of the principal place of business.) Notice is hereby given that at a meeting of the board of directors held on ----- an installment of ----- per cent of assessment number ----- was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon, with ten per cent of such installment and interest added as penalty.

(Signed) -----
Treasurer of ----- County.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two consecutive weeks in each such county.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must prepare and as soon as the same is complete publish once a week for two consecutive weeks in each county wherein lands of the district are situated, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper

Notice

Delinquent installment.

Delinquent list.

Sale for nonpayment

fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time, for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

Certificate
of sale

Redemption

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after the date of said sale, even though the district may be in process of dissolution or may have already been dissolved. Such person shall pay to the county treasurer the amount for which said property was sold, and interest on the said sum at the rate of one per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district, or paid to the person holding the certificate of sale to the property sought to be redeemed.

Deed to
purchaser.

If no redemption shall be made within said three years, the purchaser or the district, if the property shall have been sold to the district, or the assignees or transferees of the district, shall be entitled to a deed executed by the county treasurer or his successor in office, even though the district may be in the process of dissolution or may have already been dissolved. The effect of such deed shall be to convey said property free and clear of all liens and incumbrances except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any water storage district assessment or portion thereof remaining unpaid at the date of said sale, each installment whereof may be called and collected as herein provided. The board of directors may sell such property sold to the district at any time at a public auction after notice given for the same period and in the same manner as herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free from all incumbrances except as herein above provided for said deed by the county treasurer. The board of directors may also dispose of said property at a private sale, without any notice, when the district is in the process of dissolution and such sale is deemed for the best interests of the district; the consideration received from the sale of said property may be past or present consideration, but must not be less than that herein provided for in the case of sales at public auction; and in any case where a district in the process of dissolution has sold and transferred any of its property at a

private sale, for valuable consideration, such sale and transfer is hereby validated and approved.

CHAPTER 315.

An act to amend section 2322x36 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-sixth class.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x36 of the Political Code is amended to read as follows:

2322x36. In counties of the thirty-sixth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Fifteen inspectors at a compensation of six dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twelve thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of one hundred dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

CHAPTER 316.

An act to add section 19x36 to the juvenile court law, relating to probation officers in counties of the thirty-sixth class.

[Approved by the Governor May 11, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 19x36 is hereby added to the juvenile court law, to read as follows:

Sec. 19x36. In counties of the thirty-sixth class there shall be one probation officer whose salary shall be seventy dollars per month, and one assistant probation officer whose salary shall be fifty dollars per month.

Stats 1925,
p. 212 (for-
merly Sec
2322x41)

Sutter
county agri-
cultural com-
missioner

Stats 1915,
p. 1225,
amended

Stats 1927,
p. 335
(formerly
Sec 19x41)

Sutter
county
probation
officer

CHAPTER 317.

An act to amend the Political Code by amending sections 3456, 3460, 3462, 3465, 3466, and 3480, relating to reclamation districts and adding three new sections thereto, to wit: A new section to be numbered 3466a, relating to sales and leasing of lands sold and held by reclamation districts or county treasurers as trustees; a new section to be numbered 3480b providing means whereby two or more issues of bonds of a reclamation district with outstanding warrants thereof may be refunded with a single issue of bonds based upon a single assessment; and a new section to be numbered 3457b relating to payment of warrants of reclamation districts and the stopping of interest thereon.

[Approved by the Governor May 12, 1931 In effect August 14, 1931]

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

Stats 1919,
p 607

SECTION 1. Section 3456 of the Political Code is hereby amended to read as follows:

Commis-
sioners to
assess lands

3456. (a) If such reclamation district is located, in whole or in part, within the Sacramento and San Joaquin drainage district, then if and when the said reclamation board shall have approved the plan or plans of the works of reclamation, after a hearing as provided in section 3455 of this code, then the board of trustees of the reclamation district shall so report to the board of supervisors of the county within which the district or the greater part thereof is situate, and shall set forth in their said report the estimated cost of the said works of reclamation, and petition the said board of supervisors to appoint three commissioners who shall have no interest in any real estate within said district, each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of a commissioner to the best of his ability. Upon receipt of said petition from the board of trustees the board of supervisors to whom the same was presented must within not more than sixty days appoint said assessment commissioners above referred to. Said commissioners must view and assess upon the land within said district the said sum so estimated and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditures of said sums of money, and shall estimate the same in gold coin of the United States. The sums must be collected and paid into the county treasury as hereinafter provided, and be placed by the treasurer to the credit of the district, and paid out for the works of reclamation upon the warrants of the trustees, approved by the board of supervisors, or, if bonds of such district have been issued upon said assessment, then said treasurer shall set the same apart as a separate

Sums paid
into county
treasury

fund for the purpose of paying the principal and interest of such bonds, and shall not pay any part of the moneys received from such assessment for any purpose other than the payment of the principal and interest of such bonds.

(b) In all cases when the work contemplated by the original or any supplemental plan of reclamation of any reclamation district shall have been completed, the trustees may so report to the board of supervisors of the county in which the district, or the greater part thereof is situate, together with a petition to the said board of supervisors to appoint assessment commissioners. Said report and petition shall set forth that the work contemplated by the original or supplemental plan of reclamation has been completed, and that hereafter the said reclamation district will only require funds for the maintenance and repair of the said works of reclamation. Upon filing said report and petition the said board of supervisors shall appoint three commissioners, each of whom shall be similarly qualified, and shall make and subscribe the same oath as is provided hereinabove for commissioners. When so appointed and so qualified such commissioners shall prepare an assessment list, which list shall contain the following information in separate columns:

Report on maintenance, etc.

Assessment list.

1. A description of each tract assessed by legal subdivisions, swamp land surveys, or other boundaries sufficient to identify the same.
2. The number of acres in each tract.
3. The names of the owners of each tract, if known; and if unknown, that fact; but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid.
4. The assessment valuation per acre of each tract assessed.
5. The total assessment valuations of each said tract.
6. A blank column for rate to be fixed as shown hereinafter.
7. A blank column for amount of assessment to be computed as shown hereinafter.

Thereafter said assessment valuations shall be used as a basis for assessments in raising funds for the maintenance and repair of the works of reclamation and incidental expenses of said district. Said assessment list, when completed, shall be filed with the clerk of the board of supervisors in the same manner as a report made under an original or modified plan of reclamation. Thereupon the said board of supervisors shall appoint a time when it will meet for the purpose of hearing objections; said objections, if any, must be in writing, verified, and filed with the clerk of said board of supervisors. Notice of the said hearing shall be given in the same manner and for the same time as notice of hearing objections to an original assessment. At said hearing, the board of supervisors shall hear such evidence as may be offered in support of said written objections, and may modify or amend the said

Hearing on list

assessment valuations in any particular. No objections to said assessment valuations shall be considered by the board of supervisors, or allowed in any other action or proceeding, unless said objections shall have been made in writing to the board of supervisors before the date of such hearing.

Appeal to
superior
court

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of the said district is situate, to have said assessment valuations corrected, modified or annulled. Such action must be commenced within thirty days after said assessment valuations have been approved by the board of supervisors. If said action shall not be commenced within thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment valuations in any respect.

Fixing as-
sessment
rates

Thereafter, whenever, in the opinion of the trustees of the district, it shall be necessary to raise any sum for the construction, maintenance or repair of the works of reclamation, or for the incidental expenses of the district, the said board of trustees shall make an order, which order shall be entered in the minutes of the board and shall recite the total amount necessary to be raised and shall fix a rate designating the number of cents to be levied on each one hundred dollars of assessment valuation shown on the list prepared and approved in the manner hereinabove provided. Incidental expenses, as used in this section and in section 3480a of the Political Code are hereby declared to include, among other things, the difference in amount between the par value of refunding bonds sold pursuant to section 3480a of this act and the amount less than par for which said bonds may be sold, and also the amount necessary to be made available for the payment of interest upon said refunding bonds directed to be sold from the date of sale thereof to the date of maturity of the bonds to be refunded out of the proceeds of such sale.

"Incidental
expenses"

Thereafter the board of trustees must complete said assessment list by inserting the rate and the total assessment in columns six and seven as provided therefor.

Collection

The assessment made in pursuance hereof shall be filed with the county treasurer and thereafter collected in the same manner provided for the collection of any original assessment; provided, however, that the board of trustees may, in their discretion, direct the payment of any such assessment in one installment.

Duration of
list
New list

The report of assessment commissioners as herein provided, fixing the assessment valuations for reclamation purposes, after having first been approved by the board of supervisors as hereinabove provided, shall continue in force as the basis for raising necessary funds for construction, maintenance and repair of the works of reclamation, and for incidental expenses of the district until the trustees of said district, or the holders of title or evidence of title representing fifteen per cent or

more of the lands within the district, shall petition said board of supervisors to make an order directing the commissioners who made the original assessment list or other commissioners, to be named in such order to prepare a new assessment list. Such commissioners must have the same qualifications and take the same oath as the original assessment commissioners.

The assessment list when so prepared by said commissioners shall be filed with the clerk of the board of supervisors, and shall thereafter in all respects be subject to the same provisions as an original assessment list. All provisions of this code relating to collection of unbonded assessments and sale of land for delinquent assessments, and for sale, leasing and other disposition of land as in section 3466a of this code provided, shall be applicable to assessments levied in accordance with the provisions of this section.

Filing new list.

Code sections applicable.

SEC. 2. Section 3460 of the Political Code is hereby amended to read as follows:

Stats 1917, p. 1204.

3460. The commissioners appointed by the board of supervisors must make a list of the charges assessed against each tract of land; and if there be any error or mistake in the description of the land, or in the name of the owner, or if any land which should be assessed has been or shall be omitted from the list, or if there is any error or mistake in any other respect, the commissioners may amend or correct the same at any time before the lists shall have been approved by the board of supervisors as hereinafter provided. When any tract of land upon which an assessment or assessments shall have been made shall be subdivided into smaller parcels, the board of trustees of the district shall reapportion the assessment or assessments upon such tract, including assessments or portions thereof which have become delinquent together with the delinquencies thereon, including penalties and interest, in such manner as will charge each of said smaller parcels with a just proportion of assessment or assessments previously made upon said tract so divided and with a just proportion of said delinquencies. Assessments and delinquencies thereon on tracts of land which have become delinquent and which have been sold for delinquency pursuant to the provisions of section 3466 or section 3480 of this code, and which have been subdivided, shall be reapportioned in the same manner and with the same effect as if such tract had not been so sold. As a condition to the making of any reapportionment as in this section provided the board of trustees shall require that each parcel of such subdivided tract be given suitable means of ingress and egress. Said board of trustees shall file with the clerk of the board of supervisors of the county a list or lists of the charges assessed against each of said parcels. Said reapportionment shall be approved by the board of supervisors in the manner provided in section 3462 of this code. Said lists after such approval shall be filed with the county treasurer of the county and shall have the same effect as on original assessment.

Commissioners to make assessment list

Reapportioning assessments.

Stats 1917,
p 1204

SEC. 3. Section 3462 of the Political Code is hereby amended to read as follows:

List filed
with super-
visors

3462. Said lists, when completed, shall be filed with the clerk of the board of supervisors of the county. The board of supervisors shall appoint a time when it will meet for the purpose of hearing objections to said assessment, and notice of such hearing shall be given by publication for two times, to wit: once a week for two successive weeks in some newspaper of general circulation published in said county.

Notice

Hearing

At any time before the date of such hearing, any person interested in any land upon which any charge has been assessed may file written objections to such assessment, stating the grounds of such objections, which said statement shall be verified by the affidavit of such person, or some other person who is familiar with the facts. At said hearing the board of supervisors shall hear such evidence as may be offered in support of said written objection and may modify or amend the said assessment in any particular, or make a reapportionment of the entire assessment. If the amount of any assessment in said list shall be changed, the board of supervisors shall set a day for hearing objections to said assessment as changed, and shall give notice thereof by publication for two times to wit: once a week for two successive weeks in some newspaper published in the county. At such hearing objections in writing may be made by any person interested, and the board of supervisors shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed the board of supervisors shall proceed as before to give notice and to hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved. The board of supervisors shall then make an order approving said assessment, and shall indorse such order upon said assessment list, which said indorsement shall be signed by the chairman of said board of supervisors and attested by the clerk thereof, and such decision of said board of supervisors shall be final, and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law, except in an action commenced as hereinafter provided. The lists shall be prepared in duplicate, one original thereof being retained in the office of the district, and the second original thereof shall then be filed with the county treasurer, or, if the district is situated in more than one county, then the said second original list must be filed in the county where the greater portion of the lands of said district is situated (designated as the main county), and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties.

Hearing on
changes

Approving
assessment

Written
objection
required

No objection to such assessment shall be considered by the board of supervisors, or allowed in any other action or proceeding, unless such objection shall have been made in writing to the board of supervisors as above specified.

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of said district is situated to have said assessment corrected, modified or annulled. Such action must be commenced within thirty days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect.

Appeal to
superior
court

The provisions of this section shall apply in all respects to an assessment list made under the provisions of subdivision (b) of section 3456.

Application
of section

SEC. 4. Section 3465 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 1449

3465. The said second original assessment lists must remain in the office of the county treasurer and for a period of thirty days said assessment shall not bear interest except as otherwise provided by section 3480 of this code; and as long as bonds have not been authorized and sold on the basis of said assessment any landowner may pay in gold coin of the United States or approved warrants of the district the whole or any part, both principal and interest, of said assessment on any tract of land. If any bonds shall have been authorized before payment on said assessment but shall not have been sold the amount to be sold shall be reduced by the amount paid on the principal of said assessment. The reduction shall be only in the latest maturities; and such changes and cancellation shall be made by the proper officials in the unsold bonds as shall be necessary to accomplish said reduction. Whenever the district is situated in more than one county the county treasurers of each county wherein any of the lands assessed are situated shall report to the county treasurer of the main county all payments made of assessments on all tracts of land, whether in cash or warrants, immediately upon such payments being made.

Payments.

Reduction
of bonds

SEC. 5. Section 3466 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 1473

3466. At the end of said period of thirty days all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected by and paid to the county treasurer, or the board of trustees may designate an agent to effect such collection who shall file with the county treasurer a detailed report of any and all collections thereon and who shall deposit said moneys with the county treasurer to the credit of the district. Whenever the board of trustees shall appoint an agent to collect assessments, they shall require that such agent give a bond in such an amount as they may consider sufficient for the faithful performance of his duties. All such payments shall be made in separate installments, of such amounts, and at such times, respectively, as the said board, from time to time, in its discretion by order entered in its

Collection
of unpaid
assessments

minutes may direct. Upon making such order the secretary shall also enter in the minutes of the board a notice in substantially the following form:

Installment
notice

(Name of reclamation district, location or principal place of business.) Notice is hereby given that at a meeting of the board of trustees held on the (date), an installment of (amount) was ordered paid within sixty days from date thereof to ----- at ----- Any installment which shall remain unpaid on the (day fixed) will be delinquent together with the accrued interest thereon.

Service of
notice

The notice must be personally served upon each owner of land in said district, or in lieu of personal service, must be sent through the mail addressed to such owner at his place of residence, if known, or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the district is situated, or be published two times, to wit: once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news, within the district, and if no such newspaper be published within the district then publication may be made in some newspaper published in the county seat of the county where the greater portion of said district is situated.

Districts in
more than
one county

Whenever the district is situated in more than one county, the county treasurers of each county wherein any of the lands assessed are situated, shall, immediately following the expiration of said period of sixty days, report to the county treasurer of the main county all payments made of assessments on each tract of land respectively and shall also report all tracts which are delinquent, as hereinafter provided, together with the delinquencies thereon.

Delinquent
installment

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment shall become delinquent together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Delinquency
list

Immediately after the said installment has become delinquent, the county treasurer of the main county must publish in each county where such delinquencies exist, a list in one notice of all said delinquencies in such county at least two times, to wit: once a week for two weeks in some newspaper of general circulation published in said county. Said notice shall contain a description of the property assessed, as described in the assessment list or by reference number as set forth in said assessment list on file in the office of the county treasurer (stating the date and time said list was so filed) or by other appropriate reference thereto sufficient to identify the same, and shall refer to said list for further particulars. Said notice shall also contain the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount of the

delinquent installment, interest and penalty thereon calculated to the date of call and a notice that the property assessed will be sold by the county treasurer of the main county on the date therein stated, in front of the courthouse of said county to pay the amount of said installment with accrued interest and penalty. The date of said sale shall be not less than ten days after the date of the last publication of said notice. And at said time stated in said notice, or such other time to which said sale may have been postponed, the said county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer shall place the amount due on said property as shown in said notice in the proper funds of said district and shall pay to the owner of said property any surplus remaining. The county treasurer may postpone said sale from time to time for not less than ten nor more than thirty days at any one time by a written notice posted at the place of sale.

Sale of
property.

If no bid is made for said property equal to the amount due thereon, the county treasurer of the main county shall bid in and sell said property to himself and his successors in office as trustee for the district, and said property shall be struck off to him for said amount. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the county treasurer, if the property shall have been struck off to him, and said certificate of sale shall be filed in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sums at the rate of seven per cent per annum from the date of said sale. Upon such redemption a certificate of redemption shall be issued by the county treasurer to the party so redeeming, which said certificate shall be filed in the office of the county recorder. If no redemption shall be made within said one year the purchaser, upon demand and surrender by him of certificate of purchase, or the county treasurer if said property shall have been sold to him, shall be entitled to a deed executed by said county treasurer and the effect of such deed shall be to convey said property free of all liens and incumbrances excepting state, county and municipal taxes and any prior or subsequent district assessment and any taxes or assessments of irrigation, conservation or water storage districts.

Purchase by
treasurer.

Redemption

Deed to
purchaser.

Any parcel of land bid in and purchased by a county treasurer as aforesaid, as trustee of the district, may be sold and conveyed by him or his successors in office at any time after the expiration of said redemption period at public or private sale, and with or without notice, to any person paying him the amount for which said parcel was bid in by said county treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly

Sale of
property
purchased by
treasurer

from the date of said delinquent sale together with any call that has been made upon any prior or subsequent assessment; and the deed executed by the county treasurer in pursuance of such sale shall convey said property free of all liens and encumbrances except state, county and municipal taxes and any prior or subsequent district assessment and any taxes or assessments of irrigation, conservation or water storage districts. After the lapse of one year from and after the expiration of the period for redemption such parcel may be sold as in section 3466a of this code provided.

Stats 1927,
p 1449

SEC. 6. Section 3480 of the Political Code is hereby amended to read as follows:

Special bond
election

3480. Whenever in any reclamation district in this state, now formed or which may hereafter be formed, any assessment has been levied and assessed upon the lands of said district, and remains unpaid in whole or in part, where in the judgment and opinion of the board of trustees of said district it would be for the best interest of said district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of reclamation, the indebtedness of the district, or any other legal charge, or when a petition signed by the owners of more than one-half of the land in the district is filed with the secretary of the board, the board of trustees of such district shall by order entered upon the records of said board, order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of trustees in its records and stated by them in the order for such special election.

Evidence of
ownership
and value

For all purposes of this article relating to signing petitions and by-laws and voting at any election of reclamation districts the equalized assessment roll for the year last preceding, in each county wherein any land of the district is situated shall be sufficient evidence of ownership and of value of lands in the district as hereinafter provided. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign such petitions or by-laws or may vote without obtaining special authority therefor.

Notice of
election

Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of said district may be situated; and such notice must specify the time and place of holding such election, the aggregate face value of bonds proposed to be issued and the names of three landholders of the district to act as a board

of election. Affidavits of the publication and posting of such notice must be filed with the county clerk of the county in which said district or the greater part thereof is situated (herein designated as the main county), together with a copy of said order calling the election, certified by the president of the board of trustees.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certified roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Bonds—Yes" or the words "Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m., of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such

Who may vote

Provides

Ballots

Election officers

Canvass of votes.

Contest.

filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Issue of bonds

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list, to the treasurer of said main county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of said main county, and shall be numbered consecutively in the order of their maturity, and shall bear interest at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July in each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the county auditor. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall be payable serially within twenty years from their date in the manner following, to wit:

(1) Not less than ten per centum of the aggregate face value of bonds issued shall be payable within ten years from their date.

(2) Not less than ten per centum of the aggregate face value of bonds remaining unpaid at the end of ten years shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds has been paid. Said bonds shall be substantially in the following form:

Form of bonds

United States of America
State of California.
County of-----

No.----- \$-----
Reclamation District No.-----

Reclamation district No -----, for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said county, in the State of California, on the first day of -----, 19-----, the sum of \$-----, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of ----- per cent, per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of ----- bonds of like tenor and effect, except as to denomination and maturity, numbered from ----- to ----- inclusive, amounting in the aggregate

gate to _____ dollars, issued in accordance with section 3480 of the Political Code of the State of California pursuant to an election held in said reclamation district on the _____ day of _____, 19____, authorizing its issuance, and is based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of _____ on the _____ day of _____, 19____, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of _____ with his seal of office affixed this _____ day of _____, 19____.

 President of said board.

Attest _____,
 Auditor of the county of _____, State of California.

And the interest coupons may be substantially in the following form:

No. _____ \$ _____

The county treasurer of _____ county, California, will pay to the holder hereof on the _____ day of _____, 19____, at his office in said county of _____ the sum of \$ _____ in gold coin of the United States out of the funds of reclamation district No. _____ for interest on bond of said district numbered _____.

 County Auditor.

The treasurer of said main county shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the trustees of the district, the treasurer of said county may sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said county treasurer by publication at least once a week for two weeks in a newspaper of general circulation published in said main county, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds,

Sale of bonds.

or any part thereof. At the time appointed the county treasurer shall open the bids and award the bonds to the highest responsible bidder. He may, and upon written request of a majority of the trustees must, reject any and all bids. Any sale by the county treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the county treasury to the credit of said district, and a proper record of such transaction shall be made upon the books of said county treasurer. At any time within thirty days after said bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Action to
test legality

Warrants

The board of trustees of said district may draw warrants upon the said county treasurer against the funds provided by sale of bonds, which said warrants shall be approved by the board of supervisors of said main county.

Bond fund

All moneys collected by any county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by the treasurer at any such sale, shall be by such treasurer forthwith paid into the main county treasury and except as otherwise provided in section 3466a of this code, shall be credited to the bond fund of such reclamation district and used exclusively for the payment of principal and interest of

said bonds issued on such assessment, and of the principal and interest of any refunding bonds issued thereon.

The bonds of reclamation districts issued pursuant to this code which have been investigated and certified by any officer of this state now or hereafter authorized to make such investigation and certification and by the authority of which certification are declared to be legal for investments by savings banks of this state may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state or of any county, city or city and county or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Bonds as
legal
investment

If the trustees deem it advisable they may order a special election to be held prior to making any assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer.

Election
prior to
assessment

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds, and any refunding bonds which may be issued, shall have been paid in full, and if for any reason any part of such principal or interest of said bonds, or of refunding bonds shall remain unpaid after enforcement of said assessment as in this article provided, the board of supervisors of the main county shall order an additional or supplemental assessment to be made as provided in section 3-459, sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

Additional
assessment

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed thirty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series, excepting refunding bonds. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds so far as applicable and also so far as applicable shall affect existing reclamation districts as well as those hereafter formed.

Additional
bonds

Any district which has issued bonds of different denominations, may, by an order entered in its minutes, upon request of holders thereof, and upon the deposit of the bonds issued and outstanding with the board of trustees, issue to the holders of such deposited bonds, bonds of the district in the same form but in different denominations, but having the same aggregate face value and maturity. Such bonds shall be executed by all of the persons who are required by law to execute

Bonds of
different de-
nominations

the original bonds for which such exchange is made, and the said bonds so deposited shall be thereupon canceled by the treasurer of the main county and the board of trustees of the district.

Bonds here-
before issued.

Whenever in any reclamation district in the state a bond issue of said district has been authorized prior to this amendment then the provisions of this section hereby amended in respect to the manner of procedure by which the assessments are called in to meet payments on account of principal or interest of such bonds, and also the provision herein contained by which the assessment shall continue in full force and effect as constituting a lien upon the several tracts of land within said district under the provisions of section 3463 of this code until the principal and interest of all bonds issued on the basis of said assessment shall have been paid in full, and also the provisions in reference to refunding bonds, shall apply to and inure to the benefit of the bonds which may have been issued by any reclamation district in this state prior to the date of the enactment of this amendment.

Warrants as
payment of
bonds.

Upon a sale of any of the bonds provided herein (except refunding bonds) the county treasurer of the main county is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest on
unpaid in-
stallments.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds originally issued thereon until such bonds and any refunding bonds issued thereon shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as the principal as the case may be.

Estimate of
amount to
pay interest
and princi-
pal.

At least ninety days before any interest date of the bonds, including refunding bonds, the county treasurer of the main county shall estimate the amount of money necessary to pay interest and principal maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and said county treasurer shall thereupon cause to be published two times, to wit: once a week for two weeks in some newspaper of general circulation published in each county in which any of the district may be situate a notice substantially in the following form:

Form of
notice.

(Name of reclamation district.) Notice is hereby given that an installment of assessment (describing it) of \$-----, being ----- per cent is payable within thirty days from (date) by all assessed landowners of said district in the county of (name of county) to the treasurer of said county.

All or any part of said installment which shall remain unpaid on the (day fixed) will be delinquent, together with ten per cent of such installment added as penalty.

Dated (date).

(Signed)-----
Treasurer of ----- county.

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and ten per cent of the unpaid amount of said installment shall be added thereto and collected by said treasurer. When any installment shall have become delinquent, said treasurer shall publish two times, to wit: once a week for two weeks in a newspaper of general circulation in each county in which any portion of the said delinquent land may lie (or if no newspaper is published therein, then in a newspaper published in an adjoining county), a notice of all said delinquencies. Said notice shall contain a description of each parcel of land assessed in the district whereon such installment is delinquent, as such description appears on the assessment list or by reference number as set forth in said assessment list on file in the office of the county treasurer (stating the date and time said list was so filed) or by other appropriate reference thereto sufficient to identify the same, and shall refer to said list for further particulars. Said list shall also contain the name of the person to whom it is assessed, to unknown owners if such is the fact; the amount of the installment delinquent on such parcel, the amount of said penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said main county, at a specified day and hour which shall not be less than thirty days nor more than sixty days from the date of delinquency, to pay said delinquent installment, with penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment together with such penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon, with penalty, and such sale shall be made for cash (except the treasurer may receive from any purchaser at their face value in lieu of cash, bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale). Any bond or coupon so received in payment shall be by the treasurer forthwith canceled and filed in his office. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the treasurer shall endorse thereon as paid, the amount of

Delinquent installments.

Delinquency list.

Sale for delinquent installments

Sale to treasurer such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with penalty, the treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the district, as purchaser, for the amount of said installment, interest and penalty. The treasurer shall execute to each purchaser, including himself as trustee, a certificate of sale, and a duplicate thereof shall be filed in the county recorder's office. Any person interested in the said property may redeem the same at any time within one year after the date of sale, by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of seven per cent per annum from the date of sale to such redemption. If no redemption shall be made within one year, the treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, or to himself as trustee of the district if the property shall have been sold to him, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes, and any taxes or assessments of irrigation, conservation or water storage districts, and except any portion of any reclamation assessment remaining unpaid at the date of said sale; each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the county treasurer as trustee of the district shall thereafter be subject to sale by the treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The treasurer shall credit to the bond fund of the district all money collected by him by sale or otherwise, upon assessment against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made for said assessment. The treasurer shall charge to the general fund of the district, or to its bond fund if he has no money to the credit of its general fund, the expense of publication of notices and of recording certificates of sale. Any parcel of land bid in and purchased by a treasurer as aforesaid, as trustee of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of one year, at public or private sale and with or without notice to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then

Certificate of sale

Redemption

Deed to purchaser

Credit to bond fund

Sale of land purchased by treasurer

delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and the treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrance except state, county and municipal taxes, and the unpaid balance of said assessment. After the lapse of one year from and after the expiration of the period of redemption, such parcel may be sold as in section 3466a of this code provided. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district.

The provisions of this section, as hereby amended, shall apply to all sales for delinquencies, and the proceedings had in connection therewith, on all assessments heretofore or hereafter to be levied. Application of section

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. Voting after change of ownership.

Any landowner of the district who shall desire at any time to lessen or remove the lien upon his land of any assessment on which bonds have been or hereafter may be issued may deliver to the county treasurer for cancellation any bonds payable out of said assessment, and the treasurer shall credit against the assessment on his land the principal and accrued interest of said bonds Bonds as payment on assessment.

The board of trustees, in their discretion, may provide at any time before sale of said bonds or before sale of any refunding bonds under section 3480a of this code that said bonds shall be callable at face value in the manner provided by law at any interest payment date together with accrued interest thereon, and either with or without a premium to be specified by said board and inserted in said bonds; and the method of calling and retiring said bonds shall be as follows: Calling and retiring bonds

Not less than ninety days before any interest payment date the trustees, by a two-thirds vote, may adopt an order calling bonds of the district, in any amount, for payment on such date. The order shall specify the maturities of the bonds called, commencing with the earliest maturities. If less than all bonds of any maturity are called then the trustees, by a drawing shall ascertain the bonds to be called in such maturity and the order shall designate the number of the bonds so drawn. A certified copy of the order shall be delivered to the Order calling bonds

county treasurer and he shall add the principal of said bonds, with any premium provided by the terms thereof, to the amount which he is required to collect for payment of the next maturing interest coupons. In his notice of call of assessment the county treasurer shall specify the amount which is included for payment of principal of bonds and premium. Bonds shall be paid in order of presentation.

Notice of
call

Not less than once a week for four weeks prior to the date on which bonds are called for payment the county treasurer, in a newspaper of general circulation printed and published in the main county, shall publish a notice wherein he shall set forth said order of the trustees and shall notify all holders of said bonds to present the same for payment on the date specified and that whenever, on or after such date, funds are received by him for payment of said bonds with any said premium all interest thereon shall cease.

Cancellation
of proceed-
ings

If within one year after any issue of bonds is deposited with the county treasurer, none of such bonds shall have been sold, or if within one year from the date of the election authorizing the issuance of bonds, none of the bonds have been deposited with the county treasurer, the board of trustees, in their discretion, may by an order entered in their minutes cancel all proceedings taken in connection with such bond issue. A certified copy of such order shall be filed with the county treasurer of each county wherein lands affected by the assessment on which said bonds were based are situated. The county treasurer with whom said bonds have been deposited, shall thereupon cancel said bonds together with all coupons attached thereto. Such cancellation shall not affect the validity of the assessment upon which said bonds were issued, and the board of trustees may call for the payment of such assessment, or any part thereof, in such installments from time to time as they shall determine and as provided in section 3166 of this code, or, in their discretion, and either before or after any installment of said assessment shall have been paid, they may cause bonds to be authorized and issued upon the unpaid portion of such assessment after proceedings therefor shall have been taken in the manner hereinabove in this section provided.

Cancellation
of unsold
bonds

In case a portion of any issue of bonds remains unsold after the lapse of one year after the same shall have been deposited with the county treasurer or have not been deposited with the county treasurer within one year after the date of the election authorizing their issuance the board of trustees may in their discretion likewise, by an order entered on their minutes cancel said portion of said bonds so remaining unsold or not so deposited with the county treasurer and all proceedings in relation thereto; and a certified copy of such order shall likewise be filed with the county treasurer in each county wherein the lands affected by the assessment on which said bonds are based are situated.

The county treasurer with whom said bonds have been deposited shall thereupon cancel the same together with all coupons attached thereto. In case a portion only of any bond issue shall have been canceled as above provided the board of trustees shall call in and order paid the portion of the assessment represented by the bonds canceled, in such installment or installments as the said board shall determine, and as provided in section 3466 of this code. and the amount collected shall be deposited in the county treasury and paid out on warrants of the district in the order of their registration drawn in payment of the cost of the works, repairs, maintenance, charges or incidental expenses of the district, for the payment of which the said assessment upon which said bonds were issued was levied.

Assessments covered by unsold bonds.

Provided, that where a portion of the bonds based on such assessment have been sold and are outstanding and remain unpaid in whole or in part only such portion of said assessment shall be so called in or ordered paid as above provided for the payment of warrants issued in payment of the costs of the works of the district, maintenance or repairs as will leave sufficient of said assessment on said land uncalled as will meet and pay the principal and interest of said bonds as and when due and payable.

Limit on call of such assessments

SEC. 7. A new section is hereby added to the Political Code to be numbered 3466a, and to read as follows:

New section

3466a. After the lapse of one year from and after the expiration of the period of redemption of any land sold to the district, or county treasurer as trustee for the district, either pursuant to the provisions of section 3466, 3480 or section 3480a of this code, the county treasurer of the main county, when and as directed by the board of trustees of the district, may in their discretion then sell any land remaining unsold, to the highest bidder for cash at the front door of the courthouse of the main county of the district after giving previous notice of such sale, and the time and place of holding the same, by publication thereof in some newspaper published in the county in which the land to be sold or some portion thereof is situated for two times, to wit: once a week for two successive weeks. It shall be sufficient to describe said land in said notice by reference number as set forth in the assessment lists to which reference shall be made in said notice, and to the date and time of filing same, for further particulars. The trustees of the district shall have the right to reject any and all bids and no bid shall be accepted for an amount less than such price as shall be approved by them. No parcel shall be sold for an amount less than the fair market value thereof as such value shall be ascertained by the board of trustees. One or more parcels of such land may be included in the same notice and sold severally at the time and place set forth in said notice. Upon such last mentioned sale being made as herein provided, the said county treasurer shall execute a deed to the purchaser

Sale of unsold land

Notice

Bids

Deed to purchaser

conveying the land sold, upon payment of the price bid, which deed shall have the effect of conveying title to the land sold to the purchaser free of encumbrance, except district assessments (including the unpaid balance of said assessment for the delinquency of which said property was sold) which upon the date of the sale herein provided had not been called, and except as may be otherwise provided by law, and such deed duly executed and acknowledged shall be prima facie evidence that all the proceedings for the levy and collection of the delinquent assessment for which said land was sold, and all of the proceedings for the sale of said land have been duly and regularly taken, and all notices required to be given or published have been so duly given and published for the time and manner as required by law.

Rights in
land sold for
delinquent
assessment

Where any land has been sold for a delinquent assessment, pursuant to the provisions of section 3466, 3480 or 3480a of the Political Code for a delinquent assessment or installment of the same and no redemption has been made and the time for redemption has expired, the district shall have the right to the possession of the land so sold and unredeemed and the board of trustees shall have the right to bring and maintain any and all actions in equity or law in connection with said land and the protection of the district's rights therein to the same extent as any other owner; and the costs and expenses of such action or actions shall be a charge against the district. The board of trustees shall also have the right to expend funds of the district in such amounts that may from time to time be necessary for the purpose of retiring any and all liens against such land superior to the title of the county treasurer therein.

Management
and control

The trustees of the district shall have the management and control of, and right to lease out to a tenant or tenants for such reasonable rental and upon such terms as such trustees may deem advisable, any and all lands in the district which have been sold to the county treasurer, as trustee, for delinquent assessments, where the time for redemption has expired and said lands remain unsold and to receive and collect the rental for the same. All rentals collected or moneys received by the trustees of the district from such lease of land or for the use or occupation of such land may be applied by them to the payment of the incidental expenses of holding and leasing said lands and to the payment of any other incidental expenses of, or legal charge against the district; provided, however, that all rentals collected or moneys received from lease of land sold to the county treasurer as trustee of the district pursuant to the provisions of section 3480 or 3480a of this code or for the use or occupation of such land, less the incidental expenses of leasing or holding the same, shall, in the event said district shall be in default for interest or principal payments on any of said bonds issued by said district, be deposited in said county treasury of the main county, to the credit of the bond fund of the district. An amount equal to the revenues derived from each tract by reason of the leasing,

use or occupation thereof, less the incidental expenses of leasing and holding same, shall be credited by the county treasurer on the assessment lists against the delinquent charges on said tract. The provisions hereof shall apply to all lands heretofore sold for delinquency to a district or to the county treasurer, as trustee as well as to future sales under assessments whether heretofore, or hereafter to be, levied.

Application
of section

SEC. 8. A new section is hereby added to the Political Code of the State of California, to be numbered 3480b and to read as follows:

New section

3480b. Whenever any district has outstanding more than one issue of bonds it may refund said bonds by a single issue of bonds as in this section provided. To refund said bonds hereunder, the trustees, subject to the provisions hereof, shall make a contract with three or more bondholders, or their duly authorized representatives, acting on behalf of all bondholders who shall become parties to the contract, wherein the terms for such refunding shall be set forth. The contract shall provide (1) for the issuance of refunding bonds hereunder and for the maturities of the refunding bonds, which, however, must all mature within fifty years from the date when authorized by the election herein provided; (2) for the interest rate on said refunding bonds which may be made to vary from time to time or may be omitted for a time but which shall not exceed six per cent per annum, payable semiannually; (3) for the deposit with the county treasurer of the bonds to be refunded and for the time within which said deposit shall take place; (4) for extension of time for deposit of said bonds, but the total time allowed for deposit thereof shall not exceed one year from the date of the election herein provided; (5) for application of moneys on hand in the bond funds of the district or to be received therein from any sources; (6) for the amount of refunding bonds to be issued and for the exchange thereof for bonds being refunded either on a pro rata or bond-for-bond basis; (7) and for such other things incidental to the process of refunding said bonds and not inconsistent herewith as may be proper or necessary. Said contract may include for refunding any outstanding warrants of the district. Bonds and coupons may be refunded whether in default or not in default. Except as herein specially provided, said refunding bonds shall be in terms substantially as provided in section 3480a, as said section shall be when this section shall go into effect as law; but they shall state that they are issued under this section. Upon the execution of said contract the trustees shall call an election in the district and shall submit to the electors the question whether or not refunding bonds shall be issued as provided by said contract. In the notices of election the terms of the contract shall be generally described. All proceedings appertaining to said election shall be in accordance with section 3480. If the majority of votes cast at said election shall be in favor of said

Refunding
bonds

Refunding
contract.

Election

Disposal of
bond fund
moneys.

proposition, said contract shall become binding according to its terms. Whenever bonds, or bonds and warrants, have been fully deposited, as required by said contract, then (1) moneys in the bond funds of the district shall be used, as specified by said contract either (a) in pro rata part payment of bonds and coupons for payment of which they were collected or (b) in payment of bonds and coupons at maturity where the holders thereof do not become parties to said contract, (2) lands that have been deeded under sales for delinquencies and are held for the benefit of bondholders shall be sold for cash at such prices as the trustees shall specify and moneys realized from the sale of said lands shall go into said bond funds of the district, and (3), after all of said lands have been sold, the trustees shall proceed, as provided in sections 3456a, 3461, 3462 and 3463 to have an assessment levied in the amount of the refunding bonds authorized. Said assessment shall be security for the payment of said refunding bonds and shall be collected and applied for that purpose in the manner prescribed in section 3480. Whenever the assessment roll for said assessment has been filed in the office of the county treasurer all assessments underlying the bond issues being refunded shall be null and void and no further proceedings shall be taken thereunder; provided, however, that deeds shall issue thereafter on any sales thereunder for delinquencies where the times for issue of said deeds have then already expired, or where said sales have been made to purchasers for cash and the times for redemption have not yet expired. Upon the filing of said assessment roll in the office of the county treasurer the trustees shall proceed to carry out said contract. Additional moneys for said bond funds for application under said contract may be provided by voluntary contribution and refunding bonds may be issued therefor. Unless funds are provided in the county treasury in the manner herein specified to pay at maturity any bonds and coupons which are not deposited under said contract the trustees shall not carry out said contract. The county treasurer, as depositary of bonds hereunder, may keep said bonds in any safe deposit boxes or vaults in any banks that he shall select. Nothing herein contained shall be held to affect or restrict the provisions of section 3480a. Except as any thereof can not be applied hereunder or is inconsistent herewith, the provisions of section 3480, as said section shall be when this section shall go into effect as law, are hereby incorporated herein as a part of this section and made applicable to said assessment and to said refunding bonds.

Assessment
for refund-
ing bonds

Application
of section

New section

Sec. 9. A new section is hereby added to the Political Code to be numbered 3457b and to read as follows:

Payment of
warrants
outstanding

3457b. Whenever there is sufficient money in the hands of the county treasurer applicable to the payment of any outstanding warrants of the district, and such warrants have not been theretofore presented for payment, the county treas-

urer may give notice by one publication in some newspaper of general circulation published in the county that there is money in his hands to pay certain warrants, giving their numbers in the order of their registration and stating that at midnight of the date of said publication the warrants therein mentioned shall cease to bear interest. Thereafter interest on such warrants shall cease, as set forth in said notice.

CHAPTER 318

An act to amend the California irrigation district act by amending sections 31 and 32a thereof, and adding four new sections thereto, to be designated respectively 32b, 32c, 32d, and 32e, relating to the issuance of bonds of irrigation districts, including funding or refunding bonds, prescribing the form and manner of execution of such bonds and the procedure for the payment and retirement thereof, providing for the adoption of plans for funding or refunding bonds of such districts and for the incurring of indebtedness for the purpose of carrying out such plans, prescribing the terms and conditions upon which bonds may be issued by such districts authorizing limitations and conditions upon the payment of the principal and/or interest, or any part thereof, of any such bonds, providing for the designation of paying agents of such districts for the purpose of receiving funds thereof and applying the same to the payment of the principal and/or interest of any bonds of such districts and declaring this act to be an urgency measure.

Stats 1897,
p. 254,
amended

[Approved by the Governor May 12, 1931 In effect immediately]

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

SECTION 1. Section 31 of the California irrigation district act is hereby amended to read as follows:

Stats 1919,
p 666

Sec. 31. Subject to the provisions of this act, the board of directors shall prescribe the form of the bonds issued by the district and of the interest coupons to be attached thereto. An issue of bonds is hereby defined to be all the bonds issued in accordance with a proposal approved by the electors of the district. Each issue of the bonds of a district shall be numbered consecutively as authorized, and the bonds of each issue shall be numbered consecutively. The board of directors shall fix the date of said bonds, or may divide any issue into two or more divisions and fix different dates for the bonds of each respective division. The date of any bond must be subsequent to the election at which its issuance was authorized and prior to its delivery to a purchaser from the district. The date of issue of any bond authorized under this act or heretofore or

Form of
bonds

Dates

hereafter issued in pursuance of this act shall be deemed to be the apparent date of the said bond appearing on the face thereof. Each shall be signed by the president and secretary of the board of directors of the district, who may be in office at the date of said bond or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, and the seal of the district shall be impressed on each bond. The interest coupons shall also bear the signature of the secretary of the board of directors who may be in office at the date of said bond or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, or a facsimile of such signature. The board of directors shall fix the denominations of said bonds, which shall not be less than one hundred dollars nor more than one thousand dollars. Said bonds shall bear interest at a rate to be fixed by the board of directors, but the rate shall not exceed six per centum per annum. The interest shall be payable on the first day of January and the first day of July of each year. The board of directors shall also designate the place or places at which said bonds or any of them and the interest thereon shall be payable. Said bonds shall be payable in gold coin of the United States. Bonds shall be made payable on the first day of January or the first day of July of the years designated by the board of directors but in no case shall the maturity of any bond be more than fifty years from the date thereof. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof. The board of directors may, with the approval of the California bond certification commission, provide for the call and redemption of any of said bonds in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest, in which event a statement to that effect shall be set forth in the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the county in which the office of the district is located, the first publication of which shall be at least thirty days prior to the date fixed for such redemption. After the date fixed for such redemption, if the district shall have provided funds available for the payment of the principal and interest of the bonds so called, interest on said bonds thereafter shall cease.

Denominations and interest

Call and redemption

Stats 1923,
p 628

Funding and
refunding
bonds

SEC. 2. Section 32a of said act is hereby amended to read as follows:

Sec. 32a. The board of directors of any irrigation district organized under or subject to the provisions of this act may as hereinafter provided cause funding or refunding bonds to be issued for the purpose of funding or refunding any or all outstanding bonds of the district. Such funding or refunding bonds shall, except as otherwise provided herein, be issued in

substantially the manner and form prescribed by this act for the issuance of other bonds of irrigation districts, and the provisions of this act and of the act creating the California bond certification commission concerning the authorization, certification, issuance and sale of bonds of irrigation districts shall be applicable to bonds issued under this section; provided, however, that no survey, examination, drawing, plan, estimate or report of the California bond certification commission as provided in sections 30, 30a, and 30b hereof shall be required to be made, nor shall any resolution of the board of directors that the proposed plan of works is satisfactory as prescribed by section 30b hereof be required to be adopted, but in lieu thereof the board of directors of any district desiring to fund or refund any of its bonds may submit to the California bond certification commission its proposed plan for funding or refunding such bonds. The board of directors of any district may make such expenditures or, with the approval of the California bond certification commission, may incur indebtedness, and issue warrants therefor, for the purpose of paying the cost and expenses incident to any such plan or in connection with such funding or refunding. If such plan is approved by said commission, the board of directors of such district shall call an election for the purpose of authorizing the issuance of such funding or refunding bonds. Such election shall be called and held and the result thereof determined and declared substantially in the same manner as provided by this act for the issuance of other bonds of such districts, except that a majority vote only shall be required for the authorization of such funding or refunding bonds. The maturity or maturities of said funding or refunding bonds shall be fixed by the board of directors of such district subject to the approval of the California bond certification commission, but in no case shall the maturity of any of said bonds be more than fifty years from the date thereof. The rate of interest on such bonds shall not exceed six per centum per annum, payable semiannually.

Form and
manner of
issueExpenses of
funding or
refunding

Election

Maturity

SEC. 3. A new section is hereby added to said act to be designated section 32b and to read as follows:

New section

Sec. 32b. Any issue of such funding or refunding bonds may, in the discretion of the board of directors, mature serially or at one time, but if any issue of such bonds shall mature at one time the board of directors prior to or at the time of the issuance of such bonds shall provide for the creation of an annual sinking fund for the payment of such bonds in such amounts as may be determined by the board of directors with the approval of the California bond certification commission; and the board of directors, anything in this act to the contrary notwithstanding, shall each year at the same time and in the same manner as other assessments in the district are levied and collected, levy and collect an assessment upon all of

Sinking
fund.

Assessment

the lands in the district, in addition to all other assessments in this act required or permitted to be levied and collected, sufficient to provide the amounts of such sinking fund payments for the then current year; provided that the amount of such sinking fund payments may be modified from time to time by the board of directors with the approval of the California bond certification commission. Whenever such sinking fund shall contain at least ten thousand dollars, the board of directors shall by notice published at least once a week for three successive weeks in some newspaper published in the county where the office of the district is located, and, in its discretion, in any other newspaper or newspapers, invite sealed proposals for the sale to the district of any of its outstanding funding or refunding bonds, for the payment of which such sinking fund was created. Said notice shall state the amount available for the redemption of such bonds and shall specify the time and place when such proposals will be opened. All such proposals shall be opened by the board of directors in open meeting at the time specified in said notice or at some subsequent time to which such meeting shall be adjourned. Any or all of such proposals may be rejected, in the discretion of the board of directors. If no bids are received, or if the bids received and accepted are not sufficient to exhaust the moneys so on hand and available for the purpose, the board of directors may purchase at private sale with any available money in the sinking fund, any of said bonds for the payment of which such sinking fund was created. No proposal to sell bonds to the district at a price in excess of the par value thereof shall be accepted. All bonds so purchased from sinking fund moneys shall be forthwith canceled. The board of directors may invest any money in the sinking fund in bonds of the United States or of the State of California and shall hold the bonds so purchased together with the income therefrom, as part of the sinking fund until such time as the board of directors may determine that it is for the best interests of the district that such bonds or any of them be sold. The proceeds of sale of any bonds in which any part of said sinking fund shall be invested shall be deposited in the sinking fund.

Purchase of
outstanding
bonds from
sinking fund

Investment
of money in
sinking fund

Call of
funding and
refunding
bonds

Notice of
call

The board of directors may, with the approval of the California bond certification commission, by resolution adopted at or prior to the time of issuing any funding or refunding bonds, provide for the call and redemption of any of its funding or refunding bonds, in numerical order, or by lot, as may be prescribed in said resolution, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest, in which event a statement to that effect shall be set forth on the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the county in which the office of the district is located. The first publication of such notice shall be not less than thirty days nor more than ninety days prior

to the date fixed for such redemption. After the date fixed for such redemption, if the district shall have provided funds available for the payment of the principal and interest of the bonds so called, interest on said bonds thereafter shall cease.

Notwithstanding anything to the contrary herein contained, the board of directors shall not be required to levy any such assessment for said sinking fund for said current year if the district shall have on hand surplus funds from other sources available for said sinking fund payment and shall have deposited the same in said sinking fund; and if the district shall have on hand funds available for the payment of a portion only of said sinking fund payment and shall have deposited the same in said sinking fund, said assessment for sinking fund purposes for such year shall be so levied as to provide only for raising the amount by which the amount of such sinking fund payment shall exceed the amount deposited in said sinking fund, as aforesaid.

Surplus available for sinking fund

SEC. 4. A new section is hereby added to said act to be designated section 32c and to read as follows:

New section.

Sec. 32c. Any funding or refunding bonds herein provided for may be sold from time to time in the same manner as other bonds of the district, or, may be exchanged for such other bonds of the district upon such terms and conditions as may be approved by the California bond certification commission. Any such outstanding bonds so funded or refunded or exchanged shall be immediately canceled by the treasurer

Transactions in funding or refunding bonds.

SEC. 5. A new section is hereby added to said act to be designated section 32d and to read as follows:

New section.

Sec. 32d. Notwithstanding anything to the contrary in this act contained, if in the judgment of the board of directors it is desirable that the principal and/or interest of any funding or refunding bonds issued pursuant to this act, or any part of such principal or interest, shall be payable solely from the proceeds, or any part thereof, of any existing or proposed contract or contracts of the district for the sale of water and/or electricity, or otherwise, or from any other source or sources of payment, other than assessments, the board of directors may, with the approval of the California bond certification commission so provide by resolution adopted at or prior to the time of the issuance of such bonds. In case the board of directors shall determine that the principal of any funding or refunding bonds issued pursuant to this act, or any part of such principal, shall be payable only from the proceeds of any such contract or contracts or other source or sources of payment, other than assessments, it shall cause a brief statement of such limitations upon the payment of said principal, or portion thereof, to be set forth in such bonds; and in case such limitations shall affect the payment of the interest of such bonds or any part thereof, a statement of such limitations shall be set forth in the interest coupons representing such interest

Payment of bonds out of revenue

Statement in bonds, etc

and also in the bonds to which such interest coupons are appurtenant. If such limitations shall affect the payment of a portion only of the interest which shall accrue on any funding or refunding bonds issued pursuant to this act, the board of directors may either provide that the entire installment of interest payable on any interest payment date shall be represented by a single coupon which shall contain a brief statement as to the portion of such interest, the payment of which is subject to such limitations, or, in its discretion, said board may provide that the portion of said interest the payment of which is not subject to such limitations and the portion of such interest the payment of which is subject to such limitations shall be represented by separate interest coupons, the coupon representing such portion of the interest as to which such limitations upon payment exist containing a brief statement of such limitations.

New section. SEC. 6. A new section is hereby added to said act to be designated section 32e and to read as follows:

Allocation of proceeds of contracts, etc SEC. 32e. Notwithstanding anything to the contrary in this act contained, the proceeds of any existing or proposed contract or contracts, or source or sources of payment, or any portion thereof, designated by said board, may by resolution of said board be allocated to the payment of the principal and/or interest of any bonds of the district, including funding or refunding bonds, or of any portion of such principal or interest designated by said board, and after such allocation and until the payment or retirement of the bonds for the benefit of which such allocation was made, such proceeds or other source or sources of payment, or portion thereof, so designated by said board, shall be applied solely to the payment of the obligation specified in such resolution. Such allocation may be made for the exclusive benefit of any one or more issues of bonds of the district, or portions thereof, designated in such resolution, or, in the discretion of said board, for the benefit of any bonds of the district at any time issued or outstanding. Any such allocation shall be irrevocable until all of such bonds and their appurtenant coupons shall have been paid or retired. In the event that the board of directors, with the approval of the California bond certification commission, shall, pursuant to this act, provide that the principal and/or interest of any bonds, or any portion of such principal and/or interest, shall be payable solely from the proceeds of any such contract or contracts, or other source or sources of payment, other than assessments, neither the district nor any officer thereof shall be holden for such payment otherwise.

Nature of allocation

Designation of agent for bond payments The district may also, with the approval of said commission, designate any bank or trust company or banks or trust companies to act as its agent or agents for the purpose of making payment of the principal and/or interest of any of its bonds, including its funding or refunding bonds, and/or receiving the payments under any contract or contracts for the sale of water or electricity or any revenues from any other source or

sources, so allocated by said board to the payment of the principal and/or interest, or any part thereof, of any such bonds, and/or for the purpose of applying such payments to the payment of such principal or interest, or portion thereof, so designated; and the district, with the consent of said commission, may from time to time substitute another bank or trust company or other banks or trust companies in the place of the bank or trust company or banks or trust companies so designated, and similarly, may substitute another bank or trust company or other banks or trust companies in the place of any bank or trust company or banks or trust companies substituted as aforesaid.

Substitution
of agent

SEC. 7. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional or unenforceable, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or unenforceable.

Constitutionality.

SEC. 8. This act shall not invalidate any act done, or any action or proceeding had or commenced before this act takes effect. All proceedings commenced prior to the effective date hereof shall be completed in accordance with the provisions of this act and all acts and proceedings commenced before but not completed until after the effective date of this act, whether relating to the authorization, issuance, exchange, sale or delivery of funding or refunding bonds, or otherwise, shall be valid and legally binding if taken in accordance with the provisions of this act.

Saving
clauses

SEC. 9. This act shall take effect immediately.

SEC. 10. This act is hereby declared to be an urgency measure within the meaning of section 1 of article four of the constitution of the State of California and it is deemed necessary for the immediate preservation of the public peace, health and safety that this law shall go into immediate effect. The following is a statement of the facts constituting such urgency.

Urgency

Many irrigation districts organized under the laws of this state have issued bonds for the purpose of acquiring works for the distribution of water to the lands within such districts for irrigation and domestic use, which bonds mature in whole or in part on July 1, 1931. If this amendment does not go into effect until ninety days after the final adjournment of this session of the Legislature, such districts will be unable to take advantage of the provisions hereof prior to July 1, 1931. Unless such bonds and interest coupons are refunded pursuant to the provisions of this amendment such districts must advance large cash payments for maturing bonds and interest coupons on that date, thereby leaving them without sufficient funds to enable them to operate properly and efficiently their distribution works. The proper and efficient operation of such

works is necessary for the purpose of furnishing water for irrigation and domestic use to the landowners within such districts and also to certain municipalities which are dependent entirely upon such districts for their source of water supply. The failure of the water supply of any such district or the inability of such district to make proper distribution thereof would be a menace to the public health of the inhabitants of such districts and of the municipalities aforesaid. If, however, the provisions of this amendment become a law immediately, such districts will be able to refund their bonds and coupons on or before July 1, 1931, thereby enabling such districts to utilize all available funds for the proper operation of their works for supplying and distributing water.

CHAPTER 319.

Stats. 1913,
p. 815,
amended.

An act to amend chapter 387, statutes of 1913, entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the California bond certification commission of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by the California bond certification commission; providing for the approval of said bonds and such transfers, or contracts providing therefor by the California bond certification commission in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; providing for the

dissolution of said districts for nonuser of corporate power; and providing for the annexation of lands to and the exclusion of lands from such districts, approved June 13, 1913, as amended, by amending the title and sections 2, 2b, 2d, 4, 5, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 23, 30, 31, 36, 39 and 49 and by adding a new section thereto to be numbered section 60, relating to the organization, functions, purposes, powers, duties, government, dissolution and control of water districts; the election, appointment, qualifications, compensation, tenure, functions, powers, duties and jurisdiction of the officers and employees thereof; the jurisdiction and supervision of county boards of supervisors thereover; fees of county officers; the assessment, fixing of rate, levy and collection of taxes therefor; issuance, approval and sale of bonds; receipt and disposition of moneys; incurrence, payment and discharge of debts and obligations; the acquisition, transfer, disposition and sale of property and property rights thereof and the making of contracts, leases and agreements in respect thereto; the annexation and exclusion of lands; the office of the district; the securing, use, distribution and apportionment of water for irrigation purposes and the irrigation of lands therein; the obtaining, maintaining, operating, using and constructing of irrigation works; and providing a short title for this act.

[Approved by the Governor May 12, 1931 In effect August 14, 1931]

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

SECTION 1. The title of said act is hereby amended to read ^{Title.} as follows:

An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; relating to the functions, purposes, powers, duties, organization, government and control of water districts, and the election, appointment, qualifications, tenure, compensation, functions, powers, duties and jurisdiction of the officers and employees thereof, and the jurisdiction and supervision of county boards of supervisors thereover and the fees of county officers; providing for the acquisition, construction, maintenance and operation by said district of irrigation works, for the irrigation of the lands embraced therein and for the securing, use, distribution and apportionment thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; relating to the incurrence, payment and discharge of debts and obligations thereof, and the assessment, fixing of rate, levy and collection of taxes therefor; providing for the issuance and

sale of bonds thereby; providing for the acquisition, use, transfer, disposition and sale of property and property rights thereof and the making of contracts, leases and agreements in respect thereto; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the execution of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the California bond certification commission of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by the California bond certification commission; providing for the approval of said bonds and such transfers, or contracts providing therefor by the California bond certification commission in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; providing for the dissolution of said districts for nonuser of corporate power; and providing for the annexation of lands to and the exclusion of lands from such districts and providing a short title for this act.

Stats 1927,
p. 1536

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

Bond to
cover cost

Sec. 2. Said petition shall be accompanied with an undertaking in a sum not less than one thousand dollars, conditioned that the sureties will pay all of the costs in connection with the proposed organization in case said district shall not be organized. Said undertaking shall be subject to approval by said board of supervisors, which may require an additional undertaking if, in the judgment of said board, the costs in connection with the proposed organization will exceed one-half of the amount of the undertaking submitted. Upon the approval by said board of said undertaking or of any additional undertaking which the board may at that time require, the board shall fix a time for the hearing of said petition, which shall be not less than twenty-two days and not more than forty days thereafter, and the clerk of said board shall cause a notice of the filing of said petition and of the time and place for said hearing to be published at least once a week for three successive weeks in a newspaper of general circulation published in the county in which the lands within said proposed district are situated, or in each county in which any of the lands within said proposed district are situated if said proposed district includes land in more than one county. Said notice shall state the fact of the presentation of said petition to said board of supervisors and the time and place fixed by said board for the hearing thereof, and shall set forth the text

Notice of
hearing

of said petition and shall give the names attached to said petition. No mere clerical error in the published text of the petition and no error in the publication of such names and no omission of any name from the list so published shall invalidate any action on said petition or deprive the board of supervisors of jurisdiction to proceed in said matter. The first publication of said notice shall be at least twenty-one days before the day set for said hearing, and if at said hearing it shall appear that the notice given has been defective in any material respect, said board shall set another time for said hearing and cause notice again to be published as hereinbefore provided. At the hearing the board shall hear all relevant evidence in support of said petition or in opposition thereto or in support of or in opposition to requests for inclusion of lands in or exclusion of lands from said proposed district. During or prior to said hearing any holder of title or evidence of title to lands within said proposed district may present to said board a request for exclusion of such lands or any part thereof from said proposed district, and any holder of title or evidence of title to land not within said proposed district but contiguous to any part thereof and susceptible to irrigation from the sources or any of the sources named in said petition may present to the board a request in writing for the inclusion of said land in said proposed district. If, upon the hearing of said petition, it shall be shown to the board that said petition conforms to the requirements of this act and that notice of said hearing has been given as hereinbefore required, the board shall proceed to fix the boundaries of said proposed district, and in so doing shall exclude therefrom any land which the board shall find is not susceptible of irrigation from any of the sources proposed or will not be benefited by such irrigation and, upon application of the owner or owners, may include in such proposed district any lands which are susceptible of irrigation from the source or sources proposed in said petition and will be benefited thereby, if in the judgment of said board said proposed district will have or may obtain a sufficient supply of water for the irrigation of such land proposed to be included. The hearing of said petition may be continued by said board from time to time, but such hearing shall not be continued after thirty days from the time originally fixed therefor, except from day to day, if any petitioner shall object to such continuance. When said board shall have determined upon the lands to be included within said proposed district, it shall make an order establishing and describing the exterior boundaries thereof and describing any lands within said boundaries which are to be excluded from the district, and designating a name for said district, which may be the name proposed in said petition or such other name as the board may determine. Said order shall be entered in full upon the minutes of said board. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except

Hearing

Fixing
boundariesSufficiency
of petition
and notice.

the State of California in a quo warranto proceeding brought by the attorney general. Any such proceeding must be commenced before the commencement of such a proceeding as is provided for in section 3 hereof, or within one year after the making and entry of the said order of the board of supervisors if such latter proceeding is not instituted, and not otherwise.

Call for
election

After making and entering such an order defining and establishing the boundaries of the proposed district, said board of supervisors shall forthwith call and give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act and for the selection of a board of directors, a tax collector, a treasurer, and an assessor to serve in case said organization shall be effected. Said notice shall be published once a week for at least three weeks previous to such election, in a newspaper of general circulation published in the county in which the lands within said proposed district are situated or in each county in which any of the lands within said proposed district are situated, if said proposed district includes land in more than one county, shall describe the boundaries so established, shall designate the name of the proposed district, and shall state that at said election the voters possessing the qualifications prescribed by this act shall cast ballots for or against said proposed organization and shall select a board of directors, a tax collector, a treasurer, and an assessor to serve in case said organization shall be effected; provided, nothing in this act nor in any other act shall be construed as preventing or limiting the right of the holder of title or evidence of title of any tract of land within any water district formed under the provisions of this act, from petitioning for inclusion or prohibiting such lands from being included, within any irrigation district organized under the California irrigation district act, in accordance with and pursuant to the provisions of said California irrigation district act, but such inclusion shall not be made unless it shall appear and the board of directors of the irrigation district, within which such lands are about to be included, shall find that the water district within which such lands are situated shall have been in existence not less than five years immediately preceding the date of the filing of the petition for inclusion with the secretary of the board of directors of the irrigation district, and that at the date of the filing of such petition such water district shall not be delivering and is not prepared to deliver water from its irrigation works to such lands for irrigation purposes; provided that no lands within such water district so included within the boundaries of an irrigation district shall be released from any of the burdens, obligations, or liabilities of such water district, because of such inclusion within an irrigation district, but shall, so far as such inclusion is concerned, continue to be in all respects a part of such water district. Where a consolidation of officers as hereinafter provided for is

Petition for
including or
excluding
lands.

Consolidation of
officers

deemed advisable in the organization of a district, the petitioners may request in their petition for organization such consolidation, and the board of supervisors calling the election shall in its order therefor announce such consolidation, and then only one person shall be elected to fill the several offices so consolidated.

SEC. 3. Section 2b as added to chapter 387, statutes of 1913, by chapter 785, statutes 1927, is hereby amended to read as follows: Stats 1927,
p 1538

Sec. 2b. At such election there shall be elected a board of Conduct of
election five directors, a tax collector, a treasurer, and an assessor. The board of supervisors shall designate the polling place for such election and appoint from the persons eligible to the office of district director one inspector and two judges of election, who shall constitute a board of election for such district election. For the convenience of voters the board of supervisors may divide the proposed district into election precincts and establish the boundaries of such precincts, and in such case shall appoint a board of election as aforesaid for each precinct, and designate a polling place therein. The said election shall be held and the result thereof determined and declared as nearly as may be in accordance with the provisions of sections 22, 23 and 24 of this act relating to district elections; provided, that at such election the last equalized assessment roll or rolls of the county or counties within which any of the lands within said proposed district are situated shall be used in lieu of the assessment book mentioned in section 22 of this act, and the returns of said election shall be forwarded to said board of supervisors, which shall meet on the second Monday following said election and canvass said returns and declare the results of said election. District
organized If by such canvass it appears that a majority of all the votes cast at such election are in favor of the organization of the district said board of supervisors shall by an order entered on its minutes declare the territory duly organized as a water district under the name theretofore designated, and said board shall cause certificates of election to be issued to the persons found to be chosen as directors, tax collector, treasurer and assessor of the district.

SEC. 4. Section 2d as added to chapter 387, statutes of 1913, by chapter 785, statutes 1927, is hereby amended to read as follows: Stats 1927,
p 1539

Sec. 2d. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively for two years next succeeding their election and until their successors are elected and qualified. In each water district formed under this act there shall be an election every two years held at such time and place in the district as shall be provided in the by-laws of the district, at which election an assessor, a tax collector, a treasurer, and five directors shall be elected, to hold office for two years and until their successors are elected and Officers and
their suc-
cessors

qualified. The board of directors may, in its discretion, consolidate any two or more of the offices of assessor, tax collector, and treasurer. The order of consolidation must be made at least thirty days prior to such election; provided, that the board of directors may, at least thirty days before any succeeding election of the district, where the offices have been consolidated, segregate the same.

Stats 1913,
p. 815

SEC. 5. Section 4 of chapter 387, statutes 1913, is hereby amended to read as follows:

By-laws

Sec. 4. The district must adopt for the government and control of its affairs a code of by-laws, not inconsistent with the constitution and laws of the state or the provisions of this act. Sixty days after they shall have qualified for office the board of directors shall prepare by-laws for the written approval of the board of supervisors of the county in which the district was organized, and, when said by-laws are approved, shall adopt the same by resolution entered in the minutes of the meeting, unless, prior thereto, by-laws shall have been adopted and filed with the secretary of the district by the written assent of the holders of title or evidence of title, including such aforesaid possessory rights, to a majority in area of the lands embraced in said district. The records of the United States land office for the district in which said lands are located; the records of the state land office; and the records in the office of the county recorder of the county in which said lands are situated shall be conclusive evidence of ownership for the purposes of this section. The by-laws shall provide for the manner of calling, and the time, place and manner of conducting all elections and the manner of giving notice thereof; the mode of voting in person or by proxy; the qualifications and duties of officers, the tenure of their office, the time and manner of their appointment or election; their compensation; the place at which the office of the district shall be kept and maintained and the mode of changing the same; the mode of amending or repealing the by-laws and suitable penalties for the violation of the by-laws not to exceed in any one case two hundred dollars for any one offense. The by-laws may be repealed or amended, or new by-laws may be adopted by the assent of two-thirds of the total vote of the district, given either in writing or by ballot cast at an election of the district. The by-laws in their original form, and any repeal thereof, or amendment or addition thereto, must, together with the approval of the board of supervisors and the resolution of the directors, or the written assent thereto or a memorandum of the returns of the election at which the assent was given, be certified by a majority of the directors and the secretary of the district and must be filed for record with the county recorder of each county in which any of the lands contained in said district are located and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. Until so recorded, no by-law, addition thereto,

Evidence of
ownership

amendment or repeal thereof, can be enforced against any person not having actual notice of the same.

SEC. 6. Section 5 of chapter 387, statutes 1913, is hereby amended to read as follows: Stats 1913,
p 815

Sec. 5. The officers of the district shall be a board of five directors, a secretary, a tax collector, a treasurer, and an assessor, all of whom shall, except as herein otherwise provided, be elected by ballot, except the secretary who shall be appointed by the board of directors. No person shall be qualified to hold any of said offices, except that of secretary, unless he is a holder of title or evidence of title, including such aforesaid possessory rights, to lands contained in the district. Each appointee to office or officer-elect shall forfeit his office unless within ten days after he has notice of his election or appointment or before the expiration of ten days from the commencement of his term of office, when no such notice is given, he shall have filed for record with the county recorder of each county in which any of the lands contained in said district are located, a written acceptance of his office which shall be recorded in a book kept for the purpose of recording instruments and writings relating to the district. If any office shall become vacant by forfeiture, death, resignation, or from any other cause, the same shall be filled by appointment by the board of directors. Until such time as their salaries shall have been fixed by the adoption of by-laws, the officers of the district shall receive the following compensation for their services: the secretary, tax collector, treasurer, and assessor such sum each as shall be fixed by the board of directors; and the directors five dollars each for each directors' meeting attended or for each day's service rendered as a director by order of the board of directors, together with any expenses incident to such service, except expenses incurred in traveling between his place of residence and the place at which directors' meetings are held. Officers of district
Vacancies.
Salaries

Upon the taking effect of this amendatory act of 1931, said board shall appoint a tax collector and a treasurer or said board may consolidate said offices and fill such consolidated office and thereupon the county treasurer, county tax collector and county auditor shall immediately transfer and turn over to the appropriate district officers all moneys, books, records, papers, and documents belonging to or appertaining to the district. Tax collector and treasurer

SEC. 7. Section 8 of said act is hereby amended to read as follows: Stats 1927,
p 1539.

Sec. 8. Between thirty and ninety days after the organization of the district, and between said dates annually thereafter, the board of directors must file with the clerk of the board of supervisors of the county in which said district was organized an estimate of the sum required by the district to discharge the unpaid matured obligations thereof at that date and the obligations thereof that will mature or that it is probable will be incurred and mature during the year next Estimate of maturing obligations.

following, specifying that portion of said estimate which will be required for the payment of bonds and of the interest on bonds.

Assessment
of lands

Between the date on which the district was organized and ninety days thereafter, and between said dates in each succeeding year, the assessor must view the lands of the district and assess each parcel or tract of land contained therein at its full cash value and said assessor must, within said time, file with the clerk of said board of supervisors, an assessment book with appropriate headings in which must be listed each parcel or tract of land within the district, specifying: (1) the name, if known (and if unknown, stating that fact), of the holder of title or evidence of title, including such afore-said possessory rights, thereto; (2) the description thereof by legal subdivisions, metes and bounds, or other boundaries sufficient to identify the same; and (3) the value assessed thereon. If the district is contained in more than one county, then the assessment book shall be prepared with a separate part in a separate volume for the lands of each county.

Hearing of
objections

Within sixty days after the said estimate and the said assessment list shall have been filed as above provided, the board of supervisors shall fix a time not less than twenty-two days and not more than forty days from the time of the meeting of said board of supervisors at which said date is fixed at which said board of supervisors acting as a board of equalization shall meet and hear any objections to the assessment as made. From the time of calling said meeting and until said meeting is held, and during the office hours of said board of supervisors, the assessment list shall be open to public inspection at the office of said board of supervisors. The clerk of said board of supervisors shall give notice of the time and place of said meeting, which shall be the regular meeting place of said board of supervisors, and of the time and place where said assessment list may be inspected by the public by publication once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the lands of said district are situated, or in each county in which any of the lands within said district are situated, if said district includes land in more than one county. The first publication of said notice shall be at least fifteen days prior to the date fixed for said hearing. The said board of supervisors shall meet at said time and place for said hearing and shall hear all objections which may be presented to it regarding the correctness of said assessment list, and shall hear all relevant testimony presented in support of or in opposition to said objections, and shall continue in session from day to day until all said objections and such evidence have been heard and acted upon. Upon the completion of the hearing of all such objections and all evidence as provided herein the said board of supervisors shall add to or deduct from the valuation assessed to any tract or parcel of land such per centum thereof as shall be sufficient to raise it or reduce it to its full cash

value and shall fix the full cash value of any lands contained in said district that shall not have been so assessed. Thereupon, and before said hearing is closed, the assessor shall have the total valuation of all the lands assessed extended into columns, added and a statement thereof made.

When said statement is completed, the board of supervisors must fix such ad valorem rate of taxation upon each hundred dollars in value of the lands so assessed as will raise the sums specified in said estimate. Any changes in or additions to said list shall be entered in said assessment book in the proper place therefor and the order therefor shall be indorsed on the margin of the entry and signed by the chairman and attested by the clerk of said board of supervisors and thereupon said board shall adjourn as a board of equalization and said hearing shall be deemed completed. Within ten days after the hearing is completed, the order of the board of supervisors approving the assessment, the statement of the assessor showing the total valuation of the property assessed, the order fixing the rate of taxation thereon, and the estimate of the sum required by the board of directors of the district for the expense thereof during the year next following shall be signed by the president and attested by the secretary of the district and shall be attached to the assessment book on the last volume thereof, unless the lands of the district are contained in more than one county, in which case a copy thereof shall be signed and attached in a similar manner to each separate part of the assessment book. Thereupon the assessment shall be deemed complete.

Fixing tax rate, etc.

Within ten days after the assessment is completed, the assessor shall compute and charge in the assessment book in a place provided therefor in the record of each parcel or tract of land assessed the amount of the tax due thereon and shall file each said separate part of the assessment book with the tax collector of the district and thereafter the charges therein taxed shall be due and payable to the tax collector of the district.

Computing tax.

The various orders of the board of supervisors made at the hearing shall be final and when indorsed on or attached to the assessment book shall be conclusive evidence that the assessment was made and the tax levied in accordance with the law; provided, however, that any person interested in lands of the district and aggrieved by the decision of the board of supervisors may, in order to have said assessment, or the tax levied thereon, corrected, modified or annulled, institute an action therefor in the superior court of the county in which said district was organized.

Appeal to superior court

No action to determine the validity in any respect of any such assessment, or tax levied thereon, shall be maintained unless the same shall have been commenced within thirty days after the assessment book, or each separate part thereof, is filed with said tax collector as above provided.

Limitations of actions.

Stats 1913,
p. 815

SEC. 8. Section 9 of said act is hereby amended to read as follows:

Assessment
lien on
property

Sec 9 From and after the filing of the assessment book, or each separate part thereof, with said tax collector, as provided in section 8 of this act, the charges therein taxed upon any tract or parcel of land within the district and any penalties added thereto as hereafter provided shall constitute a lien thereon and shall impart notice thereof to all persons.

Stats 1913
p 815

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

Delinquency
notice

Sec. 10. Within ten days after each tax shall have become due and payable, the assessor shall publish in some newspaper of general circulation published in the county in which the district was organized, a notice stating that the same became due and payable on (inserting date) to the tax collector of the district and that unless paid within six calendar months from said date the same will become delinquent, an additional charge of ten per cent thereof added thereto and the delinquent property sold at public auction. The tax must be paid in United States gold coin and the tax collector must mark the date of payment in the assessment book opposite the name of the person paying, and must give to such person a receipt, specifying the property taxed, the amount of the charge thereon and the amount paid, and thereafter must pay the moneys so received to the treasurer of the district. As soon as possible after the tax shall become delinquent the assessment book and each separate part thereof shall be returned to the secretary of the district and the board of directors thereof shall publish once a week for three weeks in some newspaper of general circulation published in the county in which said district was organized a notice containing a description of the delinquent property; the name, if known, and, if unknown, stating that fact, of the person to whom it is assessed; the amount of the taxes and penalties due thereon; and a statement that the delinquent property will be sold therefor in front of the courthouse of said county on a date therein stated, which must be not less than twenty-one or more than twenty-eight days from the first publication, unless an error is made in the publication and discovered prior to the sale, in which case the notice shall be republished in the same manner, specifying the sale for a date not less than twenty-one or more than twenty-eight days from the first republication.

Publication

Stats 1913,
p 815.

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

Purchaser

Sec. 11. At the time and place stated in said notice or at such other time (written notice whereof has been posted at the place of sale) to which the board of directors may have postponed it, not exceeding thirty days in all from the original date of sale, that person is the purchaser who will immediately pay in gold coin of the United States the delinquent tax and the penalty thereon for the smallest portion of the delinquent property, or in case an undivided interest is taxed, then the

smallest portion of the interest. In case there is no purchaser in good faith for the same the whole amount of the delinquent property shall, for the amount of the tax and penalty thereon, be struck off to the district as the purchaser.

A certificate of sale shall be executed in duplicate by the board of directors, one of which shall be delivered to the purchaser or to the district, if the property shall have been struck off to the district, and the other of which shall be recorded in the office of the county recorder of the county in which the property sold is located. The certificate shall be dated the day of the sale and shall specify—the description of the property sold; the name, if known, and if not, stating that fact, of the person to whom it was assessed; the fact that it was sold for the amount of the tax and penalty thereon, giving the amount and year of said tax; and the date on which the purchaser will be entitled to a deed. Certificate
of sale

The recorder upon receiving the certificates of sale must, when he records the same, enter, in a book provided for that purpose and kept with the book provided for the purpose of recording instruments and writings relating to the district, a description of the land sold, corresponding with the description in the certificate, the date of sale, the name of the purchaser, and the amount paid. The entries in said book shall be numbered consecutively on the margin thereof and a corresponding number shall be indorsed on the certificate. At the time of the sale the board of directors shall indorse in the assessment book opposite the description of the property, the portion of the same sold for taxes and penalties, with the date of sale and name of purchaser and shall thereafter pay to the tax collector of the district the amount received on the sale thereof and shall return said assessment book, or any such separate part thereof, to the tax collector from whom the same was received. Thereupon the tax collector must pay the moneys so received to the treasurer of the district. Certificate
recorded

Any person interested in any property sold may redeem the same within one year from the date of sale by paying in gold coin of the United States to the tax collector and in trust for the purchaser or his assignees, the amount for which the same was sold, together with interest thereon at the rate of two per cent per month from the date of sale, and the tax collector must give him a receipt therefor, specifying therein a description of the property redeemed, the name of the purchaser and the date of sale, and he shall credit the amount so paid to the purchaser and shall thereafter pay the same on demand to the purchaser or his assignee. The county recorder of the county in which is located the property redeemed shall, upon presentation of the tax collector's receipt for said amount, mark the word "redeemed," the date and by whom redeemed on both the record of the certificate of sale of said property and on the margin of the memorandum thereof made in the book kept for that purpose. Redemption
of property
sold

Purchaser
entitled to
deed after
one year.

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by the board of directors, and said deed shall contain all the recitals of the certificate, and when duly acknowledged shall be (except as against actual fraud) conclusive evidence of the regularity of all proceedings from the assessment to the execution of said deed, inclusive, and said deed will convey to the grantee the absolute title to the lands described therein, free of all encumbrances, except state, county, municipal or subsequent district taxes, and except when the land is owned by the United States or this state, in which case it is the prima facie evidence of the right of possession.

Property
sold to dis-
trict for
taxes

All property sold for taxes to the district shall subsequently be assessed for district taxation as though it had never been sold, but it shall not again be sold for delinquent tax, as long as it is owned by the district.

Sale by dis-
trict which
became pur-
chaser.

The title acquired by the district, in case it becomes the purchaser at a delinquent tax sale of the district, may be sold at public auction or private sale and conveyed by deed executed and acknowledged by the president and secretary of the district; provided, that authority to so convey must be conferred by resolution of the board entered on its minutes fixing the price, in the best interests of the district, at which such sale may be made.

Stats. 1913,
p 815

SEC. 11. Section 13 of said act is hereby amended to read as follows:

Plan of irri-
gation works

Sec. 13. The board of directors shall, as soon after the organization of the district as is practicable, prepare and adopt a plan of irrigation works and shall estimate the cost of constructing the same and of acquiring the lands, property, property rights, water, and water rights necessary or proper therefor and to supply the lands contained in the district with sufficient water for irrigation purposes, together with every other expense of the district that it is probable will be incurred and become payable before the expiration of one year from the completion of said works, for which the funds of the district then in the treasury or thereafter to be received from a tax previously levied, are inadequate, including the interest on any bonds of the district due and payable prior to said date. Thereafter, when it is considered by the board of directors for the best interest of the district that bonds thereof shall be issued for the purpose of obtaining all of the money necessary to pay the costs and expenses specified in the estimate accompanying the plan of the irrigation works or when the holders of title, or evidence of title, including such aforesaid possessory rights, to a majority in area of the land contained in the district, shall sign and file with the secretary of the district a petition therefor, the said board of directors shall, by resolution adopted and entered in its minutes, order a special election to be held at the time designated by said board at which shall be submitted to the

Special bond
election

land owners the question of whether or not bonds of the district shall be issued in said amount. A notice of said election specifying the time and place at which the same will be held, the amount of the bonds proposed to be issued, the interest rate and purpose thereof, shall be published once a week for four weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located, and proof thereof must be filed with the secretary of the district prior to the date on which said election is held. The ballots cast at such election shall specify the amount and purpose of the proposed bond issue and the rate of interest proposed. If two-thirds of the votes cast thereat are in favor of the issuance of bonds, the board of directors shall cause bonds in the amount specified in the order for the election to be executed and delivered to the treasurer of the district.

Notice

Ballots.

SEC. 12. Section 14 of said act is hereby amended to read as follows:

Stats 1913, p 815.

Sec. 14. Bonds of the district, when issued, shall be payable in gold coin of the United States in twenty series as follows, five per cent of the whole amount of said bonds at the expiration of eleven years and at the expiration of each succeeding year to and including the expiration of thirty years from the date of execution thereof; they shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; and they shall be signed by the president of the board of directors and attested by the secretary of the district. Each bond must be made payable at a given time for its entire amount and not for a percentage; shall bear interest at a rate not in excess of seven per cent per annum, payable semiannually on the dates therein named at the office of the treasurer upon the presentation and surrender of the proper coupons therefor, and the principal thereof shall be payable when due upon the presentation and surrender thereof to the treasurer by the holder of the same. Each issue shall be numbered consecutively and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for each installment of interest shall be attached to the bonds and shall be numbered the same as the bonds, and attested by the facsimile signature of the secretary of the district.

Bonds, term

Denomination.

Interest

Coupons

The bonds shall be substantially in the following form:

Form of bonds.

“Issue _____ No. _____. For value received, _____ water district situated or principally situated in the county of _____, State of California, promises to pay the holder hereof at the office of the treasurer of said district, on the _____ day of _____, 19____, the sum of _____ dollars in gold coin of the United States with interest in like gold coin at the rate of _____ per centum per annum, payable at the office of said treasurer semiannually, on the _____ day of _____ and the _____ day of _____ in each year. on presentation

and surrender of the interest coupons hereto attached. This bond is issued pursuant to an election held by said district on the ----- day of -----, 19--, authorizing its issuance, and by authority of an act entitled (specifying the title and date of approval of this act).

In witness whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the secretary of said district, with the seal of the district attached, this ----- of -----, 19--.

President of said board.

Attest:

Secretary."

The interest coupons shall be substantially in the following form:

Form of
coupons

"No.-----.

The treasurer of ----- water district, State of California, will pay the holder hereof, on the ----- day of -----, 19--, at his office in ----- dollars, gold coin of the United States, out of the funds of ----- water district for interest on bond numbered ----- of said district.

Attest:

Secretary of ----- District."

Bonds placed
to the credit
of the
district

The treasurer of the district shall, when he receives the same, place the said bonds to the credit of the district and he shall, in a book provided for that purpose, keep a record of said bonds and of the payment thereof and the interest thereon. When filed with said treasurer, as above provided, the bonds of the district and the interest thereon shall be and remain until paid a lien on the lands of the district, and a lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue.

Stats 1913,
p 815

SEC. 13. Section 15 of said act is hereby amended to read as follows:

Test of
validity of
bonds

Sec. 15. As soon as said bonds shall have been delivered to said district treasurer, the board of directors, or any holder of title, or evidence of title, including such aforesaid possessory rights, to lands contained in the district, may, in order to determine that said bonds are a legal obligation of the district, institute a proceeding therefor in the superior court of the county in which the district was organized by filing with the clerk of said county a complaint setting forth that on a date therein named bonds of said district were delivered to the said treasurer, stating the amount of such bonds, and praying that such bonds be adjudged to be a valid legal obligation of such district. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in

each county in which any of the lands contained in said district are located. Within thirty days after the last publication thereof shall have been completed and proof thereof filed in the court, any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of said bonds. If no answer shall be filed within said time, the court must render judgment as prayed for in the complaint. If an answer be filed the court shall proceed as in other civil cases. Said proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SEC. 14. Section 17 of said act is hereby amended to read as follows: Stats 1921,
p. 1142

SEC. 17 The board of directors shall provide ways and means for the sale of said bonds or for the exchange thereof dollar for dollar for bonds of the State of California. Said board shall in no event, except as herein otherwise provided, sell or exchange, as above provided, any of said bonds for less than the par value thereof, plus the accrued interest thereon, nor shall any of said bonds be sold or exchanged nor shall said treasurer deliver any of the same unless the total proceeds thereof, either in gold coin of the United States or bonds of the State of California at their par value, shall be at least eighty-five per centum of the total amount of said bond issue, nor unless said bonds shall first have been approved as provided in section 18 of this act; provided, however, that the board of directors of a district shall have the power to order the bonds of the district to be sold at not less than ninety per cent of the par value thereof, when the board deems it for the best interest of the district to do so. When any of said bonds are sold by the board of directors, the district treasurer shall transfer the bonds purchased to the purchaser upon receiving the purchase price, and the moneys received therefrom shall be placed to the credit of the district and in a similar manner bonds of the State of California that may be received for bonds of the district shall be placed to the credit thereof to be sold as the board of directors may direct, in no case, however, for less than the par value thereof. Sale of
bonds

SEC. 15. Section 19 of said act is hereby amended to read as follows: Stats 1913,
p. 815.

SEC. 19 Whenever there remains in the hands of the district treasurer any unsold bonds of the district which it is not necessary to sell for the purpose of raising funds for the district, the board of directors may call a special election to determine whether said bonds shall be destroyed or not, or may submit such proposition at a general election. The notice thereof shall specify, in addition to the requirements therefor as provided in section 23 of this act, the amount of the bonded indebtedness authorized, the amount of the bonds remaining unsold and the amount thereof proposed to be destroyed. When the vote cast at said election is canvassed Cancellation
of unsold
bonds

by the board of election, if a two-thirds majority of the votes cast shall be found to be in favor of the destruction of said bonds, then the president of the board of directors, in the presence of a majority of the members thereof, must destroy the bonds so voted to be destroyed and the amount thereof shall be deducted from the total amount authorized to be issued, and no part thereof shall thereafter be reprinted or reissued.

Stats 1913,
p 815

SEC. 16. Section 20 of said act is hereby amended to read as follows:

Use of excess
money to re-
deem bonds

SEC. 20. Whenever the funds of the district are in excess of the amount necessary to complete the construction of the irrigation works or to acquire the necessary water, water rights, property and rights in property therefor and to supply all the lands contained in the district with sufficient water for irrigation purposes and in addition thereto to pay every obligation of the district that is due and payable or that will become due and payable or that it is probable will become due and payable before the expiration of two years from the date on which the last preceding tax of the district was levied, the board of directors may direct the treasurer of the district to pay with said excess (specifying the amount thereof) such an amount of the sold bonds of the district as said excess sum of money will redeem at the lowest value at which they may be obtained for liquidation, in no case for more than the par value thereof.

Stats 1913,
p 815

SEC. 17. Section 21 of said act is hereby amended to read as follows:

Treasurer of
district to
receive
funds

SEC. 21. The treasurer of the district shall receive to the credit of the district and in trust for the uses and benefits thereof all the funds thereof, and all such funds or moneys belonging to the district, or to which the district is entitled, shall, when received, except as herein otherwise provided, be paid by the person so receiving them to the said treasurer. The said treasurer shall establish for the district two funds, to wit, a bond fund and a general fund, and shall apportion the moneys of the district to said funds, as follows: To the bond fund, that portion of the moneys received from the collection of taxes or from the sale of property for delinquent taxes which bears the same proportion to the total amount so received from the collection of taxes or from the sale of property for delinquent taxes as that portion of the estimate of the board of directors (on which said tax was based) which is required for the payment of bonds and of the interest on bonds bears to the whole amount of said estimate; to the general fund, the balance of all moneys or funds so received. In case lands of the district when sold for delinquent taxes, are struck off to the district as the purchaser, the tax collector of the district shall, in making his accounting with the treasurer of said district, furnish a statement of the lands so sold to the district and of the amount for which the same were sold, and said treasurer shall thereupon estimate that portion

Two funds

of said amount belonging to the bond fund and shall charge the general fund with said portion and shall pay the same from the general fund into the bond fund. The moneys placed in the bond fund shall be used for the payment of bonds and of the interest thereon, and, until the total bonded indebtedness of the district is discharged, shall not be used for any other purpose. The funds of the district shall not, except for the payment of bonds and the interest thereon, be paid out by the treasurer of the district, unless a warrant therefor shall have been drawn and executed by the board of directors. Such warrants are and shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based thereon, or connected therewith, is and shall be the term of four years from the date of their issuance. In any proceeding for a writ of mandate to compel the board of directors to issue a warrant, the court must determine the controversy in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sum as may be found to be due.

Payments
from funds

SEC. 18. Section 23 of said act is hereby amended to read as follows: Stats 1913,
p 815

Sec. 23. Except as herein otherwise provided, all elections held under the provisions of this act shall be called, held and conducted at the time, place and in the manner provided by the by-laws of the district; provided, however, that no such election shall be valid unless held within the district and unless notice thereof shall first have been given in the following manner: by publication thereof once a week for at least two weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located. The said notice of election shall state the time, place and purposes thereof. At least ten days before any election, the board of directors must appoint from among those persons qualified and entitled to vote at said election an inspector and two judges, who shall constitute a board of election, and three alternates who shall, in the order in which they are appointed, fill any vacancies on said board if any members thereof do not attend at the opening of the polls. Each member of such board of election, or his successor, must, before entering upon his duties as such, take an official oath as such member of the board of election, which may be administered by any officer authorized to administer oaths or by any landholder in the district. The inspector is chairman of the election board and shall appoint the necessary clerks, and if during the progress of the election any judge or clerk shall cease to act, he shall appoint his successor. The polls shall be kept open for the reception of votes from 10 o'clock a. m. until 5 o'clock p. m., when the same must be closed. The election board shall, before the opening of the polls, post in a conspicuous place thereat a list of all persons entitled to vote at said election with the number of votes they are entitled to cast. The ballots used at the election shall be provided by the

Conduct of
elections.

Notice

Election
officers

board of directors and one of the clerks of the election shall deliver one of them to each person qualified to cast a vote or to his representative by proxy. The Australian ballot shall be used and the clerk of the election board at the time of delivering the same to the voter, or his representative by proxy, shall mark thereon in a place provided for that purpose the name of the person casting the ballot and also the name of the proxy, if any, and the number of votes which he is entitled to cast. The person casting the ballot shall stamp a cross with a rubber stamp, to be provided by the board of directors, in the square behind the name of each candidate or proposition he wishes to vote for. The election board shall retain and file with the returns of the election all proxies presented at said election. A list of the ballots cast shall be made by the board of election, containing the name of the voter and, if the ballot be cast by proxy or by the legal representative of the voter, the name of the person casting it; the number of votes cast; and how the person voted on the different matters presented at the election. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall, within ten days after the close of the polls, forward a certificate, showing the same and the number of votes cast for or against each candidate or proposition, together with all ballots used and all documents and papers used at such election, to the clerk of the board of supervisors of the county in which the district was organized, and a duplicate copy of said certificate to the secretary of the district. A copy of said certificate, certified by said clerk of the board of supervisors, shall be by him filed for record within ten days from the receipt thereof with the county recorder of each county in which any of the lands contained in said district are located, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. Any person interested may contest such election, within twenty days after the result thereof has been declared, by filing a complaint in the superior court of the county where such election was held, and if no contest shall be commenced within such said time, the declaration of the result by the board of election shall be final and conclusive. No proxy shall be valid and no proxy shall be accepted or vote allowed thereon at any election held under the provisions of this act unless the same be executed in writing by the person or corporation who, according to the next preceding assessment book of the district, is entitled to the votes for which the proxy is given. The said proxy shall be acknowledged before some person authorized to take certified acknowledgments of conveyances of real property and shall specify the election for which it is given and shall only be used at such election. Every proxy shall be revocable at the pleasure of the person executing it.

SECS. 19, 20. Section 30 of said act is hereby amended to read as follows:

Canvass

Contest of election

Proxies

Sec. 30. No supervisor, recorder, auditor or clerk of any county shall receive any fee for any service required to be performed by him under the provisions of this act. No fees

SEC. 20. Section 31 of said act is hereby amended to read as follows: Stats 1913,
p 815

Sec. 31. If at any time after the organization of any district hereunder, the boundaries of the county in which the same was organized shall be so changed or modified as to exclude therefrom all of the lands contained in said district, then in that event the records and documents of said district in the possession and care of the board of supervisors of said county, together with a certified copy of the proceedings had by the district under jurisdiction of said board of supervisors, shall be transferred and filed with the clerk of the board of supervisors of the county in which the greater portion of the lands contained in said district are located. All proceedings, petitions, orders or other documents which have been filed with the recorder of the county in which said district was organized, and which, or a certified copy thereof, have not been recorded in the county to which said district is transferred, shall be certified to by said county recorder and filed for record with the county recorder of the county to which said district has been transferred, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. From and after the transfer in the manner above specified the board of supervisors of the county to which the district is transferred shall have and exercise all of the jurisdiction, power and authority over said district as was theretofore exercised by the board of supervisors of the county wherein such district was originally formed and thereafter any act or duty which is herein required to be done by the board of supervisors or any officer of the county in which said district was organized shall be performed by the corresponding board of supervisors or other official of the county to which said district has been transferred, and in general the said district shall thereafter conduct and manage its affairs through its proper officials and in conjunction with the proper officials of each county in which any of the lands contained in said district are located as though said district was originally organized in the county to which it was transferred. Change of
county
boundaries
affecting
district

Transfer of
records by
county
officers

Transfer of
powers and
duties

SEC. 21. Section 36 of said act is hereby amended to read as follows: Stats 1917,
p 1409

Sec. 36. The board of directors of any district hereafter organized hereunder shall have the power to sell water to owners of land in the district and to fix rates for the sale of water, and such rates may vary in different months and in different localities of the district to correspond to the cost and value of the service, and to collect for all water sold and to use so much of the proceeds of the sale of water as may be necessary to defray the ordinary operating expenses of the district and any funds derived from the sale of water, in excess of the amount necessary for operating expenses, shall be Sale of
water

applied by the treasurer of the district upon the payment of interest on bonds or to create a sinking fund.

Stats 1929,
p 1474

SEC. 22. Section 39 of said act is hereby amended to read as follows:

Notice of
filing of peti-
tion to ex-
clude lands

Sec. 39. The secretary of the board of directors shall cause a notice of the filing of such petition to be published once a week for four consecutive weeks in some newspaper published in the county where the district was organized, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they will be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Stats 1929,
p. 1478

SEC. 23. Section 49 of said act is hereby amended to read as follows:

Notice of
petition to
include
lands

Sec. 49. The secretary of the board of directors shall cause a notice of the filing of said petition to be given and published once a week for four consecutive weeks in some newspaper published in the county where the district was organized and if any portion of such territory to be included lie within other county or counties, then such notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be included. The notice shall state the purpose of the petition and describe the boundaries of the tract or tracts of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the office of said board at a time named in said notice for the hearing of said petition and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the

publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice.

SEC. 24. A new section to be numbered section 60 is hereby added to said act to read as follows: New section

Sec. 60. This act shall be known and cited as the "California water district act." Short title

CHAPTER 320.

An act to amend sections 1083a, 1095a and 1097 of the Political Code, relating to registration of electors and conduct of elections.

[Approved by the Governor May 12, 1931 In effect August 14, 1931]

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

SECTION 1 Section 1083a of the Political Code is hereby amended to read as follows Stats 1931
(initiative)

1083a. Wherever, by the constitution or laws of this state any initiative, referendum, recall or nominating petition or paper, or any other petition or paper, is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition or paper, shall be entitled to sign the same. Each signer shall add to his signature his place of residence, giving street and number if either exists, and if no street or number exists, then such designation of the place or residence as will enable the location to be readily ascertained. Qualifica-
tions for
signing
initiative
petitions,
etc

Such signer shall at the time of so signing such petition or paper affix thereto the precinct, also the date of such signing. Wherever, by the constitution or laws of this state, the county clerk or registrar of voters is required to determine from the records of registration what number of qualified electors have signed such petition or paper, he shall determine that fact with respect to the purported signature of any elector from the affidavit of registration, current and in effect at the date of his signing such petition or paper. Signing
petitions.

SEC. 2. Section 1095a of the Political Code is hereby amended to read as follows: Stats 1931
(initiative)

1095a. The county clerk, or registrar of voters charged with the registration of voters, must provide blank forms for the affidavits of registration, which forms shall be bound together in books or pads of one hundred sheets each, and consist of originals and duplicates. Each original shall be attached to a stub by a perforated line, and each original and duplicate shall bear a number. Said number shall appear on the original and duplicate sheet, and also on the stub to which they are attached, and the numbering shall begin with one and continue in a sequence until all of the blanks provided shall be numbered. The numbering shall begin anew with Original and
duplicate
affidavits

each one million affidavits of registration. Each set of numbers shall be designated alphabetically as a series, beginning with series A, following the first million. The stubs shall contain a line for the name and spaces for the residence and precinct of the person registered. Each deputy clerk, deputy registrar, or registration clerk shall receipt to the county clerk or registrar of voters for all books or pads issued to him, specifying the numbers of the affidavits received by him, and he shall be charged with the same until he returns and files the same. When any elector is registered, his name, residence, and precinct shall be noted on the stub attached to the original, and if for any cause the affidavit is spoiled in the course of making it out, or a mistake therein is made the same must not be removed from the pad, or book, but the name of the elector for whom it was intended, with his residence and precinct must be entered on the stub as in other cases, and the stubs and affidavits each marked with the word "spoiled."

Deputies to
be charged
with blanks

Spoiled
affidavits

Accounting
for blanks

When the registration for any election is closed, all deputies or registration clerks, must, immediately thereafter, return all affidavits of registration, and all books or pads in their possession containing stubs, spoiled, or unused affidavit blanks; and within five days after the close of such registration the county clerk, or registrar of voters must report to the district attorney of the county, or city and county, under oath, the names of his deputies if any, who have not complied with the provisions of this section; and it shall be the duty of the district attorney to forthwith begin a criminal prosecution against such deputies or registration clerks as shall not have complied with the provisions of this section. Any deputy, or person having charge of affidavits of registration who shall wilfully, or by gross carelessness, neglect, fail, or refuse to comply with the provisions of this section shall be guilty of a misdemeanor.

Penalty for
violation

Stats 1931
(initiative)

SEC. 3. Section 1097 of the Political Code is hereby amended to read as follows:

Affidavit of
registration

1097. Subdivision 1. No person shall be registered as an elector except by affidavit of registration. Such affidavit must be made before the county clerk or registrar of voters, or their deputy or registration clerk and shall set forth all of the facts required to be shown in sections 1096 and 1097 of the Political Code. If an elector is absent from the county in which he or she claims residence, he or she shall obtain from the county clerk or registrar of voters of his or her home county, or city and county, the required blank affidavit of registration in duplicate and then may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice consul of the United States, and may make and subscribe an affidavit as to his or her residence, specifying in what assembly district and precinct he or she claims residence; that he or she will be necessarily and unavoidably absent from said county, or

Absent
elector

city and county, on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections 1096 and 1097 of the Political Code of the State of California, and forward such affidavit, in duplicate, duly authenticated as above, by registered mail, enclosed in an envelope addressed to the county clerk of any county, or the registrar of voters in any county or city and county in which he or she claims to be an elector. The county clerk or registrar of voters of any county or city and county, on request made in writing, shall furnish the necessary blank forms of affidavit of registration in duplicate, to all electors so applying who are or will be temporarily absent from their home precinct. Upon receipt of such affidavit by such county clerk or registrar of voters within the time allowed by law for registration, the said affidavit shall be entered and bound by the county clerk or registrar of voters in the proper register in such precinct.

Sub. 2. No foreign born person shall be registered unless:

(a) If a naturalized citizen, upon the production of his or her certificate of naturalization or upon the production of a certificate of registration in the county of his or her last residence in the state, showing the month, day and year, and place of naturalization; provided, that any person registering for the first time in the state must produce his or her certificate of naturalization.

Registration
of foreign
born

(b) If a citizen by virtue of his or her father being a citizen at the time of his or her birth, upon his or her sworn statement that his or her father was a citizen of the United States at the time of his or her birth and has been a resident thereof. Such statement need not be noted in full upon the affidavit of registration, but the words "I acquired citizenship by the citizenship of my father (naming him)" shall be sufficient.

(c) If a citizen by virtue of the naturalization of his or her parent, upon his or her affidavit that he or she became a citizen by such naturalization of his or her parent, naming such parent, that such naturalization took place during his or her minority and that he or she began to reside permanently in the United States while such minor child. Such statement need not be noted in full upon the affidavit, but the words "I acquired citizenship by my father's (or mother's) naturalization" as the case may be, naming him or her, shall be sufficient

(d) If a citizen by virtue of marriage to a citizen, the month, day and year, and place of her marriage shall be entered upon the affidavit of registration together with the name of the husband.

(e) If a citizen by virtue of the naturalization of her husband, the month, day and year, and place of her marriage together with the name of her husband shall be entered.

Sub. 3. In every case the affidavit of the party must show all the facts required to be stated. The county clerk or registrar of voters may cause to be written or printed upon the

What affidavit must show

Substitu-
tionsManner of
printing

margin of the affidavit. in addition to any matter hereinafter provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any removal or transfer of registration, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such county clerk or registrar of voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and dispatch. Whenever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said word "county." In connection with the place of residence the affidavit may have printed either the word "precinct" or the word "street," or the word "avenue," or any or all of such words as the county clerk or registrar of voters shall deem most convenient in practical use for the territory in which such affidavits are to be used. In designating the residence of the elector or the post-office address it shall not be necessary in either case to repeat the county or city and county or state where the name of said county or city and county or state previously appear. In connection with the statement regarding the citizenship of affiant, the affidavit may have printed in brackets statements of the various methods of acquiring citizenship, and it shall be sufficient to underline, or otherwise mark with pen and ink, or indelible pencil, that statement applicable to the particular affiant. The words printed in the body of the affidavit, which by reason of statements of the elector are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side of such affidavit, and may be double or single lines in the discretion of the county clerk or registrar of voters of the county or city and county for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Whenever any blank space is left in any line for the entry of any matter the lines shall not be less than one-third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with number one, and so on to the end, but the jurat and space for the signature of the elector need not be numbered. The horizontal width of the affidavit, separate from any and all margin, shall not be less than seven inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the county clerk or the registrar of voters. The words "affidavit of registration" shall be not less than twenty-four point black-face type. Pen and ink or indelible pencil must be used in marking the portions of the affidavit which are not printed. The

matter in the body of the affidavit, where the size of type is ^{Type} not otherwise specified, shall be not less than ten point plain-faced type, save that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type at the discretion of the county clerk or registrar of voters. Subject to the foregoing provisions the body of said affidavit shall be substantially in the following form :

For transfer or change of name.	I am registered under the name of	Form

	in-----assembly district,-----precinct in said county and request that said registration be canceled.	

State of California }
 () county of } ss. Affidavit of registration.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the state one year, of the county ninety days, and of the precinct forty days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I have not registered in another precinct in the state since January 1, 19____. (If applicant has previously registered in this county or has registered under another name, mark out word "not" and fill out transfer clause at top. If applicant is registered in another county mark out word "not" and applicant must execute a separate affidavit of cancellation before he can register.)

2. My full name is-----
 (Including Christian or given name, and middle name or initial and in the case of women, the prefix Miss or Mrs.)

3. My residence is-----
 between-----and-----streets-----floor, room-----

4. My height is-----feet-----inches.

5. I was born in-----
 (State or country.)

6 I acquired } a. Decree of c. Citizenship e. Naturalization
 citizenship by } court. of father. of my husband.

(Underline method of acquiring citizenship.)	}	b.	{	Father's naturalization.	d. Marriage to a citizen.	f. Act of congress.
				Mother's naturalization.		g. By treaty

(when) { month }
 { day } ----- (where) { city }
 { year } ----- { state } -----

My { father's }
 { husband's } name is (was) _____
 { mother's } (To be filled out when citizenship depends
 on citizenship or naturalization of parent
 or husband.)

7 I can_____read the constitution in the English language; I can_____write my name; I am entitled to vote by reason of having been on October 10, 1911 (a) An elector.
 (b) More than sixty years of age
 I can_____mark my ballot by reason of_____ (State physical disability, if any.)

8. I intend to affiliate at the ensuing primary election with the _____party.
 (If affiliation is not given, write or stamp "Declines to state.")

Subscribed and sworn to
 before me this_____ day of_____19_____
 _____ (Affiant sign here.)

County Clerk.
 By_____Residence_____
 Deputy County Clerk.

My occupation is_____ Assembly district_____
 Post office address is_____ Precinct_____
 Rural route No._____ Box No _____

Change of
 surname.

Sub. 4 Whenever any elector, between the time of his or her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed his or her surname by an order of court or she by a change or assumption of marital relation, he or she shall be entitled to reregister under his or her new or changed name, upon an additional statement made at the time of such reregistration, giving the name under which he or she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of reregistration before the said affidavit is signed, and shall be deemed a part thereof. Upon such registration the last previous registration of such elector shall be canceled. And in case any elector shall reregister or transfer his or her registration from one precinct to another the former address or precinct shall be noted in the margin of such affidavit, and the former registration shall thereupon be canceled.

Judgment
 directing
 registration

Sub. 5. No person shall be registered except as above provided unless upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made.

CHAPTER 321.

An act to amend sections 1113, 1115, 1120, 1121 of the Political Code, relating to registration of electors and conduct of elections.

[Approved by the Governor May 12, 1931 In effect August 14, 1931]

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

SECTION 1. Section 1113 of the Political Code is hereby amended to read as follows: Stats 1927,
p 598

1113. Within ten days after the last day of registration for any election the county clerk or registrar of voters shall arrange the original affidavits of registration for each precinct in which such election is to be held, alphabetically by surnames in each precinct, and bind the same into books with an alphabetical index, by fastening the left-hand edges together with a staple, cord or other suitable material. Each book shall have stated on the outside thereof the name or number of a precinct, and shall contain all, and only, the original affidavits of registration of the electors residing within the precinct. The duplicate affidavits for the whole of each county shall, as fast as the registration progresses, be filed alphabetically without regard to precinct. In the case of duplicate affidavits this alphabetical arrangement shall be exact; and in the case of affidavits having the same surname such arrangement shall extend to the given or Christian name, and, where necessary to the middle name or initial. Registr.-
tion book

Duplicate
affdavits

SEC 2. Section 1115 of the Political Code is hereby amended to read as follows: Stats 1931
(initiative)

1115. Within ten days after the binding of said books by precincts the county clerk or registrar of voters shall prepare an index of each book, for county or city and county elections, said index to contain the names, addresses and political party as they appear in said books, and also a ruled space, in front of the name of the elector, within which to write the word "voted" for each elector who votes. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. The county clerk or registrar of voters shall have at least forty copies of said index printed for the use of said county, and he shall at the same time also have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding twenty, as the governing body of such municipalities shall by resolution require. The county clerk or registrar of voters shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county or upon written demand of Index

Printed
copies

Copies for
candidates

his campaign committee, one copy of a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The county clerk or registrar of voters shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference. He shall also transmit one copy of said general index to the state librarian at Sacramento.

Stats 1931
(initiative)

SEC. 3. Section 1120 of the Political Code is hereby amended to read as follows:

Qualifica-
tions of
voters

1120. All persons shall be entitled to vote at the elections mentioned in section 1044 of this code, who come within the terms or comply with the requirements of this section

1. Every person who was a qualified elector forty days immediately preceding the holding of any of the elections mentioned in section 1044 of this code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated election precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of the holding of the election provided for and held under said section 1044, and who voted at either one or both the August primary or general election of the even numbered year next preceding, shall be entitled to vote at said election, without other or additional registration, except as provided in the second paragraph of this section. All other persons, in order to be entitled to vote at any of the elections provided for in said section 1044, must be registered in the manner required by sections 1094, 1096 and 1097 of this code, as an elector of and within one of the precincts which composes the special election or consolidated election precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of sections 1094, 1096 and 1097 of the Political Code; provided, that such registration shall be in progress at all times except during the thirty-nine days immediately preceding any such election held under said section 1044 of this code.

Elections on
or after
April 1,
1932

2. When any of the elections mentioned in section 1044 of this code is held on or after the first day of April of the year 1932, any person to be entitled to vote at such election must have been registered since the opening of registration for such even numbered year on January 1, 1932, in the manner required by sections 1094, 1096 and 1097 of this code as an elector of and within one of the precincts which compose the

special election or consolidated precinct wherein he claims to be entitled to vote.

SEC. 4. Section 1121 of the Political Code is hereby amended to read as follows: Stats 1927,
p 585

1121. The register used at each special election or consolidated election precinct, at the elections provided for in section 1044 of this code; provided, such elections are not held on or after the first day of April in the year 1932, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general state election immediately preceding the holding of the election provided for in said section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general state election become entitled to vote at any of the elections to be held in such precinct, under said section 1044 of this code. In the event that precinct registers were used at the last preceding general state election, then it shall be the duty of the county clerk or registrar of voters, to furnish such original affidavits of registration with the supplements aforesaid, except for all school elections, for each of the special election or consolidated precincts, to the boards of election, respectively, in and for each such election precinct. No person shall be entitled to vote at any such election provided for in said section 1044 of this code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless according to the constitution and laws of this state, he is entitled to vote thereat; provided, however, that if through inadvertence an elector is placed in a precinct other than the one in which he resides, at the time of registering, the county clerk or registrar of voters shall be, and he is hereby empowered with authority to issue to said elector, on or before the day of election, a certificate showing the record, and on presentation of the same to the board of election officers of the precinct in which said elector resides the said board shall incorporate said certificate in the book of affidavits of registration and in lieu thereof permit the said elector to vote. Registers
used at
certain
elections

If any election provided for in section 1044 of this code is held on or after the first day of April, 1932, the register used at such special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said year 1932 and at least forty days prior to such election. After April
1, 1932

CHAPTER 322.

Stats 1923,
p 517,
amended *An act to amend section 69 of the California vehicle act, approved May 30, 1923, relating to vehicles.*

[Approved by the Governor May 12, 1931 In effect August 14, 1931]

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

Stats 1929,
p 523 SECTION 1. Section 69 of the California vehicle act is hereby amended to read as follows:

Expiration
of opera-
tors' and
chauffeur's
licenses Sec. 69. Expiration of license. Every chauffeur's license shall expire at midnight on December thirty-first of every second year and shall be renewed biennially in the same manner and upon payment of the same fee as provided for an original license.

The division of motor vehicles is hereby authorized at any time to cancel all operators' licenses heretofore issued which have been outstanding two years or more and to require the renewal thereof, and every operator's license hereafter issued shall expire two years from date of issuance, and every such license hereafter issued shall bear thereon the date of expiration. Renewal shall be made upon application and subject to examination in the discretion of the division.

CHAPTER 323

Stats 1927,
p 694,
amended *An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, designated the "Metropolitan water district act," by amending sections 2, 5, 5½, 6, 7, 8 and 9, all relating to the incorporation, powers, government and management of metropolitan water districts, and the addition of area thereto and declaring same an urgency measure.*

[Approved by the Governor May 12, 1931 In effect immediately]

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

Stats 1927,
p 694 SECTION 1. Section 2 of the act cited in the title hereof, is hereby amended to read as follows:

Words and
phrases
defined Sec. 2. As used herein the term "municipality" or "city" shall be deemed to mean and include any municipal corpora-

tion of the State of California, whether organized under a freeholders' charter or under the provisions of general law; and for the purposes of this act such words "municipality" and "city" shall also include and mean any water district incorporated for the service of water.

The terms "board" and "board of directors" shall be deemed to refer to the directors created under section 6 hereof.

SEC. 2. Section 5 of said act is hereby amended to read as follows: Stats. 1927,
p. 694

Sec. 5. Any district incorporated as herein provided shall have power: Powers of
district

- (1) To have perpetual succession.
- (2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.
- (3) To adopt a corporate seal and alter it at pleasure.
- (4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the district and within and without the state necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without and within or without the district and within and without the state, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.
- (5) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted except water and water rights already devoted to beneficial use and power plants devoted to public use; and provided, further, that any district organized under the provisions of this act shall not have or exercise the power of eminent domain for the purpose of condemning or taking any water or right to water conserved or stored behind any flood control dam that has been or may hereafter be built or constructed by any flood control district created by act of Legislature of this state. Subject to the express limitations hereinbefore set out, in any proceeding relative to the exercise of such power of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation.
- (6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any of the lands which are now, or may become, the property of the State of California, and to construct works and establish and maintain facilities across any stream of water or water course; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall

Powers of
district.

not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. In the use of streets the district shall be subject to the reasonable rules and regulations of the county or city wherein such streets lie, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the district shall not be required to pay any license or permit fees, or file any bonds. The district may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no district incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) per cent of the assessed valuation of all the taxable property included within the district, as shown by the assessment records of the county or counties, excepting property subject to taxation for state purposes under the provision of section 14 of article thirteen of the constitution of the State of California.

(8) To levy and collect taxes for the purposes of carrying on the operations and paying the obligations of the district; provided, however, that such tax levied under this section exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon shall not exceed five cents on each such one hundred dollars of assessed valuation; to enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient.

(9) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any other public agency thereof or this or any other state or any political district or subdivision thereof.

(10) To acquire water and water rights within or without the state; to develop, store and transport water; to provide.

sell and deliver water at wholesale for municipal and domestic uses and purposes; to provide, sell and deliver surplus water of the district not needed or required by member cities for domestic or municipal uses therein, for beneficial purposes, but giving preference to uses within the district; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the district to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic or municipal uses within the district, upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the district whenever it shall be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such water is needed or required by member cities of the district for domestic or municipal uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor.

SEC. 3. Section 5½ of said act is hereby amended to read as follows: Stats 1927,
p 694

Sec. 5½. Each city, the area of which shall be a part of any district incorporated hereunder, shall have a preferential right to purchase from the district for distribution by such city, or any public utility therein empowered by said city for the purpose, for domestic and municipal uses within such city a portion of the water served by the district which shall, from time to time, bear the same ratio to all of the water supply of the district as the total accumulation of amounts paid by such city to the district on tax assessments and otherwise, excepting purchase of water, toward the capital cost and operating expense of the district's works shall bear to the total payments received by the district on account of tax assessments and otherwise, excepting purchase of water, toward such capital cost and operating expense. Right of city
to water

SEC. 4. Section 6 of said act is hereby amended to read as follows: Stats 1929,
p 1613

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder. Directors

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors,

each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars, or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no municipality shall have votes exceeding in number the total number of votes of all the other municipalities that are members of such district. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each two hundred million dollars of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) per cent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their successor shall be elected and qualified.

Powers.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the constitution of the United States or of the State of California, or to the provisions of this act, necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances and resolutions the roll shall be called and the ayes and noes recorded. Orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present, provided there shall be present directors from not less than three-fourths of all cities composing said metropolitan water district and representing not less than three-fourths of the total votes of said district; provided, that in lieu of such previous introduction or unanimous vote any

ordinance may be mailed by registered mail, postage prepaid to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No ordinance adopted by the board of directors shall take effect until the expiration of thirty days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption. All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties. Ordinances

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands; also to prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials or supplies, required for the carrying out of any of the purposes of this act; provided that, in cases where work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars, or more, the board of directors shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, subject to the right of said board to reject any and all proposals. Provided, further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, shall be deemed by the board of directors to be of urgent necessity, and shall be authorized by a two-thirds vote thereof.

(8) To fix the rates at which water shall be sold; provided, however, that rates shall be uniform for like classes of service throughout the district.

Stats 1927.
p. 694.

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Bonded in-
debtedness

Sec. 7. (a) Whenever the board of directors of any metropolitan water district incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works, or the incurring of any preliminary expenses, necessary or convenient to carry out the objects or purposes of said district the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in the said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the public works or improvements, or the estimated amount of preliminary expenses, as the case may be, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) per cent per annum payable semi-annually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district or any part thereof is situated, or by reference to any previous order or ordinance of the legislative body of the municipality, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, to a number not exceeding six (6), may be consolidated for special elections held hereunder. In the event any bond election shall be called

Ordinance
calling
election

Precincts

to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor.

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before the date of the election therein called, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made. Publication

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the board of directors of the district a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder. Conduct of election

(d) In the event that it shall appear from said returns that a majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purpose and purposes and object or objects provided for such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance. Results of election

(e) All bonds of such district, issued under the provisions of this act, shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fiftieth ($1/50$) part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place or places to Bond issues
Maturity

be fixed by said board of directors, together with the interest on all sums unpaid at such date; provided, that, in case such bonds are issued in installments at different times, each installment shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fiftieth ($1/50$) part of the whole amount of such installment, shall be payable each and every year on a day and date, and at a place or places to be fixed by said board of directors, together with the interest on all sums unpaid at such date; provided, however, that said board may, in its discretion, determine and fix the date for the earliest maturity of the principal of the whole amount of such bonded indebtedness, or of each installment of such bonds, as the case may be, not more than fifteen years from the date of the first issue of such bonds, or of the respective installment of such bonds, as the case may be; in this event, the whole amount of such bonded indebtedness, or of the respective installment of such bonds, as the case may be, must be made payable in substantially equal annual parts in not to exceed fifty (50) years from the date of the first issue of such bonds, when the bonds are issued in one block, or from the date of the respective installment of such bonds, when the bonds are issued in installments. The bonds shall be issued in such denominations as the board of directors may determine, except that no bonds shall be of less denomination than one hundred (100) dollars, nor of a greater denomination than one thousand (1000) dollars, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six per cent (6%) per annum, and shall be payable semiannually. Such bonds shall be signed by the chairman of said board of directors, or by such other officer as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller and countersigned by the secretary of said board of directors. The coupons of said bonds shall be numbered consecutively, and signed by said controller. All such signatures and countersignatures excepting that of the controller on said bonds, may be printed, lithographed or engraved.

(f) In case any of such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said district shall be located. Said notice,

Denomina-
tions

Interest

Form

Coupons

Sale of
bonds

calling for bids, shall state the time for the receipt of such bids, which shall be not less than ten (10) days after the first publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate undetermined, in which event the bids shall contain a statement of the lowest rate of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest. Bids for such bonds shall be opened publicly and the results thereof publicly announced. Such bonds shall be sold to the highest bidder. Temporary, or interim, bonds or certificates, of any denomination whatsoever, to be signed by the controller, may be issued until the definitive bonds are executed and available for delivery.

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said district to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold. Proceeds

(i) The board of directors shall, within ninety (90) days from the date of the election authorizing the issuance of bonds, cause to be brought in the name of the district an action in the superior court of the county in which said district, or the greater portion of the property subject to taxation by said district, according to the most recent assessment, is located, to determine the validity of any such bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three (3) weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten (10) days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten (10) days appear and by proper proceedings contest the validity of such bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid, and declaring the provision for the collection of an annual tax for said purposes, to be sufficient or insufficient. Either party may have the right to appeal to the supreme court at any time within thirty (30) days after the Validity of
bonds

rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety (90) days from the date of the election authorizing the issuance of bonds, no action may be brought to contest or question the validity of said bonds and proceedings in relation thereto or the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity. If there be more than one action or proceeding involving the validity of any of such bonds, or the sufficiency of the provision for the collection of an annual tax sufficient for the said purposes, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds or the sufficiency of such provision for the collection of an annual tax, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten (10) days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties or taxed to the losing party, in the discretion of the court.

Revenue
from water

(j) The board of directors shall fix such rate or rates for water furnished as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by such district, pay the interest on any bonded debt, and, so far as practicable, provide a sinking or other fund for the payment of the principal of such debt as the same may become due; it being the intention of this section to require the district to pay the interest and principal of the bonded debt from the revenues of such district, so far as practicable. If, however, from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as the same becomes due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, or such part thereof as shall not be met from revenues of the district, and also sufficient to pay such part of the principal of such bonds as shall become due before the time when money will be available from the next general tax levy, or such

Taxes

portion thereof as shall not be met from revenues of the district; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually sufficient when added to revenues of the district available for that purpose to pay the interest on such indebtedness as it falls due and also to constitute, together with the revenues of the district available for such purpose, a sinking fund for the payment of the principal of such bonds on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected and shall be used for no purpose other than the payment of such bonds and accruing interest.

(k) Coupon bonds issued hereunder, at the request of the holder, may be registered as to principal and interest in the holder's name on the books of the treasurer of the district, and the coupons surrendered and the principal and interest made payable only to the registered holder of the bond. For that purpose the treasurer of the district shall detach and cancel the coupons, and shall endorse a statement on the bonds that the coupon sheet issued therewith has been surrendered by the holder, and the coupons canceled by such treasurer, and that the principal and the semiannual interest are thereafter to be paid to the registered holder, or order, by draft, check or warrant drawn payable at a place of payment specified in the bond, after which no transfer shall be valid unless made on such treasurer's books by the registered holder, or by his attorney duly authorized, and similarly noted on the bond. After such registration, the principal and interest of such bond shall be payable only to the registered owner. Bonds registered under this paragraph may, with the consent of the district and the holders of the bonds, be reconverted into coupon bonds at the expense of the holder thereof, and again reconverted into registered bonds from time to time, as the board of directors of the district and the holders of the bonds may determine. In converting coupon bonds into registered bonds, coupon bonds may be exchanged for registered bonds of one hundred dollars (\$100) each, or multiples thereof, but not exceeding fifty thousand dollars (\$50,000) each, in which event new registered bonds shall be issued at the expense of the holder. Coupon bonds may be exchanged for other coupon bonds of one hundred dollars (\$100) each, or multiples thereof, but not exceeding fifty thousand dollars (\$50,000) each, in which event new coupon bonds shall be issued at the expense of the holder.

Coupon and
registered
bonds.

For each conversion or reconversion of a coupon or registered bond, the treasurer of the district shall be entitled to charge and collect such fee as the board of directors of the district may prescribe from time to time.

Legal investment

(1) All bonds heretofore or hereafter issued by any metropolitan water district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and whenever any moneys or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in the bonds of such metropolitan water district.

Stats 1929,
p 1619

SEC. 6. Section 8 of said act is hereby amended to read as follows:

Assessed valuation

Sec. 8. (a) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property within the district lying in the county, and also such assessed valuation segregated according to cities, the area of which lie within the district.

Rate of taxation

(b) On or before the twentieth day of August the board of directors of the district shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding and shall fix the rate of taxation of the district, designating the number of cents upon each one hundred dollars assessed valuation of taxable property in each county and shall levy a tax accordingly:

(1) Sufficient to meet interest and sinking fund requirements on all outstanding bonded indebtedness of said district; and

(2) For all other district purposes.

Amounts and installments for cities

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the district lying within each separate municipality by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any city may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such city.

Payment by cities

(d) On or before the twenty-fifth day of August of each year the governing body of each such city may elect to pay out of the municipal funds all or any portion of the amount of tax which would otherwise be levied upon property within such city. Such election shall be made by order upon motion, which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments and the times wherein such installments shall be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of direc-

tors of the district as approved by resolution. In the event that any city shall elect to pay in cash, or by deferred installments, money or any part thereof which would otherwise be levied upon property within the city, it shall immediately certify to the controller of the district a copy of such order and a statement showing its financial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor. Provided, however, that in the event any city shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such city to meet interest and sinking fund requirements on the outstanding bonded indebtedness of said district, such amount so elected to be paid shall be deposited with the treasurer of said district on or before the twenty-seventh day of August next following such election; and provided, also, that unless such payment is so made in the case of interest and sinking fund requirements, and unless such election, as to all other taxes, shall provide for payments in accordance with the resolution of the board of directors as hereinbefore provided for, then such election shall be ineffective for any purpose.

(e) Before the first day of September the controller of the district shall cause to be prepared and transmitted to the auditor of each county in which the district shall lie, a statement showing the tax rate to be applied to assessed property in each city, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each city only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such city, or credited thereto as herein provided, but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

of Tax rate
for cities.

(f) Upon receipt by the auditor of each county wherein such district, or any part thereof, shall lie, of a certified copy of the controller's statement showing the tax rate to be applied to assessed property in each city, and showing the cities, the assessed property in which is exempt therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the district at the rate specified as herein provided. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency, and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasurer of the district, subject to the deduction herein authorized.

Collection
of taxes

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and withhold an amount not exceeding one percent on the first twenty-five thousand dollars collected hereunder, and one-fourth of one per cent of

any amount in excess of twenty-five thousand dollars collected hereunder. The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

Enforcement
of tax liens

(g) Whenever any real property situated in any district organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been sold. All taxes levied under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for state and county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

Payment by
cities to
districts

(h) Cities, the areas of which are included within metropolitan water districts incorporated hereunder, are hereby authorized to pay to such districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies, or other bodies, boards, commissioners or officers having control of such funds, thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any city making any such payment to any district incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any city shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any city shall exceed the amount of taxes which would otherwise have been levied against property within such city, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years. Any city, or body, board, commission or officer thereof having control of funds, which shall have incurred expenses (for which such funds have been, or will be, expended) in the investigation of or preliminary work upon any works or projects taken over by the district, may receive, and the district so taking over any such works or projects may make to such city, body, board, commission or officer thereof, reimbursement for all such sums so expended, or to be expended, for expenses incurred in such investigation of or preliminary work upon the works or projects so taken over by the district, to the extent that the board of directors of the district shall find that such

expenditures have benefited such district, it being the intention of this provision to permit the district to purchase, and the city or body, board, commission or officer thereof, to sell, such works or projects taken over by such district, and for which such city, body, board, commission or officer thereof, has no further use or need. The sum so to be paid by such district to such city or body, board, commission or officer thereof, shall be mutually agreed upon, and if the expenses, for which such reimbursement is to be made by the district, shall have been incurred by a body, board, commission or officer, of the city, having control of the funds so expended, or to be expended, for such expenses, then the district shall pay such sum to said body, board, commission or officer, or if ordered so to do by such body, board, commission or officer, the district shall pay such sum to the city. ^{Same}

As an alternative to the purchase and sale of any works or projects taken over by the district, as hereinabove provided, any city, or body, board, commission or officer thereof having control of funds, which shall have incurred expenses for which such funds have been, or will be, expended in the investigation of or preliminary work upon any such works or projects taken over by the district, may certify the amount thereof, without interest, to the board of directors of said district at any time within four (4) years from the date of the incorporation of such district, or the incurring of such expenses, if such district be already incorporated, and if allowed by the board of directors, such amount shall be credited to the city, which itself, or whose body, board, commission or officer, incurred the same, and such expenditures shall be considered as a payment of money made as herein provided for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such city.

Any city which shall incur expenses in preliminary work in preparing for the incorporation of or in the incorporation of any district hereunder likewise may certify the amount thereof, without interest, to the board of directors of said district at any time within four (4) years from the date of the incorporation of such district, and if allowed by the board of directors, such amount shall be credited to the city incurring the same, and shall be considered as a payment of money made as herein provided, for which deduction shall be made from the amount of taxes which would otherwise be levied against property lying within such city.

No such payments of money made in avoidance of taxes or otherwise, or such credit allowed by such board of directors, as hereinabove provided, shall apply to reduce the amount of taxes which would otherwise be levied against the property within such cities respectively, to meet interest and sinking fund requirements on outstanding bonded indebtedness of such district.

Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided, but such credit may, in the discretion of the board of directors, be considered in connection with the amount of money to be raised by the next tax levy, or may be spread over subsequent years, not to exceed five.

Failure of
city to pay

(i) If any city shall fail to comply with the terms of the order relating to payments to be made to the district in lieu of taxation, the amount of the delinquency, plus a penalty of ten per cent shall be added to the taxes to be collected during the ensuing fiscal year, and thereafter for a period of two (2) years no order or ordinance shall be sufficient to exempt the property in said city from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the city, together with all moneys due but unpaid under any previous order.

Stats 1929,
p 1613

Sec. 7. Section 9 of said act is hereby amended to read as follows:

Annexation
of territory

Sec. 9. Annexation to the territory of any district organized hereunder may be effected by either of the following methods:

(a) Whenever any area shall be annexed to or consolidated with any city, the area of which shall be a part of any district organized hereunder, such annexed or consolidated area shall by virtue of its annexation or consolidation to such city become and be a part of such district and shall be taxable equally with other parts of such district to pay the indebtedness of the district outstanding at the time of such annexation or consolidation.

Procedure

(b) The governing or legislative body of any municipality may apply to the controller of any metropolitan water district for a statement showing the amount of the bonded and other indebtedness of the district, the assessed value of the taxable property therein according to the most recent assessment, and the names of all municipalities, the areas of which are included within the district, and it shall thereupon be the duty of the controller to furnish such information to the applicant. After consideration of such statement the governing body of such municipality may apply to the board of directors of such metropolitan water district for consent to annex such municipality to the metropolitan water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which such city may be annexed to and become a part of the metropolitan water district, to the end that burdens, including the bonded debt, shall be equitably distributed over all parts of the district, having due regard to benefits. The action of the board of directors evidenced by order made on motion shall be promptly transmitted to the governing body of such applying

city, which governing body may thereupon submit to the qualified electors of such city, at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least ten days and in three public places in the city; when given by publication such notice shall be published once at least ten days before the date fixed for the election in a newspaper of general circulation published in the city. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for municipal elections in such city. If such proposition shall receive the affirmative vote of a majority of electors of such city voting thereon at such election, the governing body of such municipality shall certify the result of such election on said proposition to the board of directors of said district and a certificate of proceedings hereunder shall be made by the secretary of the district and filed with the secretary of state. Upon the filing thereof in the office of the secretary of state, such municipality shall become, and be, an integral part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding.

Notice of election

Election

Effect of annexation

(c) The validity of any proceedings for the annexation of a municipality or city to any district organized hereunder, shall not be contested in any action unless such action shall have been brought within three months after the completion of such proceedings, or, in case such proceedings are completed prior to the time that this paragraph takes effect, then within three months after this paragraph shall have become effective.

Validity of proceeding

SEC. 8. If any section, subsection, sentence, clause or phrase of this act, or of the act or acts of which this act is amendatory or supplemental, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of this act, or that any one or more sections, subsections, sentences, clauses or phrases of the act or acts of which this act is amendatory or supplemental, be declared unconstitutional.

Constitutionality

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such necessity:

Urgency

The peace, health and safety of the citizens of various cities in the southern part of this state are dependent upon the obtaining of an adequate supply of water, for municipal and domestic use therein, from the Colorado river or elsewhere, by means of an aqueduct, diversion works, and other facilities of such magnitude as to be possible only through the medium of a metropolitan water district, organized and functioning for the purpose of bringing such water to its member cities; that there is now a metropolitan water district, comprised of fourteen, or more, cities in the southern part of this state, organized and functioning for this purpose; that it is immediately necessary for such district to hold a bond election to obtain authority for the issuance of bonds sufficient to enable such district to commence the construction of the necessary diversion works, aqueduct and other facilities, and the acquisition of the rights of way required therefor; that to enable such district to obtain the necessary authority for such bond issue, and to float such bond issue satisfactorily, and to do the other things immediately required of such district in order to function properly for the immediate preservation of the peace, health and safety of the citizens of the component cities of such district, it is necessary that the foregoing amendments to the metropolitan water district act become effective immediately.

CHAPTER 324

Stats 1903,
p 376,
amended

An act to amend the title, to amend sections 1, 1a, 2, 3, 4, 5, 10, 11, 18, 19, 21 and 22 and to add a new section to be numbered section 20a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

[Approved by the Governor May 12, 1931. In effect August 14, 1931.]

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

SECTION 1. The title of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or

lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903, as amended, is hereby amended as follows:

An act to provide for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement.

Title

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Stats 1929,
p 1409

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of any one or more of any public streets, squares, lanes, alleys, courts or places within such municipality, and to acquire by condemnation any and all property necessary or convenient for that purpose or any interest therein including an easement or easements for the construction and maintenance of any one or more of any public streets or walks, passages or ways upon the surface of the earth or in any designated level or levels or slope or slopes above or below such surface together with a sufficient clearance height thereabove which height shall be conclusively determined and designated by the city council of such municipality and the leaving to the owner or owners the right to maintain or construct and maintain any building or buildings or other structure or structures above or below, or above and below such street or streets, walk or walks, passage or passages, way or ways and the clearance height therefor so acquired by such municipality.

Power to
open streets,
etc.

SEC. 3. Section 1a of said act is hereby amended to read as follows:

Stats 1929,
p 1409

Sec. 1a. In addition to the power and authority conferred upon the city council of any municipality by section 1 of this act, and when the public interest or convenience so requires, and whenever, in the opinion of the city council initiating the proceedings, the proposed improvement is of such a character that it directly and peculiarly affects property in two or more municipalities, or in one or more municipalities and unincorporated territory, and that the purposes sought to be accomplished

Power of
council
where im-
provement
affects more
than one
municipality

by such improvement can best be accomplished by a single, comprehensive scheme of acquisition, there is hereby conferred upon such city council full power and authority to extend such improvement or the boundaries of the district to be assessed therefor beyond the territorial limits of such municipality, and the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of any one or more of any public streets, squares, lanes, alleys, courts, places, roads or highways within the limits of the municipality which is carrying through the proceeding in question, and also into the limits of other municipalities or extending from the said municipality through or over one or more other municipalities, or extending through or over one or more municipalities and into unincorporated territory of a county or extending along the exterior boundary between a municipality and unincorporated territory, or along the boundary between two municipalities, whether wholly or partly within or without said boundary, and to acquire by condemnation property necessary or convenient for that purpose; and full power and authority to include within the boundaries of an assessment district created pursuant to the provisions of this act, lands lying within the boundaries of any one or more municipalities or in the unincorporated territory of the county in which the municipality conducting the proceeding is situated, when such lands in the opinion of the city council conducting the proceeding will be benefited by the proposed improvement: provided, that the consent of the legislative body of any territory proposed to be assessed shall first be obtained to the formation of the assessment district and, if any of the lands to be acquired in such proceeding are situated within such territory, to the improvement described in the resolution of intention and the assumption of jurisdiction thereover for the purposes aforesaid prior to the adoption thereof. The proposed resolution of intention together with a copy of the maps, plats, plans, profiles or specifications required by section 2 hereof shall be submitted to such legislative body or bodies as may have jurisdiction over the territory into which the proposed improvement or the assessment district therefor may extend. When the resolution of intention is approved and the consent of the legislative bodies whose consent is necessary by the provisions hereof is obtained, to said improvement and the formation of the assessment district described therein said resolution of intention may be adopted. In the event the assessment district includes property without the territorial jurisdiction of the city council conducting the proceeding, the legislative body of the city or county having jurisdiction thereover may in its discretion, order by resolutions entered upon its minutes, a copy of which shall be transmitted to the city council conducting the proceedings, that any part of the cost or expense of said improvement shall be paid out of the treasury of the municipality or county as the case

Consent
necessary

may be, and a liability for the portion of the cost set forth in said resolution shall thereby be created against said municipality or county. The street superintendent in making up the assessment as provided in section 16 hereof shall deduct from the costs and expenses, in addition to any sum or percentage payable by the city council conducting said proceedings, such part thereof as has been so ordered to be paid out of the treasury of said municipality or county. All notices provided for, to be published by the clerk of the court or the city clerk, shall be published in a newspaper published and circulated in the county.

Notices

SEC. 4. Section 2 of said act is hereby amended to read as follows:

Stats 1929.
p. 1588

Sec. 2. Before ordering any improvement to be made which is authorized by section 1 of this act, there shall be filed with and approved by the city council a map or plat indicating the land necessary or convenient to be taken for the proposed improvement and, by a boundary line, the territory proposed to be included in the assessment district together with a statement of the total sum of the estimated expense of said improvement as set forth in section 16 of this act. Thereupon the city council shall pass an ordinance declaring its intention to order such improvement. Said ordinance shall be sufficient if it describes the land necessary or convenient to be taken for the proposed improvement, and describes briefly and in general terms the proposed improvement and the district to be benefited by said improvement and to be assessed to pay the expense thereof, to be known as the assessment district, and refers to maps, plats, plans, profiles and specifications, or such of them as may be suitable and proper, approved by the city council, which shall be on file in the office of the city clerk or city engineer at the time of passing the said ordinance which said map shall indicate the land necessary or convenient to be taken for the proposed improvement and shall indicate by a boundary line the extent of the territory to be included in the assessment district. Said maps shall govern for all details as to the extent and description of the land to be taken for the proposed improvement and as to the extent of said assessment district.

Declaration
of intention

In the case of an establishment or change of grade, in whole or in part, of any one or more of any public highways, roads, streets, squares, lanes, alleys, courts, or places dedicated to public use prior to the adoption of an ordinance of intention or to be acquired for public use in such condemnation proceedings authorized by section 1 of this act, it shall be sufficient if said ordinance shall contain a notice that such establishment or change of grade is proposed and refers to plans, profiles and specifications therefor, or such of them as may be suitable or proper for a full and detailed description of said proposed grades to which improvements may be made. The adoption of such ordinance shall be deemed to be a determination and establishment of the grades therein referred to.

Places, etc.,
already dedi-
cated to
public use

Notice of
hearing

Said ordinance of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said ordinance; said time shall not be less than fifteen nor more than sixty days from the date of the passage of said ordinance. The city clerk shall cause said ordinance of intention to be published twice in one or more newspapers published and circulated in said city. If no newspaper be published in said city, then the publication shall be made twice in some newspaper published in the county in which said city is located. The city council may in its discretion include in one proceeding under one ordinance of intention all or any of the improvements mentioned in section 1 of this act, on any number of any public highways, roads, streets, squares, lanes, alleys, courts or places within such municipality, or beyond the territorial limits of such municipality as provided in section 1a of this act, or any portion or portions thereof whether contiguous or otherwise. Said city council may in its discretion declare that the whole or any percentage of, or any sum toward the expense of said improvement will be paid by said municipality, in which case the sum or percentage to be so paid shall be stated in said ordinance of intention.

Number of
improvements
covered

Payment
of expense
by city

Stats 1920,
p 1588

Posting of
notices

SEC. 5. Section 3 of said act is hereby amended to read as follows:

Sec. 3. The street superintendent shall thereupon cause to be conspicuously posted along all open streets within the assessment district and along all streets and parts of streets or other public places or rights of way where any property is to be taken for the widening or straightening thereof, and along or upon any private property which is to be taken for the opening or extending of any street or other public place, at not more than three hundred feet apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of public improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, describe briefly and in general terms the proposed improvement, and shall contain a map showing the boundaries of the district proposed to be assessed, the names of all open streets therein, the right of way to be acquired, a statement of the estimated cost of such improvement, and refer to said ordinance of intention and to the map on file in the office of the city clerk or city engineer for all details. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said ordinance. In every case all posting must be fully completed at least ten days before the day set for the hearing of protests or objections as provided

in section 2 hereof. The clerk of the city council shall mail a notice postage prepaid, to each property owner in the assessment district, at his last known address as same appears on tax rolls of said city or on file in the office of the city clerk, or when no address so appears, to the general delivery, notifying said property owner of the date of passage and number of ordinance of intention, and the time and place set for the hearing of protests against the improvement. Said notices shall be mailed at least fifteen (15) days prior to the time set for the hearing on the ordinance of intention.

Mailing of notices

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, or if the address of any property owner is not on file in the office of the city clerk, no notice shall be mailed to the owners thereof, but the ordinance of intention by the publication as herein provided shall be deemed legal notice to such owners of such contemplated improvement.

"Unknown owners"

The failure of the city clerk to mail said notices, or any thereof, or the failure of the property owners to receive the same, or the failure of the superintendent of streets to post the notices of street work shall in no wise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the work; provided, however, that the city council shall require affidavits to be filed showing the posting and the mailing of notices before it adopts the resolution ordering the improvement.

Failure to mail notices, etc

SEC. 6. Section 4 of said act is hereby amended to read as follows:

Stats 1929, p 1589

Sec. 4. Any persons interested, objecting to said improvement, its proposed establishment or change of grade, or to the extent of the assessment district may, at any time not later than the hour set for hearing objections to the proposed improvement as provided in section 2 hereof, file a written protest with the clerk of the city council. Such protest must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and no other protest or objection shall be considered. The clerk shall indorse on every such protest the date of its reception by him. At the time set for hearing said protests, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; provided, however, that when the protest is against the proposed improvement and the city council finds that such protest is made by the owners of more than one-half of the area of the property within the assessment district, no further proceedings shall be taken for a period of six months from the date of the decision of the city council on said hearing, unless the said protest be overruled by an affirmative vote of four-fifths of the members of the city council. If no protests in writing have been filed within the time hereinbefore provided for filing the same, or if any protest shall be found by the city council to be insufficient, or shall be overruled, or if a protest against the

Written protests

Hearings thereon

proposed assessment district shall be heard and denied, immediately thereupon the city council shall be deemed to acquire jurisdiction to order the proposed improvement. The city council may adjourn said hearings from time to time.

Changes
in plans.

Unless the power to proceed shall have ceased, as hereinbefore provided, the city council may, at the conclusion of the aforementioned hearing, by resolution make such changes in the boundaries of the proposed assessment district, or in the property proposed to be acquired and/or change or modify the grades as set forth in the plans and specifications and referred to in the ordinance of intention as it shall find to be proper and advisable, and shall define and establish such boundaries and describe the property proposed to be acquired, but said city council shall not have the power to modify such boundaries so as to include any territory which will not in its judgment be benefited by said improvement. If any changes are made in the grades as set forth in the plans and specifications and referred to in said ordinance of intention, such changes shall be set forth in said resolution adopted at the conclusion of said hearing.

Notice,
objections
and hearing
on changes

Said city council shall not modify such boundaries, make changes in the property proposed to be acquired, or make changes in the grades as set forth in said plans and specifications, and referred to in said ordinance, except after notice of intention so to do given by one insertion in said newspaper in which the ordinance of intention was published describing the proposed modification and/or change and specifying the time for hearing objections to such modification or changes, which time shall be at least ten days after the publication of said notice. Written objections to said proposed modification and changes may be filed with the clerk of said city council by an interested person at or before the time set for hearing the same. Said city council shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive.

Stats 1925,
p 241

SEC. 7. Section 5 of said act is hereby amended to read as follows:

Order for
improvement

Sec. 5. Having acquired jurisdiction, the city council shall, by ordinance, order said improvement to be made, and direct an action to be brought by the city attorney, in the proper superior court, in the name of the municipality, for the condemnation of the property necessary or convenient to be taken therefor. Such ordinance need not describe the property to be taken, nor the grades to which improvements may be made, nor the assessment district, but may refer to the ordinance of intention, as modified by the resolution of modification as provided for in section 4 of this act, if any such be adopted, for all particulars.

Pending con-
demnation
proceedings

In the event an action has theretofore been brought by the city attorney in the name of the municipality for the condemnation of the property necessary or convenient to be taken for

such improvement under authority of law prior to the adoption of the ordinance ordering the improvement to be made, as provided in this section, then and in that event, the said ordinance ordering the improvement may refer to said action and direct the city attorney to continue prosecution of the same, and said action shall then have like effect and be in lieu of and serve all the purposes of the action herein referred to, and shall thereafter be carried on in the same manner and subject to the provisions hereinafter stated, provided that the complaint in said action shall set forth or state the effect of the ordinance of intention in such proceedings but need not set forth or state the effect of the ordinance ordering the improvement. In the event that the complaint in such action shall omit to state the effect of the ordinance of intention in such proceedings, said complaint may be amended as of course to set forth said matters at any time before trial and shall thereupon satisfy the requirement as to reference to the ordinance of intention.

SEC. 8. Section 10 of said act is hereby amended to read as follows:

Sec. 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the issuance of summons, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this act; provided that in any case where a motion to set the action for trial, as provided in section 8 of this act, is not made within one year after the date of the issuance of the summons therein, the right to compensation and damages shall be deemed to have accrued at the date of the hearing of the motion to set the action for trial.

Compensation and damages

If an order be made letting the plaintiff into immediate possession and the plaintiff shall take immediate possession upon commencing eminent domain proceedings and thereupon giving such security in the way of money deposits as the court may determine to be reasonably adequate to secure compensation to the owner, as provided in section 14 of article one of the constitution, then the compensation and damages awarded shall draw interest at the rate of seven per cent per annum from the date of such order.

Immediate possession

No improvements placed upon the property proposed to be taken, subsequent to the date at which the right to compensation and damages shall have accrued as hereinbefore provided, shall be included in the assessment of compensation or damages.

Subsequent improvements

The referees, or court, or jury, as the case may be, shall find separately:

Findings

First, the value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second, if any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

Third, in the case of an establishment of change of grade, the damages which will accrue to each parcel of property and to each separate interest therein abutting upon the exterior boundaries of any such public highways, roads, streets, squares, lanes, alleys, courts, and places theretofore officially fixed and established or to be fixed and established in said proceedings, by reason of the construction of improvements to the grades so changed and/or established.

Stats 1911,
p 894
Abandon-
ment of
proceedings

SEC. 9. Section 14 of said act is amended to read as follows:

Sec. 14. The city council may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, by ordinance, and cause the said action to be dismissed, without prejudice; and if any of the assessments levied to pay the expense of the improvements, as hereinafter provided, shall have been actually paid in money at the time of such abandonment, the same shall be refunded to the persons by whom they were paid. If the proceedings be abandoned or the action dismissed no attorney's fees shall be awarded the defendants or either or any of them. Any expenses for said improvement for which the city is liable or which shall have been paid thereby may be charged as incidental expenses against the district benefited in any new proceeding had or taken for an improvement which shall include substantially the same thing or things to be done as those included in the abandoned proceedings.

Expenses

Stats 1903,
p 376

SEC. 10. Section 18 of said act is hereby amended to read as follows:

Notice of
filing assess-
ment

Sec. 18. As soon as said assessment is completed the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the clerk of the council, who shall give notice of such filing by publication for at least ten days in a daily newspaper published and circulated in the city, or if there be no such daily newspaper, by three successive insertions in a weekly newspaper so published and circulated. Said clerk shall mail a notice of such filing to each owner of real property within the assessment district at his last known address as same appears on tax rolls of said city or on file in the office of the city clerk or to both said addresses if they are not the same, containing a designation by street number, or some other description, of the property assessed sufficient to enable the owner to identify the same and the amount proposed to be assessed thereon. The city clerk upon the completion of the mailing of said notices, shall file with the city council an affidavit setting forth the time and

manner of the compliance with the above requirement for mailing such notices. The mailing of such notices shall not be essential to obtaining jurisdiction by the council, and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder. Said notices shall require all persons interested to file with said clerk their objections, if any they have to the confirmation of said assessment, on or before the date set for the confirmation of said assessment which date shall be stated in said notices and be at least thirty (30) days from and after the date of mailing such notices.

SEC. 11. Section 19 of said act is hereby amended to read as follows: Stats 1929,
p 1590

Sec. 19. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice required by section 18 hereof. The clerk shall, on the date fixed for the confirmation of said assessment, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned. At such hearing the city council may remedy and correct any error or informality in the proceedings; may confirm, amend, alter, modify or correct the assessment in such manner as to it shall seem just; and may instruct and direct the street superintendent to correct the assessment or diagram in any particular. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities which said city council might have avoided, or have remedied, during the progress of the proceedings, or which it can at that time remedy. No assessment, or diagram and no proceedings prior to the assessment shall be held invalid by any court for any error, informality, or other defect in the same, where the ordinance of intention of the council to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the council upon appeal have been complied with, and the council is satisfied with the corrections of the assessment, thereupon the city council shall confirm said assessment. Objections

Effect of decisions of city council

SEC. 12. A new section to be numbered 20a is hereby added to said act, to read as follows: New section

Sec. 20a. No action, suit or proceeding to set aside, cancel, avoid, annul or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations therein, or to question the validity of, or to enjoin the collection of the said assessments or reassessments, or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action or actions shall have been commenced within thirty (30) days after the recording of the diagram and assessment or reassessment, and thereafter all persons Period of limitations

shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon or of the reassessment if such be made and of bonds issued thereon.

Stats 1903,
p 376

SEC. 13. Section 21 of said act is hereby amended to read as follows:

Payment
by offset

Sec. 21. The owner of any property assessed, who is entitled to compensation under the award made by the interlocutory judgment, may, at any time after such assessment becomes payable, and before the sale of said property for nonpayment thereof, as hereinafter provided, and before the issuance of bonds to represent such assessment, demand of the street superintendent that such assessment, or any number of such assessments, be offset against the amount to which he is entitled under said judgment. Thereupon, if said amount is equal to or greater than such assessments, including any penalties and costs due thereon, the assessments shall be marked "Paid by Offset"; and if the amount is less than the assessments, and any penalties and costs due thereon, and no bonds are to be issued for such assessments, the person demanding such offset shall at the same time pay the difference to the street superintendent in money and the assessments on such payment, shall be marked "Paid," the entry showing what part thereof is paid by offset and what part in money. When bonds are to be issued for such assessment the person demanding such offset shall not be required to pay such difference in money. As a condition of the offset, such person must execute to the city and deliver to the street superintendent duplicate receipts for such part of the amount due him under said interlocutory judgment as is offset against such assessments, penalties, and costs. One of said duplicate receipts shall be filed by the street superintendent in his office, the other shall be filed with the clerk of the superior court, and on such filing, the city shall be entitled to a satisfaction pro tanto of said interlocutory judgment.

Stats 1903,
p 376

SEC. 14. Section 22 of said act is hereby amended to read as follows:

Notice to
pay assess-
ment.

Sec 22. The street superintendent, upon the recording of said assessment shall mail to each owner of real property within the assessment district at his last known address as same appears on the tax rolls of said city or on file in the office of the city clerk, or both, if said address is not the same on both records, a statement containing a designation by street number, or some other description of the property assessed sufficient to enable the owner to identify the same, the amount of the assessment, the date of the recordation of said assessment, the time and place of payment thereof, the effect of failure to pay within such time, and, if bonds are to be issued, a statement of that fact designating the act pursuant to which such bonds are to be issued. Said street superintendent also shall give notice by publication for ten days in a daily newspaper, published and circulated in said municipality, or by

three successive insertions in a weekly newspaper, so published and so circulated, that said assessment has been recorded in his office, and that all sums assessed therein are due and payable immediately, and that the payment of said sums is to be made to him within thirty days after the date of recording said assessment, which date shall be stated in the notice. Unless bonds are to be issued said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. If bonds are to be issued the notice shall contain a statement of the effect, in that event, of the failure to pay the assessments within said thirty day period. When payment for any assessment is made the street superintendent shall mark opposite such assessment the word, "Paid," the date of payment, and the name of the person by or for whom the same is paid, and shall if so requested, give receipt therefor. On the expiration of said period of thirty days, all assessments then unpaid, for which bonds are not to be issued, shall become delinquent, and the street superintendent shall certify such fact at the foot of said assessment roll, and mark each such assessment "Delinquent," and add five per cent to the amount of each assessment delinquent.

Delinquency

Penalty

CHAPTER 325.

An act to amend sections 656, 663, 674, 675, 675a, 677, 679, 680, 688 and 689 of, to add sections 658a, 675b, 677a and 686a to, the Political Code, and to repeal sections 683, 684, and 686 thereof as added by chapter 516 of the statutes of 1929, relating to the department of finance.

[Approved by the Governor May 15 1931 In effect August 14, 1931]

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

SECTION 1. Section 656 of the Political Code is hereby amended to read as follows:

Stats 1927.
p. 450

656. For the purpose of administration, the department shall be forthwith organized by the director, with the approval of the governor, in such manner as shall be deemed necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least two divisions, to be known respectively as the division of budgets and accounts, the division of service and supply. The director of finance shall have power to arrange and classify the work of the department, and with the approval of the governor may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time. The chief of the division of service and supply shall be appointed by and hold office at the pleasure of the governor.

Organization
of the
department

The chief of each division shall receive such annual salary as may be fixed by the director of finance, with the approval of the governor, and before entering upon the duties of his office shall execute to the State of California an official bond in the penal sum of twenty-five thousand dollars. The director of finance may also be chief of the division of budgets and accounts without additional compensation. The director shall have power to appoint and fix the salary of one attorney for the division of state lands, which position shall be exempt from the provisions of the civil service law.

New section

SEC. 2. A new section is hereby added to the Political Code, to be numbered 658a, and to read as follows:

Refunds
of fees

658a. It shall be the duty of the director of finance to authorize refunds of application, examination or license fees paid to commissions, boards, bureaus or officers of the state in all cases where the statute providing for such fees does not provide for a refund and the credentials of the applicant are discovered to be insufficient, or for any other reason the applicant is found to be ineligible, for such application, examination or license.

Stats 1927,
p 451

SEC 3. Section 663 of the Political Code is hereby amended to read as follows:

State board
of control

663. A state board of control is hereby created to consist of the director of finance, the chief of the division of service and supply of the department of finance, and the state controller, all acting ex officio.

The members of the state board of control shall receive no additional compensation for their services as ex officio members of said board. The director of finance shall be chairman of said board of control.

The board must keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.

Secretaries

The board may appoint a secretary and assistant secretaries who shall hold office at its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary process, writs, warrants and notices, and to perform such other duties as the board may prescribe. The secretary and the assistant secretaries shall have power to administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

Other
employees

The board shall have power to employ such officers, experts, engineers, statisticians, accountants, inspectors, clerks and employees as it may deem necessary to perform the duties and exercise the powers conferred by law upon the board. The board shall have power to employ examiners who shall have the power to administer oaths, examine witnesses, issue subpoenas and receive evidence, under such rules and regulations as the board may adopt.

The board shall have a seal, bearing the following inscription: "State board of control." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct. Seal

A majority of the board shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the board. No vacancy in the board shall impair the right of the remaining members to exercise all the powers of the board. The act of a majority of the board when in session as a board shall be deemed to be the act of the board; but any investigation, inquiry or hearing which the board has power to undertake or to hold may be undertaken or held by or before any member or members designated for the purpose by the board. The evidence in any investigation, inquiry or hearing may be taken by the member or members to whom such investigation, inquiry or hearing has been assigned or, in his or their behalf, by an examiner designated for that purpose. Every finding, opinion and order made by the member or members, so designated, pursuant to such investigation, inquiry or hearing, when approved or confirmed by the board and ordered filed in its office at state capitol, Sacramento, shall be deemed to be the finding, opinion and order of the board. Work of board

SEC. 4. Section 674 of the Political Code is hereby amended to read as follows: Stats. 1927.
p 455

674. At any sale of bonds by the state treasurer the director of finance may become a bidder and purchase bonds with the funds at his disposal, and the appropriate transfer of funds must be made by the controller and treasurer on the books of their offices, but no certified check, bond or other assurance in law shall be required from the director or the state upon a bid made by the director under authority of this section. No purchase of bonds shall be completed by the director of finance until the attorney general shall have approved the validity of the issue. Purchase of bonds

SEC. 5. Section 675 of the Political Code is hereby amended to read as follows:

675. The director of finance shall have power:

1. To let, with the consent of the state department, board, commission, or officer concerned, for a period of not to exceed five years, any property, real or personal, which belongs to the state, except where such letting is expressly prohibited by law, if in the judgment of the director such letting will be for the best interests of the state. Stats. 1929,
p 894 See
Ch 326,
Stats 1931.
General
powers of
director
1 Letting
property.

2. To hire or lease, upon the written request of the state department, board, commission or officer concerned, any property, real or personal, if in the judgment of the director such hiring or leasing will be for the best interests of the state. 2 Leasing
and hiring
property

3. To authorize, with the consent of the state department, board, commission, or officer concerned, the sale or exchange of any personal property which belongs to the state if in the 3 Sale or
exchange of
personal
property.

judgment of the director such sale or exchange will be for the best interests of the state.

4 Acquire title to real property

4. To acquire title to real property in the name of the State of California whenever the acquisition of such property is authorized or contemplated by law, if no other agency of the state is specifically directed and empowered to acquire such title.

5 Convey title to real property

5. To convey title to real property in the name of the State of California whenever the sale or exchange of such property is authorized or contemplated by law, if no other agency of the state is specifically directed and empowered to convey such title.

6 Advisory service

6. To render such advisory, investigational or other similar service to any city, county, city and county, district or any other political subdivision of the state, as may be deemed expedient by the director, said service to be rendered only upon such terms and conditions as may be satisfactory to the director of finance

7 Condemnation proceedings

7. To institute, in the name of the State of California condemnation proceedings for the acquiring of any land authorized by law to be obtained for any state department, board, commission or institution, except land to be acquired by the department of public works for highway uses and purposes, and to proceed if necessary to condemn under the terms of the Code of Civil Procedure relating to such proceedings, if no other agency of the state is specifically directed and empowered to institute such proceedings.

8 Grant easements and rights of way

8. To grant and convey in the name of the State of California, with the approval of the department concerned, easements and rights of way over and across real property belonging to the state except real property used for highway rights of way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions and reservations as in his judgment may be to the interest of the state.

9 Grant abandoned river channels

9. To grant and convey by deed or otherwise to abutting property owners all the right, title and interest of the State of California, in and to abandoned river channels.

10 Lease mineral land

10. Upon such terms and conditions and under such rules and regulations as he shall prescribe, to lease any land belonging to the state or in which the state has an interest, for the production of minerals, oil, gas or other hydrocarbons, if in his judgment it is for the best interest of the state to do so and if no other state agency has express authority in law to lease the land for such purposes.

Stats 1927, p 455

Sec. 6. Section 675a of the Political Code is hereby amended to read as follows:

State departmental contracts

675a All contracts entered into by any state officer, board, commission, department, or bureau for the purchase of supplies, materials, text books for use in the day and evening elementary schools of the state, or services, shall before the same become effective be transmitted with all papers, estimates and recommendations concerning the same to the state depart-

ment of finance for consideration. If such department approve the same, the contract shall, from the date of such approval, be in force and effect.

No state officer, board, commission, department or bureau shall purchase supplies and materials, or either, in open market, unless permission has been given, upon a presentation of the necessity therefor, by the state department of finance; provided, that to meet an emergency, supplies and materials of a perishable nature, in an amount not exceeding one hundred dollars in value, may be purchased by such state officer, board, commission, department, or bureau without the permission of the said department of finance.

Every state office, board, commission, or department to whom is given by law the authority to make purchases of materials or supplies must upon the request of the department of finance designate some certain officer or employee in such office, board, commission, or department whose duty it shall be to make such reports at such times and in such manner to the department of finance as such department shall from time to time require.

SEC. 7. A new section is hereby added to the Political Code, to be numbered 675b, and to read as follows: New section

675b. Whenever any state department, board, commission, court or officer fixes the salary or compensation of an employee or officer, which salary is payable out of state funds, the salary shall be subject to the approval of the state department of finance before it becomes effective and payable. Approval of salaries

SEC. 8. Section 677 of the Political Code is hereby amended to read as follows: Stats 1927,
p 456

677. The department of finance shall devise, install, supervise, and at its discretion revise and modify a modern and complete accounting system for each and every office, department, institution, board, commission, officer and other agency of the state to the end that all revenues, expenditures, receipts, disbursements, resources, obligations, and property of the state be properly, accurately, and systematically accounted for and that there shall be obtained accurate and comparable records, reports, and statements, of all of the financial affairs of the state. Modern accounting system

SEC. 9. A new section is hereby added to the Political Code, to be numbered 677a, and to read as follows: New section

677a. Every state office, department, institution, board, court, commission, bureau, officer and other agency of the state, for whom appropriations have been made, shall submit to the department of finance for approval, a complete and detailed budget at such time and in such form as may be prescribed by the department of finance, setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year. Departmental budgets

Any officer or employee who incurs any expenditure in excess of the provisions of the fiscal year budget, as approved by the department of finance, shall be liable both personally

and on his official bond for the amount of such expenditures.

Stats 1927,
p 456

SEC. 10. Section 679 of the Political Code is hereby amended to read as follows:

Examination
of accounts,
etc., of state
officers

679. The department of finance is given full power to examine, through any of its officers or appointees, all records, files, documents, accounts and all financial affairs of every officer or person mentioned in section 677 of this code, and shall have the right to enter into any public office or institution in this state and examine any and all records, files, books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian thereof, or his deputy, to the cash drawers and cash in the custody of such officer or person and shall also have the right, during business hours to examine the public accounts in any depository which has public funds in its custody.

Stats 1927.
p 456

SEC. 11 Section 680 of the Political Code is hereby amended to read as follows:

Failure to
obey orders

680. Any officer or person who shall fail or neglect to make, verify and file with the department of finance any such report as is required by this article, or who shall fail or neglect to follow the directions of the department of finance in keeping the accounts of his office, or who shall refuse to permit the examination or access to the records, files, books, accounts, papers, documents or cash drawers or cash of his office to a representative of said department, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the county jail not less than thirty days, or both.

New section

SEC. 12. A new section to be numbered 686a is hereby added to the Political Code to read as follows:

Superin-
tendent of
accounts and
assistants

686a. For the purpose of administering the provisions of sections 658, 659, 660, 677, 678, and 679 of this code the director of finance shall have power to appoint, prescribe the duties, and fix the salaries of one superintendent of accounts and such number of skillful accountants or assistants as the director may deem necessary. Each such appointee shall be a civil executive officer and before entering upon the discharge of the duties of his office shall execute to the State of California an official bond conditioned upon the faithful performance of his duties in such penal sum, not less than five thousand dollars, as the director shall prescribe.

Stats 1929,
p 892

SEC. 13. Section 689 of the Political Code is hereby amended to read as follows:

Collections
from "self-
supporting"
departments

689. From any state department, officer, board or commission having any special fund in the state treasury made available by law for the use, support or maintenance of any part or all of the work and affairs of such department, office, board or commission, the department of finance may fix and collect:

(a) The pro rata share of the cost of insuring motor vehicles belonging to such department, officer, board or commission against liability for damages resulting from the negligent operation of motor vehicles and arising under the provisions of section 1714½ of the Civil Code; and

(a) Motor vehicle insurance cost

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the state and used or occupied by such state department, officer, board or commission where such space is utilized in carrying out the work and affairs, or that portion of the work and affairs, of such department, officer, board or commission, for the carrying out of which said special fund was created.

(b) Rentals of office space

(c) The pro rata cost of workmen's compensation insurance covering the officers and employees of such department, officer, board, or commission.

(c) Workmen's compensation insurance cost

All moneys received by the department of finance under the provisions hereof shall be accounted for and reported at the end of each month by said department to the state controller to be by said controller credited as an abatement of the expenses of said department, and at the same time such moneys shall be remitted to the state treasury to become a part of any appropriation made available by law for the use or support of said department from out of which said appropriation or the then corresponding current appropriation the expenses incurred were paid

Report to state controller

SEC. 14. Section 686 of the Political Code as added to the Political Code by chapter 516, statutes of 1929, is hereby repealed.

Repeal

SEC. 15. Section 688 of the Political Code is hereby amended to read as follows:

Stats. 1929, p. 891

688. Any person who has, or shall hereafter have, a claim on contract or for negligence against the state must present the claim to the state board of control in accordance with the provisions of section 667 of this code. Should the claim not be allowed by the state board of control, the person having the claim is hereby authorized, subject to the conditions contained in this section, to bring suit against the state on such claim and to prosecute such suit to final judgment.

Claims against state

Except as otherwise provided in this section, the rules of practice in civil suits shall apply to all suits brought under this section. No suit shall be maintained under this section unless such claim be presented to the state board of control in accordance with the provisions of section 667 of this code within two years after such claim shall have first arisen or accrued, and unless such a suit be brought within six months after such claim is rejected or not allowed in whole or in part by the state board of control as provided in section 667 of this code; provided, that, if such claim be rejected or disallowed only in part, suit may be maintained only on that portion of the claim so rejected or not allowed, but the periods of limitation herein prescribed shall not apply to or affect the rights, interests or claims of any minor or insane person

Prosecution of suits

or a person imprisoned on a criminal charge or undergoing execution of sentence of a criminal court, or a married woman if her husband be a necessary party with her in commencing such action, or an incompetent person, but in such latter cases the claim may be presented as hereinbefore provided within two years after such disability shall cease, and in case such claim be rejected or not allowed as hereinabove provided, suit may be maintained thereafter as hereinbefore provided, if brought within six months after rejection or nonallowance by said state board of control.

Undertaking
by plaintiff

At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking in such sum, but not less than five hundred dollars, as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court, and conditioned that, in case the plaintiff fails to recover judgment, he shall pay all costs incurred by the state in such suit, including a reasonable counsel fee, to be fixed by the court.

Service of
summons

Service of summons in such suits shall be made on the governor and the attorney general. It shall be the duty of the attorney general to defend all such suits; and upon his written demand made at or before the time of answering, the place of trial of any such suit must be changed to the county of Sacramento.

Duty of
attorney
general

Judgment

In case judgment be rendered for the plaintiff in any such suit, it shall be for the legal amount actually found due from the state to the plaintiff, with legal interest thereon from the time the claim or obligation first arose or accrued, and without costs.

Duty of
governor

It shall be the duty of the governor to report to the Legislature, at each session, all judgments rendered against the state and not theretofore reported.

Duty of
controller

It shall be the duty of the controller to draw his warrant for the payment of any such judgment, without any presentation to, or approval of such claim by, the state board of control, whenever a sufficient appropriation for such payment shall have been made by the Legislature. All claims upon such judgments are hereby expressly exempted from the operation of section 669 of this code.

Repeal

SEC. 16. Sections 683 and 684 of the Political Code are hereby repealed.

CHAPTER 326.

An act to amend section 675 of the Political Code, relating to the department of finance.

[Approved by the Governor May 15, 1931 In effect August 14, 1931]

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

Stats 1931,
Ch 325

SECTION 1. Section 675 of the Political Code is hereby amended to read as follows:

CHAPTER 326, STATUTES 1931.

An act to amend section 675 of the Political Code, relating to the department of finance.

[Above and foregoing chapter delayed from going into effect by referendum provisions of Section 1, Article IV, of the State Constitution (petition therefor with sufficient signatures having been filed with the Secretary of State) and will be voted on by the people at the next general election in November, 1932, or at any special election which may be called by the Governor, in his discretion, prior to such regular election.]

5. To convey title to real property in the name of the State of California whenever the sale or exchange of such property is authorized or contemplated by law, if no other agency of the state is specifically directed and empowered to convey such title.

5 Convey title to real property

6. To render such advisory, investigational or other similar service to any city, county, city and county, district or any other political subdivision of the state, as may be deemed expedient by the director, said service to be rendered only upon such terms and conditions as may be satisfactory to the director of finance.

6 Advisory service

7. To institute, in the name of the State of California condemnation proceedings for the acquiring of any land authorized by law to be obtained for any state department, board, commission or institution, except land to be acquired by the department of public works for highway uses and purposes, and to proceed if necessary to condemn under the terms of the Code of Civil Procedure relating to such proceedings, if no other agency of the state is specifically directed and empowered to institute such proceedings.

7 Condemnation proceedings

8. To grant and convey in the name of the State of California, with the approval of the department concerned, easements and rights of way over and across real property belonging to the state except real property used for highway rights of way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions and reservations as in his judgment may be to the interest of the state.

8 Grant easements and rights of way

9. To grant and convey by deed or otherwise to abutting property owners all right, title and interest of the State of California, in and to abandoned river channels.

9 Grant abandoned river channels

CHAPTER 327.

An act making an appropriation to pay the claim of Walter E. Evans and Miles H. Ledbetter against the State of California.

[Approved by the Governor May 15, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of seven thousand eight hundred forty-six and 75/100 dollars (\$7,846.75) is hereby appropriated to pay the claim of Walter E. Evans and Miles H. Ledbetter, against the State of California.

CHAPTER 328.

Stats 1927,
p 38,
amended

An act to amend section 9 of chapter 34, statutes of 1927, entitled "The state bar act," approved March 31, 1927, as amended, relating to the board of governors.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1929,
p 1256

SECTION 1. Section 9 of chapter 34, statutes of 1927, entitled "The state bar act," is hereby amended to read as follows:

Board of
governors

Sec. 9. There is hereby constituted a board of governors of the state bar, which shall consist of one (1) member elected from each congressional district of the State of California, and four (4) members elected from the state at large, who shall hold office for the period of two (2) years and until their successors are elected and qualified; provided, however, that where a county, or city and county, contains more than one (1) congressional district, each member maintaining his principal office for the practice of law within such county, or city and county, may vote for and elect from active members of the state bar maintaining their principal offices for the practice of law within said county, or city and county, as many members of the board of governors as there are congressional districts within said county, or city and county; and provided, further, that the members of the board of governors of the state bar, elected at the election held during the year 1929, shall, at their first meeting, so classify themselves by lot that two (2) members thereof, elected from the state at large, and six (6) members thereof, elected from six (6) separate congressional districts in said year, shall hold office for the period of one (1) year only and until their successors are elected and qualified, and upon the expiration of said terms of office in the year 1930, their successors

at large, and from said congressional districts, respectively, shall hold office thereafter for the full period of two (2) years, the purpose of this provision being to provide rotation in office by election of eight (8) governors in every even numbered year and seven (7) governors in every odd numbered year. Pending the establishment by the Legislature of a new basis of representation upon the board of governors after the completion of the contemplated congressional reapportionment, the members of the board of governors, other than the members at large, shall be elected from the congressional districts as they existed at the effective date of the state bar act.

CHAPTER 329.

An act to amend section 19x39 of the "juvenile court law," relating to probation officers in counties of the thirty-ninth class. Stats 1915, p. 1225, amended

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x39 of the "juvenile court law" is amended to read as follows: Stats 1927, p. 95 (formerly Sec 19x44)

19x39. In counties of the thirty-ninth class there shall be one probation officer whose salary shall be one hundred dollars per month. Lassen county probation officer

CHAPTER 330.

An act to amend section 2322x39 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-ninth class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x39 of the Political Code is amended to read as follows: Stats 1925, p. 214 (formerly Sec 2322x44)

2322x39. In counties of the thirty-ninth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors, and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of one hundred fifty dollars per month, during the time actually employed, but the aggregate amount which may

be expended in any year for such deputy agricultural commissioner shall not exceed one thousand eight hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors, at a monthly salary of one hundred twenty-five dollars each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a monthly salary of not to exceed one hundred twenty-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk not to exceed one thousand five hundred dollars.

CHAPTER 331.

Stats 1913, p 1086, amended
An act to amend section 16x26 of the weights and measures act, relating to sealers of weights and measures in counties of the twenty-sixth class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1927, p 1837 (formerly Sec 16x27)

Merced county sealer

SECTION 1. Section 16x26 of the weights and measures act is amended to read as follows:

Sec 16x26. The sealer of weights and measures in counties of the twenty-sixth class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive one hundred fifty dollars per month each.

CHAPTER 332.

Stats 1913, p 1086, amended
An act to amend section 16x35 of the weights and measures act, relating to sealers of weights and measures in counties of the thirty-fifth class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1927, p 1838 (formerly Sec 16x37)

Madera county sealer

SECTION 1. Section 16x35 of the weights and measures act is amended to read as follows:

16x35 In counties of the thirty-fifth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

CHAPTER 333.

An act to amend section 2322x35 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-fifth class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x35 of the Political Code is amended to read as follows:

Stats 1927,
p 262
(formerly
Sec
2322x37)

2322x35. In counties of the thirty-fifth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerk, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Madera
county
agricultural
commis-
sioner

(a) Four inspectors at a compensation of four dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand six hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of ninety dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand eighty dollars.

(c) An additional inspector at a salary of one hundred thirty dollars per month.

CHAPTER 334

An act to amend section 19x35 of the juvenile court law, relating to probation officers in counties of the thirty-fifth class.

Stats 1915,
p 1225,
amended

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x35 of the juvenile court law is amended to read as follows:

Stats 1921,
p 862
(formerly
Sec 19x37)

Sec. 19x35. In counties of the thirty-fifth class there shall be one probation officer whose salary shall be fifty dollars per month.

Madera
county
probation
officer

CHAPTER 335.

Stats 1915,
p 1225,
amended

An act to amend section 19x16 of the "juvenile court law," relating to salaries and expenses of probation officers and their assistants.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1921,
p 1494
(formerly
Sec 19x18)
Santa Bar-
bara county
probation
officer

SECTION 1. Section 19x16 of the "juvenile court law" is hereby amended to read as follows:

Sec. 19x16. In counties of the sixteenth class there shall be one probation officer whose salary shall be two hundred dollars per month; one assistant probation officer whose salary shall be one hundred fifty dollars per month; and one office deputy whose salary shall be one hundred twenty-five dollars per month. In addition to the salaries herein provided for, such officers and deputy shall be allowed the necessary incidental expenses allowed by section 19w of this act.

CHAPTER 336.

Stats 1917,
p 1225,
amended

An act to amend section 19x51 of the juvenile court law, as amended, relating to probation officers in counties of the fifty-first class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1915,
p 1225
(formerly
Sec 19n)
Inyo county
probation
officer

SECTION 1. Section 19x51 of the juvenile court law is hereby amended to read as follows:

19x51. In counties of the fifty-first class, there shall be one probation officer whose salary shall be seventy-five dollars per month, and such mileage as the board of supervisors shall fix and allow.

CHAPTER 337.

An act to add a new section to the School Code to be numbered 5.750 and relating to the manner of paying salaries of certified employees of school districts.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

New section
Salary of
absent
certified
employee

SECTION 1. A new section is hereby added to the School Code to be numbered 5.750 and to read as follows:

5.750. When a person employed in a position requiring certification qualifications is absent from his duties on account

of illness for a period of five school months or less, the amount deducted from the salary due him for any month or months in which such absence occurs shall not exceed the sum which shall actually have been paid a substitute employee employed to fill his position during his absence.

When a person employed in a position requiring certification qualifications is absent from his duties on account of illness for a period of more than five school months, or when a person is absent from his duties for a cause other than illness, the amount deducted from the salary due him for the month or months in which such absence occurs shall be determined according to the rules and regulations established by the governing board of the district.

Nothing in this section shall be construed so as to deprive any district, city or city and county of the right to make any reasonable rule for the regulation of sick leave or cumulative sick leave without loss of salary for persons requiring certification qualifications.

CHAPTER 338.

An act to amend section 16x16 of the "weights and measures act," relating to sealers of weights and measures in counties of the sixteenth class. Stats 1913,
p 1086
amended

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

SECTION 1. Section 16x16 of the "weights and measures act" is amended to read as follows: Stats 1927,
p 1836
(formerly
Sec 16x18)

Sec. 16x16. The sealer of weights and measures in counties of the sixteenth class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed. Santa Bar-
bara county:
sealer

CHAPTER 339.

An act to add section 19x43 to the "juvenile court law," relating to salary of the probation officer in counties of the forty-third class. Stats 1915,
p 1225,
amended

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x43 is hereby added to the "juvenile court law," to read as follows: Stats 1921,
p 1093
(formerly
Sec 19x39)

19x43. In counties of the forty-third class there shall be one probation officer whose salary shall one hundred fifty dollars per month. Nevada
county
probation
officer

CHAPTER 340.

Stats 1915
p 1225.
amended

An act to amend section 19x17 of the "juvenile court law," relating to probation officers in counties of the seventeenth class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1927
p 38
(formerly
Sec 19x14)
Sonoma
county
probation
officer

SECTION 1. Section 19x17 of the "juvenile court law," is amended to read as follows:

Sec. 19x17. In counties of the seventeenth class there shall be one probation officer whose salary shall be three thousand six hundred dollars per annum, and one assistant whose salary shall be one thousand five hundred dollars per annum. Such probation officer shall be allowed a stenographer, whose salary shall be one hundred dollars per month.

CHAPTER 341.

An act to amend section 2322x17 of the Political Code, relating to the office of agricultural commissioner in counties of the seventeenth class.

[Approved by the Governor May 20, 1931 In effect August 14, 1931]

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

Stats 1929,
p 960 (for-
merly Sec
2322x14)
Sonoma
county
agricultural
commis-
sioner

SECTION 1. Section 2322x17 of the Political Code is amended to read as follows:

2322x17. In counties of the seventeenth class, the commissioner shall receive a salary of three thousand dollars per annum, provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows to wit:

(a) Two inspectors at a monthly salary of one hundred fifty dollars during the time actually employed, one of whom may act as clerk, ten inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand five hundred dollars.

CHAPTER 342.

An act to amend section 2322x43 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-third class.

[Approved by the Governor May 20, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x43 of the Political Code is amended to read as follows:

2322x43. In counties of the forty-third class, the commissioner shall receive a compensation of seven dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed two thousand one hundred dollars; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of four dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand two hundred dollars.

Stats 1925,
p. 212 (for-
merly Sec.
2322x39)

Nevada
county
agricultural
commis-
sioner

CHAPTER 343.

An act to amend section 2322x49 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-ninth class.

[Approved by the Governor May 20, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x49 of the Political Code is amended to read as follows:

2322x49. In counties of the forty-ninth class, the commissioner shall receive a salary of one dollar per annum.

Stats 1925,
p. 216 (for-
merly Sec.
2322x50)

Plumas
county
agricultural
commis-
sioner

CHAPTER 344.

Stats 1915,
p 1225,
amended *An act to amend section 19x14 of the "Juvenile court law," relating to the salaries of the probation officer and assistants in counties of the fourteenth class.*

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1929,
p 962
(formerly
Sec 19x11)
Tulare
county
probation
officer

SECTION 1. Section 19x14 of the "Juvenile court law" is hereby amended to read as follows:

19x14. In counties of the fourteenth class, there shall be one probation officer whose salary shall be two hundred dollars per month, and the said probation officer shall be allowed one assistant probation officer at a salary of one hundred twenty-five dollars per month, and one assistant probation officer at a salary of one hundred dollars per month; and in addition thereto the said probation officer and deputies shall be allowed their actual and necessary traveling expenses incurred in performing any of the duties of this office; provided, however, that the said traveling expenses exclusive of meals and hotel accommodations, shall not exceed the sum of eight cents per mile.

CHAPTER 345.

Stats 1915,
p 1225,
amended *An act to amend section 19x23 of the juvenile court law, relating to probation officers in counties of the twenty-third class.*

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1929,
p 202
(formerly
Sec 19x25)
Main
county
probation
officer

SECTION 1. Section 19x23 of the juvenile court law is hereby amended to read as follows:

19x23. In counties of the twenty-third class there shall be one probation officer, whose salary is hereby fixed at the sum of two hundred fifty dollars per month. In counties of this class the probation officer shall perform in addition to his duties as probation officer the duties of attendance officer for the schools of the county and investigator for the board of supervisors on applications for county and state aid, without any additional compensation; provided, however, that he shall receive his necessary traveling and other expenses and such mileage as the board of supervisors shall fix and allow in the performance of such duties. In counties of this class the probation officer shall be allowed one assistant probation officer, which office is hereby created, who shall act as stenographer, and whose salary is hereby fixed at the sum of one hundred dollars per month. The salary of such assistant probation

officer shall be paid at the same time and in the same manner and out of the same fund as the salary of the probation officer is paid.

CHAPTER 346.

An act to amend section 19x5 of the "Juvenile court law," relating to probation officers in counties of the fifth class. Stats 1915, p. 1225, amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x5 of the "Juvenile court law" is hereby amended to read as follows:

Sec. 19x5. In counties of the fifth class there shall be one probation officer, two assistant probation officers and one deputy probation officer who shall act as probation officer's clerk. The salaries of said officers shall be as follows: The probation officer shall receive a salary of two hundred fifty dollars per month, the first assistant probation officer shall receive a salary of one hundred seventy-five dollars per month, the second assistant probation officer shall receive a salary of one hundred fifty dollars per month, and the deputy probation officer shall receive a salary of one hundred twenty-five dollars per month.

Stats 1927,
p. 769
(formerly
Sec 19x6)
Santa Clara
county
probation
officer.

CHAPTER 347.

An act to add section 9a28 to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repeal an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary of county librarian in counties of the twenty-eighth class. Stats 1911, p. 80, amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 9a28 is hereby added to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repeal an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," to read as follows:

9a28. In counties of the twenty-eighth class, the salary of the county librarian shall be two thousand five hundred dollars per annum.

Stats 1921,
p. 936
(formerly
Sec 9a30)

San Luis
Obispo
county
librarian

CHAPTER 348.

Stats 1911
p. 80,
amended

An act to add a new section to be numbered 9a16 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the sixteenth class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1921,
p. 52
(formerly
Sec 9)
Santa Bar-
bara county
librarian

SECTION 1. Section 9a16 is hereby added to the act cited in the title hereto, to read as follows:

9a16. In counties of the sixteenth class the salary of the county librarian shall be one thousand eight hundred dollars per annum.

CHAPTER 349.

Stats 1911,
p. 80,
amended

An act to add a new section to be numbered 9a23 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems, approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the twenty-third class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1921,
p. 52
(formerly
Sec 9)
Marin
county
librarian

SECTION 1. Section 9a23 is hereby added to the act cited in the title hereto, to read as follows:

Sec. 9a23. In counties of the twenty-third class the salary of the county librarian shall be two thousand four hundred dollars per annum.

CHAPTER 350.

Stats 1915,
p. 1225,
amended

An act to add section 19x47 to the juvenile court law, relating to probation officers in counties of the forty-seventh class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1921,
p. 1428
(formerly
Sec 19x48)
El Dorado
county
probation
officer

SECTION 1. Section 19x47 is hereby added to the juvenile court law, to read as follows:

Sec. 19x47. In counties of the forty-seventh class there shall be one probation officer whose salary shall be sixty dollars per month.

CHAPTER 351.

An act to add section 19x52 to the juvenile court law, relating to probation officers in counties of the fifty-second class. Stats 1915, p 1225, amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x52 is hereby added to the juvenile court law, to read as follows. Stats 1921, p 1081 (formerly Sec 19x49)

Sec. 19x52. In counties of the fifty-second class there shall be one probation officer whose salary shall be fifty dollars per month. Calaveras county probation officer

CHAPTER 352.

An act to amend section 19x45 of the juvenile court law, relating to probation officers in counties of the forty-fifth class. Stats 1915, p 1225, amended

[Approved by the Governor May 22, 1931. In effect August 14, 1931]

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

SECTION 1. Section 19x45 of the juvenile court law is amended to read as follows: Stats 1921, p 1464 (formerly Sec 19x46)

Sec. 19x45. In counties of the forty-fifth class there shall be one probation officer whose salary shall be fifty dollars per month. Tuolumne county probation officer

CHAPTER 353.

An act to amend section 19x46 of the juvenile court law, relating to probation officers in counties of the forty-sixth class. Stats 1915, p 1225, amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x46 of the juvenile court law is amended to read as follows: Stats 1921, p 805 (formerly Sec 19x45)

Sec. 19x46. In counties of the forty-sixth class there shall be one probation officer whose salary shall be thirty-five dollars per month. Amador county probation officer

CHAPTER 354.

An act to amend section 9a50 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in Stats 1911, p 80, amended

conflict with this act,''' approved February 25, 1911, as amended, relating to libraries in counties of the fiftieth class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1921,
p 52
(formerly
Sec 9)
Lake county
librarian

SECTION 1. Section 9a50 of the act cited in the title hereto, is hereby amended to read as follows:

Sec. 9a50. In counties of the fiftieth class, the salary of the county librarian shall be five hundred dollars per annum.

CHAPTER 355.

Stats 1911,
p 80,
amended

An act to add a new section to be numbered 9a37 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,''' approved February 25, 1911, as amended, relating to libraries in counties of the thirty-seventh class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1919,
p 123
(formerly
Sec 911)
Shasta
county
librarian

SECTION 1. Section 9a37 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 9a37. In counties of the thirty-seventh class the salary of the county librarian shall be one thousand eight hundred dollars per annum.

CHAPTER 356.

Stats 1911,
p 80,
amended

An act to add section 9a29 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,''' approved February 25, 1911, as amended, relating to librarians in counties of the twenty-ninth class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

Stats 1921,
p 755
(formerly
Sec 9a33)

SECTION 1. Section 9a29 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 9a29. In counties of the twenty-ninth class, the salary of the county librarian shall be one thousand eight hundred dollars per annum.

Shakyou
county:
librarian

CHAPTER 357.

An act to amend section 16x37 of the "weights and measures act," relating to sealers of weights and measures in counties of the thirty-seventh class.

Stats 1913,
p. 1086,
amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 16x37 of the "weights and measures act" is amended to read as follows:

Stats. 1927,
p. 1838
(formerly
Sec 16x35).

Sec. 16x37. The sealer of weights and measures in counties of the thirty-seventh class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed.

Shasta
county-
sealer.

CHAPTER 358.

An act to amend section 16x48 of the "weights and measures act," relating to sealers of weights and measures in counties of the forty-eighth class.

Stats 1913,
p. 1086,
amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 16x48 of the "weights and measures act" is amended to read as follows:

Stats 1927,
p. 1840
(formerly
Sec 16x52).

Sec. 16x48. In counties of the forty-eighth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Modoc
county
sealer

CHAPTER 359.

An act to amend section 19x37 of the "juvenile court law," relating to probation officers in counties of the thirty-seventh class.

Stats 1915,
p. 1225,
amended

[Approved by the Governor May 22, 1931. In effect August 14, 1931]

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

SECTION 1. Section 19x37 of the "juvenile court law" is amended to read as follows:

Stats 1921,
p. 843
(formerly
Sec 19x35)

Sec. 19x37. In counties of the thirty-seventh class there shall be one probation officer whose salary shall be thirty-five dollars per month.

Shasta
county
probation
office

CHAPTER 360.

Stats 1913, p 1086, amended. *An act to amend section 16x29 of the weights and measures act, relating to sealers of weights and measures in counties of the twenty-ninth class.*

[Approved by the Governor May 22, 1931. In effect August 14, 1931]

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

Stats 1927, p 1838 (formerly Sec. 16x33) SECTION 1. Section 16x29 of the weights and measures act is amended to read as follows:

Siskiyou county sealer. Sec. 16x29. The sealer of weights and measures in counties of the twenty-ninth class shall receive a salary of two hundred dollars per month, and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 361.

Stats 1915, p. 1225, amended. *An act to amend section 19x29 of the juvenile court law, relating to probation officers in counties of the twenty-ninth class.*

[Approved by the Governor May 22, 1931. In effect August 14, 1931]

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

Stats 1921, p. 1062 (formerly Sec 19x33) SECTION 1. Section 19x29 of the juvenile court law is amended to read as follows:

Siskiyou county probation officer. Sec. 19x29. In counties of the twenty-ninth class there shall be one probation officer whose salary shall be thirty-five dollars per month.

CHAPTER 362.

Stats 1911, p 80, amended. *An act to amend section 9a6 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in the counties of the sixth class.*

[Approved by the Governor May 22, 1931. In effect August 14, 1931]

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

Stats 1921, p 1463 (formerly Sec 9a4). SECTION 1. Section 9a6 of the act cited in the title hereof is amended to read as follows:

Fresno county librarian. Sec. 9a6. In counties of the sixth class, the salary of the county librarian shall be four thousand dollars per annum.

CHAPTER 363.

An act to amend section 2322x6 of the Political Code, relating to the office of agricultural commissioner in counties of the sixth class.

[Approved by the Governor May 22, 1921. In effect August 14, 1931.]

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

SECTION 1. Section 2322x6 of the Political Code is amended to read as follows:

Stats 1925,
p 197 (for-
merly Sec
2322x4).

2322x6. In counties of the sixth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows to wit:

Fresno
county.
agricultural
commis-
sioner.

(a) One deputy county agricultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) Two inspectors at a compensation of five dollars and fifty cents per diem each during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed eighteen inspectors at a compensation of four dollars and fifty cents per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-one thousand dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

CHAPTER 364.

An act to add a new section to be numbered 9a43 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems." approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the forty-third class.

Stats 1911,
p 80,
amended

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 9a43 is hereby added to the act cited in the title hereto, to read as follows:

Stats 1919,
p 19
(for merly
Sec 9mm).

Nevada
county:
librarian

9a43. In counties of the forty-third class the salary of the county librarian shall be one thousand five hundred dollars per annum.

CHAPTER 365.

Stats 1915,
p. 1225,
amended

An act to amend section 19x31 of the juvenile court law, relating to probation officers in counties of the thirty-first class.

[Approved by the Governor May 22, 1931. In effect August 14, 1931.]

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

Stats 1923,
p. 887
(formerly
Sec 19x32)

Placer
county.
probation
officer

SECTION 1. Section 19x31 of the juvenile court law is amended to read as follows:

19x31. In counties of the thirty-first class, there shall be one probation officer, whose salary shall be one hundred fifty dollars per month. In counties of the thirty-first class the probation officer shall perform, in addition to his duties as probation officer, the duties of investigator for the board of supervisors on applications for county and state aid, without any additional compensation, except his necessary expenses and mileage, not to exceed three hundred dollars per annum.

CHAPTER 366.

Stats. 1911.
p. 80,
amended.

An act to amend section 9a31 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in the counties of the thirty-first class.

[Approved by the Governor May 22, 1931. In effect August 14, 1931.]

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

Stats 1919,
p. 122
(formerly
Sec 977)

Placer
county
librarian

SECTION 1. Section 9a31 of the act cited in the title hereto, is hereby amended to read as follows:

Sec. 9a31. In counties of the thirty-first class the county librarian shall receive one thousand five hundred dollars per year.

CHAPTER 367.

Stats 1911.
p. 80,
amended

An act to add a new section to be numbered 9a25 to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of Cali-

fornia, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,' approved February 25, 1911, as amended, relating to libraries in the counties of the twenty-fifth class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 9a25 is hereby added to the act cited in the title hereto, to read as follows:

Stats 1921,
p 32
(formerly
Sec. 9).
Santa Cruz
county.
librarian

Sec. 9a25. In counties of the twenty-fifth class, the salary of the county librarian shall be one thousand five hundred dollars per annum.

CHAPTER 368.

An act to amend section 2322x11 of the Political Code, relating to the office of agricultural commissioner in counties of the eleventh class.

[Approved by the Governor May 22, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x11 of the Political Code is amended to read as follows:

Stats 1927,
p 1528
(formerly
Sec
2322x12)
Kern
county
agricultural
commis-
sioner

2322x11. In counties of the eleventh class, the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One chief deputy at a salary of two thousand four hundred dollars per annum; two deputy commissioners at a salary of two thousand one hundred dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed nine inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; four inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed; eight inspectors at a compensation of four dollars per diem each during the time actually employed; and eight inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-five thousand one hundred forty dollars. The salary and compensations herein provided for the commissioner and deputy commissioners shall be paid out of the county treasury in equal monthly installments, where the employment is by

the year, and monthly as earned in other cases, in the manner and at the same time as other county officers are paid. In addition to the salaries and compensation herein provided, said commissioner, deputy commissioners and inspectors shall be entitled to receive their personal and traveling expenses necessarily incurred in the performance of their said duties and said expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year, shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred twenty-five dollars per month during the time actually employed, and two clerks at a monthly salary of one hundred dollars, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand dollars.

CHAPTER 369.

An act to amend sections 2322x25 and 2322x41 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-fifth and forty-first classes.

[Approved by the Governor May 22, 1931 In effect August 14, 1931.]

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

Stats 1927,
p 1513
(formerly
Sec
2322x26).
Santa Cruz
county
agricultural
commis-
sioner

SECTION 1. Section 2322x25 of the Political Code is amended to read as follows:

2322x25. In counties of the twenty-fifth class, the commissioner shall receive a compensation of three thousand dollars per annum; provided, that in counties of this class there may be and there is hereby allowed to the commissioner the following deputy, inspectors, and clerk, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy agricultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) Three inspectors at a salary of one hundred fifty dollars per month.

(c) One clerk at a salary of one hundred dollars per month; provided, that the appointment of such deputy, clerk and inspectors shall be subject to the approval of the board of supervisors; and provided, further, that inspectors shall be appointed at such time and for such purposes only as may be approved by the board of supervisors.

SEC. 2. Section 2322x41 of the Political Code is hereby amended to read as follows:

Stats 1925,
p 213
(formerly
Sec
2322x43)

2322x41. In counties of the forty-first class, the commissioner shall receive a salary of two thousand four hundred dollars per annum, together with the amount of his actual traveling expenses; provided, that in counties of this class, there shall be allowed to the commissioner the following inspector and clerk, to be appointed by the commissioner, which positions are hereby created, and at the salaries as hereby fixed, as follows, to wit:

San Benito
county
agricultural
commis-
sioner

(a) One inspector at a compensation of one hundred seventy-five dollars per month.

(b) One inspector, who will also act as clerk, at a compensation of one hundred fifty dollars a month.

(c) The commissioner is also authorized to appoint, with the approval of the board of supervisors, five additional inspectors at a compensation of four dollars per day.

CHAPTER 370.

An act to amend section 2322x21 of the Political Code, relating to the county agricultural commissioner, his deputies, inspectors and clerks in counties of the twenty-first class

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x21 of the Political Code is hereby amended to read as follows:

Stats 1929,
p. 210 (for-
merly Sec.
2322x24)

2322x21. In counties of the twenty-first class the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class there shall be allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

Monterey
county.
agricultural
commis-
sioner

(a) One deputy county agricultural commissioner at a salary of two thousand dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a salary of one hundred fifty dollars per month each during such time as actually employed and not to exceed two inspectors at a salary of one hundred twenty-five dollars per month each during the time such inspectors are actually employed, but the aggregate amount to be expended in any one year for all such inspectors shall not exceed the sum of eight thousand four hundred dollars.

(c) One chief inspector of rodent control, at a salary of two hundred dollars per month.

(d) One clerk, at a salary of nine hundred dollars per annum.

CHAPTER 371.

Stats 1911,
p 80,
amended

An act to amend section 9a10 of the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the tenth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1921,
p 52
(formerly
Sec 9)
San Joaquin
county
librarian

SECTION 1. Section 9a10 of the act cited in the title hereof, is amended to read as follows:

Sec. 9a10. In counties of the tenth class the salary of the county librarian shall be two thousand dollars per annum.

CHAPTER 372.

An act to amend section 2322x54 of the Political Code, relating to the office of agricultural commissioner in counties of the fifty-fourth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 216 (for-
merly Sec.
2322x53)
Mariposa
county;
agricultural
commis-
sioner

SECTION 1. Section 2322x54 of the Political Code is amended to read as follows:

2322x54. In counties of the fifty-fourth class, the commissioner shall receive a salary of one dollar per annum.

CHAPTER 373.

Stats. 1911,
p 80,
amended

An act to add a new section to be numbered 9a54 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the fifty-fourth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1921,
p 52
(formerly
Sec 9)
Mariposa
county
librarian.

SECTION 1. Section 9a54 is hereby added to the act cited in the title hereto, to read as follows:

Sec. 9a54. In counties of the fifty-fourth class the salary of the county librarian shall be five hundred dollars per annum.

CHAPTER 374.

An act to amend section 4245 and to repeal section 4245a of the Political Code, relating to salaries and fees of officers in counties of the sixteenth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

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

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

1. The district attorney, five thousand five hundred dollars per annum for all services; provided, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One chief deputy at a salary of three thousand six hundred dollars per annum, one deputy at a salary of two thousand four hundred dollars per annum, two deputies at a salary of two thousand one hundred dollars per annum each, one stenographer at a salary of one thousand eight hundred dollars per annum, and one additional stenographer at a salary of one thousand five hundred dollars per annum, and such additional deputies as the district attorney may require and appoint whose compensation shall not exceed in the aggregate sum of one thousand two hundred dollars in any one year; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid; provided, that the district attorney and his chief deputy herein provided for shall devote their entire time during office hours to the duties of their offices, and shall be prohibited from engaging in private practice of the law during their term of office.

2. The sheriff, five thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the sheriff the following deputies and assistants which shall be appointed by the sheriff: One undersheriff at two hundred dollars per month; six deputies at one hundred seventy-five dollars per month; two deputies to serve as jailers at one hundred seventy-five dollars per month each; provided, also, that in case a second superior court is granted to counties of this class, there shall be allowed to the sheriff an additional deputy to be appointed by the sheriff at a salary of one hundred seventy-five dollars per month.

The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same

Stats 1929,
p. 1573
(formerly
Sec 4247)
Santa Bar-
bara county
salaries.

District
attorney

Sheriff.

funds as the salary of the sheriff is paid; provided, further, that there shall be allowed to the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage received by the sheriff shall be turned over to the county and become the property of the county.

Clerk

3. The county clerk, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk the following deputies, who shall be appointed by the county clerk and shall be paid salaries as follows: Two deputy clerks at a salary of two thousand four hundred dollars per annum, each, one deputy clerk at a salary of two thousand one hundred dollars per annum and three deputy clerks at a salary of one thousand eight hundred dollars per annum, each. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; provided, also, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks; such compensation for additional clerks and assistants, and for registration clerks outside his office, being payable to them in installments at such time and in such amounts as may be designated by the county clerk; provided, that the county clerk shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same funds as other county officers are paid.

Auditor

4. The auditor, four thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy at a salary of two thousand two hundred fifty dollars per annum, two deputies at a salary of two thousand one hundred dollars per annum each and one deputy at a salary of one thousand nine hundred fifty dollars per annum; said deputies shall be appointed by said auditor and said salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; provided, also, that in counties of this class there shall be and is hereby allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed three thousand six hundred dollars in any one year payable to

them in installments at such time and in such amounts as may be designated by the auditor; provided, that the auditor shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid.

5. The treasurer, three thousand six hundred dollars per annum; provided, also, that the treasurer shall be allowed such additional clerks as the treasurer may require and whose compensation shall not exceed one thousand two hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the treasurer; provided, that the treasurer shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid. All fees, commissions and mileage received by the treasurer after January 1, 1931, shall be deposited in the county treasury to the credit of the salary fund. Claims for service of such additional clerks shall be allowed and paid from the same funds as the salary of the treasurer. Treasurer

6. The recorder, three thousand eight hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of two thousand one hundred dollars per annum and five deputies at a salary of one thousand eight hundred dollars per annum each; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid, provided, also, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed three thousand dollars in any one year; and provided, further, that such clerk or clerks as may be necessarily employed to enable the recorder to perform the duties devolve upon the recorder by the provisions of the Torrens land title act, shall be paid one hundred twenty-five dollars per month each. The compensation of attorneys employed under section 108 of said title act shall not exceed twenty-five dollars per day for each day actually devoted to the duties of such employment. Compensation for such additional clerks and assistants shall be payable to them in installments at such time and in such amounts as may be designated by the recorder; provided, that the recorder shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants, said warrants to be paid in the same manner and out of the same fund, as Recorder

other county officers are paid. All fees, commissions and mileage shall be deposited in the county treasury to the credit of the salary fund.

Tax
collector.

7. The tax collector, who shall also be license collector, three thousand eight hundred dollars per annum, which shall be in full compensation for all services rendered by him; provided, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of two thousand one hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid: also provided, that the said tax collector shall be allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of four thousand dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the tax collector; provided, that the tax collector shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund, as other county officers are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

Assessor

8. The assessor four thousand two hundred dollars per annum, which shall be in full compensation for all services rendered by him: provided, that in counties of this class there shall be and is hereby allowed to the assessor one deputy at two thousand seven hundred dollars a year, two deputies at two thousand one hundred dollars per year each, one deputy at one thousand eight hundred dollars per year, one deputy for seven months at one hundred fifty dollars per month, one deputy for four months at two hundred dollars per month, two deputies for four months at one hundred twenty-five dollars per month, seven deputies for four months at one hundred fifty dollars per month, each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the assessor is paid: and provided, further, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of four thousand five hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the assessor; provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund, as other county officers are paid; and provided, that the assessor shall be allowed his actual traveling

expenses, including the expense of operating and maintaining an automobile and depreciation of the same, when engaged in attending to official business, not exceeding the sum of six hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

9. The superintendent of schools, four thousand dollars per annum, which shall be inclusive of such fees as may be allowed the superintendent of schools when acting as secretary of the county board of education, and in addition hereto the superintendent of schools shall be allowed actual traveling expenses when visiting the schools of his or her county as provided by law; provided, also, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one chief deputy at a salary of one hundred seventy-five dollars per month and one deputy at a salary of one hundred fifty dollars per month, which deputies shall be appointed by the superintendent of schools; said salaries shall be paid by the county in monthly installments at the same time and out of the same fund as the salary of the superintendent of schools is paid; provided, also, that in counties of this class there shall be and is hereby allowed to the superintendent of schools such additional clerks and assistants as the superintendent of schools may require, and whose compensation in the aggregate shall not exceed six hundred dollars in any one year payable to them in installments at such time and in such amounts as may be designated by the superintendent of schools; provided, that the superintendent of schools shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid.

10. The coroner, such fees as are now or may be hereafter allowed by law and actual traveling expenses while attending to his official duties; provided, however, that no fees in excess of one thousand five hundred dollars in any one year shall be paid to the coroner out of the county treasury.

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

12. The county surveyor and ex officio civil engineer for all services required of him as county surveyor and civil engineer and also for all services which may be required of him as a road engineer, shall receive five thousand dollars per annum, and actual traveling expenses while attending to official business, and necessary expenses for himself and assistants in the field and office while engaged on public work; provided, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by the said county surveyor at a salary of two hundred dollars

per month, said deputy to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid; provided, further, that in counties of this class there shall be and is hereby allowed to the county surveyor such other assistants as he may need and appoint, and that whenever said surveyor is directed by the assessor to plat, trace of otherwise prepare maps, plats or block books for the use of the county assessor he shall be allowed such additional field and office assistants as may be deemed necessary, claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid; provided, that beginning with the term of office in January, 1931, the county surveyor and his one deputy herein provided for shall devote their entire time during office hours to the work of the county and state and shall be prohibited from engaging in private work during their term of office.

Justices of
the peace

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases. In townships having a population of more than fifteen thousand, one hundred fifty dollars per month; provided, that in townships of this class there is hereby allowed for the joint use of the justices of the peace, one clerk, who shall also be a stenographer, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as salaries of county officers are paid; in townships having a population of four thousand and not over fifteen thousand, one hundred dollars per month; in townships having a population over one thousand eight hundred and not over four thousand, seventy-five dollars per month; in townships under one thousand eight hundred, fifty dollars per month; provided, however, that each of said justices shall be furnished with an office and necessary supplies by the board of supervisors of said county. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A.D. 1930. In the event that two or more townships are combined the salaries of the justices of the peace shall be determined on the basis of the total population of the combined townships.

Constables

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of five thousand and not over ten thousand, seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, fifty

dollars per month; in townships having a population of three thousand and not over four thousand, forty dollars per month; in townships having a population of under three thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A.D. 1930.

15. Each supervisor for all services required of him as ^{Supervisors.} supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. Where necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed.

16. In counties of this class the fees of grand jurors shall ^{Jurors.} be five dollars per diem and the fees of trial jurors in the superior court shall be three dollars in civil actions and five dollars in criminal actions and the fees of trial jurors in courts of justices of the peace shall be two dollars in civil and criminal actions, for each day's attendance. In addition, mileage fees shall be allowed all jurors to be computed at the rate of fifteen cents per mile for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

SEC. 2. Section 4245a of the Political Code is hereby ^{Repeal} repealed.

CHAPTER 375.

An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931]

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

SECTION 1. Section 4285 of the Political Code is hereby ^{Stats 1929, p 1832} amended to read as follows:

4285. In counties of the fifty-sixth class the county officers ^{Sierra county salaries} shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, one thousand three hundred dollars ^{Clerk} per annum; provided, that in years when a great register of voters is required by law to be made the county clerk shall

receive in addition to his regular salary the sum of four hundred dollars for such services, and said clerk may appoint one deputy clerk, which office of deputy county clerk is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the county clerk is paid.

Sheriff 2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only, and there is hereby allowed to the sheriff one deputy at a salary of seventy-five dollars per month. The salary of said deputy payable monthly in the same manner as the salaries of the other county officers are paid.

Recorder 3. The recorder, four hundred dollars per annum; provided, that the recorder may retain to his own use all fees paid him for filing, marking for record, recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims.

Auditor 4. The auditor, three hundred dollars per annum.

Treasurer 5. The treasurer, one thousand five hundred dollars per annum.

Tax collector 6. The tax collector, three hundred fifty dollars per annum.

Assessor 7. The assessor, one thousand six hundred dollars per annum.

District attorney. 8. The district attorney, one thousand eight hundred dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

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

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

Superintendent of schools 11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor 12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Township classification. 13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors, in any manner determined upon by said board, upon the enactment of this act, and also at the time of the formation of any new township or townships.

Townships having a population of one thousand two hundred and more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall

belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: Justices of the peace
In townships of the first class the sum of two hundred forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officials are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may be hereafter Constables. allowed by law.

15. Each supervisor, nine hundred dollars per annum, for Supervisors all services rendered as supervisor, as a member of the board of equalization, and as road commissioner; provided, that each supervisor shall also receive twenty cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business.

16. License collector. The license collector, such fees as are License collector now or may be hereafter allowed by law.

17. Jurors. For attending as a grand juror or a trial juror Jurors. in both civil and criminal cases, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror or trial juror in both civil and criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 376.

An act to amend section 4278 of the Political Code, relating to officers in counties of the forty-ninth class and the salaries, fees and expenses thereof.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1929,
p 1463
(formerly
Sec 4279)

Plumas
county
salaries

SECTION 1. Section 4278 of the Political Code is hereby amended to read as follows:

4278. In counties of the forty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Clerk

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand three hundred dollars per annum, and said clerk may appoint one deputy clerk, which office is hereby created, who shall receive a salary of one hundred dollars per month. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the clerk is paid.

Sheriff

2. The sheriff, four thousand dollars per annum. He shall have one deputy at one thousand eight hundred dollars per annum, which office is hereby created.

Recorder

3. The recorder, one thousand eight hundred dollars per annum. He shall have one deputy, which office is hereby created, at a salary of one hundred dollars per month.

Auditor

4. The auditor, four hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand dollars per annum.

Tax

6. The tax collector, seven hundred fifty dollars per annum.

collector.

Assessor

7. The assessor, two thousand six hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one hundred twenty-five dollars per month for a period of four months in each year, beginning March 1 and ending June 30; provided, however, that such compensation shall be in full for all services of every kind and description rendered by the assessor; and it is further provided, that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section 4290 of the Political Code, as compensation for the services therein mentioned.

District
attorney

8. The district attorney, two thousand dollars per annum; provided that in counties of this class there is hereby allowed to the district attorney one stenographer, at a salary of seventy-five dollars per month, to be paid by the county at the same time, and in the same manner as the salaries of the other county officers are paid.

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

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

11. The superintendent of schools, two thousand dollars per annum and actual traveling expenses when visiting the schools of the county. Said superintendent of schools may appoint one stenographer, which office is hereby created, who shall render assistance to the county superintendent of schools and, when available, to the district attorney or other county officer or officers, and who shall receive a salary of one thousand five hundred dollars per annum. The stenographer herein provided for shall be paid at the same time and in the same manner and out of the same fund as the superintendent of schools is paid. Superintendent of schools

12. The county surveyor shall receive ten dollars per diem when engaged in county work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer: provided, however, the board of supervisors may, and they are hereby authorized, in their discretion, to employ a highway engineer, other than the county surveyor, for the purpose of laying out, maintaining and constructing highways and other structures incidental thereto in said county, the period of service and compensation of such highway engineer to be fixed by said board of supervisors and payment for such services to be out of such fund or funds as may be designated by said board. The county surveyor shall also receive all actual expenses when at work in the field. Surveyor.

13. Justices of the peace. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination. Justices of the peace.

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

There shall be but one justice of the peace for each township of this class of counties. Justices of the peace shall receive the following salaries: In townships of the first class

the sum of nine hundred dollars per annum; in townships of the second class the sum of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same funds as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

Constables 14. Constables, such fees as are now or may hereafter be allowed by law.

Supervisors. 15. Each supervisor, one thousand dollars per annum and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner.

Librarian 15a. There is created for counties of this class the office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand one hundred dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid.

Reporter 16. Reporter, in counties of this class, the official reporter of the superior court shall receive a salary of seventy-five dollars per month to cover all work done in criminal cases, both in the superior court and justices' courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

License collector 17. The license collector, the sum of one thousand fifty dollars per annum; provided, however, that such compensation shall be in full for all services of every kind and description rendered as such license collector; and it is further provided, that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned.

Jurors 18. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law.

Witnesses 19. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law.

CHAPTER 377.

An act to amend section 4241 of the Political Code, relating to compensation of officers and employees in counties of the twelfth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 4241 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1432
(formerly
Sec. 4244).

4241. In counties of the twelfth class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their offices, the following salaries and fees, to wit:

Riverside
county
salaries

1. The county clerk, three thousand three hundred dollars per annum; and in counties of this class there shall be and is hereby allowed to the county clerk one chief deputy who shall receive a salary of two thousand four hundred dollars per annum and three deputies who shall each be paid a salary of two thousand one hundred dollars per annum and two deputies at salaries of one thousand five hundred dollars per annum, each; said deputies shall be appointed by the county clerk. The salary of said county clerk and his said deputies shall be paid in equal monthly installments out of the salary fund of the said county.

Clerk.

In counties of this class all fees and commissions received by the county clerk in his official capacity or by virtue of his position as county clerk, including fees or commissions allowed by the laws of the United States pertaining to the naturalization of citizens and to public lands which belong to the county of Riverside and shall be paid into the county treasury at the close of each month, with a statement of the sources from which said fees and commissions were received.

The county clerk shall appoint such additional deputies as he shall deem necessary for the registration of voters, and each such deputy shall receive the sum of seven and one-half cents per name for each elector properly registered by him, said compensation to be paid out of the general fund of the county on claims therefor duly verified, presented and approved by the board of supervisors, in the same manner as other claims are presented, allowed and paid.

2. In counties of this class the sheriff, four thousand dollars per annum: provided, that in counties of this class there shall be and there is hereby allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one chief deputy at a salary of two thousand one hundred dollars per annum; one deputy qualified to act as fingerprint expert and photographer in charge of the department of identification which department is hereby authorized, at a salary of two thousand four hundred

Sheriff

dollars per annum, and one assistant to said fingerprint expert and photographer at a salary of one thousand five hundred dollars per annum; two deputies at salaries of two thousand one hundred dollars per annum, each; five deputies at a salary of one thousand eight hundred dollars per annum, each; four deputies at salaries of one thousand five hundred dollars per annum, each, two of whom must be qualified to act as court bailiffs in the several departments of the superior court; one deputy qualified to act as typist at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one thousand two hundred dollars per annum; one matron at a salary of one thousand two hundred dollars per annum. Said deputies and matron shall be appointed by the sheriff and the salaries herein provided for shall be paid in equal monthly installments out of the salary fund of the county at the time and in the same manner as the salaries of county officers are paid.

All commissions and fees for service of papers and process coming from courts other than from his own county and mileage for service of process or papers coming from courts within or without his own county shall be allowed the sheriff. All other fees or commissions for service of papers or process shall be the property of this county and shall be paid by him into the county treasury at the close of each month with a statement of the source from whence received.

Recorder

3. The recorder, three thousand three hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder two deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum. The salaries herein provided for shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid; and provided, further, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of five cents per folio for recording any instrument or notice; provided, however, that on instruments that are partly typewritten and partly printed, and that for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instruments, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument. The compensation of such copyists shall be paid monthly out of the same fund as the salaries of county officers are paid at the same time and in the same manner.

All fees and commissions now or hereafter received by the recorder by virtue of his office or in his official capacity, shall belong to the county of Riverside and shall be paid into the

county treasury each month with a statement of the sources from which they were received.

4. The auditor, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand four hundred dollars per annum; one deputy, one thousand eight hundred dollars per annum; two deputies, one thousand five hundred dollars per annum, each; one deputy, one thousand two hundred dollars per annum, and such other assistants as the auditor may require; provided, that the compensation of such other assistants shall not in the aggregate exceed the sum of two thousand dollars in any one year; and provided, further, that the auditor shall file with the county clerk a verified statement, showing the amounts in detail and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. Auditor.

5. The treasurer, three thousand three hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer the following deputies whose offices are hereby created and who shall be appointed by the treasurer and receive the following salaries; one deputy two thousand four hundred dollars per annum; one deputy one thousand five hundred dollars per annum. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All commissions and fees now or hereafter allowed by law to the treasurer, including state inheritance tax fee, shall belong to the county of Riverside and shall be paid into the treasury monthly with a statement showing the sources from whence received. Treasurer.

6. The tax collector, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector; one deputy at a salary of two thousand four hundred dollars per annum and such assistants as the tax collector may require; provided that the compensation of such assistants shall not, in the aggregate, exceed the sum of eight thousand four hundred dollars in any one year; and provided, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and persons to whom said compensation is paid; the salaries of the said deputy and other assistants shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. Tax collector.

Assessor

7. The assessor, three thousand six hundred dollars per annum, and his actual traveling expenses while away from his office on official business; provided, that in counties of this class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor; one chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy who shall be employed as draftsman at a salary of two thousand two hundred dollars per annum; three deputies at salaries of one thousand five hundred dollars per annum, each; one stenographer at a salary of one thousand one hundred dollars per annum; one chief valuation deputy at a salary of two thousand one hundred dollars per annum and his actual traveling expenses while away from his office on official business; two field deputies at a salary of two thousand dollars per annum, each; and their actual traveling expenses while away from their office on official business; and such other deputies and assistants as the assessor may require together with their necessary traveling expenses and whose compensation and expenses in the aggregate shall not exceed twelve thousand dollars per annum; and provided that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid. The salaries and traveling expenses of such deputy and assistants and stenographer shall be paid by the said county in monthly installments and at the same time and in the same manner and out of the same fund as county officers are paid. All fees, commissions, including poll tax and fees for the collection of unsecured personal property tax collected by this office shall be turned over to the county and become the property of the county.

Coroner

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

Public administrator

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

District attorney

10. The district attorney, five thousand dollars per annum, and actual traveling expenses while away from his office on county business; one chief deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum. One stenographer at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one thousand two hundred dollars per annum. One investigator at a salary of two thousand four hundred dollars per annum; one investigator at a salary of one thousand eight hundred dollars per annum; said investigators shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code. Said deputies, stenographers and investigators shall be

appointed by the district attorney and shall be paid by said county in monthly installments and at the time and in the same manner and out of the same fund as county officers are paid.

11. The superintendent of schools, three thousand six hundred dollars per annum; his office shall be kept open on all business days from nine a.m. to five p.m.; he shall be allowed his actual traveling expenses when visiting the schools of the county; provided, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one deputy to be appointed by him who shall receive from the county a salary of two thousand four hundred dollars per annum, one deputy to be appointed by him at a salary of one thousand five hundred dollars per annum; and such other assistants as the said superintendent may require; provided, however, that the compensation of such other assistants shall not in the aggregate exceed the sum of six hundred dollars in any one year; and provided further, that the said superintendent shall file with the county clerk a verified statement, showing the amounts in detail and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

Superintendent of schools.

12. The surveyor, two thousand eight hundred dollars per annum and in addition thereto all necessary field assistants; provided, that in counties of this class there shall be and there is hereby allowed the surveyor three deputies who shall be appointed by the surveyor of the said county, and who shall be paid salaries as follows: One deputy at a salary of two thousand seven hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred dollars per annum. The salaries of the said deputies herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors.

Surveyor

13. For the purpose of regulating the compensation of justices of the peace and constables in counties of the twelfth class, the townships of said counties are hereby classified as follows: Townships having a population of twenty-five thousand or more and less than forty thousand shall be townships of the first class; townships having a population of ten thousand or more and less than twenty-five thousand shall be townships of the second class; townships having a population of five thousand or more and less than ten thousand shall be

Township classification.

townships of the third class; townships having a population of three thousand or more and less than five thousand shall be townships of the fourth class; townships having a population of one thousand or more and less than three thousand shall be townships of the fifth class; townships having a population of less than one thousand shall be townships of the sixth class; townships having an area of one thousand square miles or more and a population of less than ten thousand shall be townships of the seventh class.

Justices of
the peace

14. The justices of the peace shall receive the following monthly salaries to be paid each month at the same time and in the same manner and from the same fund as the county officers are paid, in the respective townships, as follows: In townships of the first class, two hundred twenty-five dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty-five dollars per month; in townships of the fifth class, twenty-five dollars per month; in townships of the sixth class, ten dollars per month; and in townships of the seventh class, fifty dollars per month.

The board of supervisors may provide a suitable court room and necessary stationery supplies and equipment for the various justices of the peace and in the event that the justice of the peace uses a room in a building owned or occupied by him for court-room purposes the board of supervisors may pay to the justice of the peace a reasonable rental for the use of such room.

Justice's
clerks.

For each justice's court in townships of the first class there shall be two justice's clerks who shall be appointed by the said justice of the peace; one of said clerks shall receive a salary of one thousand five hundred dollars per annum and the other said clerk shall receive a salary of one thousand two hundred dollars per annum. For each justice's court in townships of the second class there shall be one justice's clerk who shall be appointed by the said justice of the peace and who shall receive a salary of one thousand five hundred dollars per annum, which salaries of said justice's court clerks shall be payable in like manner and out of the same fund and at such times as county officers are paid. Said clerks shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned on the faithful performance of the duties of his office, which bond shall be approved and filed in the same manner as bonds of the county officers.

Said justice's clerks shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the

same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

“-----
 Justice of the Peace
 Attest-----
 Clerk.”

All legal papers of every kind in actions or proceedings in such justice's courts shall be issued by the said justice's clerks in the manner and form hereinbefore set out. The said justice's clerks shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justices of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerks shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerks shall render each month to the county auditor and the county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Each justice of the peace shall pay into the county treasury once each month all fines, fees and forfeitures collected by him with a statement showing the source from which received.

15. Constables shall receive the following monthly salaries Constables. to be paid each month at the same time and in the same manner and from the same fund as the county officers are paid; for their respective townships as follows: in townships of the first class one hundred twenty-five dollars; in townships of the second class one hundred twenty-five dollars; in townships of the third class fifty dollars; in townships of the fourth class twenty-five dollars; in townships of the fifth class twenty dollars; in townships of the sixth class ten dollars; in townships of the seventh class fifty dollars.

In townships of the first class the constable shall receive and keep, in addition to the compensation herein provided, all fees and commissions for service of papers and process coming from courts outside of Riverside county. The constable shall charge and collect such fees as are allowed by law and shall pay into the county treasury each month all fees, forfeitures, fines and commissions collected by him in the discharge of his duties as such constable excepting and excluding therefrom such fees

and commissions as hereinabove allowed the constable. In townships of the second class the salary herein provided shall be compensation in full for all services rendered by the constable in both civil and criminal cases. The constable shall charge and collect such fees as are allowed by law and shall pay into the county treasury each month all fees, forfeitures, fines and commissions collected by him in the discharge of his duties as such constable; provided, however, that in townships of the first and second classes the constable shall be paid from the county treasury his actual traveling expenses while engaged in official business outside of his respective township.

In townships of the third, fourth, fifth, sixth and seventh classes, the constable shall receive and retain for his own use the fees allowed by law in civil cases and shall be paid out of the county treasury his actual traveling expenses outside of his own township, but within his own county, for the service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside his county, both going and returning in the service of any warrant of arrest in any criminal case, five cents per mile; for transportation of prisoners to the county jail, the actual cost of transportation.

Township
population

16. Population of townships. The population of several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year.

Supervisors.

17. Supervisors. Each supervisor, one thousand five hundred dollars per annum, payable in monthly installments, and actual traveling expenses from his residence to the place of meeting of the board at the county seat; and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Each member of the board of supervisors of counties of the twelfth class shall be required to obtain and keep in force a public liability bond in the amount of fifty thousand dollars indemnifying said supervisor against public liability for any unlawful act or omission as supervisor, said bond to inure to the benefit of any and all persons who may be injured or aggrieved by any unlawful act or omission of said supervisor in his official capacity; provided, that the premium or charge for such bond shall not exceed one-half of one per cent per annum on the amount of such bond; and provided, further, that premium or charge for such bonds shall be paid by the said county in the manner that the premiums or charges for the bonds of public officials are paid.

Constitu-
tionality.

18. If any paragraph, sentence, clause or phrase of this act for any reason is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and

phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses, or phrases, be declared unconstitutional.

The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect.

CHAPTER 378.

An act to add section 9a5 to an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems." approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the fifth class. Stats. 1911,
p. 80,
amended

[Approved by the Governor May 23, 1931. In effect August 14, 1931]

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

SECTION 1. Section 9a5 is added to the act cited in the title hereof, to read as follows:

Sec. 9a5. In counties of the fifth class, the salaries of the county librarians shall be two thousand four hundred dollars per annum.

Stats 1921,
p. 682
(formerly
Sec 9a6)
Santa Clara
county
librarian

CHAPTER 379.

An act to amend section 2322x5 of the Political Code, relating to the office of agricultural commissioner in counties of the fifth class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x5 of the Political Code, is hereby amended to read as follows:

2322x5. In counties of the fifth class, the commissioner shall receive a compensation of three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county agricultural commissioners at a compensation of two thousand four hundred dollars each per annum.

Stats. 1927,
p. 650 (for-
merly Sec
2322x6).
Santa Clara
county
agricultural
commis-
sioner

(b) One deputy county agricultural commissioner at a compensation of two thousand one hundred sixty dollars per annum.

(c) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in one year for such clerk shall not exceed one thousand two hundred dollars.

(d) One inspector at a monthly salary of one hundred sixty dollars, during the time actually employed, three inspectors at a monthly salary of one hundred fifty dollars each, during the time actually employed, but the aggregate amount which may be expended in one year for all such inspectors shall not exceed seven thousand three hundred twenty dollars. The commissioner is also authorized and empowered to appoint fifteen additional inspectors at a compensation of one dollar each per annum.

CHAPTER 380.

An act to amend sections 4268 and 4268a and to repeal section 4273a of the Political Code, relating to fees and salaries of officers in counties of the thirty-ninth class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

Stats 1929,
p 1878
(formerly
Sec 4273)
Lassen
county
salaries

SECTION 1 Section 4268 of the Political Code is hereby amended to read as follows:

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following fees, salaries, and expenses, to wit:

Clerk

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum which office is hereby created. He shall appoint said deputy.

In each even numbered year, the county clerk may appoint such additional assistants as he may deem necessary whose compensation shall not exceed in the aggregate the sum of one hundred dollars per year.

Sheriff

2. The sheriff, three thousand six hundred dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall also have one deputy at a salary of one thousand eight hundred dollars per annum, which office is hereby created; said deputy shall be appointed by the sheriff. He shall also have one deputy at a salary of two thousand four hundred dollars per annum, which office is hereby created. Said deputy shall be appointed by the sheriff.

The salary and allowance above named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

3. The recorder, one thousand nine hundred dollars per annum. He shall also have one deputy at a salary of one thousand five hundred dollars per annum. Recorder.

4. The auditor, eight hundred dollars per annum. He shall also appoint one deputy at a salary of one hundred twenty-five dollars per month, which office is hereby created, said deputy to be employed for a period not exceeding four months in any one year. Auditor

5. The treasurer, two thousand dollars per annum. He shall also have one deputy at a salary of one hundred twenty-five dollars per month. Treasurer.

6. The tax collector, one thousand dollars per annum, and ten per cent of licenses collected by him as license collector. The tax collector shall also be allowed one per cent of all money collected by him as taxes from municipalities, irrigation districts, sanitary districts, or improvement districts. Tax collector

7. The assessor, three thousand dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of six months in each year, beginning January first and ending June thirtieth, at a salary of one hundred twenty-five dollars per month; said deputy shall be appointed by the assessor. Assessor

8. The district attorney, two thousand four hundred dollars per annum. He is hereby allowed a stenographer at a salary of nine hundred dollars per annum. District attorney

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

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

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent of schools is hereby allowed additional office help. Such additional help shall receive compensation at the rate of five dollars per day, not to exceed in the aggregate sixty days in any one year. Superintendent of schools.

12. The county surveyor shall receive ten dollars per diem, when engaged in county work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field. Surveyor

13. Justices of the peace in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid. In townships having a population of over four thousand, one hundred twenty-five dollars per month; in townships having a population of over Justices of the peace.

three thousand and less than four thousand, seventy-five dollars per month; in townships having a population of less than three thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sums as may be necessary to maintain their offices; provided, that such sum shall not be in excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three.

Constables.

14. Constables in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as the county officers are paid. In townships having a population of four thousand or over, one hundred dollars per month; in townships having a population of over three thousand and less than four thousand, fifty dollars per month; and in townships having a population of less than three thousand, twenty-five dollars per month; and in addition thereto all necessary and reasonable expenses for performing the duties of their office in criminal matters. In addition to the monthly salaries allowed herein, each constable may receive for his own use in civil cases the fees now or hereafter allowed by law.

Supervisors.

15. Each member of the board of supervisors, one thousand dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; provided, that each supervisor, is in addition, allowed three hundred dollars per annum to cover mileage expense at twenty-five cents per mile in viewing the roads which said salaries and mileage shall be in full for all services.

Reporter.

16. In counties of this class, the official reporter of the superior court shall receive a salary of one hundred dollars per month, to cover all work done in criminal cases, both in the superior and justice's courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the

judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

17. Grand jurors, and trial jurors, in criminal cases, shall receive the following fees and mileage: (1) Grand jurors and jurors in the superior court in criminal cases, shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same. Jurors
criminal
cases

18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

19. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile actually traveled in going, one way only, while acting as juror, twenty-five cents. Witnesses

20. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars, and for each mile actually traveled in going only, while acting as a witness twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same.

21. The county librarian, two thousand one hundred dollars per year. Librarian

SEC. 2. Section 4268a is hereby amended to read as follows: Stats 1919,
p 1162 (for
merly Sec
4273a)

4268a. In counties of the thirty-ninth class grand jurors and trial jurors of the superior court shall each receive for each day's attendance the sum of three dollars per day, and for each mile of actual travel in attending court, twenty cents per mile, one way only. Jurors
civil cases

SEC. 3. Section 4273a of the Political Code is hereby repealed. Repeal

CHAPTER 381.

An act to amend sections 4272 and 4272a of the Political Code, relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the forty-third class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

Stats 1929,
p 205
(formerly
Sec 4268)
Nevada
county
salaries

SECTION 1. Section 4272 of the Political Code is hereby amended to read as follows:

4272. In counties of the forty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, three thousand dollars per annum, and there is hereby allowed to the county clerk one deputy, which office is hereby created, to be appointed by him, at a salary of one thousand eight hundred dollars per annum, to be paid at the same time and in the same manner as the salaries of other officers are paid; provided that in each year in which a new and complete or supplemental registration of voters is required by law to be made, the said county clerk shall receive the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general or primary election and paid from the general fund of the county.

Sheriff

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like services.

Recorder

3. The recorder, three thousand two hundred dollars per annum.

Auditor

4. The auditor, eight hundred dollars per annum.

Treasurer

5. The treasurer, two thousand five hundred dollars per annum; and provided, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service, the sum of one thousand three hundred twenty dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax
collector
Assessor

6. The tax collector, six hundred fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum; he may also appoint one deputy assessor for four months of each year at a salary of one hundred twenty-five dollars per month, and one deputy assessor for five months of each year at a salary of one hundred twenty-five dollars per month. All fees or commissions which may heretofore have

been collected, or which may hereafter be collected, under the provisions of law and which have heretofore been allowed the county assessor for his own benefit shall hereafter be paid to the county treasurer to be deposited in the general fund of the county. The provisions of this subsection relating to the appointment of the two deputy assessors by the county assessor do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid; and in counties of this class the district attorney is allowed and may appoint one clerk, which office is hereby created. The salary of said clerk is fixed at six hundred dollars per annum payable at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

District
attorney

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

Coroner

10. The public administrator, four hundred dollars per annum.

Public ad-
ministrator

11. The superintendent of schools, two thousand seven hundred dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Superin-
tendent of
schools

12. The surveyor, fifteen dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Surveyor

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and the actual expenses incurred in attendance and for traveling to and from his residence to the county seat at any regular or special session of the board, and that one-twelfth of the annual salary shall be paid at the close of each monthly session of the board; and provided, further, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses incurred while actually engaged in the performance of his duty upon the roads; such allowance not to exceed the sum of five dollars for each day so actually engaged, and the total amount of such allowance not to exceed the sum of three hundred dollars per annum.

Supervisors

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

Township
classifi-
cation.

shown by the federal census of 1920, as follows: Townships having a population of four thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of less than one thousand shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum, and he may retain for his own use such fees collected in civil actions as are now or hereafter allowed by law; in townships of the second class, the sum of one thousand two hundred dollars per annum; in townships of the third class, the sum of one thousand two hundred dollars per annum; in townships of the fourth class, the sum of sixty dollars per annum; payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services; provided, further, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; provided, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed.

Justices of
the peace

Constables

15. The constables: (a) For all services rendered by them in civil cases, they may receive and retain for their own use such fees as now or hereafter may be allowed by law, and (b) For all services rendered by them in criminal cases they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury, and in addition constables in townships of the first class shall be allowed a salary of four hundred eighty dollars per annum; in townships of the second class, four hundred eighty dollars per annum; in townships of the third class, one thousand eighty dollars per annum; in townships of the fourth class, such fees as are now or may be hereafter allowed by law.

Reporter

16. In counties of this class, the official shorthand reporter of the superior court shall receive the sum of one thousand five hundred dollars per annum as compensation for his services rendered in the reporting of criminal cases in both the superior court and the justices' courts in the county of Nevada. Said salary to be paid in monthly installments at the same time and in the same manner as other county officers' salaries are paid. For the transcription of his notes he shall receive the fees now or hereafter authorized by law. In civil

cases he shall receive the fees now or hereafter authorized by law.

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

SEC. 2. Section 4272a is hereby amended to read as follows:

4272a In counties of the forty-third class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, the sum of three dollars, and mileage to be paid at the rate of thirty-five cents per mile for each mile actually and necessarily traveled from their residences to the county seat in going only; such mileage to be allowed but once during each session such jurors are required to attend same provided, that no one mileage shall exceed the sum of fifteen dollars. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

Stats 1921,
p. 1128
(formerly
Sec. 4268a)
Jurors

CHAPTER 382.

An act to amend section 2322x23 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-third class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x23 of the Political Code is amended to read as follows:

2322x23. In counties of the twenty-third class, the commissioner shall receive a compensation of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for the commissioner shall not exceed one thousand eight hundred dollars: provided, that in counties of this class there shall be and there is hereby allowed to the commissioner, a deputy to be appointed by said commissioner, which position is hereby created, at a salary of four dollars per day while actually engaged in such work, not to exceed, however, in the aggregate the sum of five hundred dollars in any one year.

Stats 1925,
p. 207 (for-
merly Sec
2322x25)
Marin
county
agricultural
commis-
sioner

CHAPTER 383.

An act to amend section 2322x18 of the Political Code, relating to the office of agricultural commissioner in counties of the eighteenth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 1209
(formerly
Sec
2322x17)
Imperial
county
agricultural
commis-
sioner

SECTION 1. Section 2322x18 of the Political Code is amended to read as follows:

2322x18. In counties of the eighteenth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum: provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of two thousand four hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed six annual inspectors, three of whom shall be known as "senior inspectors," and three of whom shall be known as "junior inspectors," said senior inspectors shall be paid a salary at the rate of one hundred seventy-five dollars per month each during the time actually employed, and said junior inspectors shall be paid a salary at the rate of one hundred fifty dollars per month during the time actually employed.

(c) The commissioner is also authorized and empowered to appoint one clerk at a monthly salary of one hundred twenty-five dollars per month.

(d) The commissioner is also authorized and empowered to appoint not to exceed twenty-four additional inspectors who shall be paid a compensation of eight dollars per diem during the time actually employed for the inspection of cantaloupes and watermelons; and six dollars per diem during the time actually employed for the inspection of lettuce; provided, further, that the aggregate amount which may be expended for salaries in any one year, for such additional inspectors shall not exceed the sum of thirteen thousand five hundred dollars.

CHAPTER 384.

An act to amend section 2322x28 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-eighth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x28 of the Political Code is amended to read as follows:

2322x28. In counties of the twenty-eighth class, the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerk to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector who shall receive a salary not to exceed two hundred dollars per month;

(b) One inspector who shall receive a salary not to exceed one hundred seventy-five dollars per month;

(c) One inspector who shall receive a salary not to exceed one hundred fifty dollars per month;

(d) One clerk who shall receive a salary not to exceed one hundred twenty-five dollars per month; provided, that the salaries of such inspectors and clerk be approved by the board of supervisors.

Stats 1929,
p 1743
(formerly
Sec
2322x30)

San Luis
Obispo
county
agricultural
commis-
sioner

CHAPTER 385.

An act to amend section 2322x47 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-seventh class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 2322x47 of the Political Code is amended to read as follows:

2322x47. In counties of the forty-seventh class, the commissioner shall receive a salary of six dollars per diem, during the time actually employed but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Stats 1925,
p 215 (for-
merly Sec
2322x48)

El Dorado
county
agricultural
commis-
sioner.

(a) One deputy county agricultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed two inspectors at a compensation of five dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand five hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of one thousand five hundred dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

CHAPTER 386.

An act to amend section 2322x52 of the Political Code, relating to the office of agricultural commissioner in counties of the fifty-second class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 215 (for-
merly Sec.
2322x49)
Calaveras
county
agricultural
commis-
sioner

SECTION 1. Section 2322x52 of the Political Code is amended to read as follows:

2322x52. In counties of the fifty-second class, the commissioner shall receive a compensation of six dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such commissioner shall not exceed one thousand eight hundred dollars; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerk to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five hundred dollars.

(b) The said commissioner is also authorized and empowered to appoint not to exceed one clerk at a compensation of two dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed three hundred fifty dollars.

CHAPTER 387.

An act to amend section 2322x33 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-third class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x33 of the Political Code is amended to read as follows:

2322x33. In counties of the thirty-third class, the commissioner shall receive a salary of two thousand one hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner, one clerk and three inspectors, to be appointed by said commissioner which positions are hereby created and the salaries are hereby fixed as follows:

(a) Three inspectors at a compensation of four dollars per diem, during the time actually employed, but the aggregate which may be expended in any year for such inspectors shall not exceed nine hundred dollars.

(b) One clerk at a salary not to exceed three hundred dollars per annum.

Stats 1929,
p 953 (for-
merly Sec
2322x28)

Mendocino
county
agricultural
commis-
sioner

CHAPTER 388.

An act to amend section 2322x45 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-fifth class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x45 of the Political Code is amended to read as follows.

2322x45. In counties of the forty-fifth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following clerk, to be appointed by said commissioner, which position is hereby created, and the salary is hereby fixed as follows, to wit:

(a) One clerk, at a monthly salary of eighty dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred sixty dollars.

Stats 1925,
p 214 (for-
merly Sec
2322x46)

Tuolumne
county
agricultural
commis-
sioner

CHAPTER 389.

An act to amend section 2322x46 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-sixth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 214 (for-
merly Sec
2322x45)
Amador
county
agricultural
commis-
sioner

SECTION 1. Section 2322x46 of the Political Code is amended to read as follows:

2322x46. In counties of the forty-sixth class the commissioner shall receive a salary of one dollar per annum.

CHAPTER 390.

An act to amend section 2322x50 of the Political Code, relating to the office of agricultural commissioner in counties of the fiftieth class.

[Approved by the Governor May 23, 1931. In effect August 14, 1931.]

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

Stats 1925,
p 216 (for-
merly Sec
2322x51)
Lake county
agricultural
commis-
sioner

SECTION 1. Section 2322x50 of the Political Code is amended to read as follows:

2322x50 In counties of the fiftieth class the commissioner shall receive a salary of one thousand eight hundred dollars per annum; provided that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a compensation of five dollars per diem each, during the time actually employed, and four inspectors at a compensation of four dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed one thousand three hundred dollars per annum.

CHAPTER 391.

An act to amend section 2322x37 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-seventh class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x37 of the Political Code is amended to read as follows:

Stats 1925,
p 211 (for-
merly Sec
2322x35)

2322x37. In counties of the thirty-seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Shasta
county
agricultural
commis-
sioner

(a) Three inspectors at a compensation of three dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand sixty dollars.

CHAPTER 392.

An act to amend section 2322x48 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-eighth class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x48 of the Political Code is amended to read as follows:

Stats 1927,
p 334 (for-
merly Sec
2322x52)

2322x48. In counties of the forty-eighth class, the commissioner shall receive a compensation of not to exceed six dollars per diem during the time actually employed, but the aggregate amount which can be expended as such in any year for such commissioner, shall not exceed the sum of one thousand five hundred dollars; provided, that in counties of this class, the commissioner is authorized, with the consent of the board of supervisors, to appoint the following inspectors, and the compensation is hereby fixed as follows:

Modoc
county
agricultural
commis-
sioner

Four inspectors at a salary not to exceed three dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year as such compensation shall not exceed the sum of five hundred dollars.

CHAPTER 393.

An act to amend section 2322x29 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-ninth class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

Stats 1925,
p 210 (for-
merly Sec
2322x33)

Siskiyou
county
agricultural
commis-
sioner

SECTION 1. Section 2322x29 of the Political Code is amended to read as follows:

2322x29. In counties of the twenty-ninth class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be expended in any one year for such deputy shall not exceed five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a compensation of four dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed one thousand two hundred dollars.

CHAPTER 394.

An act to amend section 2322x31 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-first class

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

Stats 1925
p 209 (for-
merly Sec
2322x32)

Placer
county
agricultural
commis-
sioner

SECTION 1. Section 2322x31 of the Political Code is amended to read as follows:

2322x31. In counties of the thirty-first class, the commissioner shall receive a salary of one thousand eight hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allotted to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Ten inspectors at a compensation of five dollars per diem each, during the time actually employed; three inspec-

tors compensation of four and one-half dollars per diem each, during the time actually employed; three inspectors at a salary of three and one-half dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any one year for all such inspectors shall not exceed six thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a compensation of three and one-half dollars per diem, during time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one hundred dollars.

CHAPTER 395

An act to amend section 2322x22 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-second class.

[Approved by the Governor May 23, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x22 of the Political Code is amended to read as follows:

2322x22. In counties of the twenty-second class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and assistants to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a compensation of one hundred forty dollars (\$140) per month during the time actually employed.

(b) One stenographer at a salary of nine hundred dollars (\$900) per annum.

Stats. 1929,
p. 954 (fou-
nety Sec
2322x20)

Humboldt
county
agricultural
commis-
sioner

CHAPTER 396.

An act to repeal an act entitled "An act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Stats 1897,
p. 90.
repealed

[Approved by the Governor May 25, 1931 In effect August 14, 1931]

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

SECTION 1. The act entitled "An act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897, is hereby repealed.

Repeal

CHAPTER 397.

An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

[Approved by the Governor May 25, 1931 In effect August 14, 1931]

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

Prevailing
wage rate
to be paid

SECTION 1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work, shall be paid to all laborers, workmen and mechanics employed by or on behalf of the State of California, or by or on behalf of any county, city and county, city, town, district or other political subdivision of the said state, engaged in the construction of public works, exclusive of maintenance work. Laborers, workmen and mechanics employed by contractors or subcontractors in the execution of any contract or contracts for public works with the State of California, or any officer or public body thereof, or in the execution of any contract or contracts for public works with any county, city and county, city, town, township, district or other political subdivision of said state, or any officer or public body thereof, shall be deemed to be employed upon public works

Determina-
tion of rate

SEC. 2. The public body awarding any contract for public work on behalf of the State of California, or on behalf of any county, city and county, city, town, township, district or other political subdivision thereof, or otherwise undertaking any public works, shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman or mechanic needed to execute the contract, and shall specify in the call for bids for said contract, and in the contract itself, what the general prevailing rate of per diem wages in the said locality is for each craft or type of workman needed to execute the contract, also the general prevailing rate for legal holiday and overtime work, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any subcontractor under him, to pay not less than the said specified rates to

Contract:

all laborers, workmen and mechanics employed by them in the execution of the contract. The contractor shall forfeit as a penalty to the state or political subdivision, district or municipality on whose behalf the contract is made or awarded, ten dollars for each laborer, workman or mechanic employed, for each calendar day, or portion thereof, such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract, by him, or by any subcontractor under him, and the said public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. It shall be the duty of such public body awarding the contract, and its officers and agents, to take cognizance of complaints of all violations of the provisions of this act committed in the course of the execution of the contract, and, when making payments to the contractor of moneys becoming due under said contract, to withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where full payment is made in the form of a single warrant, or other evidence of full payment, after completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld, retained or forfeited under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

Penalty for failure to pay

Retention of penalty money

Investigation of violation

Single warrant payment

Withholding penalty money

SEC. 3. The contractor and each subcontractor shall keep, or cause to be kept, an accurate record showing the names and occupations of all laborers, workmen and mechanics employed by him, in connection with the said public work, and showing also the actual per diem wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

Records

SEC. 4. Construction work done for irrigation, utility, reclamation, improvement and others districts, or other public agency or agencies, public officer or body, as well as street, sewer and other improvement work done under the direction

Public work defined

and supervision or by the authority of any officer or public body of the state, or of any political subdivision, district or municipality thereof, whether such political subdivision, district or municipality thereof operates under a freeholder's charter heretofore or hereafter approved or not, also any construction or repair work done under contract, and paid for in whole or in part out of public funds, other than work done directly by any public utility company pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be "public works" within the meaning of this act. The term "locality in which the work is performed" shall be held to mean the city and county, county or counties in which the building, highway, road, excavation, or other structure, project, development or improvement is situated in all cases in which the contract is awarded by the state, or any public body thereof, and shall be held to mean the limits of the county, city and county, city, town, township, district or other political subdivisions on whose behalf the contract is awarded in all other cases. The term "general prevailing rate of per diem wages" shall be the rate determined upon as such rate by the public body awarding the contract, or authorizing the work, whose decision in the matter shall be final. Nothing in this act, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public work as aforesaid of more than the said general prevailing rate of wages, nor shall anything in this act be construed to permit any overtime work in violation of section 653c of the Penal Code.

"Locality in which the work is performed "

"General prevailing rate of per diem wages "

Violation a misdemeanor

SEC. 5. Any officer, agent or representative of the State of California, or of any political subdivision, district or municipality thereof, who wilfully shall violate, or omit to comply with, any of the provisions of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him, in connection with the said public work or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

(Constitutionality

SEC. 6 If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

CHAPTER 398.

An act to prohibit the employment of aliens by contractors and subcontractors on all public work, except in certain cases of extraordinary emergency, providing for the reporting of such cases of extraordinary emergency and the keeping of records of the citizenship of workers employed upon public work and the inspection of such records by the proper officials, providing for a forfeiture for each calendar day, or portion thereof, any alien is knowingly permitted to work on public work and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof.

[Approved by the Governor May 25, 1931 In effect August 14, 1931]

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

SECTION 1. No person, firm, partnership, association or corporation, or agent thereof, doing any work as a contractor or subcontractor upon any public work being done for or under the authority of the state, or any officer or department thereof, or for or under the authority of any county, city and county, city, town, township, district, or any other political subdivision thereof, or any officer or department thereof, shall knowingly employ or cause or allow to be employed thereon any alien, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien and each date he was permitted to work, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. Such contractor and each subcontractor shall also keep, or cause to be kept, an accurate record showing the names and citizenship of all workers employed by him, in connection with the said public work, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, his or its deputies and agents, and to the chief of the division of labor statistics and law enforcement of the state department of industrial relations, his deputies and agents.

Employment
of alien on
public work
prohibited

Reports and
records

SEC. 2. The contractor to whom such contract for public work is awarded shall forfeit as a penalty to the state or county, city and county, city, town, township, district or other political subdivision on whose behalf the contract is made or awarded, ten dollars for each alien knowingly employed in the execu-

Penalty

Withholding
of penalty.

tion of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work herein mentioned, for each calendar day, or portion thereof, during which such alien is permitted or required to labor in violation of the provisions of this act, and the officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. It shall be the duty of such officer or public body to take cognizance of all violations of the provisions of this act committed in the course of the execution of said contract, and, when making payments to the contractor of moneys becoming due him under said contract, to withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where the full payment is made in the form of a single warrant, or other evidence of full payment, after the completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld or retained under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

"Public
work "

SEC. 3. Work done for irrigation, utility, reclamation, improvement and other districts, or other public agency or agencies, public officer or body, as well as street, sewer and other improvement work done under the direction and supervision or by the authority of any officer or public body of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter heretofore or hereafter approved or not, other than work done directly by any public utility company, pursuant to order of the railroad commission or other public authority, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds, shall be held to be "public work" within the meaning of this act.

"Alien "

The term "alien" as used herein means any person who is not a born or fully naturalized citizen of the United States.

Violation a
misdemeanor

SEC. 4. Any officer, agent or representative of the State of California, or of any political subdivision or district thereof, who shall violate, or omit to comply with, any of the provisions

of this act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep, or cause to be kept, an accurate record of the names and citizenship of the workers employed by him, in connection with the said public work, or who shall refuse to allow access to the same at any reasonable hour to any person authorized to inspect same under this act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

Constitutionality

CHAPTER 399.

An act to amend section 1 of an act entitled "An act authorizing California toll bridge authority and the department of public works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof," approved June 10, 1929, relating to the cost of said bridge and its adoption as a state highway.

Stats 1929,
p 1489,
amended

[Approved by the Governor May 25, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 1 of an act entitled "An act authorizing California toll bridge authority and the department of public works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof," approved June 10, 1929, is hereby amended to read as follows:

Stats 1929,
p 1489

Section 1. The California toll bridge authority and the department of public works of the State of California are hereby authorized to lay out, acquire and construct a highway crossing, including such bridges, tubes, tunnels and approaches in connection therewith as may be deemed to be necessary, from the city of San Francisco across the bay of San Francisco to the county of Alameda, under and pursuant to the provisions of the act approved June 10, 1929, chapter

Highway
crossing
San Fran-
cisco to
Alameda
county

State
highway

763, statutes of 1929, creating the California toll bridge authority. Any city, county or city and county may, in its discretion contribute money, labor, materials, rights of way, and other appurtenances toward the construction and maintenance of said highway crossing. After said highway crossing shall be laid out, located, and construction thereof completed, the state department of public works may for purposes of maintenance only accept and adopt said highway crossing as a state highway at such time as it may deem it for the best interests of the state.

CHAPTER 400

An act making an appropriation for surveys, plans, estimates, preliminary engineering and other preliminary expenses for a bridge across the bay of San Francisco from the city of San Francisco to the county of Alameda.

[Approved by the Governor May 25, 1931. In effect August 14, 1931.]

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

Appropriation for San Francisco to Alameda county bridge

SECTION 1. The sum of six hundred fifty thousand dollars (\$650,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the survey, plans, estimates, preliminary engineering and other preliminary expenses for the construction of a bridge across the bay of San Francisco from the city of San Francisco to the county of Alameda to be expended through and upon authorization of the state department of public works. The California toll bridge authority shall return this appropriation, or so much thereof as may be used, with interest thereon at the rate of four per cent per annum, to the general fund in the state treasury from the proceeds of the first sale of revenue bonds issued for the construction of said bridge under the provisions of the act approved June 10, 1929, chapter 763, statutes of 1929, creating said California toll bridge authority.

Stats 1929,
p 1489

CHAPTER 401

Stats 1929,
p 1489,
amended

An act to amend sections 3, 6, 9, 12, and 17 of, and to add a new section numbered 25 to an act entitled "An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California toll bridge authority and providing for membership thereof and specifying its duties and powers; also authorizing California toll bridge authority to authorize and direct the department of public works of the State of

California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the department of public works to make recommendations to the California toll bridge authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California toll bridge authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California toll bridge authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the department of public works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the department of public works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California toll bridge authority shall not constitute or be a debt or general obligation of the state and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation

or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California toll bridge authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California toll bridge authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the department of public works to designate certain county roads as state highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across state property for the construction of such toll bridges or other toll highway crossings; also appropriating fifty thousand dollars for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto," approved June 10, 1929, relating to employees, bonds and bridges.

[Approved by the Governor May 25, 1931. In effect August 14, 1931.]

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

Stats 1929,
p 1439

SECTION 1. Section 3 of an act entitled "An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California toll bridge authority and providing for membership thereof and specifying its duties and powers; also authorizing California toll bridge authority to authorize and direct the department of public works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and

approaches thereto across waters, bays, arms of bays, straits, ^{Same} rivers and streams in California, both navigable and unnavigable or across any stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the department of public works to make recommendations to the California toll bridge authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California toll bridge authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California toll bridge authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the department of public works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the department of public works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California toll bridge authority shall not constitute or be a debt or general obligation of the state and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California toll bridge authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repayments; also providing for the eliminations

of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California toll bridge authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the department of public works to designate certain county roads as state highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossing constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across state property for the construction of such toll bridges or other toll highway crossings; also appropriating fifty thousand dollars for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto," approved June 10, 1929, is hereby amended to read as follows:

California
toll bridge
authority

Sec. 3. There is hereby created a board to be known as California toll bridge authority, composed of the governor, lieutenant governor, the director of the department of public works of the State of California, director of the department of finance of the State of California, the chairman of the California highway commission, or in the event the office of director of the department of public works of the State of California, director of the department of finance of the State of California, the office of chairman of the California highway commission or any of them hereafter be discontinued or abolished by law, then the governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office. All of said members shall serve thereon without compensation, and a majority of them shall be empowered to act for said authority. The members shall receive their necessary actual traveling expenses incurred in the discharge of their duties. The authority shall maintain an office in the city of Sacramento. The California toll bridge authority may employ a secretary and such other persons as may be necessary to enable it to properly perform the duties imposed upon it by this act.

Chief
engineer.

The state highway engineer may be appointed by the California toll bridge authority to serve as its chief engineer in

addition to his regular duties as state highway engineer, with such additional duties and at such additional salary as such chief engineer as may be fixed by the California toll bridge authority.

The California toll bridge authority or the department of public works may employ such legal counsel as it may deem necessary in carrying out the objects of this act. The California toll bridge authority may sue and be sued in the name of the California toll bridge authority.

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Sec. 6. All revenue bonds authorized under the terms of this act shall be issued and sold from time to time by the California toll bridge authority as and when money is needed by the department of public works for the acquisition or construction of any such toll bridges or other toll highway crossings, and to pay interest on outstanding bonds of any particular issue during the period of actual construction of any such bridge or bridges or other toll highway crossing and for a period of six months thereafter, and the proceeds thereof are hereby made available for such purposes. The California toll bridge authority shall determine the form, conditions and denominations of all such bonds, and from time to time as the sale of any portion of the bonds authorized for the construction of any particular toll bridge or bridges or other toll structures are to be issued and sold, said authority shall determine the dates which the bonds so to be sold shall bear, and the interest rate thereon, which rate shall be fixed by said authority according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said authority as to the rate of interest shall be conclusive as to the then prevailing market conditions; and the said authority shall also fix the time of maturity of all bonds issued and the time and place of payment of principal and interest thereon. All interest payments shall be made semiannually. All such bonds shall be signed by the director of public works and countersigned by the governor. The signatures of the governor may be by facsimile. All interest coupons shall bear the facsimile signature of the director of the department of public works. In case any of such officers whose signature or countersignature appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds. Bonds authorized under this act may be sold below the par or face value thereof, such sale price, however, not to be less than that which will net the purchaser six per cent per annum according to the standard table of bond values, and such sale price shall also be sufficient to include the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. Successive issues of

Legal
counsel

Stats 1929,
p 1489

Purpose and
form of
bonds

Interest

Signing
of bonds

Sale of
bonds

bonds within the limits of the original authorization for the issuance of bonds for the acquisition or construction of any particular bridge or bridges or other toll highway crossing shall have equal preference with respect to the redemption thereof and the payment of interest thereon; provided, however, the California toll bridge authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the California toll bridge authority may deem proper; provided, however, said authority may reject any and all bids so submitted and may thereafter sell such bonds so advertised for sale at private sale under such terms and conditions as said authority may deem most advantageous to the state, provided, they are not so sold at a price below that of the best bid which was rejected.

Stats 1929,
p 1489.

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Condemna-
tion

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

Resolution
of public
interest and
necessity

Legal
counsel for
department

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

Property already devoted to public use

Continuance of local tax power.

SEC. 4. Section 12 of said act is hereby amended to read as follows:

Stats 1929, p 1489

Sec. 12. When any privately owned toll bridge is acquired or the location of any toll bridge or other toll highway crossing to be constructed under this act is determined upon, or revenue bonds of the character herein provided for have been authorized for such acquisition or construction, no city, county, city and county, joint highway district, bridge and highway district, or other public corporation or district of the state shall build or authorize the building of any bridge, subway or other highway crossing or establish or authorize the establishment and maintenance of any free ferry across the same body of water within five miles on either side of any such bridge so acquired or the location of any such bridge to be constructed under this act, nor shall the department of public works build any additional bridge, subway or other highway crossing or establish any free ferry within said distance of five miles until all of said revenue bonds issued for such acquisition and construction, together with interest thereon, shall have been paid; and provided, further, that no city, county, city and county, joint highway district, bridge and highway district or other public corporation or district shall build or authorize the building of any bridge, subway or other highway crossing or authorize the establishment of any free ferry across the same

Unlawful to construct competitive bridge or crossing

body of water within a distance greater than five miles and less than fifteen miles on either side of any bridge acquired or constructed or for which bonds may have been authorized under this act without the approval and consent of the California toll bridge authority, which approval and consent may be withheld in the discretion of said California toll bridge authority when the said authority reasonably determines that the establishment of such additional bridge, subway or other highway crossing or ferry would be competitive with any toll bridge acquired or constructed or to be acquired or constructed under this act; provided, further, that the limitations as to distance contained in this section shall not apply to the construction of any bridge for which any bridge or highway district has been organized or incorporated, or proceedings instituted to organize or incorporate under the provisions of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, and all amendments thereto, or any bridge which may hereafter be built across the Golden Gate between the city and county of San Francisco and the county of Marin. If the California toll bridge authority shall authorize the acquisition or construction of any toll bridge designed for and limited to the carrying of a particular class or particular classes of traffic, or issue bonds therefor, the construction of other bridges designed for and limited to the carrying of different and distinct classes of traffic shall not be deemed competitive, and the limitations as to distance contained in this section shall not then apply. The provisions of this section relating to restrictions against the construction of competitive bridges, ferries, subways and other highway crossings may be recited in said revenue bonds as and as evidence of a contract to that effect between the California toll bridge authority and the holders of said revenue bonds. The California toll bridge authority may except any existing or proposed bridge, ferry, subway or other highway crossing from the limitations as to distance within which another bridge, subway or other highway crossing may be constructed by the proceedings authorizing the issuance of said revenue bonds provided recital of such exception is made on the face of said bonds.

Exception

Stats 1923, p 452

Particular class of traffic

Recital of restriction in bonds

Further exception

Stats 1929, p 1489

Construction of bridges

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

Sec. 17. The department of public works, through its own engineers or through such other engineers or experts it may employ, shall design all bridges to be built under the authority of this act, and may build the same or any portions thereof either by its own employees or by contract with any person,

firm or corporation. The cost of any or of all such bridges shall be paid from the proceeds of bonds issued and sold under the provisions of this act, or from contributions or appropriations from other sources as herein provided. Any such bridge or bridges or portions thereof shall be built by the department of public works under and in accordance with the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings, approved March 28, 1876,' " approved March 22, 1909, and amendments thereto, in so far as the provisions of said act may be applicable; provided, however, that the amount of the cash, bidders' bonds or certified checks required to accompany any bid submitted, when bids relating to the construction of any bridge or highway crossing are called for, shall be fixed and determined by the department of public works. The department of public works in its discretion may require of any contractor such bonds for the faithful performance of any contract entered into hereunder and for the payment for any labor, materials or supplies used in, upon, for or about the performance of the work contracted to be done, fixing such terms and conditions, and in such amounts, as it may deem to be for the best interests of the state.

Stats 1909.
p 656

SEC. 6. A new section to be numbered 25 is hereby added to said act to read as follows:

New section

Sec. 25. This act shall be known and cited as the "California toll bridge authority act."

Short title

CHAPTER 402.

An act to add a new section to the Political Code to be numbered 690.10 authorizing the construction, alteration and maintenance of certain structures upon the swamp, overflowed, marsh, tide or submerged lands of this state, defining the powers and duties of the department of finance and of certain municipalities, districts, or other political subdivisions, in connection therewith; and prohibiting the construction or maintenance of fences or structures other than as herein authorized upon any accretions occasioned by such structures as are authorized hereunder.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 690.10 is hereby added to the Political Code, to read as follows:

New section

690.10. The department of finance through the chief of the division of state lands is hereby authorized, upon written

Grant of authority to construct groins, etc

application of the littoral owner, to grant authority to any owner of the littoral lands, to construct, alter or maintain, groins, jetties, seawalls, breakwaters, and/or bulkheads upon, across or over any of the swamp, overflowed, marsh, tide or submerged lands of this state bordering upon such littoral lands if at the time of construction or alteration the same do not unreasonably interfere with the uses and purposes reserved to the people of the state and is hereby authorized, empowered and directed to make and establish reasonable rules and regulations with reference to such applications and the location, type, character, design, size and manner under which said structures may be constructed, altered or maintained, and to take suitable measures to enforce such rules and regulations and to fix and collect reasonable fees not exceeding the actual cost thereof for the filing and examination of each application therefor, and for the performance of such other duties as may be required under the provisions of this act. Said department shall also in a similar manner, have power to remove, require to be removed, repaired or altered and to regulate the type, character, design, size, and maintenance of structures mentioned herein and existing at the time this section goes into effect, and to make reasonable rules and regulations in reference thereto. Should any accretions be caused or occasioned by any such structure authorized hereunder, no fence, building or other structure of any kind other than the structure herein authorized and appliances for the protection of life shall be permitted or suffered to be erected or maintained either by the state, any political subdivision thereof or municipality or by any one claiming under or through them upon any such accretions, belonging to others than the littoral owner to the end that all such accretions shall at all times be and remain an unobstructed and open beach. If by reason of any grant to any municipality, political subdivision or district, or by reason of any charter of any city, city and county, or county, any of the powers and duties which are granted to or imposed upon the department of finance in relation to lands described in this section, can not be exercised by said department within any municipality, political subdivision or district, or any portion thereof, then such powers and duties are to that extent granted to and imposed upon such municipality, political subdivision or district, to be exercised and performed by, or under the authority of, the legislative or other governing body of such municipality, political subdivision or district; but where any such lands have been granted to any municipality or other governmental agency in trust or for limited purposes or upon conditions, nothing herein contained shall be deemed to affect such trusts or purposes or to extend such trusts or purposes or to modify or affect such conditions. The authority to be granted under this section shall not obviate the necessity of the obtaining by the applicant of permission from the war department of the government of the

Remove,
etc.,
existing
structures

Tidelands
held by
municipality, etc

United States of America to construct, alter or maintain the structures herein authorized.

SEC. 2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 3. Nothing in this act shall be construed as abridging any right which the state may have, to erect the protective structures herein mentioned, upon, across or over any of the swamps, overflowed, marsh, tide or submerged lands of this state.

CHAPTER 403

An act making an appropriation for painting portraits of governors of California, and directing the state department of finance to carry out the provisions thereof.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. The state department of finance is hereby directed to engage one or more competent artists to paint oil portraits of all governors of California whose portraits have not heretofore been painted, and portrait of each governor upon his retirement from office, said portraits to be properly framed and hung in appropriate places in the state capitol.

SEC. 2. The sum of seven hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to carry out the provisions of this act.

CHAPTER 404.

An act authorizing the survey, location, and establishment of the ordinary high-water mark, bordering upon tide-water of the Pacific ocean, between the westerly boundary line of the city of Santa Monica and the westerly boundary line of the city of Los Angeles.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. The department of finance, acting by and through the division of state lands, is hereby authorized and

High water
mark, Los
Angeles and
Santa
Monica.

directed to survey, locate, and establish the ordinary high-water mark, bordering upon tidewater of the Pacific ocean, between the westerly boundary line of the city of Santa Monica and the westerly boundary line of the city of Los Angeles.

CHAPTER 405.

Stats 1931,
Ch 111,
amended

An act to amend section 5 of an act entitled "An act creating a game refuge to be known as the Huntington lake game refuge providing for the conservation and protection of game within such district, and providing penalties for violation of the act," approved April 7, 1931, relating to the disposition of fines collected for violation of the act.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

Stats 1931,
Ch 111.

SECTION 1. Section 5 of the act cited in the title hereof, is hereby amended to read as follows:

Disposition
of fines

Sec. 5. All fines collected for any violation of the provisions of this act must be paid to the division of fish and game for deposit in the state treasury to the credit of the fish and game preservation fund.

CHAPTER 406.

An act to amend section 2322x4 of the Political Code, relating to the office of agricultural commissioner in counties of the fourth class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931.]

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

Stats 1929
p 964 (for-
merly Sec
2322x5)
San Diego
county
agricultural
commis-
sioner.

SECTION 1. Section 2322x4 of the Political Code is hereby amended to read as follows:

2322x4. In counties of the fourth class the commissioner shall receive a salary of four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; ten inspectors at a monthly salary of one hundred sixty dollars each during the time actually employed; five part-time inspectors at a compensation of five dollars per diem during the time actually employed, but the aggregate amount which may be

expended in any one year for all such inspectors shall not exceed twenty-seven thousand nine hundred dollars.

(b) One clerk at a monthly salary of one hundred fifty dollars during the time actually employed; one clerk at a monthly salary of one hundred fifteen dollars during the time actually employed, and one clerk at a compensation of three dollars and fifty cents per diem during the time actually employed; but the aggregate amount which may be expended in any one year for such clerks shall not exceed three thousand five hundred thirty dollars

CHAPTER 407.

An act to amend section 19x48 of the "juvenile court law," relating to probation officers in counties of forty-eighth class. Stats 1915, p 1225, amended

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 19x48 of the "juvenile court law" is amended to read as follows: Stats 1915, p 1225 (formerly Sec 19n)

Sec. 19x48. In counties of the forty-eighth class there shall be one probation officer whose salary shall be thirty-five dollars per month. Modoc county probation officer.

CHAPTER 408.

An act to amend section 16x12 of the "weights and measures act," relating to sealers of weights and measures in counties of the twelfth class. Stats 1913, p. 1086, amended

[Approved by the Governor May 26, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 16x12 of the "weights and measures act" is amended to read as follows: Stats 1927, p 1836 (formerly Sec 16x15)

Sec. 16x12. The sealer of weights and measures in counties of the twelfth class shall receive a salary of two hundred dollars per month, and deputies shall receive five dollars per day for each day actually employed. Riverside county sealer

CHAPTER 409.

An act to amend section 2322x16 of the Political Code, relating to the salary of the county agricultural commissioner, his deputies and inspectors, in counties of the sixteenth class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931.]

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

Stats 1929,
p. 217 (for-
merly Sec
2322x18)

Santa Bar-
bara county
agricultural
commis-
sioner

SECTION 1. Section 2322x16 of the Political Code is hereby amended to read as follows:

2322x16. In counties of the sixteenth class, the commissioner shall receive a salary of four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One deputy county agricultural commissioner at a salary of three thousand dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at an annual salary of two thousand seven hundred dollars and two inspectors at an annual salary of two thousand four hundred dollars, one inspector at an annual salary of one thousand eight hundred dollars and three inspectors at an annual salary of one thousand five hundred dollars each, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed thirteen thousand eight hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at an annual salary of one thousand eight hundred dollars and one clerk at a yearly salary of five hundred dollars during the time actually employed but the aggregate amount which may be expended in any year for such clerks shall not exceed two thousand three hundred dollars.

CHAPTER 410.

Stats 1915,
p. 1225
amended

An act to amend section 19x12 of the "juvenile court law," relating to probation officers in counties of the twelfth class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931.]

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

Stats 1929,
p. 1888
(formerly
Sec
19x15)
Riverside
county
probation
officer

SECTION 1. Section 19x12 of the "juvenile court law" is amended to read as follows:

Sec. 19x12. In counties of the twelfth class, there shall be one chief probation officer whose salary shall be three thousand three hundred dollars per annum, and one assistant

probation officer whose salary shall be two thousand four hundred dollars per annum, and one assistant probation officer whose salary shall be two thousand one hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 411

An act to amend section 22071 of the Political Code, relating to the Industrial Home for the Adult Blind.

[Approved by the Governor May 26, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 22071 of the Political Code is hereby amended to read as follows: Stats 1925,
p. 787.

22071. A revolving fund is hereby created for the manufacturing departments of the Industrial Home for the Adult Blind to be known as the Industrial Home for the Adult Blind revolving fund. Any moneys which may be hereafter appropriated or allotted for the use of this fund shall be deposited therein not to exceed twenty-five thousand dollars. Said fund shall be used to meet the expenses necessary in the purchase of materials and equipment for maintenance of the manufacturing departments of the Industrial Home for the Adult Blind. Of the moneys received from the sale of any goods manufactured in said manufacturing departments of the Industrial Home for the Adult Blind, so much shall be returned to said revolving fund as shall replenish said fund and keep it intact to the amount of twenty-five thousand dollars and any balance or surplus remaining after the replenishment of said fund shall be paid into the general fund, such balance or surplus remaining after the replenishment of said fund to be determined or identified as the accrued balance or surplus over and above the twenty-five thousand dollars as set forth in the books and records of account of the Industrial Home for the Adult Blind. Revolving
fund

CHAPTER 412.

An act to add a new section to the Political Code to be numbered 695, relating to a bureau of publications and documents in the department of finance.

[Approved by the Governor May 26, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 695 is hereby added to the Political Code, to read as follows:

New section
to Pt. 3,
title 1,
Ch. 3,
Art. 18

Bureau of
publications
and docu-
ments

695. There is hereby created in the department of finance a bureau of publications and documents. The said bureau shall have general supervision of the distribution of all public documents and other publications printed for any state department, board, institution, commission, or officer, and to the custody of said bureau shall be committed all state documents and other publications subject to public distribution, except those printed for the special use of the Legislature, the governor, or the elective officers of the state; provided however that the bureau may accept for distribution or disposal such documents and other publications from the Legislature, the governor, or the elective officers of the state, when requested to do so. The bureau shall dispose of or sell any of said documents under such conditions and at such price as shall be fixed by the department of finance. The bureau may compile and publish, with the approval of the department of finance, such documents, pamphlets, bulletins or other publications as it may deem to be for the best interests of the state or for public information. The cost of compiling, printing and distributing any document, pamphlet, bulletin or other publication issued by the bureau, and all salaries and other expenses in connection with the administering of said bureau, shall be payable out of the appropriation for the support of the department of finance. All moneys received from the sale of documents or other publications, after there has first been deducted a pro rata share of the cost of administering the bureau, shall be paid monthly into the state treasury to the credit of the fund from which the cost of the printing of the documents sold shall have been paid. The amount deducted for the administrative costs of said bureau from any moneys received by the bureau from the sale of documents or other publications shall be deposited in the state treasury for credit to the current support appropriation of the department of finance.

Publications

Fiscal
arrange-
ments

CHAPTER 413.

Stats 1929,
p 39,
repealed

An act to repeal chapter 17, statutes of 1929, entitled "An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years," approved March 5, 1929.

[Approved by the Governor May 26, 1931 In effect August 14, 1931.]

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

Repeal

SECTION 1. Chapter 17, statutes of 1929, entitled "An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years," approved March 5, 1929, is hereby repealed.

CHAPTER 414

An act to amend section 2322x44 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-fourth class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x44 of the Political Code is amended to read as follows:

Stats 1927, p 323 (formerly Sec 2322x42)

2322x44. In counties of the forty-fourth class, the commissioner shall receive a salary of two thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Colusa county agricultural commissioner

(a) One deputy county agricultural commissioner at a compensation of five dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars and fifty cents per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

CHAPTER 415.

An act to amend section 2322x42 of the Political Code, relating to the office of agricultural commissioner in counties of the forty-second class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 2322x42 of the Political Code is amended to read as follows:

Stats 1925, p 212 (formerly Sec 2322x38)

2322x42. In counties of the forty-second class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Glenn county agricultural commissioner

(a) One deputy county agricultural commissioner at a salary of one thousand eight hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at a monthly salary of one hundred twenty dollars, during the time actually employed, and three inspectors at a compensation of four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand forty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of three dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars.

CHAPTER 416.

Stats 1929,
p. 40,
repealed

An act to repeal chapter 18, statutes of 1929, entitled "An act making appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years," approved March 7, 1929.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

Repeal

SECTION 1. Chapter 18, statutes of 1929, entitled "An act making appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years," approved March 7, 1929, is hereby repealed.

CHAPTER 417.

An act to add a new section to the Political Code, to be numbered 4295a, relative to fees for official services.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4295a, and to read as follows:

Filing fees
under "water
commission
act"

4295a. The provisions of section 4295 of this code shall not apply to any fee for the filing of any document or paper, or for the performance of any official service, as may be now or hereafter provided for in the "water commission act" of this state, chapter 586 of the statutes of 1913, as amended.

CHAPTER 418.

An act to amend section 2254 of the Political Code, relating to California School for the Blind.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2254 of the Political Code is hereby amended to read as follows: Stats 1923
p 137

2254. Such persons not residents of this state may be admitted to the benefits of this school upon paying to the state department of education the sum of the school year cost for the maintenance, care, and instruction of persons at said school, payable quarterly in advance, the cost of such care, maintenance, and instruction shall be determined by the department of education with the approval of the department of finance. Nonresidents

CHAPTER 419.

An act to amend section 2239 of the Political Code, relating to California School for the Deaf.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2239 of the Political Code is hereby amended to read as follows: Stats 1923.
p. 136

2239. Such persons not residents of this state may be admitted to the benefits of this school upon paying to the state department of education the school year cost for the maintenance, care, and instruction of persons at said school, payable quarterly in advance, the cost of such care, maintenance, and instruction shall be determined by the department of education with the approval of the department of finance. Nonresidents

CHAPTER 420.

An act to amend section 2322x26 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-sixth class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x26 of the Political Code is amended to read as follows: Stats 1929,
p 216 (for-
merly Sec
2322x27)

Merced
county
agricultural
commis-
sioner

2322x26. In counties of the twenty-sixth class, the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and stenographer, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

(a) One deputy commissioner who shall receive a salary of two thousand four hundred dollars per annum.

(b) Four inspectors who shall receive a salary of one thousand eight hundred dollars each per annum and their traveling expenses fixed at the sum of three dollars and fifty cents each per day while engaged in the performance of their respective duties.

(c) Twelve inspectors who shall receive a salary of not to exceed six dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any one year for inspectors provided for in this section shall not exceed the sum of eighteen thousand four hundred fifty dollars. Each of said inspectors shall also receive their traveling expenses fixed at the sum of not more than three dollars and fifty cents per day while engaged in the performance of their respective duties.

(d) One stenographer who shall receive a salary of not more than six dollars per day for each day actually employed, and such other stenographic assistants as the commissioner may deem necessary; provided, that the aggregate amount which may be expended in any one year for all stenographers shall not exceed one thousand eight hundred seventy-five dollars.

CHAPTER 421.

Stats 1915,
p 1225,
amended

An act to amend section 19x30 of the juvenile court law, relating to probation officers in counties of the thirtieth class.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

Stats 1925,
p 84 (for-
merly Sec
19x29)
Kings
county
probation
officer

SECTION 1. Section 19x30 of the juvenile court law is amended to read as follows:

Sec. 19x30. In counties of the thirtieth class there shall be one probation officer whose salary shall be one thousand two hundred dollars per annum. In counties of the thirtieth class the probation officer shall perform, in addition to his duties as probation officer, the duties of investigator for the board of supervisors, on applications for county and state aid, without additional compensation, except his necessary expenses and mileage, not to exceed in the aggregate the sum of three hundred dollars per annum.

CHAPTER 422.

An act to amend section 3713 of the Political Code, relative to state taxation.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3713 of the Political Code is hereby amended to read as follows: Stats. 1909.
p. 755

3713. In the event that all the state taxes, together with all of the other state revenues, are at any time deemed by the state board of control insufficient to meet all of the annual expenditures of the State of California, including all appropriations made by the budget bill, all appropriations made by law other than by the budget bill, and all appropriations or expenditures made or authorized by the constitution, the board of control shall notify the board of equalization as to the amount of the deficiency. Thereafter, the state board of equalization, in accordance with the provisions of subdivision (e) of section 14 of article XIII of the constitution of California, shall fix, on the third Monday in August, such an ad valorem rate of state tax on all the property in the state, including all classes of property taxed under the provisions of any section of article XIII of the constitution, as, after allowing five per cent for delinquencies, will raise an amount of money sufficient to meet the said deficiency Notice of
tax
deficiency

State ad
valorem tax

Any tax so levied and collected to meet such a deficiency shall be assessed, levied and collected under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November, 1910.

CHAPTER 423.*

An act to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and to repeal sections 20a and 24a of and to add sections 30, 31, 32, 33, 34, 35, 36 and 37 to an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of 'commissioner of corporations,' " approved May 18, 1917, as amended, relating to the division of corporations, the regulation and supervision of companies, brokers, agents, investment coun- Stats. 1917.
p. 673,
amended

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

sel and sales of securities, and the prevention of fraud in the sale of securities.

[Approved by the Governor May 26, 1931 In effect August 14, 1931]

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

Stats 1929,
p 1251

SECTION 1. Section 2 of the act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities, providing for the enforcement of said act and penalties for the violation thereof: and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended to read as follows:

Definitions

Sec. 2. (a) Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine; the singular number includes the plural, and the plural the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

1. The word "division" means the "division of corporations" created by this act.

2. The word "commissioner" means the "commissioner of corporations."

3. The word "company" includes all domestic and foreign private corporations, associations, syndicates, joint stock companies, and partnerships of every kind, trustees as hereinafter defined, and also individuals as hereinafter defined.

4. The word "trust" includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing the purpose of which is to carry on any business or to secure the payment or repayment of money, but shall not be deemed to include a trust created or declared under or by virtue of a will or a judicial writ, order, decree, or judgment.

5. The word "trustee" includes only persons or companies executing trusts as hereinbefore defined.

6. The word "individual" in so far as it is included in the definition of a "company," includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue.

7. The word "security" shall include any stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining title or lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in title to

property, profits or earnings or any other instrument commonly known as a security, excepting therefrom any certificate, receipt or other instrument issued to the owner or holder of any stock, bond, debenture, evidence of indebtedness, or other instrument, in exchange for such stock, bond, debenture, evidence of indebtedness, or other instrument, deposited by such owner or holder with a depository under an agreement providing for the protection or enforcement of the rights and interests of the depositing owners or holders, or for the collection of and/or enforcement of the lien securing such stock, bond, debenture, evidence of indebtedness, or other instrument, or for the joint action and/or the protection otherwise of such owners or holders. Definitions

8. "Sale" or "sell" shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; provided, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; and provided further, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition: but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.

9. The word "agent" means and includes every person or company employed or appointed by a company or broker or any other person who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security.

10. The word "broker" includes every person or company, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security issued by others, or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public.

11. The word "mortgage" shall be deemed to include a deed of trust to secure a debt, and the word "mortgagee" shall be deemed to include a trustee and/or beneficiary under a deed of trust.

12. The words "investment counsel" as used in this act shall include every person or company other than a broker,

who in this state, for compensation, engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of investing in or purchasing of securities, and every person other than a broker or certified public accountant who issues or promulgates analyses or issues reports concerning securities; provided however, that said term shall not be construed to include any licensed, practicing attorney who renders or performs any of said services in connection with the practice of law.

Act not
applicable
to certain
securities

(b) Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

1. Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county or municipality or taxing district therein.

2. Any security issued or guaranteed by any foreign government with which the United States of America is at the time of the sale or resale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered or resold in this state as a valid obligation by such foreign government or by such state, province or political subdivision thereof issuing the same.

3. Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the federal farm loan act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to authority granted by the congress of the United States of America, or by any company organized and existing under and by virtue of any act of congress.

4. Any security issued by and representing an interest in or a direct obligation of a state bank, trust company or savings institution incorporated under the laws of this state.

5. Any security the issuance of which has been authorized by the railroad commission of this state or by the interstate commerce commission.

6. Any security issued by a company organized for the purpose of conducting a building and loan association within this state subject to the supervision of the building and loan commissioner.

7. Any security issued by a company organized for the purpose of transacting an insurance business subject to the jurisdiction of the insurance commissioner.

8. Any security (except notes, bonds, debentures, or other evidences of indebtedness) issued by a company organized under the laws of this state exclusively for educational, benevo-

lent, fraternal, charitable or reformatory purposes and not for pecuniary profit and no part of the earnings of which inures to the benefit of any private stockholder or individual.

9. Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this state.

10. Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce.

11. Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

(c) Except as hereinafter expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

Act not applicable to certain sales

1. At any judicial, executor's, administrator's or guardian's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy

2. By or for the account of a pledgee or mortgagee selling or offering for sale or delivery in the ordinary course of business to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

3. The sale of securities when made by or on behalf of a vendor not the issuer or underwriter thereof who, being a bona fide owner of such securities, disposes of his own property for his own account, and such sale is not made, directly or indirectly, for the benefit of the issuer or an underwriter of such security, or for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this act.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Stats 1917, p 673

Sec. 3. No company shall sell any security, except upon a sale for a delinquent assessment against such security made in accordance with the laws of this state, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it shall have first applied for and secured from the commissioner a permit authorizing it so to do. Such application shall be in writing, shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the applicant shall set forth the following:

Permit to sell securities

Application

(a) The names, residences, and post-office addresses of its officers.

(b) The location of its principal office.

(c) An itemized account of its financial condition, the amount and character of its assets and liabilities.

(d) A detailed statement of the plan upon which it proposes to transact business.

(e) A copy of any security it proposes to issue.

(f) A copy of any contract it proposes to make concerning such security.

(g) A copy of any prospectus or advertisement or other description of such security prepared by or for it for distribution or publication.

(h) A copy of its articles of incorporation or partnership or association, as the case may be, and of any amendments thereto, and all other papers pertaining to its organization.

(i) The date upon which it proposes to commence to sell its securities.

(j) The number, kind and amount of securities it proposes to sell.

(k) The par or face value, if any, and the price at which it proposes to sell its securities.

(l) The commission or compensation to be paid for the sale of its securities.

(m) If a trustee, a copy of all instruments by which the trust is created and in which it is accepted, acknowledged or declared.

(n) If a corporation, a copy of all minutes of any proceeding of its directors, stockholders or members relating to or affecting the issue of said security.

(o) If a corporation, a copy of its by-laws and of any amendments thereto.

(p) If a corporation or association organized under the laws of any other state, territory or government, a certificate executed by the proper officer of said state, territory or government not more than thirty days before the filing of such application, showing that it is authorized to transact business in said state, territory or government, and also in such form as the commissioner may prescribe, its written instrument irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it may be served with the same effect as if such corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

(q) Such additional information concerning the company, its condition and affairs, as the commissioner may require.

Commissioner
appointed
attorney for
service of
process

Stats. 1925,
p. 966

Examination
of and
action on
application

SEC 3 Section 4 of said act is hereby amended to read as follows

Sec. 4. Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its affairs. If he finds that the proposed plan of business of the applicant is not unfair, unjust, or inequitable, that it intends to fairly and honestly transact its business, and that the securities that it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner

shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be issued. The commissioner may impose conditions requiring the deposit in escrow of securities, the impoundment of the proceeds from the sale thereof, limiting the expense in connection with the sale thereof and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds of such securities in the manner and for the purposes provided in such permit. He may, from time to time, amend, alter or revoke any permit issued by him, or temporarily suspend the rights of the applicant under such permit.

Control over permits

SEC. 4 Section 5 of said act is hereby amended to read as follows

Stats 1925, p 966 (Sec 4)
Stop order to company

Sec. 5. The commissioner, whenever in his opinion the further sale of any securities by any company would be unfair, unjust or inequitable to the purchasers thereof, may order such company to desist and to refrain from the further sale of its securities. If, after such an order is made, a request for a hearing is filed in writing and no hearing is held within sixty days thereafter, such order shall be deemed to have been rescinded.

He shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this act.

Regulations

SEC. 5. Section 6 of said act is hereby amended to read as follows

Stats 1925, p 987 (Sec 5)

Sec. 6. No person or company shall act as an agent or broker until such person or company shall have first applied for and secured from the commissioner a certificate, then in effect, authorizing such person or company so to do. Every such certificate shall expire on the thirty-first day of December next after its issuance, unless sooner suspended or revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

Certificate of agent or broker

Application

1. The name and address of the applicant, and if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant, and its managing officers and agents, if it be a cor-

poration, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

Broker's
bond

At the time of filing an application for a broker's certificate, the applicant shall file with the commissioner of corporations a good and sufficient bond for five thousand dollars, payable to the people of the State of California, for the use and benefit of any interested person, executed by said applicant and by sufficient surety or sureties, and to be approved by the commissioner of corporations. Said bond shall be conditioned upon the strict compliance with the provisions of this act, the faithful performance by said broker of all his obligations under the terms and conditions of any installment purchase contracts involving the sale of a security, the honest and faithful application of all funds received and the faithful and honest performance of all obligations and undertakings in the purchase or sale of securities, by said broker, his agents and employees. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded or by reason of the violation of any of the provisions of this act, or by reason of any fraud connected with or growing out of any transaction contemplated by the provisions of this act. Any person who sustains an injury covered by such bond, may in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damages sustained by him. Upon such action being commenced the commissioner of corporations may in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such broker shall file a new bond, and upon failure to file the same within ten days in either case such failure shall constitute sufficient grounds for the suspension or revocation of such broker's certificate.

Where
applicant a
foreign cor-
poration or
association

For filing such application, the applicant shall pay a fee as hereinafter provided. If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government, and also in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the fraud of such applicant in the sale of securities within this state, or in any action upon any bond provided by this section, may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

SEC. 6. Section 7 of said act is hereby amended to read as follows: Stats 1925,
p 968
(Sec 6)

Sec. 7. The commissioner shall examine such application, and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If, from such examination, the commissioner shall be satisfied: Conditions
of issue of
certificate

(a) That the applicant and its officers or members, if any, are of good business reputation;

(b) That the applicant has sufficient financial responsibility to carry out the obligations incident to its operations as such broker or agent;

(c) That the sale of the securities proposed to be sold by it would not be unfair, unjust or inequitable to the purchasers thereof;

(d) That neither it nor its officers or members have violated any of the provisions of this act or of chapter 226 of the statutes of 1923; and

(e) That neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction, he shall issue such certificate. Otherwise, he shall refuse the same and deny the application and notify the applicant of his decision; Discretion
of commis-
sioner

provided, however, that if the only ground for such denial falls under subdivision (d) or (e) of this section the commissioner may, in his discretion, waive such ground for denial and issue a certificate to the applicant if satisfied that in the particular case the application of either subdivision is purely technical and does not substantially affect applicant's honesty and integrity, and that the inability of applicant to meet either of these requirements will in no way interfere with a proper performance by the applicant of his duties as a broker or agent, as the case may be. The commissioner may at any time temporarily suspend any broker's or agent's license issued by him if he finds, after a hearing upon such notice as he, in his discretion, shall deem reasonable, that there exists any of the grounds hereinabove enumerated for the denial of an application for a broker's or agent's license. If, at the expiration of thirty days from the date of such suspension, the license so suspended has not expired or has not been revoked, as hereinafter provided, it shall be deemed reinstated. The commissioner must revoke any broker's or agent's certificate, if, after hearing upon notice, he shall find the existence of any of the grounds, hereinabove enumerated, for the denial of an application for a broker's or agent's license; provided, however, that such revocation shall be discretionary with the commissioner if the only ground for such revocation falls under subdivision (d) or (e) of this section and he is satisfied that in the particular case the application of either subdivision is purely technical and does not substantially affect applicant's honesty and integrity, and that the inability of applicant to meet either of these requirements will in no way interfere with a proper performance by the applicant of his duties as a broker or agent, as the case may be. Suspension,
reinstatement,
and
revocation

Discretion
of commis-
sioner

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

Installment purchase contracts SEC. 8. Every installment purchase contract involving the sale of a security proposed to be used by any broker in the regular course of business shall be upon a form which shall have been submitted to and approved by the commissioner, and shall contain clauses specifying.

(a) The time within which the purchase of such security is to be made by such broker.

(b) The time within which delivery of such security shall be made, after such deposit.

(c) The conditions, if any, under which calls for additional margin may be made.

(d) Any other provision which the commissioner may deem necessary for the protection of the parties to the purchase of such security.

New matter SEC. 8. Section 9 of said act is hereby amended to read as follows:

Certificate of investment counsel. SEC. 9. No person or company, other than a broker, shall act as an investment counsel until such person or company shall have first applied for and secured from the commissioner a certificate then in effect authorizing such person or company so to do. Every such certificate shall expire on the thirty-first day of December next after its issuance unless sooner suspended or revoked.

Application To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

(1) The name, residence and post-office address of the applicant;

(2) If a corporation, association, joint stock company, or partnership, the name, residence and post-office address of each of its managing officers, agents or partners, as the case may be;

(3) A succinct statement of facts showing that the applicant and each of its managing officers and agents or partners, as the case may be, is of good business repute and possesses the experience and education which would qualify him to act as investment counsel: and

(4) The general plan, character and method in which applicant proposes to conduct its business.

Where applicant a foreign corporation or association If the applicant is a corporation or an association organized under the laws of any other state, territory or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such state, territory or government, not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in said state, territory or government, and also in such form as the commissioner may prescribe its written instru-

ment irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the fraud of such applicant in the conduct of its business as investment counsel, may be served with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

The commissioner shall examine such application for an investment counsel's certificate and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If from such examination the commissioner shall be satisfied:

Conditions
of issue of
certificate

(a) That the applicant and its officers, directors and members, if any, are of good business repute and in the opinion of the commissioner qualified by experience and education to conduct an investment counsel business;

(b) That neither the applicant nor its officers, directors or members, if any, have violated any of the provisions of this act or of chapter 226 of the statutes of 1923; and

(c) That neither the applicant nor its officers, directors or members, if any, have engaged or are about to engage in any fraudulent transaction, he shall issue such certificate. Otherwise, he shall deny the application and notify the applicant of his decision; provided, however, that if the only ground for such denial falls under subdivision (b) or (c) of this section, the commissioner may, in his discretion, waive such ground for denial and issue a certificate to the applicant if satisfied that in the particular case the application of either subdivision is purely technical and does not substantially affect applicant's honesty and integrity, and that the inability of applicant to meet either of these requirements will in no way interfere with a proper performance by the applicant of his duties as an investment counsel.

Discretion
of commis-
sioner

The commissioner may at any time temporarily suspend any investment counsel's certificate issued by him if he finds, after a hearing upon such notice as he, in his discretion, shall deem reasonable, that there exists any of the grounds hereinabove enumerated for the denial of an application for an investment counsel's certificate. If, at the expiration of thirty days from the date of such suspension, the certificate so suspended has not expired or has not been revoked, as herein-after provided, it shall be deemed reinstated. The commissioner must revoke any investment counsel's certificate, if, after hearing upon notice, he shall find the existence of any of the grounds, hereinabove enumerated, for the denial of an application for an investment counsel's certificate; provided, however, that such revocation shall be discretionary with the commissioner if the only ground for such revocation falls under subdivision (b) or (c) of this section and he is satisfied that in the particular case the application of either subdivision is purely technical and does not substantially affect applicant's

Suspension,
reinstatement
and
revocation

Discretion
of commis-
sioner

honesty and integrity, and that the inability of applicant to meet either of these requirements will in no way interfere with a proper performance by the applicant of his duties as an investment counsel.

Stats 1925,
p 965
(Sec 7)

Regulation
of advertise-
ments, etc

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

Sec. 10. No person, partnership, association or corporation, other than a broker holding a broker's certificate, then in effect, shall issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular, either written or printed or oral, by mail, telegraph, radio or otherwise, concerning any security offered, issued or sold by any company, that such person, partnership, association, or corporation desires or proposes to sell, until the company proposing to issue such security shall have first secured from the commissioner a permit authorizing it to issue or sell such security; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security sold or offered for sale by it, unless the name of the company together with the name of the president, a vice president or secretary of such company, or the broker, agent, or person issuing, circulating, or publishing the same shall appear thereon, and a true copy thereof shall have been first filed in the office of the commissioner at least one day prior thereto; provided, however, that the filing of a copy of such advertisement, pamphlet, prospectus or circular, as herein provided, shall not be required in any case in which the commissioner shall have authorized or consented to the issuance, circulation or publication thereof; nor shall any company, broker or agent, or any other person, issue, circulate, or publish any such advertisement, pamphlet, prospectus, or circular after notice in writing given to it by the commissioner that, in his opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof.

Stats 1917,
p 673
(Sec 8)

Records and
report by
company on
securities

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

Sec. 11. Every company authorized by the commissioner to sell securities shall at all times keep and maintain a complete set of books, records and accounts of such sales and the disposition of the proceeds thereof, and shall thereafter, at such times as it may be required by the commissioner, make and file in the office of the commissioner a report, setting forth, in such form as the commissioner may prescribe, the securities sold by it under the authority of any permit issued by him, the proceeds derived therefrom, the disposition of such proceeds, and such other information concerning its property, officers, or affairs, relating to or affecting the value of such securities, as the commissioner may require.

Stats 1925,
p 969
(Sec 9)

Statement
by broker on
securities

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

Sec. 12. Every broker shall, at such times as it may be required by the commissioner, make and file in the office of

the commissioner a true and correct statement in such form and containing such data as the commissioner may require of the business of such broker; provided, however, that any of such data so required by the commissioner which relates to the customers of any such broker, or the accounts of such customers, shall be kept by the commissioner in a confidential file and shall not be open to the public.

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

Sec. 13. No broker shall sell or offer for sale, except in performance of a contract previously entered into in conformity with the provisions of this act, any security as a part of or connected with its brokerage business after notice in writing given to it by the commissioner that in his opinion the sale thereof or the manner or method of sale thereof would be or is unfair, unjust or inequitable to the purchaser thereof, unless the commissioner shall subsequently in writing withdraw such objection to the sale thereof.

Stop order
to broker

SEC. 13. Section 14 of said act is hereby amended to read as follows:

Stats 1917,
p 673
(Sec 10)

Sec. 14. All papers, documents, reports, and other instruments in writing filed with the commissioner under this act shall be open to public inspection; provided, that if, in his judgment, the public welfare or the welfare of any company, broker, or agent demands that any portion of such information be not made public, he may, in his discretion, withhold such information from public inspection for such time as in his judgment is necessary. The commissioner may at any time give, issue, or make public any information concerning any company or any contracts, stocks, bonds, or other securities sold or offered for sale within this state, if in his judgment the giving, issuing, or publishing of the same will be of public interest or advantage or will tend to prevent the fraudulent sale of such securities.

Papers open
to public
inspection

SEC. 14. Section 15 of said act is hereby amended to read as follows:

Stats 1925,
p 969
(Sec 11)

Sec. 15. Every order, decision, permit or other official act of the commissioner shall be subject to review, in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, or permit, or other official act.

Review of
orders, etc.
of commis-
sioner

SEC. 15. Section 16 of said act is hereby amended to read as follows:

Stats 1917
p 673
(Sec 12)

Sec. 16. Every security issued by any company, without a permit of the commissioner authorizing the same then in effect, and every security issued by any company, with the

Securities
voidable
Commis-
sioner may
cure

authorization of the commissioner but not in substantial conformity with such authorization, and all contracts, whether executed or executory, for the purchase thereof, shall be voidable at the election of the holder thereof, or purchaser thereunder, unless within sixty days after written notice of such irregularity in the issuance of such security has been given to the commissioner, he shall issue a permit authorizing the issuance of all securities of the same issue then issued, outstanding and/or subscribed as of the date and in the manner of their actual issuance, and the commissioner is authorized, in his discretion, to issue such subsequent permit. If said permit is issued within said time none of said securities shall be voidable by reason of being issued without a permit or by reason of being issued otherwise than in conformity with the terms of the original permit.

Stats 1925,
p 970
(Sec 13)
Violation of
act by
company

SEC 16. Section 17 of said act is hereby amended to read as follows:

Sec. 17. Every company which shall directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any security contrary to the provisions of this act, or of the constitution of this state, or in nonconformity with a permit of the commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars.

Stats 1925
p 970
(Sec 14)
Violation of
act by
officers etc

SEC 17. Section 18 of said act is hereby amended to read as follows:

Sec. 18. Every officer, agent, or employee of any company and every other person, who knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this act, or of the constitution of this state, or who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning such company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or who, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security, or who, directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security

to any purpose contrary to the provisions of the permit authorizing the issue of such security, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, or who, with knowledge that any security has been issued or executed, in violation of any of the provisions of this act, sells, or offers the same for sale, or who, with knowledge that any advertisement, pamphlet, prospectus, or circular concerning any security contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, issues, circulates, or publishes the same, or shall cause the same to be issued, circulated, or published, or who, in any respect, wilfully violates or fails to comply with any of the provisions of this act, or who, in any other respect, wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any permit or order issued by the commissioner or any of the provisions of this act, is guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

SEC. 18. Section 19 of said act is hereby amended to read New matter as follows:

Sec. 19. Whenever the commissioner shall believe from Enjoining violations of act evidence satisfactory to him that any person, partnership, corporation or company has violated or is about to violate any of the provisions of this act, or any order, license, permit, decision, demand or requirement, or any part or provision thereof, he may bring an action in the name of the people of the State of California in the superior court of the State of California against such person, partnership, corporation or company to enjoin such person, partnership, corporation or company from continuing such violation or engaging therein or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such preliminary or final injunction as may be proper.

SEC. 19. Section 20 of said act is hereby amended to read New matter as follows:

Sec. 20. Whenever, after an examination, investigation or hearing under this act, the commissioner deems it of public interest or advantage, he may certify a record to the district attorney of the county in which the act or acts complained of, examined or investigated occurred. The district attorney of such county within ninety days after receipt of such record shall file a written statement at the Sacramento office of the commissioner, which said statement shall set forth the action taken upon such record, or if no action has been taken upon such record that fact, together with the reasons therefor, must be stated. Certifying record of violation to district attorney

Stats 1929,
p 1892
(Sec 15)
State
division of
corporations
created

SEC. 20. Section 21 of said act is hereby amended to read as follows:

SEC. 21. There is hereby created the division of corporations. The chief officer of such division shall be the commissioner of corporations. He shall be appointed by the governor and hold office at the pleasure of the governor. He shall receive an annual salary of seven thousand five hundred dollars, to be paid monthly out of the corporation commission fund in the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state and execute to the people of the state a bond in the penal sum of ten thousand dollars with corporate security or two or more sureties, to be approved by the governor of the state, for the faithful discharge of the duties of his office.

Stats 1923,
p 91
(Sec 16)
Assistants,
clerks and
deputies

SEC. 21 Section 22 of said act is hereby amended to read as follows:

SEC. 22. The commissioner shall employ such assistants, clerks and deputies as he may need to discharge in proper manner the duties imposed upon him by law, including stenographic reporters to take and transcribe the testimony in any formal hearing or investigation before the commissioner or authorized by him. The commissioner may employ an attorney to render opinions to him upon all questions of law relating to the construction or interpretation of this act or arising in the administration thereof, and to represent the commissioner in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this act. Such attorney shall receive such compensation as the commissioner shall fix and determine with the approval of the department of finance but not exceeding the sum of five thousand dollars per annum. Neither the commissioner nor any of his assistants, clerks or deputies shall be interested in any company which shall have applied for or secured a permit to sell securities, or in any broker, or agent as a director, stockholder, officer, member, agent, or employee. Such assistants, clerks and deputies shall perform such duties as the commissioner shall assign to them. He shall, with the approval of the department of finance, fix the compensation of such assistants, clerks and deputies. Each assistant and deputy shall, within fifteen days after his appointment, take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state.

Attorney for
commissioner

Stats 1925,
p 971
(Sec 17)

SEC. 22 Section 23 of said act is hereby amended to read as follows:

Power of
commissioner
regarding
investiga-
tions

SEC. 23. The commissioner shall at all times have the power to administer oaths and to make an examination or investigation of the business and the books, records, accounts and other papers pertaining thereto, of any company, broker, investment counsel or agent theretofore permitted or authorized by him to sell securities, or to act as an investment counsel,

or to make dividends, to create debts, to divide, withdraw, or pay to the stockholders or any of them, any part of its capital stock, or to increase or reduce its capital stock; or of any company, broker, agent or investment counsel, or any other person who the commissioner has reason to believe has violated or is about to violate any of the provisions of this act. In making any such examination or investigation the commissioner may, for a reasonable time, not exceeding thirty days, take possession of the books, records, accounts and other papers pertaining to the business of any company, broker, agent or investment counsel and place a keeper in exclusive charge and custody of the same in the office or place where the same are usually kept. During such possession and custody it shall be unlawful for any person to remove or attempt to remove any of the said books, records, accounts and other papers, or any part thereof, except in compliance with a court order or written consent of the commissioner; provided, however, that the officers, employees, partners, directors and stockholders shall have the right to inspect and examine the same and that employees shall be permitted to make entries therein reflecting current operations or transactions. Such power shall not be terminated by the suspension or revocation of any permit, order or certificate theretofore issued by him.

Taking possession of books, etc.

In any examination, audit or investigation made or hearing conducted by him, he shall have the power to take the testimony of any witness and to issue subpoenas, requiring the attendance upon such examination, audit, investigation or hearing in any part of the state of witnesses, and the production of books, documents, and other things under their control, and in any such case to take or cause to be taken the deposition of any witness residing within or without this state, the commissioner may pay out of the appropriation for the support of his office to any witness subpoenaed by him the necessary and reasonable traveling expenses of such witness from his place of residence to the place of hearing or investigation and return and a per diem of two dollars for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpoena.

Testimony and other evidence

All the provisions of chapter two of title three of part four of the Code of Civil Procedure, relating to the means of production of evidence out of court, shall be applicable to any examination, investigation, or hearing under this act. No person shall be excused from testifying or from producing any book, document, or other thing under his control upon any such examination, audit, investigation, or hearing upon the ground that his testimony, or the book, document or other thing required of him, may tend to incriminate him, or may have a tendency to subject him to punishment for a felony, or to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing con-

Refusal to testify

Investigation
by deputy

cerning which he shall have been so compelled to testify under oath; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury if committed by him in his testimony. The authority to make or conduct any such examination, audit, investigation or hearing, including the authority to administer oaths, and to subpoena witnesses and take their testimony, may be delegated by the commissioner to any deputy or examiner appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the commissioner under his official seal, and upon such examination, audit, investigation or hearing, the same shall be produced by such deputy or examiner at any time upon demand therefor.

Stats 1925,
p 972
(Sec 18)
Service of
process

SEC. 23 Section 24 of said act is hereby amended to read as follows

Sec. 24. In any action or proceeding commenced or prosecuted in this state against any corporation or association which shall have appointed the commissioner its attorney, as provided in section 3 of this act, and in any action or proceeding commenced or prosecuted in this state, arising out of or founded upon the fraud of any corporation or association which shall have appointed the commissioner its attorney, as provided in sections 6 and 9 of this act, service of process may be made upon the commissioner. In any such case, the commissioner shall forthwith forward by mail, postage prepaid, to the person designated by such corporation or association by an instrument in writing duly executed by it and filed with the commissioner, at the address stated in such instrument, or, if no such designation has been made, to the secretary of such corporation or association at its last known post-office address, a copy of such process; whereupon, and upon the payment of the fee herein provided for, service of such process upon such company shall be deemed to be complete and to be personal service upon such corporation or association, with the same effect as if said corporation or association were organized or incorporated under the laws of this state and had been lawfully served with process therein. The certificate of the commissioner, under his official seal, of such service, shall be competent and sufficient proof thereof.

Stats 1917,
p 673
(Sec 19)
Offices

SEC. 24. Section 25 of said act is hereby amended to read as follows:

Sec. 25. The commissioner shall have his principal office in the city of Sacramento, and may establish branch offices in the city and county of San Francisco, in the city of Los Angeles, and in the city of San Diego, and he shall from time to time obtain the necessary furniture, stationery, fuel, light, and other proper conveniences for the transaction of the business of the department; the expenses of which shall be paid out of the corporation commissioner fund in the state treasury on the certificate of the commissioner and the warrant of the controller.

SEC. 25. Section 26 of said act is hereby amended to read as follows:

Stats 1929,
p 1254
(Sec 20)
Fees.

Sec. 26. The commissioner shall charge and collect the following fees:

1. For filing an original or supplemental application for a permit to issue securities, ten dollars, plus—

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

For the purpose of determining the above fees:

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor; provided, however, until a new value shall have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Interim or voting trust certificates shall be deemed to have a value equal to the aggregate value of the securities to be represented by said interim or voting trust certificates.

(d) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(e) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

2. For filing any application for a permit or other authority to make dividends, create debts, or to divide, withdraw,

Fees.

increase, reduce or pay to the stockholders, or any of them, the capital stock, or any part thereof, the same amount that would otherwise be chargeable or collectible if such application were for a permit to issue securities; provided, that in any such case the value shall be determined by the amount of dividends made, debts created, or capital stock divided, withdrawn, increased, reduced, or paid.

3. For filing any application for a broker's or an investment counsel's certificate, twenty-five dollars.

4. For filing any application for an agent's certificate, five dollars.

5. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation, not exceeding ten dollars per day, paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

6. For copies of papers and records not required to be certified or otherwise authenticated by the commissioner, ten cents for each folio.

7. For certified copies of official documents, orders and other papers filed in his office; for making and mailing copies of process served upon him under the provisions of section 18 of this act, and for transcript on appeal, fifteen cents for each folio and one dollar for each certificate under seal affixed thereto.

8. For certificate of service and mailing of process served upon the commissioner under the provisions of section 24 of this act, two dollars.

9. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities or requesting the written consent of the commissioner to a proposed instrument amending, supplementing or abrogating any portion of any mortgage, deed of trust, indenture or other instrument under which bonds, debentures or other evidences of indebtedness are issued or secured, ten dollars.

10. For filing any request for an approval for trading in any security, twenty-five dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution; but the commissioner may fix a reasonable charge for the publications issued under his authority.

All fees charged and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to

be known as the "corporation commission fund," which fund is hereby created.

SEC. 26. Section 27 of said act is hereby amended to read as follows.

Stats 1929, p 1393 (Sec 20a) Reports of appraisers and engineers

Sec. 27. The commissioner shall have power, whenever any application is made to him for permission to issue securities, which securities are proposed to be secured by a lien upon real or personal property, or exchanged for or issued in consideration of real or personal property, to accept and act upon the opinions, appraisements and reports of any engineers or appraisers which may be presented by the applicant so applying for permission on any question of fact concerning or affecting the securities proposed to be issued. In lieu of, or in addition to such opinions, appraisements and reports, the commissioner, if he deems it proper, may have any or all of matters concerning or affecting such securities investigated, appraised, passed upon and certified to him by engineers, or appraisers employed by him at the expense of the applicant. The actual expense of such investigation or appraisal shall be paid by the applicant, and the commissioner, before making or causing such investigation or appraisal to be made, may require a cash deposit of such amount as he may deem necessary to cover such expense. The cash so deposited under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "corporation commission appraisal fund," which fund is hereby created. All investigations or appraisements required by the commissioner to be made pursuant to this section shall be paid out of said fund, and any amount remaining of the deposit made pursuant to this section by any applicant after the payment of all expenses for investigations or appraisements made in connection with the application of such applicant shall be repaid to such applicant. All moneys which shall be paid into the state treasury and credited to the "corporation commission appraisal fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this section; and the controller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasury shall pay the same.

Applicant to pay expense

"(Corporation, commission appraisal fund"

Appropriation of moneys deposited

SEC 27. Section 28 of said act is hereby amended to read as follows:

Stats 1921, p 1008 (Sec 21).

Sec. 28. All moneys which shall be paid into the state treasury and credited to the "corporation commission fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this act; and the controller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasurer shall pay the same.

Use of moneys in "corporation commission fund"

SEC. 28. Section 29 of said act is hereby amended to read as follows:

Stats 1917, p 673 (Sec 22)

Seal

Sec 29. The commissioner shall adopt a seal bearing the following inscription: "Commissioner of Corporations, State of California." The seal shall be affixed to all writs, orders, permits, and certificates issued by him, and to such other instruments as he shall direct. All courts shall take judicial notice of said seal.

Stats 1917,
p 673
(Sec 23)
Copies of
orders,
recording,
etc

SEC. 29. A new section, to be numbered section 30, is hereby added to said act, to read as follows:

Sec. 30. The commissioner may execute in duplicate any order, finding, or permit issued by him, and each of such parts shall be deemed to be an original. An original of every such order, finding, or permit shall be retained and preserved by him in his office. Copies of all documents, orders, and permits made, executed, or issued by the commissioner, and of all papers filed in his office, when certified by the commissioner under his official seal, shall be received in evidence in all cases in like manner and with the same effect as the originals. Any order or permit issued by the commissioner, or a copy thereof certified by the commissioner under his official seal, to be a true copy of the original order or permit, may be recorded in the office of the county recorder of the county in which is located the principal place of business of the company affected thereby or in which is situated any property of such company, and such record shall impart notice of such order or permit, and of all its provisions, to all persons. A certificate under the seal of the commissioner that any such order or permit has not been amended, altered, revoked, or suspended may also be recorded in the same offices and with like effect.

Stats 1917,
p 673
(Sec 24)
Official
reports
prima facie
evidence

SEC. 30. A new section, to be numbered section 31, is hereby added to said act, to read as follows:

Sec. 31. Every official report made by the commissioner and every report, duly verified, made to him by any deputy clerk, or other person employed by him, of any examination, audit, or investigation made by him or under his direction, and copies of such reports, certified by the commissioner, shall be prima facie evidence of the facts therein stated for all purposes in any action or proceeding wherein any company, broker, agent, or the commissioner is a party.

Stats 1923,
p 92
(Sec 24a)
Destruction
of papers

SEC. 31. A new section, to be numbered section 32, is hereby added to said act, to read as follows:

Sec. 32. The commissioner may, after four years from date of filing and with the approval of the department of finance, destroy all applications, permits and certificates, together with the files and folders, as the same have become useless or obsolete.

Stats 1925,
p 972
(Sec 25)
Subscription
to shares
prior to in-
corporation

SEC. 32. A new section, to be numbered section 33, is hereby added to said act, to read as follows:

Sec. 33. Neither this act nor any provision hereof shall be deemed to prohibit subscriptions for shares of a domestic or foreign corporation made prior to the incorporation thereof; but such subscription shall be deemed to have been made and

accepted upon the condition that such corporation shall be incorporated within ninety days thereafter, and, when incorporated, shall with reasonable diligence apply for and secure from the commissioner a permit authorizing the issue of the shares so subscribed for, in accordance with such subscriptions; provided, however, that except as may be specifically required by any law of this state, nothing herein contained shall be construed as permitting the collection of any portion of the consideration to be paid on account of such subscriptions, unless and until a permit shall have been issued by the commissioner authorizing such collection; nor except as may be specifically required by any law of this state, nothing herein contained shall be construed as permitting the taking of subscriptions for any security of any company other than a domestic or foreign corporation or to make collection of any portion of the consideration to be paid on account of subscriptions unless and until a permit shall have been issued by the commissioner authorizing the taking of such subscriptions or the collection thereof. The directors or trustees named in the articles of incorporation may, prior to the issue of any shares, organize by the election of a president, a secretary and a treasurer; and such directors, or a majority of them or such president and secretary may, in the name of and in behalf of the corporation, present an application to the commissioner as herein provided.

SEC. 33 A new section, to be numbered section 34, is hereby added to said act, to read as follows:

Stats 1917,
p. 673
(Sec 27)

SEC. 34. Neither this act nor any provision hereof shall apply to or be construed as a regulation of commerce with foreign nations or among the several states, except in so far as the same may be permitted under the provisions of the constitution and the acts of the congress of the United States.

Foreign and
interstate
commerce

SEC. 34 A new section, to be numbered section 35, is hereby added to said act, to read as follows.

New matter

Sec 35. If, pursuant to the express provisions of any mortgage, deed of trust, indenture or other instrument under which bonds, debentures or other evidences of indebtedness are secured or issued, the consent of the commissioner to any proposed instrument amending, supplementing or abrogating any of the covenants, agreements, conditions, provisions or other terms of such mortgage, deed of trust, indenture or other instrument, is required in lieu of, or in addition to, the consent to such proposed instrument of all, or any specified portion, of the holders or owners of such bonds, debentures or other evidences of indebtedness, then, upon the filing of a verified application requesting the commissioner to give such consent and setting forth such proposed instrument and the reasons for the execution thereof, it shall be the duty of the commissioner to examine such application, and if he finds such proposed instrument just, fair and equitable, to give his consent thereto.

Applications
for consent
of commis-
sioner

Stats 1917,
p 673
(Sec 28)
Constitutionality

SEC. 35. A new section, to be numbered section 36, is hereby added to said act, to read as follows:

SEC. 36. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Stats 1917,
p 673
(Sec 29)
Repeal

SEC. 36. A new section, to be numbered section 37, is hereby added to said act, to read as follows:

SEC. 37. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 37. Sections 20a and 24a of said act are hereby repealed.

CHAPTER 424.

Stats 1927,
p 1924,
amended

An act to amend the title and sections 1, 2, 3, 4, 5, and 6 of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of industrial fire safety in the department of industrial relations, providing ways and means for enforcement, and providing penalties for violations," approved June 3, 1927, as amended, relating to the definition of clothes cleaning establishments, and to the division of industrial fire safety in the department of industrial relations.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Stats 1929,
p 258

SECTION 1. The title of an act entitled "An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of industrial fire safety in the department of industrial relations, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, as amended, is hereby amended to read as follows: An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of fire safety in the department of industrial relations, providing ways and means for enforcement and providing penalties for violations.

Title

Stats 1929,
p 258

SEC. 2. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Definitions

Section 1. Whenever used in this act the following terms are defined as herein specified and shall be deemed and construed to have the meaning ascribed to them in this section.

The term "person" means and includes any individual, company, association, copartnership, corporation, organization or manager, contractor, subcontractor or agent. "Person."

The term "clothes cleaning establishment" is defined as any building, room or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, or any fabric or textile, or hats, is conducted, maintained, or carried on, and where the process of such cleaning, dyeing, or renovating is accomplished by the use of any volatile and inflammable product or substance, or by the use of any other product used in a machine, apparatus, appliance or other device which machine, apparatus, appliance or other device, in the opinion of the state fire marshal, may be used with or be converted for use with a liquid volatile and inflammable product or substance, and where any liquid volatile and inflammable product or substance in an amount exceeding one gallon in the aggregate of all such volatile and inflammable products is kept or stored, or where any viscous or other compound, powder or solid volatile and inflammable product or substance in the aggregate amount of more than eight pounds is kept or stored. "Clothes cleaning establishment"

The term "cleaning" is defined as the process of cleaning or renovating clothes, wearing apparel, feathers, hats, fabrics or textiles by the use of any volatile and inflammable product or products as defined in this act. "Cleaning"

The term "dry cleaning" is defined as the same as "cleaning" as defined in this act. "Dry cleaning"

The term "cleaner" is any person who engages in the business of "cleaning" as defined in this act, or who cleanses or renovates clothing, wearing apparel, feathers, hats, fabrics or textiles by a process of "cleaning" as defined in this act. "Cleaner"

The term "dyeing" is defined as the process of coloring clothing, wearing apparel, feathers, hats, fabrics or textiles by means of aniline dyes, mordants, acid and steam. "Dyeing"

The term "cleaners and dyers" or "dyers and cleaners" is defined as a person conducting a "clothes cleaning establishment." "Cleaners and dyers."

The term "washroom" is defined as any building or portion thereof, or portion of a premises, wherein the process of "cleaning" as defined in this act, is carried on or where any volatile and inflammable product is extracted or removed from clothing, wearing apparel, feathers, hats, fabrics or textiles, after having been cleaned or dyed in such volatile and inflammable product. "Washroom"

The term "drying room" is any building or portion thereof wherein clothing, wearing apparel, feathers, hats, fabrics or textiles are dried or the odor removed therefrom after having been cleaned or dyed by means of "cleaning" or "dyeing" as defined in this act. "Drying room"

The term "solvent treatment room" is defined as any building or portion thereof, or any portion of a premises, wherein or upon which any volatile and inflammable product is exclu- "Solvent treatment room"

sively clarified, filtered, distilled, redistilled, settled, washed or otherwise cleaned or renovated.

"Dust wheel or tumbler "

A "dust wheel or tumbler" is defined as any wheel or machinery suitable for the purpose of drying or deodorizing or removing dust or fumes from clothing, wearing apparel, feathers, hats, fabrics or textiles.

"Hazardous room "

The term "hazardous room" is defined as any room located wholly or in part in any clothes cleaning establishment wherein any volatile and inflammable product as defined in this act, is kept or stored; or wherein any volatile and inflammable product is distilled, redistilled, filtered, clarified, settled, extracted, washed, or otherwise cleansed, or renovated; or wherein or upon which any "still, filter, clarifier, extractor, washer or tumbler" is installed or maintained; or wherein or upon which any "dust wheel" is installed or maintained and the same is used for drying or deodorizing purposes following the operation of "cleaning or dyeing" as defined in this act; or wherein any clothes, wearing apparel, feathers, hats, fabrics, or textiles are washed, cleaned, dyed, or renovated by means of any volatile and inflammable product; or wherein any clothing, wearing apparel, feathers, hats, fabrics or textiles are dried or the odor removed therefrom after having been cleaned or dyed by a "cleaning" process as defined in this act.

"Hazardous building."

A "hazardous building" is defined as any building or structure or portion of a premises containing one or more "hazardous rooms" as defined in this act.

"Boiler room."

A "boiler room" is defined as any room in connection with any clothes cleaning establishment, or spotting and sponging establishment wherein is maintained, kept, or operated any appliances, machinery or apparatus for the generation of steam or the heating of water, where the American Society of Mechanical Engineers, or other standard rating of such appliances, machinery or apparatus indicates a capacity thereof in excess of three (3) horsepower or more in any one unit.

"Volatile and inflammable product "

The term "volatile and inflammable product" is defined as any liquid, viscous or other compound, powder or solid product or substance having the capacity to evaporate, and during such evaporation generate and emit a gas or vapor propagative of flame or fire, or explosive in nature; or any other product or substance propagative of flame, fire or explosion incident to evaporation.

"Solvent "

The term "solvent" is defined as the same as "volatile and inflammable product" as defined in this act.

"Approved "

The term "approved," where used hereinafter, shall mean authoritative sanction of the state fire marshal prior to employment, installation, or use, in or about a "clothes cleaning establishment," or a "spotting and sponging establishment."

Stats 1929, p. 290.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Licenses.

Sec. 2. Licenses. (a) It shall be unlawful for any person, firm, copartnership, corporation or organization to establish,

conduct, maintain or operate a "clothes cleaning establishment"; or to alter or reconstruct an established "clothes cleaning establishment" either as to buildings, machinery, or other equipment or apparatus; or to cleanse clothing, wearing apparel, feathers, hats, fabrics or textiles by means of a process herein defined as "cleaning"; or to keep or store therein or upon the premises wherein such "cleaning" process is operated any "volatile and inflammable product" as defined in this act, in any structure or in any manner other than that approved by the state fire marshal, or without first making application to and obtaining from the state fire marshal of the State of California a license so to do. Every such permit or license shall contain the name of the person, firm, copartnership, association, corporation or organization to whom the same is issued, and if such establishment is conducted or maintained under a fictitious firm name, every such license or permit shall contain in addition to such fictitious firm name the name or names of each of the owners of such establishment, and shall specify the location by street and number of the premises in or upon which such establishment is, or is to be, located, the maximum amount of volatile and inflammable product that is to be or may be stored in or upon such premises and the exact location of the tank or tanks in which any such volatile and inflammable product may be stored.

The reference to alteration or reconstruction of an established "clothes cleaning establishment" either as to buildings, machinery, or other equipment or apparatus in this subsection (a) shall not apply to clothes cleaning establishments employing exclusively noncombustible and nonexplosive products, designated as being noncombustible and nonexplosive by a laboratory nationally recognized as properly equipped to so designate, in the process of cleaning or dyeing.

Blueprints (b) Every application for a permit or license to establish, conduct, maintain or operate a "clothes cleaning establishment," and every application to alter or reconstruct an existing "clothes cleaning establishment" shall be accompanied by four blueprints not exceeding twenty-four by forty-two inches in size, on which shall be shown a plot plan, made to a scale of one-eighth of an inch to one foot, showing the boundary lines of the property, devoted or to be devoted to the establishment, with its dimensions figured, all adjacent streets, alleys or easements, titled, and with their widths figured; the relation to such street, alley or easement lines of all buildings or structures existing, or to be erected, with all dimensions figured; the materials of construction of all existing and proposed buildings, including that of existing buildings on adjacent property, with wall sections and openings indicated, and the figured location, size, and materials of construction of the boiler house, including the type and horsepower of the boiler, and, in addition to said plot plan, a three-eighths or one-half inch scale detail plan of all hazardous buildings and rooms, including their heights, with all major

dimensions figured, showing the sections and materials of construction of walls, partitions, roofs and floors; the location and size of all door, window and skylight openings, and the location of the wall vents; the location of the riser ducts of the ventilating system; the run of all steam or other fixed fire extinguishing equipment, including the location of all outlets and control valves, and the arrangement of all operating apparatus and appliances, including the location of motors, and no permit shall be granted unless the arrangement, materials and construction shown on the said blueprints have been approved by the state fire marshal. Blueprints shall be submitted by the owner or lessee of a plant, or by an agent of said owner or lessee authorized in writing to perform such service, and such written authorization shall accompany said blueprints at their submission. Unless construction is commenced within a period of sixty (60) days from and after the date of approval such approval automatically becomes null and void, unless competent reasons are presented in writing within such period in explanation as to the cause of delay. No change as to location, arrangement, or materials of construction, will be permitted in the execution of a design unless the same have been approved by the state fire marshal.

Nothing in this subsection (b) shall apply to clothes cleaning establishments employing exclusively noncombustible and nonexplosive products, designated as being noncombustible and nonexplosive by a laboratory nationally recognized as properly equipped to so designate, in the process of cleaning or dyeing.

Posting
license

Posting license. (c) Said permit or license shall be posted in a conspicuous place in each and every clothes cleaning establishment and shall be shown to any duly authorized representative of the state fire marshal, or any duly authorized representative of any city or county fire department within the State of California whenever the same is requested.

Failure to
post license

(d) Failure to properly post and show such license or permit shall be deemed a violation of this act.

Use of
licenses.

(e) It shall be unlawful for any person, firm, association, corporation, copartnership, or organization to establish, conduct, maintain or operate any "clothes cleaning establishment," under or by virtue of a permit issued to or in the name of any other person, firm, copartnership, association, corporation, or organization.

Application
for license

Application for license. (f) Application for such license shall be made to the state fire marshal at his office within the State of California, and before the granting of such permit or license the state fire marshal, or his duly authorized representative, shall make a thorough investigation into the fitness of such applicant to conduct a "clothes cleaning establishment." If such investigation reveals that the "clothes cleaning establishment," or the plans, specifications, premises, or character or ability of such applicant to conduct a "clothes cleaning establishment" are not in compliance with the provi-

sions of law or in any manner jeopardizes the public welfare or in any manner in the opinion of the state fire marshal, or his duly authorized representatives, makes such proposed establishment a menace to the public welfare and safety, the state fire marshal in his discretion is empowered to deny such applicant a permit or license to establish or maintain a "clothes cleaning establishment."

Fee. (g) Every such licensed person under the provisions of this act to carry on a "clothes cleaning establishment" or business shall pay to the state fire marshal a license fee of forty dollars (\$40) per annum. Such applicant for such license or permit shall deposit at the time of making application for such license or permit the amount of such fee with the state fire marshal, and thereafter on or before the first of January of each and every year shall make application for license and shall pay to the state fire marshal such license fee of forty dollars. The failure of any established "clothes cleaning establishment" or its owners to pay such license fee to the state fire marshal on or before the first day of January of each and every year of the operation of such "clothes cleaning establishment," shall be prima facie evidence of the violation of this act.

Moneys collected. (h) All moneys collected for such license by the department of industrial relations as provided herein shall be paid into the state treasury and credited to the clothes cleaning establishment fund for purposes of enforcing the provisions of this act; and the department of industrial relations is authorized and instructed to use such funds for such enforcement purposes.

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Sec. 3. Revocation of license. The state fire marshal shall have the power and authority to prescribe rules, regulations and specifications governing construction, equipment, maintenance and operation of "clothes cleaning establishments" deemed necessary to protect life and property against fire menace; provided, however, that such regulations in no manner restrict the operations of other statutes regulating such establishments; and provided, further, however, that any order of the state fire marshal revoking the license of any clothes cleaning establishment is subject to a review by the court and can be set aside only upon the grounds that the state fire marshal has exceeded his powers or has been guilty of fraud in the use of such order. The state fire marshal is further empowered and directed to abate fire nuisances in any "clothes cleaning establishment" pending a hearing upon such nuisance.

In the event that any person, firm, association, copartnership, corporation or organization to whom such license or permit has been issued to establish, conduct, maintain or operate a "clothes cleaning establishment" or to store or to keep any volatile and inflammable product therein, shall violate or shall cause or permit to be violated any of the provisions of this act

regulating such "clothes cleaning establishment," or shall conduct, maintain, or operate, or cause, or permit to be conducted, maintained or operated such "clothes cleaning establishment" in an unlawful or careless manner dangerous to persons or property, within the discretion of the state fire marshal or his duly authorized representatives, it shall be the duty of said state fire marshal, and said state fire marshal is hereby authorized and directed to revoke the permit or license issued to any such person, firm, association, copartnership, corporation or organization: provided, however, that no such permit or license shall be revoked until after a hearing as hereinafter provided has been had by said state fire marshal in the matter of revocation of such permit or license. Notice of such hearing shall be given in writing and served upon the holder of such permit or license or some representative thereof if such permit or license be issued in the name of more than one person, or their manager or agent, which notice shall state the grounds of complaint against such holder, or holders, or against such establishment, and shall also state the time and place when and where such hearing shall be held. Such notice shall be served upon the holder or holders of such permit or their representative by delivering the same to such holder, or either of them, or to his or their manager, representative, or agent, or to any person in charge of or employed in such establishment, or by leaving such notice at such establishment, or at the residence of such holder, or either or any of them with some person of suitable age and description. If such notice be not served personally upon the holder, or any or either of them, of such permit, a copy of such notice, in addition to such notice being served as otherwise hereinabove provided, shall be deposited in the United States post office, in a sealed envelope, postage prepaid, addressed to the holder of such permit at the address of such establishment. Such notice shall be served as hereinabove provided at least five (5) days prior to the date of such hearing.

Procedure
for revoca-
tion

Stats 1929,
p 294

Violation
a mis-
demeanor

Sec 5. Section 4 of said act is hereby amended to read as follows:

Sec. 4. Penalty. Any person, firm, association, corporation, copartnership or organization violating any of the provisions of this act, or who shall violate or fail to comply with any order or regulation made hereunder, or who shall construct, in violation of any detailed statement or specifications or plans submitted and approved hereunder by the state fire marshal, any establishment or portion thereof herein provided for, or who shall violate the terms of any license, or permit, issued hereunder, shall severally and for each portion or noncompliance respectively be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars (\$200) or imprisonment in the county jail for a period of not less than thirty (30) days, or by both such fine and imprisonment. If any sentence, clause, or portion of this act should be declared

Constitu-
tionality.

unconstitutional such decision shall not invalidate any remaining portions of this act.

Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this act is committed, continued or permitted by such person and shall be punishable therefor, as provided by this act.

SEC. 6. Section 5 of said act is hereby amended to read as follows:

Stats 1929.
p 295.

Sec. 5. Hazardous building. (a) It shall be unlawful for any person to establish, conduct, maintain or operate a clothes cleaning establishment except one employing exclusively noncombustible and nonexplosive products, designated as being noncombustible and nonexplosive by a laboratory nationally recognized as properly equipped to so designate, in the process of cleaning or dyeing, unless all the processes of cleaning, dyeing, renovating, drying and deodorizing, and those of solvent storage and treatment, are conducted or carried on in a hazardous building located, constructed, equipped and maintained as hereinafter provided.

Hazardous
building.

Standards of
construction

(b) Location. A hazardous building shall be located not less than twelve (12) feet from any boundary line of the lot or premises upon which the same is constructed; provided, however, where a boundary line is formed by the line of a street, alley, or irrevocable easement, less than twelve (12) feet in width, it may be located nearer than twelve (12) feet from said boundary, street, alley, or irrevocable easement line, but not nearer than twelve (12) feet from the opposite or remote line of such street, alley, or irrevocable easement; and further provided, however, where a boundary line is formed by the line of a street, alley, or irrevocable easement, twelve (12) feet or more in width, it may be located on such boundary line forming the line of such street, alley, or irrevocable easement, but in no case shall it be located less than twelve (12) feet from any other building or structure.

Location

(c) The twelve (12) foot provisions set forth in the preceding paragraph shall not apply to hazardous buildings of existing plants where such plants conform in every other particular, or are made to conform in every other particular, with the requirements of this act.

Exception

(d) Heights. A hazardous building shall not exceed one (1) story in height, unless such hazardous building existed and was in operative use prior to and continuously since August 2, 1927, in which case such hazardous building shall be made to conform with the requirements of this act in so far as it is physically possible. No room in a hazardous building shall be less than ten (10) feet in height from the floor level to the underside of the lowest point of the roof slab, unless such hazardous building existed and was in operative use prior to and continuously since August 2, 1927, or has been constructed since such date in accordance with an approved design thereof, where such approval was made prior to December 1, 1928.

Heights

Rooms

(e) Rooms. A hazardous building may contain any combination of the following hazardous rooms. A wash room, or rooms, in which may be placed and operated cleaning, washing, extracting, clarifying, purifying or filtering apparatus, except distilling apparatus. A solvent treatment room, or rooms, in which may be placed and operated distilling, clarifying, purifying or filtering apparatus. A drying and deodorizing room, or rooms, in which may be placed and operated tumblers, dust wheels or metallic drying cabinets. A drying room, or rooms, in which may be placed steam pipes for drying purposes. A spotting and sponging room, or rooms, in which the processes, solely, of spotting and sponging, or cleaning by local application, other than by scrubbing and brushing where a volatile and inflammable solvent is used in excess of one (1) gallon is employed in such operation, may be performed. A store room, or rooms, in which may be kept and stored any type of volatile and inflammable solvent. A motor room, or rooms, in which motors may be installed and operated. None of the processes of wet-washing will be permitted in a hazardous building.

Building codes

(f) Building codes. A hazardous building shall be constructed in accordance with the best practice, and an observance of the requirements of the uniform building code prepared by the Pacific Coast Building Officials Conference, 1927 edition, together with the latest amendments thereto, as to structural design, materials and workmanship; or the specific requirements of this act as to design, structural or other detail, or employment of materials where the same varies therefrom and are more rigid in their requirements; or where any state law or regulation, or the building code or other ordinance of a municipality, or other political division in which the construction is located, are more rigid in their requirements than the requirements of this act or those of the uniform building code herein referred to, shall be considered prima facie evidence of compliance with the best practice.

Foundations

(g) Foundations. Foundations of a hazardous building shall in no case have a batter of less than sixty (60) degrees from a horizontal plane, unless constructed of concrete having adequate metallic reinforcement.

Walls, etc

(h) Walls: partitions. Exterior and bearing walls of a hazardous building shall be of brick not less than twelve (12) inches thick, or of reinforced concrete not less than eight (8) inches thick. Piers or columns shall be provided at concentrated loads or other points of structural necessity. Exterior and bearing walls of a hazardous building existing and in operative use prior to and continuously since August 2, 1927, of burned clay or concrete brick, concrete, or burned clay or concrete hollow tile, not less than eight (8) inches thick, or of reinforced concrete not less than six (6) inches thick, may remain and be utilized in their established locations, provided, such locations be approved, and such walls are in approved condition. Additions or extensions to existing approved

exterior and bearing walls shall be thoroughly bonded thereto, and shall conform in material and sections to those first set forth in this paragraph.

(i) Other than bearing walls, all interior division walls separating hazardous rooms shall be of brick, not less than eight (8) inches thick, or of reinforced concrete not less than six (6) inches thick. Interior division walls of a hazardous building existing and in operative use prior to and continuously since August 2, 1927, of burned clay or concrete brick, concrete, or burned clay or concrete hollow tile, not less than six (6) inches thick, may remain and be utilized in their established locations, provided, such locations be approved, and such walls are in approved condition. Additions or extensions to existing approved interior division walls shall be thoroughly bonded thereto, and shall conform in material and sections to those first set forth in this paragraph.

(j) Partitions, and all other similar interior construction in a hazardous building shall be of incombustible materials throughout, installed in an approved manner.

(k) Interior division walls separating hazardous rooms, and all partitions, shall extend from the floor level to the underside of the roof construction.

(l) There shall be no communicating openings in the interior division walls or partitions separating hazardous room or areas, and other than door, window and vent openings having approved fire protection, no openings in the exterior walls of a hazardous building, except that in exterior walls and interior walls and partitions, openings will be permitted for the passage of vent ducts, piping and shafting. Clearances at openings for such members shall not exceed one-quarter ($\frac{1}{4}$) of an inch.

(m) Roofs. Roofs shall be of a flat type, of reinforced concrete designed for a live load of thirty (30) pounds per square foot of horizontal projection. Steel girders or beams, and the reinforcing steel in concrete girders, beams, and slabs shall be protected with concrete. There shall be no concealed roof space, and the bottom of the roof slabs shall form the ceilings of all rooms.

(n) Roofing. Roofing may be of asphalt saturated rag felt and asphalt, with the exposed surface protected with roofing gravel, or of asphalt saturated asbestos and asphalt, and shall be applied in a workmanlike manner.

(o) Floors. Floors shall be of concrete, not less than four (4) inches thick including a cement top finish, which latter shall be troweled. All floors shall be level throughout, laid directly on the earth at an elevation at or above the adjacent ground level, without a basement or other open space thereunder, and there shall be no gutters, sumps, pits, or other depressions therein. No sewer drainage connections are permitted.

(p) Doors. All door openings in hazardous buildings shall lead directly to an area open to the sky, which area shall afford a continuous, unobstructed means of safe egress, and no door

opening shall be less than three (3) feet in width. Wash rooms shall have not less than two (2) doors, which shall be located as remote from each other as is practically possible. Fire doors protecting exterior openings in hazardous buildings may be either sliding, hinged or rolling, and shall be constructed and hung in accordance with the best practice. Observance of the regulations of the National Board of Fire Underwriters, edition 1927, and the supplementary regulations of the Board of Fire Underwriters of the Pacific, edition 1928, together with the latest amendments thereto, shall be considered prima facie evidence of compliance with the best practice. A minimum of three (3) fusible links shall be provided for standard sized sliding doors. Hinged, rolling, and oversized doors, shall have additional links. Fire doors shall be arranged so as to be as readily opened from without as from within, and all door locking devices shall be installed for exterior operation. Raised sills in door openings are not permitted.

Windows

(q) Windows. All window openings in hazardous buildings shall be fitted with approved solid steel sash. Ventilators therein shall be pivoted to insure automatic closing, and shall be controlled by fusible links. Glass shall be one-quarter ($\frac{1}{4}$) inch wire glass, back puttied, and held in place with metallic glazing strips.

Skylights

(r) Skylights. Approved, hinged skylights shall be provided in the roof of each hazardous room, aggregating one-eighth ($\frac{1}{8}$) the floor area thereof, constructed with galvanized iron frames and sash of not less than No. 24, U. S. standard gauge, so arranged that they will open under pressure in case of an explosion and close automatically thereafter.

Ventilation

(s) Ventilation. A hazardous building shall be provided with a power-driven fan exhaust system of ventilation, designed, installed and operated to produce a complete change of air in each room of such building every three (3) minutes, which shall be kept in continuous operation while any portion of a "clothes cleaning establishment" housed in a hazardous building is being operated. The riser, branch and main ducts shall be constructed of galvanized iron of not less than No. 24 U. S. standard gauge, throughout, except that the lower three (3) feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the state fire marshal. The discharge outlet shall be located at a height not less than one (1) foot above the highest portion of the building.

Approved wall vents

(t) Approved wall vents, designed, detailed, and constructed in accordance with the specification on file in the office of the state fire marshal shall be provided in the exterior walls of a hazardous building in number totaling one (1) vent for each six (6) lineal feet of the total external dimensions of such building, less one (1) vent for each door opening therein, and shall be so located as to provide an ingress of air at the corners of each hazardous room, and at equal spaced distances

there between. There shall, however, be not less than two (2) such vents in each hazardous room.

(u) **Lighting; power.** No artificial light of any kind, other than by electricity, or any open light, flame or fire, shall be installed or used in a "clothes cleaning establishment," or a "spotting and sponging establishment." All conduit and fittings, and all fixtures, shall be vapor proof, and shall be installed in accordance with the best practice. No switches or other electrical appliances, or motors except those of an approved, vapor proof type will be permitted in a hazardous room. All machines, appliances, and shafting in a hazardous building shall be grounded with No. 10 gauge wire, run in rigid metallic conduit, with approved connections. An observance of national electric code, together with the latest amendments thereto, shall be considered prima facie evidence of compliance with the best practice.

(v) **Heating.** No heating device, other than hot water or steam, shall be installed or used in a hazardous building.

(w) **Boiler house.** The boiler house of a "clothes cleaning establishment" shall be constructed of burned clay brick or tile, or reinforced concrete, with a reinforced concrete roof, and shall be so located that the door opening thereof shall be not less than twenty (20) feet from the nearest door, wall vent, or ventilated window opening in a hazardous building or room. Unless operatively impossible, door openings in boiler rooms shall not be placed in walls facing hazardous buildings. Fire doors and sash shall be similar to those specified in paragraphs (p) and (q) of this section.

(x) **Storage and use of solvents.** No person shall store, keep, or use, in or upon any premises conducted, maintained, or operated as a "clothes cleaning establishment," any volatile and inflammable product, as defined in this act, unless all tanks or other containers, both above and below ground, all continuous flow or other systems for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, emergency dump and other devices used in connection with such storage, circulation and use, are approved by the state fire marshal.

(y) **Fire protection.** Except as hereinafter provided, every "clothes cleaning establishment" shall be equipped with a steam boiler having a capacity, in addition to that required for other uses in such establishment, of not less than one (1) horsepower, American Society of Mechanical Engineers or other standard rating, for each two hundred (200) cubic feet, or fraction thereof, of the cubic contents of the largest hazardous room forming a part of such establishment. A steam pressure of not less than fifty (50) pounds per square inch shall be maintained in said boiler during such time as operations are carried on in any hazardous room of such establishment. A one and one-half (1½) inch steam line shall be installed from said boiler to the hazardous building of such establishment, and in each hazardous room shall be installed

one and one-quarter (1 $\frac{1}{4}$) inch dry steam lines having not less than one (1) approved open nozzle to each five hundred (500) cubic feet, or fraction thereof, of the cubic contents of such rooms. Release of steam shall be controlled by approved lever-type, quick acting valves, at an approved location outside of the hazardous building. In lieu of steam fire protection, hazardous rooms may be equipped with an approved CO² fire extinguishing system, or any other system meeting with the approval of the state fire marshal. Approved chemical fire extinguishers shall be installed in "clothes cleaning establishments," and "spotting and sponging establishments," at locations designated, and such fire extinguishers shall be discharged and recharged at least once each twelve (12) months, and the date thereof recorded on a card attached thereto. An approved asbestos blanket, five feet ten inches (5' 10") in width by seven feet (7') in length, hung and protected in an approved manner, and an approved seven foot (7') boat hook, without pike point, shall be installed at the exterior of a hazardous building in approved locations. Approved, metallic "No Smoking" signs shall be installed in a hazardous building, and in areas used for spotting and sponging, either in "clothes cleaning establishments" or "spotting and sponging establishments," at locations designated.

Machinery;
appliances

(z) Machinery, appliances. The operation, structural integrity, condition, and placement of all machines, apparatus, appliances, or other devices, for use in a "dry cleaning establishment," or a "spotting and sponging establishment," with, or in any way in connection with, a volatile and inflammable product, as defined in this act, shall be approved by the state fire marshal. All present installations not meeting with the approval of said state fire marshal as to type, construction condition or placement, shall be immediately removed, remodeled, reconditioned or relocated.

Stats 1929,
p 300

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

DIVISION of
fire safety

Sec. 6. On and after the ninety-first day after the adjournment of the 1931 Legislature the division of industrial fire safety shall be known as the division of fire safety. The state fire marshal shall be chief of the division of fire safety and all powers and duties given by this act to the department of industrial relations or to the state fire marshal shall be administered by the state fire marshal through said division of fire safety in the department of industrial relations.

CHAPTER 425.

An act to regulate the location, construction, occupancy and operation of cleaning and dyeing shops or stores and spotting, sponging, and/or pressing establishments, or agencies thereof, and private schools and colleges of spotting,

sponging and/or pressing; providing for the registration and licensing of persons engaged in such business; providing for the enforcement thereof by the state fire marshal as chief of the bureau of fire safety in the department of industrial relations; providing ways and means for enforcement, and providing penalties for violations.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Wherever used in this act the following terms are defined as set forth in this section: Definitions

The term "person" means and includes any individual, manager, agent, copartnership, company, organization, association or corporation. "Person."

The terms "cleaning and dyeing shop or store," and "spotting, sponging and/or pressing establishment" are defined as any premises, building or room in or upon which the business of spotting or sponging, or cleaning by local application, or pressing and finishing clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles is conducted, maintained or carried on, and where any liquid volatile and inflammable product or substance in an amount not exceeding one gallon in the aggregate of all such liquid volatile and inflammable products or substances is kept or stored, except as herein provided, or where any viscous or other compound, powder or solid volatile and inflammable product or substance in any amount not exceeding eight pounds in the aggregate of all such viscous or other compound, powder or solid volatile and inflammable products or substances is kept or stored; provided, however, that where such spotting or sponging, or cleaning by local application, or pressing and finishing is performed in hotels, hospitals or sanitariums entirely without the commercial field and solely for the proprietors, employees, guests or patients thereof, such hotels, hospitals or sanitariums are not subject to the provisions of this act. "Cleaning and dyeing shop or store"

The term "private spotting, sponging and/or pressing school or college" is defined as any establishment wherein spotting, sponging and/or pressing or clothes cleaning is done for or without compensatory gain, and wherein individuals are instructed, taught and/or informed in the operations and/or processes employed by a "spotter and sponger" and/or "presser," or in the operations and/or processes employed in a "clothes cleaning establishment," as defined in this act, for a charge or fee of any nature whatsoever in the opinion of the state fire marshal. "Private spotting, sponging and/or pressing school or college"

The term "clothes cleaning establishment" is defined as any building, room or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, or any fabric or textile, or hats, is conducted, maintained, or carried on, and where the process of "Clothes cleaning establishment."

such cleaning, dyeing, or renovating is accomplished by the use of any volatile and inflammable product or substance, or by the use of any other product used in a machine, apparatus, appliance or other device which machine, apparatus, appliance or other device, in the opinion of the state fire marshal, may be used with or be converted for use with a liquid volatile and inflammable product or substance, and where any liquid volatile and inflammable product or substance in an amount exceeding one gallon in the aggregate of all such volatile and inflammable products is kept or stored, or where any viscous or other compound, powder or solid volatile and inflammable product or substance in the aggregate amount of more than eight pounds is kept or stored.

"Spotter
and
sponger "

A "spotter and sponger" is defined as any person who removes spots, stains or other discolorations caused by foreign matter from clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles by means of a cleaning medium applied manually.

"Presser "

A "presser" is defined as any person who renovates clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles by means of ironing either manually or through the use of a mechanical appliance.

"Volatile
and in-
flammable
product "

The term "volatile and inflammable product" is defined as any liquid, viscous or other compound, powder or solid product or substance having the capacity to evaporate, and during such evaporation generate and emit a gas or vapor propagative of flame or fire, or explosive in nature; or any other product or substance propagative of flame, fire or explosion incident to evaporation.

Licensing of
clothing
renovators,
etc.

SEC. 2. In order to foster fire prevention and to safeguard life and property any person engaged in or practicing the occupation of renovating clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles by the processes of spotting, sponging and/or pressing in this state shall hereafter be required to submit evidence that he possesses a competent knowledge of the business, and shall be registered and licensed so to do, unless such person shall be specifically hereinafter exempted, and the state fire marshal is hereby authorized and directed to formulate such rules, orders and regulations as may be necessary to promote fire prevention in such occupation and to carry out the provisions of this act.

It shall be the duty of the state fire marshal, and he is hereby authorized and directed to appoint such employees as are necessary for and required to carry out the provisions of this act, and prescribe consistent with the provisions herein, their duties.

Conducting
cleaning
establish-
ment without
license

SEC. 3. It shall be unlawful for any person, copartner-ship, firm, organization or corporation to conduct, maintain or operate a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, without first making application to and obtaining from the state fire marshal a certificate of registration and a license so to do; provided,

however, that all residents of the State of California who at the time of the approval of this act and for a period three months prior thereto have conducted, maintained, and operated a cleaning or dyeing shop or store, or a spotting, sponging and/or pressing business, or any agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, and who at the time of the approval of this act have not retired from business, shall upon application and payment of the fees hereinafter set forth, be granted, without examination, certificates of registration and licenses to conduct, maintain and operate a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment.

It shall be unlawful for any person, copartnership, firm, organization or corporation to maintain, operate or manage any private spotting, sponging and/or pressing school or college unless, each and all, the owners, managers, operators and instructors thereof and/or therein have a competent knowledge of the business, and all necessary machinery, apparatus, utensils, fixtures and furnishings, in good order and repair and properly, adequately and legally housed, necessary for its proper operation, and hold a special certification of registration in verification thereof, and a license to maintain, conduct and operate such school or college.

Conducting
spotting,
etc., college
without
license

On and after the first day of October, 1931, any person, copartnership, firm, organization or corporation who conducts, maintains or operates a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private school or college of spotting, sponging and/or pressing, without a license therefor, issued as provided herein, shall be guilty of a misdemeanor punishable by a fine of not less than thirty dollars nor more than two hundred dollars, or by imprisonment for a term of not less than thirty days nor more than one hundred eighty days, or by both such fine and imprisonment. Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this act is committed, continued, or performed by such person.

Penalty

SEC. 4. Before the first day of October, 1931, and annually thereafter not later than the first day of July in each succeeding year, every person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, a spotting and sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private spotting, sponging and/or pressing school or college shall apply to the state fire marshal for registration and a license in writing, upon blanks prepared by the state

Application
for license

fire marshal. Each application shall contain proof of the particular requisites for registration provided for in this act and shall be verified under oath, and shall be accompanied by the fee hereinafter set forth.

Fees

The annual registration fee for a person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, shall be twelve dollars for each such shop, store, agency or establishment.

The annual registration fee for a private school or college of spotting, sponging, and/or pressing shall be two hundred fifty dollars.

Registration fees shall be due and payable as above set forth in this section and if not so paid the following penalties shall obtain :

If the fee for registration of a person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or a private school or college of spotting, sponging and/or pressing, is not paid within thirty days from and after the date it is due a penalty of fifty per cent shall be added to such fee.

Disposition of fees

All moneys derived from this act shall be paid into the state treasury and credited to a fund to be known as the state fire marshal's fund, which fund is hereby created.

Causes for refusal, etc. of license

The state fire marshal may refuse to issue, or renew, or may suspend or revoke any certificate of registration and/or license for any of the following causes:

(a) Advertising by means of knowingly false or deceptive signs or statements;

(b) Advertising, practicing or attempting to practice under another's name or another's trade name without permission of such other person;

(c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentations;

(d) The violation of any of the provisions of any of the sections of this act :

Notice and hearing

Provided, however, that the state fire marshal shall not refuse to issue or renew any license as required by the provisions of section 4 hereof, or suspend or revoke any license issued, except upon twenty days' notice in writing to the interested person, copartnership, firm, organization or corporation, which notice shall contain a brief statement of the reasons for the contemplated action of the state fire marshal and designate a proper time and place for the hearing of all interested parties before any final action is taken as hereinabove provided; provided, however, that due notice within the provisions of this section shall be deemed to have been

given when the state fire marshal shall have placed in a United States post office a copy of the notice as hereinabove provided, addressed to the designated place of business or last known residence of the person, copartnership, firm, organization or corporation applying for such license or to whom such license has been issued; provided, further, that any such person, copartnership, firm, organization or corporation whose license to do business as herein provided is suspended or revoked, or who is refused a license, or a renewal of a license may commence an action in a court of competent jurisdiction against the state fire marshal for the purpose of canceling or obtaining other relief therefrom. All the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action. Appeal.

SEC. 5. Every person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting and sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private school or college of spotting, sponging and/or pressing shall, at the time of issuance of a certificate of registration and license file with the state fire marshal a bond or undertaking in the sum of one hundred dollars for each such shop, store, agency or establishment. Such undertaking shall be in favor of the people of California and be conditioned for the benefit of any person having dealings with the said person, copartnership, firm, organization or corporation conducting, maintaining or operating either a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private spotting, sponging and/or pressing school or college. Bond

Any room or place used or conducted, either main or branch, as an office, showroom, workroom, storeroom, or agency by any person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private school or college of spotting, sponging and/or pressing, shall be completely separated from any room or place used for cooking, eating or sleeping, or for any other function of domestic life by a partition or partitions, with all openings therein equipped with doors and/or glazed sash, and it shall be unlawful for any person to cook, eat, sleep or engage in any of the other functions of domestic life in any room or place used or conducted, either main or branch, as an office, showroom, workroom, storeroom, or agency by any person, copartnership, firm, organiza- Separation of living quarters from establishments

tion or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or as a private school or college of spotting, sponging and/or pressing.

Sanitation

Every office, workroom, storeroom, or other room or place in which any of the processes of spotting, sponging and/or pressing are performed, or in which any clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles are kept or stored, either before, during or after such processes are performed, including the roofs, yards, courts, passages or other areas in or upon the premises of a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private school or college of spotting, sponging and/or pressing, shall at all times be kept in good repair, free from any accumulation of dirt or debris, and in an orderly, clean and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures and furnishings. Every such office, workroom, storeroom or other room or place shall be adequately lighted, and ventilated either by natural and/or mechanical means, and the state fire marshal shall have the power and authority to exact such lighting and ventilation as in his discretion is proper and necessary.

Storage of volatile substances

Gasoline for use in automotive vehicles, or for other approved purposes, may be kept and stored in an approved specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or a private spotting, sponging and/or pressing school or college on the written permission of the state fire marshal, but every person, copartnership, firm, organization or corporation conducting, maintaining or operating a cleaning and dyeing shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private spotting, sponging and/or pressing school or college shall, in the application for registration state the capacity of each and every tank or other container, either above ground or underground, used by it or them for the storage of volatile and inflammable substances. From and after the first day of October, 1931, a report, made on blanks furnished by the state fire marshal, shall be sent to the office of the state fire marshal every thirty days of all volatile and inflammable substances purchased and delivered.

Approval of state fire marshal

Any drying room, cabinet or other appliance used for the purpose of drying and/or deodorizing in a cleaning and dyeing

shop or store, or a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private spotting, sponging and/or pressing school or college, shall be located, constructed or installed, ventilated and operated in a manner meeting with the approval of the state fire marshal.

The operation, structural integrity, condition, and placement of all machines, apparatus, appliances, or other devices, for use in a cleaning and dyeing shop or store, a spotting, sponging and/or pressing establishment, or an agency conducted for the purpose of collecting clothing, wearing apparel, feathers, furs, hats, fabrics or other textiles to be spotted, pressed or renovated, or a private school or college of spotting, sponging and/or pressing with, or in any way in connection with, a volatile and inflammable product, as defined in this act, or for use with any other product or substance where such machines, apparatus, appliances, or other devices in the opinion of the state fire marshal, may be used with or be converted for use with a liquid volatile and inflammable product or substance, shall be approved by the state fire marshal. All present installations not meeting with the approval of the state fire marshal as to type, construction, condition or placement, shall be immediately removed, remodeled, reconditioned or relocated.

SEC 6 Stores whose major business is selling merchandise, and which are not engaged in cleaning, dyeing, spotting, sponging and/or pressing as a business for compensatory gain, shall not be subject to the provisions of this act.

Exemption.

SEC. 7. All powers and duties given by this act to the state fire marshal or the department of industrial relations shall be administered by the state fire marshal through the division of fire safety in the department of industrial relations.

Administration

SEC. 8. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 426.

An act amending section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such

Stats. 1925,
p. 648,
amended

courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, and as amended and approved April 6, 1929, relating to municipal courts.

[Approved by the Governor May 28, 1931 In effect August 14, 1931.]

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

Stats 1931,
Ch 227

SECTION 1. Section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, and as amended and approved April 6, 1929, is hereby amended to read as follows:

Cities of
first class-
judges, etc.

Sec. 6. The municipal court in a city or a city and county of the first class shall be constituted and the judges, officers and attaches thereof, shall receive compensation as follows:

(a) There shall be twelve judges, each of whom shall receive seven thousand five hundred dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court;

(c) The clerk shall appoint the following:

One chief deputy clerk; one cashier and head bookkeeper; one messenger; five registry clerks; ten assistant registry clerks; twelve court clerks; twelve copyists.

CHAPTER 427.

Stats 1923,
p. 429,
amended.

An act to amend sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to create the office of state fire marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, as amended, relating to the office of state fire marshal and to the state fire marshal's fund.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

See Ch 143,
Stats 1931.

SECTION 1. Section 1 of an act entitled "An act to create the office of state fire marshal, to provide for his powers and duties, and to repeal all acts or parts of acts inconsistent herewith," approved May 23, 1923, is hereby amended to read as follows:

State fire
marshal

Section 1. Within thirty days after this act takes effect, the governor shall appoint a qualified person who shall be

known as the "state fire marshal," which office is hereby created. The person so appointed shall hold office at the pleasure of the governor and shall receive no compensation therefor. The state fire marshal shall submit monthly reports, as well as an annual report, to the governor.

SEC. 2. Section 2 of said act is hereby amended to read as follows: See Ch. 143, Stats. 1931.

Sec. 2. For the purpose of safeguarding life and property, it shall be the duty of the state fire marshal to aid in the enforcing of all laws and ordinances relating to fires and fire prevention and protection and to attend, if possible, fires other than forest, brush or grain fires occurring outside the corporate limits of any city or town maintaining a fire department, or outside the limits of a county fire protection district and counties where there is no regularly appointed county fire warden, for the purpose of taking charge of and protecting all property which may be imperiled thereby. Duties of state fire marshal.

It shall also be his duty to make and enforce orders, rules and regulations not inconsistent with any existing law or ordinance relating to

(a) The protection from fire in the design and construction of all state institutions; the means and adequacy of exits therefrom, and the installation and maintenance of fire alarm and fire extinguishment systems therein;

(b) The installation of equipment and furnishings that present unusual fire hazards, and the means and adequacies of exits in case of fire, from factories, asylums, hospitals, sanitariums, churches, schools, halls, theaters, amphitheaters and all other places where large numbers of persons work, live or congregate for any purpose.

It shall also be his duty to carry on educational work throughout the state, encouraging the adoption of fire prevention measures, and to prepare or cause to be prepared information relating to the subject of the fire prevention and extinguishment, for dissemination.

SEC. 3. Section 3 of said act is hereby amended to read as follows: See Ch. 143, Stats. 1931.

Sec. 3. The state fire marshal may during the time of any fire protect property being affected thereby until the arrival of the owner or claimant thereof, and in case the owner or claimant of such property does not take charge of same within twenty-four hours, the state fire marshal may have such property stored at the owner's or claimant's expense. Protection of property

SEC. 4. Section 4 of said act is hereby amended to read as follows: See Ch. 143, Stats. 1931.

Sec 4 In all cases where there is reason to believe that fires are the result of crime or that crime has been committed in connection therewith the state fire marshal must report the same, in writing, to the district attorney of the county in which the fire occurred. Report of incendiary fires to district attorneys.

SEC. 5. Section 5 of said act is hereby amended to read as follows: See Ch. 143, Stats. 1931.

Deputies Sec. 5. The state fire marshal shall have power to appoint the active chiefs of fire departments, city fire marshals and/or his salaried field assistants, as he may deem necessary, to serve as assistant or deputy state fire marshals. The state fire marshal and the assistant or deputy state fire marshals shall exercise the functions of police officers.

Authority The state fire marshal and his regularly appointed and salaried assistants shall have authority to enter any factory, asylum, hospital, sanitarium, church, school, hall, theater, amphitheater or other place where large numbers of persons work, live or congregate at any reasonable hour for the purpose of enforcing this act or any other act which has been or may be enacted by the Legislature designating the state fire marshal as enforcing officer thereof.

Office and field assistants The state fire marshal shall also have the power to employ such salaried office and field assistants as he may deem necessary.

Transfer of moneys. All moneys now in the clothes cleaning establishment fund are hereby transferred to the state fire marshal's fund and all appropriations heretofore or hereafter made to or from the clothes cleaning establishment fund shall be deemed to be made to or from the state fire marshal's fund.

The clothes cleaning establishment fund is hereby abolished, and wherever in any statute heretofore or hereafter enacted reference is made to the clothes cleaning establishment fund, such reference shall be deemed to be a reference to the state fire marshal's fund.

Use of moneys The moneys in the state fire marshal's fund shall be expended by the state fire marshal for purposes of enforcing this act or any other act which has been or may be enacted by the Legislature, designating the state fire marshal, or the division of fire safety in the department of industrial relations, as the enforcing officer thereof.

See Ch 143, Stats. 1931 Sec. 6. Section 6 of said act is hereby amended to read as follows :

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

Stats. 1931 Ch 143 Sec. 7. This act shall be considered to be the latest legislative expression upon the matters herein contained irrespective of any other bill or law heretofore enacted, and especially is intended to supersede the provisions of chapter 143 of the laws of 1931.

CHAPTER 428

An act appropriating money to pay the claim of Joseph E. Painter against the State of California.

[Approved by the Governor May 28 1931 In effect August 14, 1931]

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

SECTION 1. The sum of one hundred sixty-eight and forty-five hundredths dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Joseph E. Painter against the State of California. Special appropriation.

CHAPTER 429.

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

[Approved by the Governor May 28, 1931 In effect immediately]

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

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

prompt payment and redemption of the principal and interest of said bonds.

Tax levy

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

Bonds not validated

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

Urgency

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

supply. If, however, such irregularities are cured or obviated by this act, such bonds can be sold.

CHAPTER 430.

An act to amend sections 3 and 5 of chapter 753, statutes of 1927, entitled "An act to establish the California state historical association, relative to providing for the appointment of a board of trustees for said association, and making an appropriation for its support during the seventy-ninth and eightieth fiscal years," approved May 25, 1927. Stats 1927,
p. 1444,
amended

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3 of chapter 753, statutes of 1927, entitled "An act to establish the California state historical association, providing for the appointment of a board of trustees for said association and making an appropriation for its support during the seventy-ninth and eightieth fiscal years," approved May 25, 1927, is hereby amended to read as follows: Stats 1927,
p. 1444

Sec. 3. The trustees of the state historical association are hereby authorized to receive contributions, donations and bequests from members of the said association or from other sources. All funds so received shall be used solely for the benefit of the state historical association and shall be kept and expended as the trustees of the said association shall determine, with the approval of the department of finance. Funds

SEC. 2. Section 5 of said act is hereby amended to read as follows: Stats. 1927,
p. 1444.

Sec. 5 All expenses for the support of the California state historical association other than those paid from funds received as contributions, donations and bequests to said association shall be paid from the appropriation for the support of the department of education. Expenses

CHAPTER 431

An act making an appropriation to pay the claim of John H. Hellard against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of seventy-three dollars and eighty-one cents is hereby appropriated out of the fish and game preservation fund, to pay the claim of John H. Hellard against the State of California Special ap-
propriation.

CHAPTER 432.

An act making an appropriation to pay the claim of Robert W. Blanton against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. The sum of three thousand sixty-seven dollars and twenty-eight cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Robert W. Blanton against the State of California.

CHAPTER 433

An act to add a new section to the Political Code to be numbered 3817a, relating to the extension of the period of redemption of property sold for taxes and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency, and providing this act shall take effect immediately upon its passage.

[Approved by the Governor May 28, 1931 In effect immediately]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 3817a and to read as follows:

Redemption
of property
sold for
taxes.

3817a. In all cases where real estate has been sold, or may hereafter be sold to the state for delinquent taxes pursuant to the provisions of section 3771 of this code and where the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, contemporaneously or prior to the payments hereinafter provided, also pay the current state and county taxes due on said property for the fiscal year during which such payment shall be made, such person, his heirs, legal representatives or other successors in interest, shall at any time after the same has been sold to the state pursuant to the provisions of section 3771 of this code and prior to the sale at auction provided for in section 3771a of this code have the right to extend the period during which such real estate may be redeemed and to postpone the date of sale by auction as provided by section 3771a of this code and the execution of the deed to the state as provided by section 3785 of this code, for additional periods of one year each, by paying to the county treasurer of the county wherein said real estate may be situated the following amounts for the following periods, respectively: (1) for extending the period of redemption for the first period of one year, by paying to the county treasurer a sum of money equal

Extension of
redemption
period

to the amount of the taxes, penalties for delinquency and costs thereon for which said real estate was originally sold to the state together with a sum equal to interest on the aggregate amount of said taxes at the rate of seven per cent per annum; (2) for extending the period of redemption for each additional year thereafter, by paying to the county treasurer a sum of money equal to the taxes, penalties for delinquency and costs thereon for each of the second, third, fourth and/or fifth years of delinquency, respectively and consecutively, together with a sum equal to the interest on the aggregate amount of said taxes at the rate of seven per cent per annum; provided, however, that if any of the payments, as hereinabove in subdivisions (1) and (2) of this section provided, shall be made on or after the first day of July of any year and the state and county taxes on said property for the fiscal year next preceding such payment have not theretofore been paid, then such person must contemporaneously with the payments hereinabove provided also pay the said state and county taxes for the fiscal year next preceding such payment together with the penalties and costs due thereon.

The county auditor shall, upon request, issue his certificate in triplicate showing the amounts necessary to be paid as hereinabove provided, one copy of said certificate shall be delivered to the person making such payment and upon payment being made a receipt shall be indorsed upon said certificate by the county treasurer evidencing payments as compensation for the use and occupancy of said real estate and to be applied as a credit if, when and as redemption is made, as in this subdivision hereinafter provided. The county treasurer shall deposit all payments so made to the same fund in which moneys received upon redemption are deposited.

The county auditor shall keep accurate records of all payments made hereunder in a book kept for that purpose, said records to show the name of the person making said payments, the amount or amounts paid, the certificate number, if any, and the year or years of delinquency together with a description of the property.

Such payments shall not be deemed a redemption of such real estate nor affect the right, title, or interest in the state thereto, but shall postpone, for the period or periods aforesaid, the time when said real estate shall be deeded to or may be disposed of by the state and the moneys so paid shall be deemed and considered as compensation for the use and occupancy of said real estate; provided, however, that if redemption shall thereafter be made pursuant to the provisions of section 3817 of the Political Code, the amounts so paid to extend said periods of redemption and to postpone the sale provided for by section 3771a of this code and the execution of the deed provided for in section 3785 of this code, together with interest thereon at the rate of seven per cent per annum computed from the dates of said respective payments to the date of redemption,

Payments
to be
credited

Records

Effect of
payments

shall be credited on the amounts to be paid for such redemption.

Urgency

SEC. 2. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act shall go into immediate effect by reason of the following facts: That unless the section hereby amended takes immediate effect large revenues from real estate sold to the state for delinquent taxes will be lost to the State of California. And it is hereby declared that this act constitutes an emergency measure which, under the provision of section 1 of article four of the constitution of the State of California, shall go into immediate effect.

This act shall take effect immediately.

CHAPTER 434.

An act to promote the development of the egg industry in California, to prohibit the sale of eggs unfit for human food, to provide standards of quality and weight for the sale of eggs, to provide for proper labeling of all eggs displayed for sale to the consumer, to protect the consuming public by preventing deception in the sale of eggs, providing penalties for the violation of the provisions of this act, and repealing all acts or parts of acts in conflict herewith.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

Sale of
unfit eggs
prohibited

SECTION 1. No person shall sell, or offer to sell, or expose for sale, for human consumption, any eggs unfit for human food as determined by candling. For the purposes of this act any egg shall be deemed unfit for human food if it be addled or moldy; if it contains black spot, black rot, white rot or blood; if it has an adherent yolk or a bloody or green white (albumen); or if it consist in whole or in part of a filthy, decomposed or putrid substance.

Definitions

SEC. 2. Unless the context otherwise requires, the words and phrases employed in this act shall have the meanings hereinafter defined.

(a) "Addled" or "white rot" means an egg which is putrid or rotten.

(b) "Moldy" means an egg in which mold has developed inside the shell.

(c) "Black spot" means an egg in which molds or bacteria have developed in isolated areas inside the shell.

(d) "Black rot" means an egg which has deteriorated to such an extent that the whole interior presents a blackened appearance

(e) "Blood egg" means an egg in which germ development has taken place to the point that blood veins have formed or an egg in which blood is diffused through the white.

(f) "Adherent yolk" means an egg in which the yolk has become fastened to the shell.

(g) "Retailer" means any person, firm or corporation or association which sells eggs to a consumer.

(h) "Consumer" means any person purchasing eggs for his or her own family use or consumption.

(i) "Manufacturer" means any restaurant, hotel, boarding house, bakery, or other institution purchasing eggs for serving to guests, or patrons, or for use in the manufacture or preparation of any product intended for human consumption.

(j) "Person" means any individual, firm, partnership, corporation or association.

(k) "Eggs" mean eggs in the shell, except as otherwise defined in this act.

(l) "Candling" means the practice of examining the interior of an egg by the use of transmitted light.

SEC. 3. The state department of public health is hereby empowered to prescribe rules and regulations relating to and not inconsistent with the provisions of this act, and said department, through its authorized agents, deputies and inspectors, is charged with the enforcement of said act.

Rules and regulations

SEC. 4. It shall be unlawful for any person to sell, or offer to sell, or expose for sale to a consumer any eggs intended for human consumption, other than those of his own production sold upon the premises on which produced and without solicitation of the public, without notifying by suitable sign or label the person or persons purchasing or intending to purchase the same, of the quality and size of such eggs according to the standards prescribed in sections 6, 7 and/or 8. When so labeled, no other laws regarding labeling or marking shall be applicable thereto.

Labeling or marking

SEC. 5. Every person in selling to a retailer or manufacturer eggs other than those of his own production shall furnish to said retailer or manufacturer an invoice or candling certificate showing the exact quality and weight specifications of such eggs according to the standards prescribed by this act. A copy of such invoice or candling certificate shall be kept on file by the person selling and by the retailer or manufacturer at their respective places of business for a period of thirty days and shall be available for inspection at all reasonable times by an authorized representative of the state department of public health. No retailer or manufacturer shall be prosecuted under the provisions of this act if he can show a proper invoice or candling certificate from the person from whom any eggs are purchased, provided said eggs have been labeled by the retailer for resale in accordance with the purchase invoice or candling certificate; and provided further that no retailer or manufacturer shall be exempt from prosecution who may have kept eggs covered by said invoice or candling certificate for such a time after purchase or under such conditions as to cause said eggs to deteriorate into a lower grade

Invoice or candling certificate

Quality spec-
ifications

SEC. 6. Quality Specifications.

(a) Specials: Eggs uniform in size; reasonably clean and sound; air cell localized and not over $3/16$ of an inch in depth; clear firm whites; no visible germ development; may contain not more than two eggs per dozen of the grade of "extras."

(b) Extras: Eggs uniform in size; reasonably clean and sound; air cell localized and not over $1/4$ inch in depth; clear firm whites; no visible germ development; may contain not more than two eggs per dozen of the grade of "standards."

(c) Standards: Eggs uniform in size; reasonably clear and sound; air cell may be slightly tremulous but not exceed $3/8$ inch in depth. The germ development may be slightly visible.

(d) Trades: Shall apply to all edible eggs falling below the quality specifications for standards.

Weight spec-
ifications.

SEC. 7. Weight Specifications.

(a) Large eggs shall weigh not less than $15/6$ ounces each and shall average not less than $23\frac{1}{2}$ ounces per dozen.

(b) Medium eggs shall weigh not less than $17/12$ ounces each and shall average not less than 20 ounces per dozen.

(c) Small eggs shall weigh not less than $1\frac{1}{4}$ ounces each and shall average not less than 16 ounces per dozen.

(d) Peewee eggs shall include all eggs weighing less than $1\frac{1}{4}$ ounces each.

Definitions

SEC. 8. (a) The terms "eggs," "ranch eggs," "farm eggs," or any terms similar thereto, when not otherwise modified, and when used on a sign or label, as provided in section 4 of this act, shall be construed to mean eggs of the quality and size herein defined as "large extras" or better, and when so used said eggs need not be otherwise marked as to quality or size. If eggs of a lower quality grade or of smaller size are offered for sale, the consumer must be notified by a suitable sign or label of the correct quality and size as defined in sections 6 and 7 of this act. "Dirty eggs" must be sold as such and the buyer must also be informed of the correct quality and weight or size as provided in sections 6 and 7. "Checked or broken eggs" must be sold as such and the buyer must also be informed of the correct size or weight as provided in section 7. No eggs below the quality of "standards" shall be sold to a consumer, except as provided in section 4 of this act.

Penalties

SEC. 9. Every person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than fifty dollars; for the second offense a fine of not less than ten dollars nor more than one hundred dollars; for the third and any subsequent offenses a fine of not less than twenty-five dollars nor more than two hundred dollars. All fines collected for violation of this act shall be paid to the county treasurer of the proper county, who shall remit one-half of said amount to the state department of public health for payment into the state treasury to the credit of the general fund.

SEC. 10. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality

SEC. 11. This act and each section and subsection thereof shall take precedence over all acts and parts of acts at variance or conflicting herewith in the matter of quality standards, grading, classification and labeling of eggs intended for human food

Precedence.

CHAPTER 435.

An act to make an appropriation to pay the claim of W. E. Martin against the State of California.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of seventeen dollars and sixty-five cents is hereby appropriated out of any money in the fish and game preservation fund not otherwise appropriated to pay the claim of W. E. Martin against the State of California.

Special appropriation.

CHAPTER 436

An act to make an appropriation to pay the claim of the comptroller of the state compensation insurance fund against the State of California.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of twenty-six and 07/100 dollars (\$26.07), out of any moneys in the state compensation insurance fund is hereby appropriated to pay the claim of the comptroller of the state compensation insurance fund against the State of California.

Appropriation comptroller of state compensation insurance fund

CHAPTER 437

An act relating to the support and maintenance of instruction in nursing education at the University of California, defining the powers and duties of the state director of

finance in relation thereto, and making an appropriation therefor.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

Nursing
education
at University
of California

SECTION 1. The director of finance is hereby authorized and empowered to enter into an agreement with the regents of the University of California by which not more than fifty thousand dollars from the fund for the examination and registration of nurses shall be granted in trust to the regents of the University of California for the support and maintenance of instruction in nursing education at the University of California. Such agreement shall provide that the fund granted in trust shall be held intact but with full power in the regents to invest and reinvest the same in whatever form it shall take, and that the income from the fund shall be expended for the support and maintenance of instruction in nursing education and shall be used to provide for an additional instructor or instructors for assistance in said university, or for other expenses connected with instruction in nursing education maintained in said university.

Definition

SEC. 2. For the purpose of this act, nursing education is hereby defined as the preparation of nurses for all services of administration and teaching in nursing and public health.

Appropriation

SEC. 3. Out of any moneys in the fund for examination and registration of nurses, there is hereby appropriated the sum of fifty thousand dollars for the purpose of carrying out the provisions of this act. _____

CHAPTER 438.

Stats. 1929,
p. 1850,
amended

An act to amend section 5 of chapter 845, statutes of 1929, entitled "An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof, and making an appropriation for the establishment of a revolving fund therefor," relating to the industrial workshop revolving fund.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Stats 1929,
p 1850

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Revolving
fund.

Sec. 5. A permanent revolving fund to be known as the "industrial workshop revolving fund," is hereby created, to be used for the payment of all materials needed by workers in the workshop in manufacturing such products and for the payment of salaries of said workers and other costs of manufacturing. The unexpended balance in said fund on the

ninety-first day after the final adjournment of the Legislature of 1931, shall be paid into the state treasury to the credit of the general fund. The sum of twenty thousand dollars, less an amount equal to the cost of raw materials and manufactured products on hand in such industrial workshops and sales rooms, and less the outstanding accounts receivable by them, on the ninety-first day after the final adjournment of the Legislature of 1931, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the credit of said fund. The cost of said raw materials and manufactured products and the amount of the outstanding accounts receivable shall be audited and determined by the state department of finance, and the controller, upon receiving certification of the department of finance as to the amount required, shall draw his warrant for the amount necessary to make up the amount of twenty thousand dollars (\$20,000) in said fund.

Appropriation

CHAPTER 439.

An act appropriating money to pay the claim of W. P. Britton against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of seven thousand four hundred ninety-nine dollars and 62/100 (\$7,499.62) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of W. P. Britton against the State of California.

Special appropriation

CHAPTER 440.

An act providing for investigation of and report upon certain matters relating to crime, criminals and penal laws, including particularly the cost of crime to the state, defining the powers and duties of the state director of finance and other public officers in relation thereto, and making an appropriation therefor.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. For the purpose of securing accurate information and recommendations based on careful and authoritative study, the state director of finance is hereby authorized and instructed to investigate the cost of crime in all its aspects and all factors contributing thereto, together with the effectiveness of present penal methods, the varieties and value of punish-

Investigation of crime by director of finance

ments which are applied under existing laws, the significance of classification and segregation of prisoners, the operation and efficacy of our penal laws, and such other related matters as would have a bearing on the improvement of our penal system, in order to secure justice, to protect the public, and to advance the social welfare.

Report

SEC. 2. The determinations, findings, and recommendations of the director of finance shall be reported before the first day of December, 1932, to the governor, who shall transmit the same to the Legislature during the first week of the session of 1933.

State officers
to cooperate

SEC. 3. It shall be the duty of all state officers, and particularly of the departments of penology and of institutions, the California crime commission, the bureau of criminal identification and investigation, the California bureau of juvenile research and the bureau of public administration of the University of California, and all officers of political subdivisions of this state, to furnish such information, data, and advice as may be of assistance in the studies and investigations authorized by this act. The legislative counsel bureau shall cooperate with and assist the director of finance for the purposes of this act.

SEC. 4. The director of finance shall cooperate with any commission, board, or other agency of the state which is directed or authorized to make studies on similar or related matters, and shall in every way and at all times cooperate with and keep its records and data open to any committee of the Legislature which is concerned with the subjects involved in the studies and investigations authorized by this act.

Hearings

SEC. 5. The director of finance is authorized to conduct studies and to hold hearings in such localities and institutions as it may find necessary, and may take such evidence as it may consider helpful, and may make use of any data bearing on its studies which may be obtained from any of the departments or other agencies or political subdivisions of the state. Said director is also authorized to employ necessary experts and assistants, and to make other necessary expenditures for the purposes of this act.

Appropriation

SEC. 6. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars to be expended in accordance with law by the director of finance in carrying out the provisions of this act.

CHAPTER 441.

An act to add a new section to the Penal Code, to be numbered 969b, relating to the admissibility in evidence in criminal cases of the records, or certified copies thereof, of prisons, penitentiaries and reformatories.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. A new section, to be numbered 969b, is hereby added to the Penal Code, to read as follows: New section.

969b. For the purpose of establishing prima facie evidence of the fact that a person being tried for a crime or public offense under the laws of this state has been convicted of an act punishable by imprisonment in the state prison of this state, and has served a term therefor in any penal institution, or has been convicted of an act in any other state, which would be punishable as a crime in this state, and has served a term therefor in any state penitentiary or reformatory, or has been convicted of an act declared to be a crime by any act or law of the United States, and has served a term therefor in any penal institution, the records or copies of records of any state penitentiary or reformatory or federal penitentiary in which such person has been imprisoned, when such records or copies thereof have been certified by the official custodian of such records, may be introduced as such evidence. Evidence penitentiary records

CHAPTER 442.

An act making an appropriation to pay the claim of B. F. Schlessinger against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of three thousand seven hundred seventy-two dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of B. F. Schlessinger against the State of California. Special appropriation

CHAPTER 443.

An act making an appropriation to pay the claim of Fanny Lem against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of nine thousand nine hundred eighty-five and 75/100 dollars is hereby appropriated out of any Special appropriation

moneys in the highway maintenance fund in the state treasury, to pay the claim of Fanny Lem against the State of California.

CHAPTER 444.

An act making an appropriation to pay the claim of Grace Takata against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. The sum of six thousand five hundred forty-two dollars is hereby appropriated out of any moneys in the highway maintenance fund in the state treasury, to pay the claim of Grace Takata against the State of California.

CHAPTER 445

An act making an appropriation to pay the claim of Shizue Morey against the State of California.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

Special ap-
propriation

SECTION 1. The sum of two thousand five hundred twenty-two and 50/100 dollars is hereby appropriated out of any moneys in the highway maintenance fund in the state treasury, to pay the claim of Shizue Morey against the State of California.

CHAPTER 446

An act making an appropriation to pay the claim of Clara Char against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. The sum of five thousand nine hundred fifty dollars is hereby appropriated out of any moneys in the highway maintenance fund in the state treasury to pay the claim of Clara Char against the State of California.

CHAPTER 447.

An act to amend section 4239 of the Political Code, relating to compensation of county and township officers in counties of the tenth class.

[Approved by the Governor May 28, 1931 In effect August 14 1931]

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

SECTION 1. Section 4239 of the Political Code is hereby amended to read as follows:

4239. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, fees, and expenses, to wit:

- | | |
|---|---------------------------|
| 1. The county clerk, four thousand dollars per annum. | Clerk |
| 2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases. | Sheriff |
| 3. The recorder, three thousand six hundred dollars per annum. | Recorder |
| 4. The auditor, three thousand six hundred dollars per annum. | Auditor |
| 5. The treasurer, two thousand six hundred dollars per annum. | Treasurer |
| 6. The tax collector, two thousand five hundred dollars per annum. | Tax collector |
| 7. The assessor, four thousand dollars per annum. The assessor shall receive his actual, reasonable and necessary expenses while engaged in his official duties in the field. | Assessor |
| 8. The district attorney, six thousand dollars per annum; except that the district attorney shall not personally engage in private practice; provided, however, that this shall not be construed to preclude the district attorney from continuing and concluding any private matter in which he has appeared of record prior to taking office; provided, that in counties of this class the district attorney in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county. | District attorney |
| 9. The coroner, such fees as are now or may be hereafter allowed by law. | Coroner |
| 10. The public administrator, such fees as are now or may be hereafter allowed by law. | Public administrator |
| 11. The superintendent of schools, four thousand five hundred dollars per annum; provided, however, that in counties | Superintendent of schools |

Stats 1929,
p 1529
(formerly
Sec 4237)

San Joaquin
county
salaries

of this class the superintendent of schools in addition to the salary herein fixed shall be allowed ten dollars per school district for traveling expenses where he shall have visited each school of said district in the county during any one calendar year.

Surveyor

12. The surveyor, four thousand dollars per annum, and actual, reasonable and necessary expenses when engaged in the field, or in the office in the discharge of his official duties in the county.

Justices of
the peace

13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, three hundred dollars per month; in townships having a population of not less than fifteen thousand nor more than twenty thousand, two hundred dollars per month; in townships having a population of not less than nine thousand nor more than fifteen thousand, one hundred fifty dollars per month; in townships having a population of not less than five thousand nor more than ten thousand, one hundred dollars per month; in townships having a population of not less than three thousand, nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month, in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; provided, that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of three thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand eight hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify

oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the court room of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of five thousand or more, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred, nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest has been made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court or to the insane asylum.

15. Each member of the board of supervisors, one thousand eight hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; provided, that not more than one mileage at any one regular or special meeting of the board shall be allowed.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, surveyor and superintendent of schools, justice of the peace, constable and clerk of the justice of the peace, and the full time deputies and the bond clerk in the county treasurer's office, shall be executed with a reliable bond and

security company, and the cost of said bond when duly approved shall be a charge against the county, and payable out of the general fund.

Clerk
deputies

17. The county clerk shall have one chief deputy at a salary of two thousand seven hundred dollars per annum; three court-room deputies at a salary of two thousand four hundred dollars per annum each; five office deputies at a salary of one thousand eight hundred dollars per annum each; one deputy who shall act as clerk to the board of supervisors at a salary of two thousand four hundred dollars per annum; and a deputy or deputies not to exceed twenty for the purpose of registering electors and performing all duties pertaining to elections who shall be paid not to exceed five dollars per diem each; also a deputy or deputies to register electors who shall receive a compensation of ten cents for each elector registered and the necessary postage or expressage in sending affidavits of registration to county clerk's office; and who shall receive no other compensation or expenses.

Recorder
deputies

The county recorder, one first assistant at a salary of two thousand four hundred dollars per annum; one second assistant at a salary of one thousand nine hundred twenty dollars per annum; two comparing clerks and one index clerk at a salary of one thousand eight hundred dollars per annum each; one deputy at a salary of one thousand six hundred twenty dollars per annum; four deputies at a salary of one thousand five hundred sixty dollars per annum each; the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem each; but the aggregate pay of such assistants for such work shall not exceed three thousand dollars in any one calendar year.

Treasurer
deputies

The treasurer, one chief deputy at a salary of three thousand dollars per annum; one deputy at a salary of two thousand one hundred sixty dollars per annum; one bookkeeper at a salary of two thousand one hundred dollars per annum; two deputies at a salary of two thousand forty dollars per annum each; four or more deputies who shall receive one hundred fifty dollars per month each while actually employed; provided, however, that the aggregate pay of such deputies shall not exceed in any one calendar year the sum of three thousand six hundred dollars; one cashier and bond clerk who shall serve for a period of not to exceed one hundred eighty days in any one calendar year and shall receive therefor the sum of six dollars per diem; one cashier, who shall serve for a period of not to exceed sixty-five days in any one calendar year and shall receive therefor the sum of six dollars per diem; and such emergency deputy or deputies as shall be required and who shall receive for his or their services a sum not to exceed five dollars per diem each; provided, however, that the aggregate pay of such emergency deputy or deputies shall not exceed in any one calendar year the sum of four thousand dollars; two guards at one hundred fifty dollars per month each, and one guard at five dollars per day while

employed; provided, however, that the aggregate pay of such guard shall not exceed in any one calendar month the sum of one hundred twenty-five dollars.

The county auditor, one chief deputy at a salary of two thousand four hundred dollars per annum: one chief accountant at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of two thousand four hundred dollars per annum; one third deputy at a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; the auditor may hire necessary assistants for the purpose of extending taxes and in cases of emergency at a salary not to exceed five dollars per diem each; provided, that the aggregate salaries of such assistants shall not exceed the sum of three thousand dollars in any calendar year.

Auditor
deputies

The district attorney, an assistant district attorney at a salary of three thousand four hundred fifty dollars per annum. one second assistant district attorney at a salary of two thousand five hundred fifty dollars per annum; one third assistant district attorney at a salary of two thousand four hundred dollars per annum, one fourth assistant district attorney at a salary of two thousand four hundred dollars per annum; one shorthand reporter at a salary of two thousand seven hundred dollars per annum; one county detective at a salary of two thousand four hundred dollars per annum, who shall have all the powers of any peace officer, including deputization, and who shall perform such duties as may be required of him by the district attorney; one secretary at a salary of one thousand five hundred dollars per annum; two stenographers at a salary of one thousand two hundred dollars per annum each.

District
attorney
deputies

The superintendent of schools, one first deputy at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of one thousand five hundred dollars per annum; and an emergency deputy or deputies who shall be paid not to exceed five dollars per diem each; provided, that the aggregate pay of said emergency deputy or deputies shall not exceed two thousand dollars in any one calendar year.

Superintendent of
schools
deputies

The sheriff, an undersheriff who shall receive a salary of two thousand seven hundred dollars per annum; a chief deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy sheriff who shall be employed as superintendent of identification who shall receive a salary of three thousand dollars per annum; one deputy sheriff, who shall be employed as assistant to the superintendent of identification, who shall receive a salary of two thousand eight hundred twenty dollars per annum; four deputy sheriffs for service in the field who shall receive a salary of one thousand nine hundred twenty dollars per annum each; one motor boat deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum; one chief jailer who shall receive a salary of two thousand one hundred sixty dollars per annum; three jailers who shall receive a

Sheriff
deputies

salary of one thousand seven hundred forty dollars per annum each; three bailiffs who shall receive a salary of one thousand six hundred eighty dollars per annum each; one bookkeeper who shall receive a salary of one thousand six hundred eighty dollars per annum; two stenographers who shall receive a salary of one thousand five hundred dollars per annum each; one clerk of the identification bureau who shall receive a salary of one thousand two hundred dollars per annum; one matron of the county jail who shall receive a salary of one thousand two hundred dollars per annum.

Coroner
deputies

The coroner, one deputy who shall be paid by the coroner out of his fees.

Assessor
deputies

The county assessor shall have one chief deputy at a salary of two thousand seven hundred dollars per annum; one draftsman at a salary of two thousand seven hundred dollars per annum; one chief office deputy at a salary of two thousand one hundred dollars per annum; two office deputies at a salary of one thousand eight hundred dollars per annum each; one stenographer and copyist at a salary of one thousand five hundred dollars per annum; fourteen field deputies to be employed in the county outside of the city of Stockton, and who shall serve not to exceed eighty days each in any one calendar year, and be paid therefor at the rate of seven dollars per diem each; provided, that such deputies shall each furnish at his own expense necessary automobile transportation while so employed; and an emergency deputy or deputies at a salary of five dollars per diem each, which said emergency deputy or deputies shall not receive more than nine thousand six hundred dollars in the aggregate in any one calendar year.

Surveyor
deputies

The county surveyor, one chief deputy who shall be paid a salary of three thousand dollars per annum. One draftsman who shall be paid a salary of two thousand two hundred dollars per annum.

Duties

All the deputies, assistants, employees, emergency help and clerks hereinbefore mentioned shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid; provided, however, that allowances for use of motor vehicle by deputy sheriffs employed as traffic officers shall be made on claims against the county and paid by the board of supervisors as other claims are paid.

Salaries, etc

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by

law. All compensations, fees, commissions, and mileage except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

19. For attending as a grand juror or as a juror in superior court, for each day's attendance, per day, three dollars. For each mile actually traveled in attending court as a juror in going, only, per mile, twenty-five cents. Jurors

In counties of this class, the jury commissioner shall be allowed his office expenses not to exceed one hundred fifty dollars per year. Jury commissioner

CHAPTER 448.

An act to amend section 16x10 of the "Weights and measures act," relating to sealers of weights and measures in counties of the tenth class. Stats 1913.
p 1086.
amended

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 16x10 of the "Weights and measures act" is amended to read as follows:

Sec. 16x10. The sealer of weights and measures in counties of the tenth class shall receive a salary of two hundred dollars per month, and deputies shall receive one hundred fifty dollars per month each. Stats 1927.
p 1835
(formerly
Sec 16x8)
San Joaquin
county
sealer

CHAPTER 449

An act to amend section 2322x10 of the Political Code, relating to the office of agricultural commissioner in counties of the tenth class.

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

SECTION 1. Section 2322x10 of the Political Code is amended to read as follows: Stats 1929.
p 1528
(formerly
Sec
2322x8)

San Joaquin
county
agricultural
commis-
sioner

2322x10. In counties of the tenth class, the county agricultural commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, clerks and inspectors to be appointed by said commissioner, and the salaries are hereby fixed as follows, to wit:

Two deputy county agricultural commissioners at a salary of two thousand one hundred dollars per annum each; one supervising inspector at a salary of two thousand four hundred dollars per annum; one clerk to act as stenographer and bookkeeper at a salary of not to exceed one thousand five hundred dollars per annum; one clerk to act as stenographer and bookkeeper at a salary of not to exceed one thousand two hundred dollars per annum; one clerk to act as warehouseman and truck driver at a salary of one thousand six hundred eighty dollars per annum; nineteen inspectors at a salary of not less than one hundred nor more than one hundred fifty dollars per month each; fifteen inspectors at a salary of one dollar per annum each.

CHAPTER 450.

Stats 1915
p 1225,
amended

An act to amend section 19x10 of the juvenile court law, relating to probation officers in counties of the tenth class.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Stats 1925,
p 139
(formerly
Sec 19h)
San Joaquin
county
probation
officer

SECTION 1. Section 19x10 of the juvenile court law is hereby amended to read as follows:

Sec. 19x10. In counties of the tenth class there shall be a chief probation officer whose salary shall be the sum of two hundred dollars per month, one assistant probation officer whose salary shall be the sum of one hundred twenty-five dollars per month and three assistant probation officers whose salaries shall be the sum of one hundred dollars per month each.

CHAPTER 451.

An act to amend section 2322x24 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-fourth class.

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

Stats 1927,
p 1512
(formerly
Sec
2322x19)

SECTION 1. Section 2322x24 of the Political Code is amended to read as follows:

2322x24. In counties of the twenty-fourth class the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Solano
county:
agricultural
commis-
sioner

(a) One inspector at a monthly salary of one hundred fifty dollars per month during the time actually employed; three inspectors at a compensation of five dollars per day each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand seven hundred ninety dollars.

(b) One clerk at a monthly salary of ninety dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand eighty dollars.

CHAPTER 452

An act to amend section 16x24 of the weights and measures act, relating to sealers of weights and measures in counties of the twenty-fourth class.

Stats. 1918,
p. 1086,
amended.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 16x24 of the weights and measures act is amended to read as follows:

Stats. 1927,
p. 1836
(formerly
Sec 16x19).

Sec. 16x24 The sealer of weights and measures in counties of the twenty-fourth class shall receive the salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Solano
county:
sealer

CHAPTER 453.

An act to amend section 2322x14 of the Political Code, relating to the office of agricultural commissioner in counties of the fourteenth class.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 2322x14 of the Political Code is amended to read as follows:

Stats. 1927,
p. 140 (for-
merly Sec
2322x11).

2322x14. In counties of the fourteenth class, the commissioner shall receive a salary of three thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following

Tulare
county
agricultural
commis-
sioner.

deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county agricultural commissioners at a salary of two thousand one hundred dollars, each, per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed twelve inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, eleven inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, thirty-five inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixty-three thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred twenty-five dollars each during the time actually employed; one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed four thousand two hundred dollars.

CHAPTER 454.

Stats 1913,
p 1086,
amended. *An act to amend section 16x14 of the weights and measures act, relating to sealers of weights and measures in counties of the fourteenth class.*

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

Stats 1927,
p 1835
(formerly
Sec 16x11) SECTION 1. Section 16x14 of weights and measures act is amended to read as follows:

Tulare
county
sealer Sec. 16x14. The sealer of weights and measures in counties of the fourteenth class shall receive a salary of two thousand two hundred dollars per annum, and deputies shall receive one thousand eight hundred dollars per annum each

CHAPTER 455.

Stats 1915,
p 1225,
amended. *An act to add section 19x54 to the "juvenile court law," relating to probation officers in counties of the fifty-fourth class.*

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Stats 1915,
p 1225
(formerly
Sec 19n) SECTION 1. Section 19x54 is added to the "juvenile court law" to read as follows:

Sec. 19x54. In counties of the fifty-fourth class, there shall be one probation officer whose salary shall be thirty-five dollars per month.

Mariposa
county
probation
officer

CHAPTER 456.

An act to make an appropriation to pay the claim of Simon J. Lubin, against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of twenty-four thousand one hundred fifty-nine dollars and ninety-six cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Simon J. Lubin, against the State of California.

Special ap-
propriation

CHAPTER 457.

An act to amend section 737bb of the Political Code, relating to the salary of the judge of the superior court in and for the county of Napa.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1 Section 737bb of the Political Code is hereby amended to read as follows:

Stats 1927,
p 561

737bb The annual salary of the judge of the superior court in and for the county of Napa is six thousand five hundred dollars.

Napa
county
superior
judge

CHAPTER 458.

An act to amend section 4233 and to repeal section 4233a of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fourth class.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4233 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1440
(formerly
Sec 4234).
San Diego
county
salaries
Clerk

4233. In counties of the fourth class the county and township officer shall receive the following salaries:

1. The county clerk. The county clerk, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy county clerk who shall be

a registrar of voters who shall receive a salary of two thousand seven hundred dollars per annum; one deputy who shall be assistant registrar of voters who shall receive one thousand eight hundred dollars per annum; one deputy who shall be assistant registrar of voters and who shall receive one hundred fifty dollars per month when actually employed; five court clerks who shall receive salaries of two thousand one hundred dollars each per annum; one deputy who shall be secretary to the superior court, who shall receive a salary of two thousand one hundred dollars per annum; one index clerk who shall receive a salary of one thousand nine hundred twenty dollars per annum; one judgment clerk who shall receive a salary of two thousand one hundred dollars per annum; one deputy clerk who shall receive a salary of two thousand four hundred dollars per annum; one assistant deputy clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; one license clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; three copyists who shall receive salaries of one thousand five hundred dollars each per annum; and a deputy or deputies, not to exceed eight, for the purpose of registering electors, to be paid not to exceed five dollars per diem each; provided, that such deputies shall not be employed except during a year when a general election is to be held throughout the state and not more than one deputy for each precinct for the purpose of registering electors during said year of the general election, who shall be paid ten cents per name for each person legally registered by them; provided, that if, in counties of this class, there shall be created an additional department of the superior court, then and in that event the county clerk shall be allowed an additional court clerk, who shall receive a salary of two thousand one hundred dollars per annum, which sum shall be paid out of the county treasury in equal monthly installments at the same time and in the same manner as the other county officials are paid; the salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as the other county officials are paid.

Sheriff

2. Sheriff. The sheriff, five thousand five hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the sheriff one undersheriff whose salary is hereby fixed at the sum of three thousand dollars per annum, and the following deputies and employees: One deputy who shall be head jailer and who shall receive a salary of two thousand one hundred dollars per annum; one deputy assistant jailer who shall receive a salary of one thousand eight hundred dollars per annum; one chief deputy who shall receive a salary of two thousand six hundred forty dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; four deputies who shall receive salaries of two thousand one hundred dollars

per annum; five deputies who shall receive salaries of one thousand eight hundred dollars per annum; one detective who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand nine hundred eighty dollars per annum; six deputies who shall be turnkeys at the county jail whose salaries shall be one thousand eight hundred dollars per annum each, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; such county deputies as may be necessary to properly handle and administer the duties of said office at a compensation not to exceed six dollars and fifty cents per diem each, but not more than seven thousand five hundred dollars shall be paid to all such deputies in any one year;

Matron. In counties of this class there shall be a matron of the county jail who shall receive a salary of one thousand five hundred dollars per annum, and at the discretion of the sheriff an assistant matron who shall receive a salary of one thousand two hundred dollars per annum; said matron and assistant matron to be appointed by the sheriff, and they shall, under the direction of the sheriff have charge of the female prisoners in the county jail; the salary of said matron and assistant matron to be paid by the county in monthly installments in the same manner and at the same time and out of the same fund as is the salary of the sheriff.

There is further provided and allowed the sheriff in counties of this class, two deputies who shall receive salaries of two thousand one hundred dollars each per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; said deputies, in the discretion of the sheriff to be used in the outlying districts of said county; and one deputy who shall be a contact officer at a salary of one thousand eight hundred dollars per annum; provided, further, that there shall be allowed to said deputy and contact officer an allowance of forty dollars per month in full payment for automobile allowance;

In counties of this class the sheriff shall pay into the county treasury all the fees, mileage, and compensations provided by law except the expenses and per diem compensation provided for by sections 4175 and 4176 of this code, and in addition he shall be allowed by the board of supervisors his actual, necessary expenses for pursuing criminals or for transacting business, which shall be paid as other county charges are paid.

3. Recorder. The recorder, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand one hun-

Recorder

dred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; four deputies who shall receive salaries of one thousand nine hundred twenty dollars each per annum; four deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one bookkeeper who shall receive a salary of one thousand nine hundred twenty dollars per annum; and as many copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices except maps and plats, and for copies of any records seven cents per folio.

Auditor

4. Auditor. The auditor, four thousand two hundred dollars per annum; provided, that there is hereby allowed to the auditor the following assistants: One chief clerk who shall receive a salary of three thousand dollars per annum; four deputies who shall receive salaries of two thousand four hundred dollars each per annum; one deputy who shall receive a salary of two thousand two hundred twenty dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one deputy to be known as traveling auditor who shall receive a salary of ten dollars per day while actually employed, plus expenses when on work outside the city of San Diego; one stenographer who shall receive a salary of one thousand six hundred twenty dollars per annum; one redemption clerk who shall receive a salary of two thousand two hundred twenty dollars per annum; one assistant redemption clerk who shall receive a salary of one thousand nine hundred eighty dollars per annum; and twelve additional deputies at a salary of five dollars and fifty cents each per day, for each day employed, for a period not to exceed one hundred fifty-six days in any one year; provided, further, that in counties of this class for bringing records down to date in any office, when the work of said office has not been brought down to date and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; provided, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

Treasurer

5 The treasurer. The treasurer, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the treasurer one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand three hundred ten dollars per annum; one deputy who

shall receive a salary of one thousand nine hundred eighty dollars per annum; and one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; one chief deputy, bond department, who shall receive a salary of two thousand four hundred dollars per annum; and one deputy who shall receive a salary of two thousand one hundred dollars per annum.

6. Tax collector. The tax collector, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy who shall receive a salary of three thousand dollars per annum; one chief cashier who shall receive a salary of two thousand two hundred eighty dollars per annum; one cashier who shall receive a salary of two thousand one hundred sixty dollars per annum; and two cashiers who shall receive salaries of two thousand forty dollars each per annum; three deputies who shall receive salaries of two thousand two hundred twenty dollars per annum; three deputies who shall receive salaries of one thousand nine hundred eighty dollars per annum; five deputies who shall receive salaries of one thousand eight hundred dollars each per annum; eight deputies who shall receive salaries of one thousand seven hundred forty dollars each per annum; one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; eighteen clerks at a salary of five dollars each per day, for a period not to exceed two hundred thirty-four days in any one year.

7. Assessor. The assessor, four thousand two hundred dollars per year, provided that in counties of this class there shall be and there hereby is allowed to the assessor one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand seven hundred dollars per annum; nine deputies who shall receive salaries of two thousand four hundred dollars per annum; eleven deputies who shall receive salaries of two thousand one hundred dollars per annum; four deputies who shall receive salaries of one thousand eight hundred dollars per annum; two deputies who shall receive salaries of one thousand six hundred twenty dollars per annum; five deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be seven dollars and fifty cents each when actually employed; twenty deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be six dollars each when actually employed; sixty-five deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be five dollars each when actually employed. It is further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes

on personal property, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section 1901 of the Political Code. It is further provided, that in counties of this class the assessor shall be allowed his traveling expense in performing duties outside his office, said expense, however, not to exceed nine hundred dollars in any one year. It is further provided, that in counties of this class, six deputies shall be allowed traveling expense in performing duties outside the assessors office, said expense, however, not to exceed six hundred dollars per annum for each of said six deputies.

District
attorney

8. District Attorney. The district attorney, six thousand dollars per annum; also, one assistant district attorney who shall receive a salary of four thousand eight hundred dollars per annum; one deputy district attorney who shall receive a salary of three thousand eight hundred forty dollars per annum; one deputy district attorney who shall receive a salary of three thousand six hundred dollars per annum; three deputy district attorneys who shall receive salaries of three thousand five hundred forty dollars per annum; two deputy district attorneys who shall receive salaries of three thousand two hundred forty dollars per annum; one deputy district attorney who shall receive a salary of three thousand dollars per annum; one deputy district attorney who shall receive a salary of two thousand nine hundred forty dollars per annum; two deputy district attorneys who shall receive salaries of two thousand six hundred forty dollars per annum; two investigators who shall receive salaries of two thousand five hundred twenty dollars each per annum; two investigators who shall receive salaries of two thousand four hundred dollars each per annum; two investigators who shall receive salaries of one thousand eight hundred dollars each per annum; one chief clerk who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of two thousand one hundred dollars per annum; one stenographer who shall receive a salary of one thousand eight hundred dollars per annum; one switchboard operator and stenographer who shall receive a salary of one thousand five hundred dollars per annum; one stenographer who shall receive a salary of one thousand three hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand two hundred dollars per annum.

The district attorney and all of his deputies shall devote their entire time, during office hours, to the work of the county and state, and are prohibited from engaging in private legal practice within such office hours.

Conditions in counties of this class now require that the district attorney have the assistance of all of the deputies, investigators, clerks, and stenographers above enumerated; in the event that the business of the office of district attorney of said county shall decrease, then it shall be the duty of the district attorney to keep on his staff only such deputies, investi-

gators, clerks and stenographers as will enable him to properly and expediently handle the criminal and civil business of the district attorney's office of counties of this class.

Provided, further, that the district attorney in counties of this class shall furnish all legal services incident to the creation of improvement districts authorized or created by the board of supervisors of such counties and shall handle such work and provide such legal services with the force of deputies and assistants above provided for the use of the district attorney; provided, however, that if the district attorney shall not have a sufficient number of deputy district attorneys to properly and expediently handle all of the civil and criminal business of counties of this class, and the work of furnishing legal services in connection with the creation of all improvement districts in such counties, then the board of supervisors shall determine the existence of an emergency and shall allow such additional assistance to the district attorney as may be necessary to properly handle the work incident to the creation of such improvement districts, and such assistants appointed specially for the district attorney in the handling of such work incident to the creation of improvement districts shall be paid a reasonable amount for their services actually rendered; and in all cases where legal services are furnished by the district attorney of counties of this class in the creation of improvement districts the board of supervisors shall determine the actual cost to such county of the legal, stenographic and clerical services so furnished by such county in the creation of such improvement district and shall require the cost thereof to be included as a part of the cost of the improvement district and shall require that the county be reimbursed for the cost of services so rendered and such expense shall be included as an incidental expense of the formation of such districts.

9. Superintendent of schools. The superintendent of schools, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the superintendent of public schools one assistant superintendent who shall receive a salary of two thousand seven hundred dollars per annum; one field assistant who shall receive a salary of three thousand dollars per annum; three deputies who shall receive salaries of one thousand nine hundred eighty dollars each per annum, one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; two deputies who shall receive a salary of one thousand five hundred dollars each per annum and one deputy who shall receive a salary of one hundred fifty dollars per month for time actually employed.

It is further provided, that in counties of this class the county school superintendent, his field assistant and his deputies shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and performing such other duties as are

incident to the full discharge of the requirements of the office of the superintendent of schools, office of field assistant to the superintendent of schools, and the office of deputy of the superintendent of schools, the claims for such expenses to be subject to the approval of the board of supervisors.

Public ad-
ministrator

10. Public administrator. The public administrator, four thousand two hundred dollars per annum, commencing January 1, 1931, after date. The public administrator shall collect the fees provided by law for his services, and shall pay the same into the county treasury. In counties of this class there shall be, and there is hereby allowed the public administrator, at the time this act takes effect, one clerk, who shall receive a salary of one thousand eight hundred dollars per annum.

The public administrator shall also be allowed his traveling expenses, actually and necessarily incurred in the performance of his duties.

Until the end of the term of the public administrator in office in this class of counties, at the time this act takes effect, he shall pay into the county treasury all fees received by him in excess of four thousand two hundred dollars per annum, but shall retain the said four thousand two hundred dollars per annum for his own use; provided, however, that for the portion of the calendar year 1929 remaining after this act takes effect, he shall retain only that portion of four thousand two hundred dollars which bears the same ratio to four thousand two hundred dollars as the remaining portion of the year 1929 bears to a full calendar year.

Coroner

11. Coroner. The coroner, three thousand six hundred dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties.

In counties of this class, there shall be and there is hereby allowed the coroner one autopsy surgeon who shall receive a salary of two thousand seven hundred dollars per annum, and fifteen cents for each mile traveled when he provides his own conveyance in the performance of his official duties; two deputy coroners who shall receive a salary of two thousand one hundred dollars each per annum, and in addition thereto the board of supervisors shall allow each deputy coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties. The sheriff shall act as summoning officer for the coroner and shall serve all processes requested by him.

Surveyor

12. Surveyor. The surveyor, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy who shall receive a salary of three thousand dollars per annum; one chief field deputy who shall receive a salary of three thousand dollars per annum; one deputy and bridge engineer who shall receive a salary of three thousand dollars per

annum; two deputies who shall receive salaries of two thousand seven hundred twenty dollars each per annum; two deputies who shall receive salaries of two thousand two hundred eighty dollars each per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy and chainman who shall receive a salary of two thousand one hundred dollars per annum; one stenographer and file clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; and such chainmen and rodmen as may be necessary in the field, who shall receive a compensation of five dollars per diem each.

The county surveyor, his deputies and assistants shall be allowed their actual traveling expenses while in the performance of duties in the field.

The surveyor and his deputies are prohibited from engaging in private surveying or engineering work and shall devote their entire time and service to the work of the county.

Provided, further, that the county surveyor in counties of this class shall do all engineering work incident to the creation of improvement districts authorized or created by the board of supervisors of such counties and shall handle such work with the force of deputies and assistants above provided for the use of said surveyor; provided, however, that if the surveyor shall not have a sufficient number of deputies to properly and expediently handle all of such engineering work in counties of this class and the work of furnishing engineering services in connection with the creation of all improvement districts in such counties, then the board of supervisors shall determine the existence of an emergency and shall allow such additional assistants to the county surveyor as may be necessary to properly handle the work incident to the creation of such improvement districts and such assistants appointed specially for the county surveyor in the handling of such work incident to the creation of improvement districts shall be paid a reasonable amount for their services actually rendered; and in all cases where engineering services are furnished by the county surveyor of counties of this class in the creation of improvement districts the board of supervisors shall determine the actual cost to such county of the engineering services so furnished by such county in the creation of each improvement district and shall require the cost thereof to be included as a part of the cost of the improvement district and shall require that the county be reimbursed for the cost of services so rendered and such expense shall be included as an incidental expense of the formation of such districts.

The county surveyor shall also be known and designated as county engineer.

13. For the purpose of regulating the compensation of the justices of the peace and constables, townships in counties of this class are hereby classified as follows: Townships having a population of over thirty thousand shall be designated as townships of the first class; townships having a population of

Township
classifi-
cation

more than fifteen thousand and under thirty thousand shall be designated as townships of the second class; townships having a population under fifteen thousand shall be designated as townships of the third class.

Justices of
the peace

14. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class, five thousand dollars per annum each.

In townships of the second class, one thousand eight hundred dollars per annum.

In townships of the third class, seven hundred twenty dollars per annum each.

Such salaries shall be as full compensation for all services rendered by them in both civil and criminal cases. In townships of the first class, in counties of this class, there shall be four township justices of the peace in and for said townships of the first class, and the said officers are hereby created; and in townships of the second and third class in counties of this class there shall be one justice of the peace in and for said townships.

In townships of the first and second and third classes the board of supervisors of the counties of this class shall furnish the justices of the peace suitable court rooms and equipment.

In townships of the first class in counties of this class there shall be allowed a clerk to be appointed by and act as clerk for all of the said justices of the peace and the justice's court of said township, which said clerk shall be designated as central clerk of the justice's court and shall receive a salary of two hundred fifty dollars per month; provided, said central clerk shall be allowed one deputy central clerk at a monthly salary of one hundred seventy-five dollars, and one deputy central clerk at a monthly salary of one hundred sixty-five dollars, and four deputy court clerks at monthly salaries of one hundred sixty-five dollars each, and said salaries shall be payable monthly in the same manner as the salaries of county officers are paid; said central clerk shall be appointed by said justices of the peace subject to confirmation by the board of supervisors and shall hold office at the pleasure of the justices of the peace; said offices of central clerk, deputy central clerk, and deputy court clerks are hereby created.

Said central clerk, deputy central clerk, and deputy court clerks shall take the oath of office prescribed for county officers, and said central clerk shall give a bond in the sum of not less than five thousand dollars, conditioned upon and for the faithful discharge of the duties of the office of central clerk; said bond shall be approved and filed in the same manner as are bonds of county officers. If a surety company be the surety on such bond the premium or charge thereon shall be paid by the county in the same manner as are the bonds of county officers.

Said central clerk shall perform the duties required by law and also such clerical duties in connection with the business of the court as shall be required of said central clerk; he shall keep a record of the proceedings of said courts and shall have the custody of all records and papers in said justice courts, and in addition to the other powers conferred upon him by law shall be authorized in civil actions to issue, sign, certify and file all pleadings, summons, writs, notices, subpoenas, abstracts, certificates, transcripts, records and proceedings which are required to be issued, signed, certified or filed by the justices of the peace, and in criminal matters pending before said justices of the peace to file all papers, to issue subpoenas, to prepare bonds, justify bail when the amount has been fixed by the court or justice, and may administer and certify oaths, and to attest and authenticate such acts in substantially the following form:

 Justice of the peace.
 By-----
 Central clerk.
 By-----
 Deputy clerk.

Said central clerk shall exact in advance and receive all fees which are allowed by law for any official service of the justices of the peace, and shall collect and receive all fines and forfeitures in criminal cases, and said central clerk shall account for the same under oath and shall pay the same to the authorities legally entitled to receive the same at the time and in the manner provided by law.

In townships of the first class in counties of this class, the said justices shall choose one of their number to serve as presiding justice of the justices courts of said township.

Provided further, that in townships of the first class in counties of this class the justices of the justice's court shall devote their entire time to the affairs and duties of their courts, and shall not engage in the practice of law or act as attorney for any person.

In townships of the second class in counties of this class, there shall be allowed a clerk in each of said justices' courts who shall receive a salary of nine hundred dollars per annum.

15. In counties of this class constables shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class in all criminal cases, in lieu of fees now allowed by law, one thousand eight hundred dollars per annum;

In townships of the second class in all criminal cases, in lieu of fees now allowed by law, one thousand dollars per annum;

In townships of the third class in all criminal cases, in lieu of fees now allowed by law, seven hundred twenty dollars per annum.

In all townships in counties of this class the constable shall be allowed, in addition to the compensation above set forth, all fees in civil cases as are now or hereafter may be allowed by law, and actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

In townships of the first class, in counties of this class, the board of supervisors shall furnish the constables' offices with necessary and proper furniture for each of said constables

Supervisors

16. Each member of the board of supervisors, three thousand nine hundred dollars per annum. This shall cover all his services as supervisor and road commissioner; provided, that in counties of this class each member of the board of supervisors shall be allowed his actual expenses in the performance of his official duties, the said expenses, however, for each member of the board not to exceed the sum of five hundred dollars in any one year; and provided, further, that this act shall not affect the present incumbent members of the board of supervisors.

Librarian

17. The board of supervisors shall, within thirty days after the taking effect of this act, appoint a county librarian, whose salary shall be two thousand seven hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of the other county officers; provided, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

Apiary
Inspector

18. The apiary inspector shall receive a salary of one thousand two hundred dollars per annum, and shall be paid at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid, and such salary shall be full compensation for the services of said apiary inspector. Said apiary inspector shall, however, be allowed actual and necessary traveling expenses.

Deputies,
etc

19. The deputies, clerks, copyists and employees mentioned in this section are hereby allowed to the respective county officers named who shall appoint the same, and said deputies, clerks, copyists and employees shall be paid by the counties of this class in monthly installments, at the same time, in the same manner, and out of the same fund as the salaries of the county officers are paid.

Sealer

20. Sealer of weights and measures. The sealer of weights and measures, three thousand six hundred dollars per annum, and said sealer of weights and measures is allowed the further sum of seventy-five dollars per month for automobile allowance; provided, that in counties of this class the sealer of weights and measures shall be and there is hereby allowed to said sealer of weights and measures one assistant sealer of

weights and measures who shall receive a salary of two thousand two hundred eighty dollars per annum; and said assistant sealer of weights and measures is allowed the further sum of seventy-five dollars per month for automobile allowance; provided, that in counties of this class the sealer of weights and measures shall be and there is hereby allowed to said sealer of weights and measures one assistant sealer of weights and measures who shall receive a salary of one thousand nine hundred twenty dollars per annum; and said assistant sealer of weights and measures is allowed the further sum of seventy-five dollars per month for automobile allowance; they to furnish their own cars, upkeep, oil and gasoline; provided, further, that in counties of this class there shall be and there is hereby allowed to the said sealer of weights and measures a clerk who shall receive a salary of one thousand two hundred dollars per annum. The sealer and assistant sealers of weights and measures shall be allowed their traveling expenses actually and necessarily incurred in the performance of their duties.

21. The fees of the grand jurors and trial jurors in the superior courts of said counties of this class, in civil and criminal cases shall be the amount provided by law, in lawful money of the United States, for each day's attendance, and the mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for. Jurors

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

SEC. 2. Section 4233a of the Political Code is hereby repealed. Repeal

CHAPTER 459

An act making an appropriation from the contingent fund of the state board of pharmacy to be used by the regents of

*the University of California for the use and benefit of the
College of Pharmacy of the University of California.*

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Appropriation

SECTION 1. The sum of one hundred thousand dollars (\$100,000) from moneys in the contingent fund of the state board of pharmacy is hereby appropriated, transferred, and set over to the regents of the University of California for the purposes hereinafter in this act set forth.

College of Pharmacy

SEC. 2. The regents of the University of California are hereby directed and empowered to expend and/or use the sum of money by this act appropriated for one or more of the following purposes: meeting all or any part of the cost of construction of a building for the use of the College of Pharmacy of the University of California, providing furnishings for such or any building now or hereafter used by said college, providing equipment for such or any building now or hereafter used by said college, or establishing an endowment for said college.

CHAPTER 460

An act to amend section 7371 of the Political Code, relating to salary of judges of the superior court in and for the county of Humboldt.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Stats 1927,
p 560

SECTION 1 Section 7371 of the Political Code is hereby amended as follows:

Humboldt
county
superior
judges

7371. The annual salary of each of the judges of the superior court in and for the county of Humboldt is six thousand dollars.

CHAPTER 461

An act making an appropriation to pay the claim of Edmund M. Moor against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Special appropriation

SECTION 1. The sum of five thousand seven hundred seventeen 21/100 dollars (\$5,717.21) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of Edmund M. Moor against the State of California.

CHAPTER 462

An act to amend section 4255, to repeal sections 4256a and 4256b, and to add section 4255a to the Political Code, relating to the salaries and fees of county officers in counties of the twenty-sixth class.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4255 of the Political Code is hereby amended to read as follows:

Stats 1929,
p. 218
(formerly
Sec 4256)

4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Merced
county
salaries.

1. The county clerk, three thousand dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of two thousand one hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum.

Clerk

The county clerk shall also be allowed one copyist at a salary of one thousand five hundred dollars per annum, and one copyist during each even numbered year at a salary of one hundred dollars per month, said deputies and copyists to be appointed by the county clerk; provided, that in counties of this class there shall be and is hereby allowed to the county clerk such additional assistance and copyists as the clerk may require, and whose compensation in the aggregate shall not exceed five hundred dollars in any one year.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any other necessary and proper business. The sheriff shall be allowed one deputy, to be known as undersheriff who shall be the jailer, at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum; said deputies to be appointed by the sheriff.

Sheriff

3. The recorder, three thousand dollars per annum; provided, that in counties of this class there shall be and there is

Recorder

hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county and shall be paid salaries and compensation as follows:

One chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and three additional deputies for indexing and comparing, each of whom shall receive a salary of one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; provided, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid in to the county treasurer.

Auditor

4. The auditor, three thousand dollars per annum. The auditor shall be allowed two deputies, at a salary of one thousand eight hundred dollars each per annum; said deputies to be appointed by the auditor; provided, that in counties of this class there shall be and is hereby allowed to the county auditor such additional clerks and assistants as the county auditor may require at a salary of not to exceed five dollars per day each, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year.

As compensation for keeping records of orphan and half-orphan aid the auditor shall receive a commission of five per cent of the amount expended for such aid, said commission to be paid from the same fund as the orphan and half-orphan aid.

When required by the board of supervisors to compile an annual statistical report, the auditor shall receive three hundred dollars from the general fund of the county as compensation for compiling such report.

Treasurer

5. The treasurer, three thousand dollars per annum. The treasurer shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the treasurer.

Tax collector.

6. The tax collector, three thousand dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy

to be appointed by the tax collector; and provided, further, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of one hundred twenty-five dollars per month; said deputy to be appointed by the tax collector; provided, further, that in counties of this class there shall be and is hereby allowed to the tax collector such additional clerks and assistants as the tax collector may require, and whose compensation shall in the aggregate not exceed five hundred dollars in any one year.

7. The assessor, three thousand six hundred dollars per annum and necessary traveling expenses in the performance of the duties of his office; provided, that in counties of this class there shall be, and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: One assistant assessor who shall receive a salary of two thousand four hundred dollars per annum; one deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; one copyist for a period not to exceed eight months in any one year at a salary of one hundred twenty-five dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand nine hundred twenty-five dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; provided, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed six hundred dollars in any one year. All fees and commissions received by the assessor, shall be paid by him monthly into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents. Assessor.

8. The district attorney, three thousand six hundred dollars per annum. The district attorney shall be allowed one deputy at a salary of two thousand five hundred twenty dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; also a stenographer at a salary of one thousand six hundred twenty dollars per annum; said deputies and stenographer to be appointed by the district attorney. District attorney.

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

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

11. The superintendent of schools, three thousand dollars per annum; and shall also be allowed the compensation Superintendent of schools

allowed by law for services on the board of education and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum; said deputies to be appointed by superintendent of schools.

Surveyor

12. The surveyor, such fees as are now or may hereafter be allowed by law.

Township
classifi-
cation

13 For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of the twenty-sixth class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section 4055 of the Political Code. Townships having a population of six thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than six thousand five hundred and more than five thousand shall belong to and be known as townships of the second class. Townships having a population of less than five thousand and more than one thousand six hundred shall belong to and be known as townships of the third class. Townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one hundred seventy-five dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month.

Justices of
the peace

Constables

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, one hundred fifty dollars per month; in townships of the second class, one hundred ten dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month; constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court, and, in case of conviction, from the court to the county jail.

Supervisors

15. Supervisors, each, the sum of one thousand eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization. Each supervisor shall receive mileage at the rate of twenty-five cents per each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of

their duties as such road commissioner; provided, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

15a. There is created for counties of the twenty-sixth class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand five hundred dollars per annum; to be paid at the time and in the manner as other county officers. Librarian

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law. Reporter

16a. The county traffic officer, two thousand one hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the county traffic officer three deputies which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum which shall be paid by said county in monthly installments at the same time in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officer and his deputies and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law. Traffic officer

17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only. Jurors

18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum. Public defender

19. The provisions of subdivision eighteen of this section shall have no force unless the office therein anticipated is created by constitutional or legislative enactment.

20. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month. Salary payments

SEC. 2. A new section is hereby added to the Political Code to be numbered 4255a, and to read as follows: New section

4255a. In counties of the twenty-sixth class the surveyor shall receive two thousand seven hundred dollars for the balance of the calendar year of 1927, and shall be allowed one deputy at a salary of one thousand eight hundred dollars and a clerk at a salary of one thousand three hundred fifty dollars for the same period. The surveyor shall also be paid the actual and necessary expenses of transportation of himself, his Surveyor

deputy and surveying crews, and subsistence of himself and deputy, all while in the field.

He shall be allowed two engineers at a wage of eight dollars per diem, and four chainmen at a wage of four dollars per diem, each, when actually and necessarily engaged in assisting the surveyor or in the discharge of his duties.

The county shall also provide for the use of the surveyor, a suitable office, office furniture, field and office equipment, lights and care of said office, office and record books, and other necessary materials for the performance of his duties.

After the thirty-first day of December, 1927, the surveyor shall receive ten dollars per day for all work performed for the county. He shall have one deputy who shall be paid eight dollars per day for all work performed for the county, and one clerk at a salary of one thousand eight hundred dollars per annum, said deputy and clerk to be appointed by the surveyor and hold office at his pleasure.

The surveyor shall also be paid the actual and necessary expenses of transportation of himself, his deputy and surveying crews, and subsistence of himself and deputy, all while in the field.

In addition the surveyor shall be allowed from time to time to employ such engineers, inspectors and draftsmen at a wage of eight dollars per diem, and such rodmen and chainmen at a wage of four dollars per diem to help in the duties of his office; provided, however, that the total compensation for said engineers and employees (not including compensation for surveyor, deputy surveyor and clerk) shall not exceed the sum of eight thousand dollars for any one year.

The salaries and expenses of surveyor, deputy surveyor, clerk and the salaries and expenses of field or office help shall be paid out of the county general fund, upon proper claims presented therefor to the board of supervisors.

Repeal

Sec. 3. Sections 4256a and 4256b of the Political Code are hereby repealed.

CHAPTER 463

Stats. 1913,
p. 461,
repealed

An act providing for cooperative construction or improvement of highways by the state and a county or counties, and repealing an act entitled "An act providing for the construction and maintenance by the state of state aid highways in counties and towns," approved June 5, 1913.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Petition for
state aid

SECTION 1. The board of supervisors, or other governing body of any county may, by a vote of not less than three-fifths of the membership of such board, or other governing body, petition the state department of public works, herein-

after referred to as the department, to cooperate, under the provisions of this act, in the improvement of an existent highway or the construction of a proposed highway in such county supplying an extension of a forest highway system road or national park road already built or under construction, to connect with any highway which forms part of the state highway system of California, provided that such connecting road shall not exceed fifty miles in length. Such petition shall contain a description of the highway proposed to be improved or constructed, a statement as to whether the county will supply, at its own expense, such rights of way as may be necessary, a statement of the funds which such county already has available or proposes to provide for such construction together with such other information or data as the department may request. Provided that, when the highway sought to be improved or constructed under this act shall lie or be situate in two or more counties a three-fifths vote of the board of supervisors, or other governing body of each of such counties shall be required to initiate the proceedings provided for herein.

SEC. 2. Upon receipt of such a petition as is outlined in section 1 hereof the department shall give careful consideration to the matters contained therein and if it shall determine that public necessity and convenience will be served thereby it is hereby authorized to cooperate with the petitioning county or counties in such a manner as may be mutually agreeable for the purpose of procuring preliminary estimates of the cost of the project proposed. After such preliminary estimates have been made and submitted to it the department may then, if it so desires, enter into an agreement with the county or counties interested for the purpose of securing detailed surveys, plans, specifications and estimates of the cost of the proposed project. All such surveys, plans, specifications and estimates of cost shall be subject to the approval of the department. Upon their approval by the department a copy of the petition, plans, specifications and estimates shall be filed with the department, the clerk of the board of supervisors of the county or counties interested and also in the office of the recorder or recorders thereof. Thereupon the department may enter into a written agreement with the county or counties interested for the improvement or construction of the highway in question, including bridges, if any, the cost of such improvement or construction to be prorated between the state and the county or counties interested in such proportion as may be mutually agreed upon. Where the highway proposed to be improved or constructed lies wholly within one county the board of supervisors, or other governing body, of such county may designate the county engineer, surveyor or other engineer to take charge of the work and where two or more counties are interested they shall come into agreement as to the engineer who shall have charge before notifying the department that they are ready to proceed with the work.

Surveys,
estimates,
etc

Agreement.

Bids

SEC. 3. When the department has come into agreement with the county or counties interested in the improvement or construction of any highway coming within the provisions of this act it shall so notify the board or boards of supervisors, or other governing bodies, petitioning it for cooperation and thereupon detailed plans and specifications shall be prepared by the engineer who has been named to take charge of the proposed work and submitted to the department for its approval. If such plans meet with the approval of the department it shall so notify, in writing, the interested board or boards of supervisors who shall then proceed to advertise for bids and let the contract for the improvement or construction of the highway in question after first securing the approval of the department, evidenced by a formal document in writing, of the proposal submitted by the successful bidder. Should the bids for improving or constructing the highway under proposal exceed a figure which, in the opinion of the department, is reasonable, such bids shall be rejected. In such case the project may be readvertised and if, upon such readvertisement no satisfactory bid is received the work proposed may, subject to the approval and inspection of the department, be undertaken by force account.

Payment

SEC. 4. Payment for the work done under this act shall be made in the manner agreed upon and provided by law for the payment of claims against counties and upon satisfactory evidence being presented to the department that the work done has conformed to its requirements the department shall pay its pro rata share of the cost of the work as agreed upon in its usual manner of payment of claims out of any funds which it may legally employ in such a manner.

Repeal.

SEC 5 An act entitled "An act providing for the construction and maintenance by the state of state aid highways in counties and towns," approved June 5, 1913, is hereby repealed.

CHAPTER 464

An act to amend section 73711 of the Political Code, relating to salaries of judges of the superior court in and for the city and county of San Francisco

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Stats 1927,
p 562.

San Fran-
cisco
superior
judges

SECTION 1. Section 73711 of the Political Code is amended to read as follows:

73711. The annual salary of each of the judges of the superior court in and for the city and county of San Francisco is ten thousand dollars.

CHAPTER 465

An act making an appropriation to pay the claim of J. H. Briney against the State of California

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. Out of any money in the state treasury, not otherwise appropriated, the sum of five hundred dollars is hereby appropriated to pay the claim of J. H. Briney against the State of California. Special appropriation

CHAPTER 466

An act appropriating money to pay the claim of Yoshio Matsui against the State of California

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of sixty-one and 05/100 dollars (\$61.05) is hereby appropriated out of any money in the state treasury, in the motor vehicle fuel fund, to pay the claim of Yoshio Matsui against the State of California. Special appropriation

CHAPTER 467.

An act making an appropriation to pay the claim of C. O. DeLand against the State of California.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of eighteen thousand one hundred forty-four and 83/100 dollars (\$18,144.83), is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of C. O. DeLand against the State of California. Special appropriation

CHAPTER 468

An act appropriating money to pay the claim of the disbursing officer of the division of highways, state department of public works, against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931.]

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

Appropriation
division of
highways

SECTION 1. The sum of three hundred nineteen dollars and seventy-one cents (\$319.71) is hereby appropriated out of any money in the state highway maintenance fund to pay the claim of the disbursing officer of the division of highways, state department of public works, against the State of California.

CHAPTER 469.

An act to amend section 2322x30 of the Political Code, relating to the salaries of the county horticultural commissioner, deputies, inspectors, and clerks of the counties of the thirtieth class.

[Approved by the Governor May 28, 1931 In effect August 14, 1931.]

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

Stats. 1927,
p 500 (for-
merly Sec
2322x29)
Kings
county
agricultural
commis-
sioner

SECTION 1. Section 2322x30 of the Political Code is hereby amended to read as follows:

2322x30. In counties of the thirtieth class the commissioner shall receive a salary of two thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) The commissioner is authorized and empowered to appoint one agricultural inspector at a salary of one thousand five hundred dollars per annum and not to exceed three inspectors at a monthly salary of one hundred dollars each during the time actually employed; and three inspectors at a compensation of five dollars per day, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand one hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary not to exceed one thousand dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand dollars.

CHAPTER 470.

An act to regulate the possession or transportation of any form of shell, cartridge or bomb containing or capable of emitting tear gas, and providing penalties for violation thereof.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. On and after the date upon which this act Tear bombs takes effect every person, firm or corporation, who within the State of California, knowingly possesses or transports any shell, cartridge or bomb containing or capable of emitting tear gas, except as permitted under the provisions of this act, shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to Penalty exceed two years or by a fine not to exceed two thousand dollars or by both such fine and imprisonment

Provided, however, that nothing in this act shall prohibit Exceptions police departments and members thereof, sheriffs, and city marshals or the military or naval forces of this state or of the United States from possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

SEC. 2. The term shell, cartridge or bomb as used in this Definitions act shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded through or by the use of percussion caps, fuse or electricity, when such discharge or explosion will cause or permit the release or emission of tear gases.

SEC. 3. It shall be lawful for the superintendent of the Permit division of criminal identification and investigation of the department of penology to issue a permit for the possession and transportation of such shells, cartridges or bombs upon proof to said superintendent that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges or bombs in any place which is accurately and completely described in the application for the permit.

SEC. 4. All applications for such permits shall be filed Application in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which such shells, cartridges or bombs are to be transported, kept, installed or maintained. If such shells, cartridges or bombs are to be used in connection with a protective system, the application shall also contain the name of the person who is to install such protective system.

Permits

SEC. 5. Every person, firm or corporation to whom a permit is issued shall either carry the same upon his person or keep the same in the place described in the permit. The permit shall be open to inspection by any peace officer or other person designated by the authority issuing the permit. Applications and permits shall be uniform throughout the state upon forms prescribed by the division of criminal identification and investigation.

Revocation of permits.

SEC. 6. Permits issued in accordance with this act may be revoked by the issuing authority at any time when it shall appear that the need for the possession or transportation of such shells, cartridges, bombs, or protective system involving the use of the same, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of such shells, cartridges or bombs or the permit issued.

License for sale or installation.

SEC. 7. The superintendent of the division of criminal identification and investigation of the department of penology may also grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of such shells, cartridges or bombs, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges or bombs subject to the following conditions upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license.

2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such shell, cartridge or bomb shall be delivered to any person not authorized to possess or transport the same under the provisions of this act. No protective system involving the use of such shells, cartridges or bombs shall be installed, nor shall supplies be sold for the maintenance of such system unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

Records

4. A complete record must be kept of sales made under the authority of the permit, showing the name and address of the purchaser, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale must be made unless the permit authorizing possession and transportation of shells, cartridges or bombs, is displayed to the seller and the information herein required is copied therefrom.

CHAPTER 471.

An act making an appropriation to pay the claim of Moore Mercantile Company against the State of California.

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

SECTION 1. The sum of sixteen dollars (\$16) is hereby appropriated out of any moneys in the fish and game preservation fund in the state treasury, to pay the claim of Moore Mercantile Company against the State of California. Special appropriation

CHAPTER 472

An act to amend section 2 of chapter 462 of the statutes of 1929, entitled "An act to accept the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled, and approved February 5, 1929, to provide for the further development of vocational education; to create a vocational education fund and making an appropriation therefor," approved May 24, 1929, relating to an appropriation for vocational education. Stats 1929,
p. 826,
amended

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows

SECTION 1. Section 2 of chapter 462 of the statutes of 1929, entitled "An act to accept the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled and approved February 5, 1929, to provide for the further development of vocational education; to create a vocational education fund and making an appropriation therefor," approved May 24, 1929, is hereby amended to read as follows: Stats 1929,
p. 826

Sec. 2. Subject to an act entitled "An act to accept the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled and approved February 23, 1917, to provide for the promotion of vocational education; to create a vocational education fund and making an appropriation therefor." there is in addition to any moneys appropriated under the act referred to in this section hereby appropriated out of any money in the treasury not otherwise appropriated the sum of fifteen thousand dollars for agriculture, and the sum of sixteen thousand five hundred dollars for home economics for the fiscal year ending June 30, 1932; and the sum of nineteen thousand five hundred dollars for agriculture, and Appropriations
agriculture
and home
economics

the sum of twenty-two thousand dollars for home economics, for the fiscal year ending June 30, 1933; and the sum of twenty-five thousand dollars for agriculture, and the sum of twenty-eight thousand dollars for home economics, for the fiscal year ending June 30, 1934.

CHAPTER 473.

An act making an appropriation to pay the claim of Sarah G. White against the State of California.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. The sum of two hundred fifty-three dollars is hereby appropriated out of any money in the nurses' examination and registration fund in the state treasury to pay the claim of Sarah G. White against the State of California.

CHAPTER 474.

An act to repeal section 4270 of the Political Code and to add sections 4270, 4270a, 4270b, 4270c, 4270d, 4270e, 4270f, 4270g, 4270h, 4270i, 4270j, 4270k, 4270l, 4270m, 4270n, 4270o, 4270p, 4270q, and 4270r, relating to the compensation of county and township officers in the county of the forty-first class.

[Approved by the Governor May 28, 1931 In effect August 14, 1931.]

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

Repeal

SECTION 1. Section 4270 of the Political Code is hereby repealed.

Stats 1929,
p. 1095
(formerly
Sec 4272)
San Benito
county
salaries

SEC. 2. A new section is hereby added to the Political Code to be numbered 4270, and to read as follows:

4270. In counties of the forty-first class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

New section

SEC. 3. A new section is hereby added to the Political Code to be numbered 4270a, and to read as follows:

Clerk.

4270a. In counties of the forty-first class the county clerk shall receive a salary of one thousand nine hundred twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; provided, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the

county clerk and shall be paid a salary as follows: The sum of two thousand one hundred dollars per annum, and two deputy clerks who shall be appointed by the county clerk and shall be paid a salary as follows: One deputy clerk, one thousand eight hundred dollars per annum; one deputy clerk, one thousand five hundred dollars per annum; the salaries of said deputies to be payable monthly in the same manner and out of the same fund as the salaries of the other county officers are paid.

SEC. 4. A new section is hereby added to the Political Code to be numbered 4270b, and to read as follows: New section

4270b. In counties of the forty-first class the sheriff shall receive a salary of three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county; provided, that in counties of this class there shall be and there hereby is allowed to the sheriff a deputy sheriff, who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand eight hundred dollars per annum which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid, and an additional deputy sheriff who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand five hundred dollars per annum, which sum shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid. Sheriff.

SEC. 5. A new section is hereby added to the Political Code to be numbered 4270c, and to read as follows: New section.

4270c. In counties of the forty-first class the recorder shall receive a salary of one thousand two hundred dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; provided, that in counties of this class there shall be and there hereby is allowed to the county recorder, one deputy recorder, who shall be appointed by the county recorder and shall be paid a salary of one thousand five hundred dollars per annum. The board of supervisors is hereby authorized to employ such number of copyists at such salaries and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county. Recorder

SEC. 6. A new section is hereby added to the Political Code to be numbered 4270d, and to read as follows: New section

4270d. In counties of the forty-first class the auditor shall receive a salary of eight hundred dollars per annum. Auditor.

- New section** **SEC. 7.** A new section is hereby added to the Political Code to be numbered 4270e, and to read as follows:
- Treasurer** 4270e. In counties of the forty-first class the treasurer shall receive a salary of two thousand four hundred dollars per annum.
- New section** **SEC. 8.** A new section is hereby added to the Political Code to be numbered 4270f, and to read as follows:
- Tax collector** 4270f. In counties of the forty-first class the tax collector shall receive a salary of seven hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is, allowed to the tax collector one deputy for a period not exceeding three months in any one year at a salary of one hundred dollars per month.
- New section** **SEC. 9.** A new section is hereby added to the Political Code to be numbered 4270g, and to read as follows:
- Assessor** 4270g. In counties of the forty-first class the assessor shall receive a salary of three thousand dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of twelve months, beginning on the first Monday in January in each year at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county for the term of four months beginning on the first Monday in March in each year, at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county at the rate of one hundred fifty dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of two thousand eight hundred statements, and said extra deputies shall each serve four months in each year, at the will of the assessor, and shall each be paid one hundred fifty dollars per month. All salaries of deputies as above provided, shall be paid in the same manner and at the same time as the salary of the assessor is paid. All commissions allowed by law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.
- New section** **SEC. 10.** A new section is hereby added to the Political Code to be numbered 4270h, and to read as follows:
- District attorney** 4270h. In counties of the forty-first class the district attorney shall receive a salary of one thousand eight hundred dollars per annum.
- New section** **SEC. 11.** A new section is hereby added to the Political Code to be numbered 4270i, and to read as follows:
- Coroner** 4270i. In counties of the forty-first class the coroner shall receive a salary of such fees as are now or may hereafter be allowed by law.

SEC. 12. A new section is hereby added to the Political Code to be numbered 4270j, and to read as follows: New section

4270j. In counties of the forty-first class the superintendent of schools shall receive a salary of two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools of the county; provided, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, one clerk, which office is hereby created, at a salary of nine hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. And it is hereby found as a fact that the changes herein provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbent. Superintendent of schools

SEC. 13. A new section is hereby added to the Political Code to be numbered 4270k, and to read as follows: New section.

4270k. In counties of the forty-first class the public administrator shall receive a salary of such fees as are now or may hereafter be allowed by law. Public administrator.

SEC. 14. A new section is hereby added to the Political Code to be numbered 4270l, and to read as follows: New section.

4270l. In counties of the forty-first class the surveyor shall receive a salary of such fees as are now or may hereafter be allowed by law. The surveyor of counties of the forty-first class shall receive the sum of ten dollars per day for all work performed for the county, and in addition thereto, his actual reasonable and necessary expenses incurred in the discharge of his official duties, all of which compensation and expenses shall be paid upon the filing of a verified claim for the same with the board of supervisors. Surveyor.

SEC. 15. A new section is hereby added to the Political Code to be numbered 4270m, and to read as follows: New section.

4270m. In counties of the forty-first class justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, one hundred dollars per month; in townships having a population of less than four thousand and more than two thousand, eighty-five dollars per month; in townships having a population of two thousand or less, twenty dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; provided, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees. Justices of the peace.

For the purposes of this subdivision, the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. 1920.

New section SEC. 16. A new section is hereby added to the Political Code to be numbered 4270n, and to read as follows:

Constables. 4270n. In counties of the forty-first class constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than four thousand, thirty-five dollars per month; in townships having a population of less than four thousand and more than two thousand, thirty dollars per month; in townships having a population of two thousand or less, fifteen dollars per month; provided, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

For the purposes of this subdivision, the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. 1920.

New section SEC. 17. A new section is hereby added to the Political Code to be numbered 4270o, and to read as follows:

Supervisors 4270o. In counties of the forty-first class each supervisor shall receive a salary of nine hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

New section SEC. 18. A new section is hereby added to the Political Code to be numbered 4270p, and to read as follows:

Board of education 4270p. In counties of the forty-first class each member of the county board of education, including the secretary, shall receive one hundred fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section 1770.

New section SEC. 19. A new section is hereby added to the Political Code to be numbered 4270q, and to read as follows:

Jurors 4270q. In counties of the forty-first class grand and trial jurors in the superior court shall receive three dollars per

day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto shall receive for each mile actually traveled, in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

SEC. 20. A new section is hereby added to the Political Code to be numbered 4270r, and to read as follows: New section

4270r. In counties of the forty-first class librarians shall receive one thousand eight hundred dollars per annum. Librarian.

CHAPTER 475.

An act making an appropriation to pay the claim of Pacific Gas and Electric Company against the State of California.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of twenty-five $37/100$ dollars (\$25.37) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Pacific Gas and Electric Company against the State of California. Special appropriation

CHAPTER 476.

An act to provide for the elimination of camel's thorn and to provide an appropriation therefor.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The plant known as camel's thorn is hereby declared to be a public nuisance wherever found, and may be abated by summary action or otherwise under the provisions of law relating to the abatement of public nuisances. Camel's thorn declared nuisance

SEC. 2. Out of any moneys in the state treasury not otherwise appropriated, the sum of ten thousand dollars is hereby appropriated to be expended in accordance with law by the director of agriculture for the elimination of camel's thorn. Such sum, or so much thereof as may be required, shall be expended as the state's share of the cost of eliminating camel's thorn from the State of California. Appropriation.

SEC. 3. It shall be the duty of the director of agriculture to eradicate camel's thorn wherever the same exists in this state. The expense thereof shall be borne one-third by the Eradication Expense

Lien for expenses.

State of California, to be paid out of the sum appropriated by this act, one-third by the county in which the land is located on which such camel's thorn exists, and one-third by the owner of such land. The board of supervisors shall allow and pay the share of the county and the share of the owner of the land out of the general fund of the county, and the share of the owner of the land so paid shall be and become from the date of payment a lien on the land on which the work of eradication was done. The board of supervisors shall cause a notice of such lien to be filed and recorded as provided in section 2322a of the Political Code in regard to the liens therein described, and the provisions of said section relating to such liens shall apply so far as pertinent to any lien created under the provisions of this act, but only so much of the land on which the work of eradication was done may be sold as may be necessary to secure a sum sufficient to satisfy the lien.

CHAPTER 477.

An act increasing the number of judges of the superior court of the State of California, in and for the county of San Mateo, and providing for the appointment of an additional judge and for his compensation.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

Additional superior judge, San Mateo county Appointment.

SECTION 1. The number of judges in the superior court of the State of California, in and for the county of San Mateo, is hereby increased from one to two.

Successor

SEC. 2. Within ten days after the taking effect of this act the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of San Mateo, who shall hold office until the first Monday after the first day in January, A.D. 1933. At the general election to be held in November, A.D. 1932, a judge of the superior court of said county shall be elected in said county who shall be the successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law. The salary of said additional judge shall be the same in amount and shall be paid at the same time and in the same manner as the salaries of the other judges of said superior court now or hereafter authorized by law.

Salary.

CHAPTER 478.

An act to add a new article to chapter three of title one to part three of the Political Code, to be numbered article IIa.

embracing sections 360 to 360i, both inclusive, relating to a department of motor vehicles and repealing sections 363k, 363l and 363m of the Political Code, and repealing section 30 of the California vehicle act, relating to the division of motor vehicles.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

SECTION 1. The Political Code is hereby amended by ^{New article.} adding a new article to chapter three of title one of part three thereof, to be numbered article IIa:

ARTICLE IIa.

THE DEPARTMENT OF MOTOR VEHICLES.

360. A department of the government of the State of California to be known as the department of motor vehicles is hereby created. The department shall be conducted under the control of an executive officer to be known as the director of motor vehicles, which office is hereby created. The director shall be appointed by the governor and shall hold office at the pleasure of the governor. The director shall receive no salary, but shall be allowed his actual and necessary traveling expenses incurred in the performance of the duties of his office. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties. Department of motor vehicles.
Director.

360a. For the purpose of administration, the department shall be forthwith organized by the director of motor vehicles with the approval of the governor in such manner as shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department is hereby divided into at least two divisions, to be known respectively as the division of registration and the division of enforcement. Organiza-
tion

360b. The division of registration shall be conducted under the control of a chief of said division to be known as the registrar of vehicles, which office is hereby created. The registrar of vehicles shall be appointed by and hold office at the pleasure of the director, subject to the approval of the governor, and shall receive an annual salary of five thousand dollars. Before entering upon the duties of his office, the registrar of vehicles shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars. The registrar of vehicles with the approval of the director may appoint a deputy registrar and secretary, whose salaries shall be fixed by the director, with the approval of the department of finance, which positions, together with such investigators as may be necessary, are hereby declared to be exempt from the provisions of the civil service law. Division of registration.

Division of
enforcement
California
highway
patrol
Chief

360c. (a) The division of enforcement, to be known as the California highway patrol, shall be conducted under the control of a chief of said division to be known as the chief of the California highway patrol, which office is hereby created. The chief of the California highway patrol shall be appointed by and hold office at the pleasure of the director, subject to the approval of the governor, and shall receive an annual salary of seven thousand two hundred dollars. Before entering upon the duties of his office, the chief of the California highway patrol shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars.

(b) The chief of the California highway patrol with the approval of the director may appoint one assistant chief and such deputy chiefs of the California highway patrol, as may be necessary, which offices are hereby created. The assistant chief shall serve at the pleasure of the chief of the California highway patrol and his salary and the salaries of the deputy chiefs shall be fixed by the director, with the approval of the department of finance. The chief of the California highway patrol may appoint a secretary and a stenographer whose salaries shall be fixed by the director, with the approval of the department of finance. The positions of assistant chief, secretary and such investigators as may be necessary are hereby declared to be exempt from the provisions of the civil service law. The chief and assistant chief of the California highway patrol shall succeed to and be vested with all the duties, responsibilities, powers and jurisdiction and shall exercise all powers and jurisdiction of the superintendent and assistant superintendent of the California highway patrol.

Appoint-
ment of
officers, etc

(c) The chief of the California highway patrol, with the approval of the director, shall appoint, in accordance with the provisions of the civil service act, all necessary inspectors, deputy chiefs, captains, traffic officers, traffic clerks, and other employees, for the purpose of enforcing the provisions of the California vehicle act, with such salaries as may be fixed by the director, with the approval of the department of finance.

All members and employees of the patrol holding their positions under civil service rating on the day this act takes effect shall retain their civil service status. Such specialized positions as are necessary in the discretion of the chief of the patrol shall be filled from open competitive examinations.

California
highway
patrol.

(d) The director of the department of motor vehicles, the chief, assistant chief and deputy chiefs of the California highway patrol, and the inspectors, captains and traffic officers as provided herein shall constitute the California highway patrol and are hereby vested with the authority of peace officers for the purpose of enforcing the provisions of the California vehicle act in any part of the state, and shall also have the power of serving warrants relating to the enforcement of the provisions of the California vehicle act, issued by any court of this state in any portion thereof.

(e) The division shall in counties having charters, other than counties of the first and second class, and may from time to time, in such localities of the state, as it shall deem most suitable, establish headquarters or substations for the efficient performance of the duties of the California highway patrol and for that purpose may lease or purchase lands and buildings

County headquarters

(f) The division is hereby authorized to:

Powers of division of enforcement

(1) Establish a school for the training and education of the members of the California highway patrol in traffic regulation, their duties and the proper enforcement of the California vehicle act.

Training schools

(2) Create districts within the state in the organization of the California highway patrol.

Districting

(3) Adopt rules covering the policy, procedure, regulation and administration of all activities of the California highway patrol.

Rules of activity

(g) The division shall issue to each member of the California highway patrol a badge of authority with the words "California highway patrol" encircling the same, the seal of the State of California in the center thereof, and below the designation of the office held by each member thereof.

Badges

No badge shall be issued by the director of the department of motor vehicles, chief of the patrol or any other person to any person who is not a duly authorized employee and acting member of the California highway patrol.

(h) Any person who without authority wears the badge of a member of the California highway patrol or a badge of similar design which would tend to deceive anyone shall be guilty of a misdemeanor.

(i) Any person who impersonates a member of the California highway patrol with the intention to deceive anyone shall be guilty of a misdemeanor.

Impersonating patrolman

(j) Applicants for examination for captains, traffic officers, and traffic clerks, shall be limited to citizens of the United States who shall have for at least one year immediately preceding the date of any such examination maintained a bona fide residence within one of the counties in which the highway patrol is established.

Applicants for examination.

When appointments are to be made of inspectors, captains, traffic officers, and clerks, to serve in any county of the state, the board of supervisors of such county shall be notified by the division of such contemplated appointments and thereupon the said board of supervisors shall submit to the division a list of names of proposed captains, traffic officers, and clerks. No person shall be eligible for any such appointment unless he shall have been a resident of the county in which he is to serve at least six months prior to the date of his appointment. Such persons shall be required to take an examination in accordance with the civil service act and appointments shall be made from the eligible list resulting from said examination. If any board of supervisors should fail or refuse to

List prepared by supervisors

Examination

submit a list of names for such appointments and examination, the division shall submit a list of names to the civil service commission for examination; and appointments by the chief of the California highway patrol, subject to the approval of the director of motor vehicles shall be made from the eligible lists, resulting from said examination. Any person appointed under the provisions of this subdivision must serve a probationary period of one year and if upon the expiration thereof he retains his position, he shall acquire permanent civil service status and shall be rated as to efficiency by the chief of the California highway patrol in accordance with the state civil service act. Promotional examinations shall be as provided in section 13 of the civil service act; provided, however, that any candidate for promotion shall have served at least one year in the next lower grade.

Service outside county

The chief of the division whenever in his opinion an emergency in the enforcement of this act exists, is hereby authorized to assign the members of the "California highway patrol" for service in any portion of the state; provided, however, that no member of the "California highway patrol" appointed to serve in any county shall be assigned for service outside said county for a longer period than one week, without the consent of the board of supervisors of that county.

Appointments prior to December 31, 1933

(k) In appointing prior to December 31, 1933, members of the California highway patrol to serve in any county in which is maintained a traffic patrol at the time this amendment takes effect, the chief of the California highway patrol, subject to the approval of the director of motor vehicles, upon requisition of the board of supervisors of that county may appoint the traffic officers of such county who have held their positions as such for one year previous to the date of such appointment. Members so appointed under this subdivision holding their positions after the expiration of a probationary period of one year shall automatically acquire permanent civil service status without examination and shall be rated as to efficiency by the chief of the California highway patrol in accordance with the terms of this act.

Civil service status

Day and night patrol

(l) The chief of the division shall make adequate provision for the patrol of the highways both day and night.

Violations of civil service act

(m) Members of the California highway patrol guilty of any of the offenses or violations set forth in section 14 of the civil service act, or the rules and regulations of the division of enforcement, shall be subject to the penalties set forth in said section 14 of the civil service act, after trial and hearing by a trial board of three officers of equal or superior rank, who shall be designated as such by the chief of the division of enforcement.

Trial.

(n) Members of the California highway patrol shall not be subject to the penalties set forth in section 14 of the civil service act until after a fair and impartial trial before the trial board upon a verified complaint filed with such board setting

forth specifically the acts complained of, and after such reasonable notice to them as to the time and place of hearing as such board may, by rule, prescribe. The hearing shall be held at a place to be designated by the chief of the division within the county in which the offense charged is alleged to have been committed. The accused shall be entitled, upon hearing, to appear personally or with counsel and to have a public trial.

Venue.

(o) The findings of the trial board shall be submitted to the chief of the division of enforcement for his decision, and such decision, when approved by the civil service commission, shall be final.

Decision by chief.

360d. The director of motor vehicles as head of the department of motor vehicles shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes now or hereafter vested by law in the department of motor vehicles and especially those duties, powers, jurisdictions and responsibilities now vested in the division of motor vehicles of the department of public works or the chief thereof by the California vehicle act. The director of motor vehicles shall succeed to, be vested with and perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes now vested in the director of public works over the division of motor vehicles of the department of public works. The director may appoint a deputy director and a secretary, whose salaries shall be fixed by the director, with the approval of the department of finance. The positions of deputy director and secretary are hereby declared to be exempt from the provisions of the civil service laws.

Succession to duties, etc., by department

Deputy director and secretary

360e. The department of motor vehicles shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the motor vehicle department of California, the superintendent of the motor vehicle department of California, the division of motor vehicles of the department of finance and the division of motor vehicles of the department of public works, including all those certain duties, powers, purposes, responsibilities and jurisdiction of the department of public works which were heretofore transferred to said department from the department of finance. Whenever, by the provisions of any statute now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon the motor vehicle department, the superintendent of the motor vehicle department, the division of motor vehicles of the department of finance or the division of motor vehicles of the department of public works, or any of the officers or deputies of either thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of motor vehicles, or the proper officers or deputies thereof, with the same force and effect as though the title of the department of motor vehicles or the officers or deputies thereof had been specifically set forth and mentioned therein in lieu of the name of any such board, com-

Succession to duties, etc

Statutes continued in force

mission, office, officers, deputy or employee thereof as the case may be.

Terms to refer to department of motor vehicles

For the purposes of this article the terms, "motor vehicle department," "division of motor vehicles," "division of motor vehicles of the department of finance," "division of motor vehicles of the department of public works" or similar designation, and of the several members, officers, or employees of such board, office or division when used in any statute now in force or that may hereafter be enacted shall be construed to mean and refer to the department of motor vehicles the same as though the title of the department of motor vehicles had been specifically set forth and named therein.

Records, etc
Title to property

Expenditures by department

360f. From and after the date upon which this act takes effect, the department of motor vehicles shall be in possession of and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of the division of motor vehicles or the division of motor vehicles of the department of public works. The department of motor vehicles is hereby authorized and empowered to expend the money in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of which is hereby committed to the department of motor vehicles, or for the use, support or maintenance of the division of motor vehicles or of the division of motor vehicles of the department of public works, such expenditures by the department of motor vehicles to be made in accordance with law in carrying out the purposes for which such appropriations were made or such special funds created.

Employees

360g. The department of motor vehicles is authorized to employ and, with the approval of the department of finance, fix the salaries of such officers, deputies, employees, and technical experts as may be necessary for the proper discharge of the duties of the department, including an attorney at law and necessary assistants, which attorney shall act as attorney and legal adviser to said department and its several divisions.

Motor vehicle fund

360h. All salaries and expenses of the department of motor vehicles shall be paid from the motor vehicle fund.

County patrols

360i. The officers and employees of any county organized under a freeholder's charter and employing highway patrol officers to enforce the provisions of the California vehicle act may be made members or employees of the California highway patrol by the chief thereof with the approval of the director of the department and the approval of the supervisors of the county employing such officers and employees. Such officers or employees shall automatically acquire a civil service status as members or employees of the patrol without examination with full seniority rights as to position and pay. In such event the chief of the patrol, with the approval of the director of the department of motor vehicles and the director of finance, is hereby authorized to take over such equipment belonging to

Civil service status

Equipment

such county for the purpose of enforcing the provisions of the California vehicle act as the chief may deem necessary, and such county shall be reimbursed in the amount of the reasonable value thereof.

SEC. 2. Except as otherwise in this article prescribed, the provisions of sections 348 to 359b, both inclusive, of the Political Code shall apply and govern the conduct of the department of motor vehicles. Code sections applicable to department

SEC. 3. Sections 363k, 363l and 363m of the Political Code are hereby repealed. Repeals.

SEC. 4. Section 30 of the California vehicle act is hereby repealed.

CHAPTER 479.

An act to amend section 1213 of the Penal Code, relating to execution of a judgment other than of death.

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

SECTION 1. Section 1213 of the Penal Code is hereby amended to read as follows: Pen. C 1872

1213. When a judgment, other than of death, has been pronounced, a copy of the entry thereof upon the minutes, certified to by the judge and clerk of the court, must be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution. Judgment other than of death

CHAPTER 480.

An act to amend sections 3, 4, 5, 6, 8, 9, 10 and 12 of chapter 612 of the statutes of 1911, entitled "An act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams," approved April 27, 1911. Stats 1911, p. 1154, amended

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows: Stats 1911, p. 1154

Sec. 3 Every person, firm or corporation taking from the waters of such stream, lakes or lands any minerals, shall file, Minerals from state property

Statement
to depart-
ment of
finance

on or before the last Monday in January of each year, with the department of finance, a written statement, duly verified, showing in tons of two thousand pounds, the amount of mineral taken by such person, firm or corporation from such water or land during the year ending December thirty-first last preceding, and sold by said person, firm or corporation during the said year preceding. Any such person, firm or corporation neglecting or refusing to furnish such statement shall forfeit all rights to take waters of such stream, lakes or lands. Any person who shall, either on behalf of himself or any firm or corporation, verify any such statement which shall be untrue in any material part, shall be deemed guilty of a misdemeanor.

Misdemeanor.

Stats 1911,
p 1154

SEC 2. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Powers of
director of
finance

SEC 4. The director of finance, whenever he shall deem it necessary or expedient, may make an examination of the business or affairs of such person, firm or corporation, or any lessee of lease issued under the provisions of this act, with relation to the extraction of minerals and payment of royalty therefor, and, for that purpose is hereby empowered to administer oaths, and issue subpoenas for the attendance of witnesses and the production before him of papers, books, accounts, documents, audits and tax reports. All of the provisions of chapter 2 of title three of part four of the Code of Civil Procedure of State of California, shall be applicable to any examination, audit, investigation or hearing conducted under this provision of this act. The authority to make or conduct such examination, audit, investigation or hearing, including the authority to administer oaths, and to subpoena witnesses and take their testimony, may be delegated by the director of finance to any person appointed by him for that purpose. Such appointment shall be made by an instrument in writing, signed by the director of finance under his official seal.

Provisions
C C P ap-
plicable to
investigation

Stats 1911,
p. 1154

SEC 3. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Royalty

SEC 5 The department of finance upon receipt of such statement shall audit the same, and, if approved, shall deliver such statement to the state controller who shall proceed to collect from such person, firm or corporation or from any lessee under provisions of this act, a royalty of twenty-five cents for each ton of two thousand pounds of mineral taken from such water or land by such person, firm or corporation and sold, during the preceding year; provided, that the royalty on sodium bicarbonate and on sodium hydrate so taken shall be fifty (50) cents for each ton of two thousand pounds.

Stats 1911,
p 1154

SEC 4. Section 6 of the act cited in the title hereof is amended to read as follows:

Application
to lease
lands

SEC 6 Any person, firm or corporation desiring to lease any lands under this act must make application therefor to the surveyor general of the state. Such application shall be verified by the applicant, or if it be a corporation, by an

officer thereof, and shall set forth the name and address of the applicant, a description of the lands sought to be leased by legal subdivisions, or if the legal subdivisions are unknown to the applicant, by metes and bounds, a statement of the approximate area of said lands, and a declaration that said lands are believed by said applicant to be embraced within the original meander lines of a stream or lake belonging to the state, the waters of which contain minerals in commercial quantities. The application must be accompanied by a filing fee of ten dollars. With said application, the applicant must file a bond, with two good and sufficient sureties, running to the county surveyor of the county in which such lands are situated or to any other person whom the surveyor general may direct to make the survey of such lands, as in section 7 of this act provided, in the penal sum of five hundred dollars, conditioned upon the payment by said applicant of the expense of making such survey; and also a bond, with two good and sufficient sureties, running to the State of California, in a penal sum equal to twice the amount of the first annual rental of such lands, based upon the area of such lands as set forth in the application, conditioned upon the payment by said applicant to the department of finance of the first annual rental of such lands, within fifteen days after the receipt by the applicant of the notice provided for in section 8 hereof, if such application shall be approved and a lease of such lands shall be executed by the surveyor general to said applicant.

Fee
Bond.

SEC. 5. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1911,
p 1154.

Sec. 8. All applications to lease land under this act shall be approved or rejected by the surveyor general within ninety days after the receipt thereof. Immediately after the approval of the application, the surveyor general shall execute and hold ready for delivery to the applicant a lease of the lands described in the application and shall notify said applicant by registered letter addressed to said applicant at the address named in the application that such lease is ready for delivery. Such notice shall be deemed delivered to the applicant when delivered to any person at said address.

Approval or
rejection

Notice.

SEC. 6. Section 9 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1911,
p 1154

Sec. 9. The lands designated in this act shall be leased at the rate of two dollars and fifty cents per acre, per year, payable yearly in advance. All moneys received as rental for such lands and as royalty upon the mineral product of the waters of the lakes, streams or lands above mentioned, shall be paid into the general fund of the state treasury.

Rental.

SEC. 7. Section 10 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1911
p 1154

Sec. 10. Within fifteen days after the delivery to the applicant of the notice provided for in section 8 hereof, the applicant shall pay to the department of finance the first annual rental. The department of finance shall receive the rental

First
payment

and forthwith give a receipt therefor. The surveyor general shall deliver such lease to the applicant upon receipt from the applicant of one of such duplicate receipts. All subsequent annual payments of rental must be paid to the department of finance within fifteen days after such payments become due. Upon failure of lessee to make payments of rental or royalty, as herem provided, the lease and all rights thereunder shall cease and terminate; and upon failure of any person, firm or corporation to make payment of royalty as herein provided, the privilege of any such person, firm or corporation, to take minerals from such streams, lakes or lands, shall immediately cease and appropriate action in the name of the State of California shall be commenced in superior court of the county wherein the waters or lands, or some portion of either, are situated, to collect the unpaid royalty. No lease shall run for more than twenty-five years, provided, that upon the expiration of any lease, such lease may be extended for a period of twenty-five years upon such terms and conditions as may then be prescribed by law.

Limit of
lease

Stats 1911,
p 1154

Lease of
rights of
way

SEC. 8 Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 12. Leases of rights of way, not exceeding one hundred feet in width, for access to any waters or lands designated by this act, may be applied for and granted in the manner herein provided for leasing lands. Such rights of way shall be leased at an annual rental of two dollars and fifty cents an acre, and the same shall be paid as herein provided for leased lands. Any lease issued under the provisions of this section shall ipso facto become null and void if the lessee thereof is not within two years from the date of the issuance of such lease utilizing the right of way therein granted in conjunction with the operation of a plant, and extracting from the waters or land designated in this act, a minimum of one thousand five hundred tons of mineral yearly

CHAPTER 481.

An act to amend sections 664, 666, 667 and 669 of the Penal Code, relating to sentences and terms of imprisonment.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

Stats 1923,
p 625.

Penalties
for attempts

SECTION 1. Section 664 of the Penal Code is hereby amended to read as follows:

664. Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1. If the offense so attempted is punishable by imprisonment in the state prison for five years, or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the state prison, or in a county jail, as the case may be, for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction of the offense so attempted; provided, however, that if the crime attempted is murder, robbery, burglary in the first degree or lewd and lascivious conduct the person guilty of such attempt shall be punishable by imprisonment in the state prison for a term of not more than twenty years.

Offense punishable by more than five years in state prison

2. If the offense so attempted is punishable by imprisonment in the state prison for any term less than five years, the person guilty of such attempt is punishable by imprisonment in the county jail for not more than one year.

Offense punishable by less than five years in state prison

3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the offense so attempted.

Offense punishable by fine

4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half the longest term of imprisonment and one-half the largest fine which may be imposed upon a conviction of the offense so attempted.

Offense punishable by imprisonment and fine

SEC. 2. Section 666 of the Penal Code is hereby amended to read as follows:

Stats 1909, p 360

666. Every person who, having been convicted of petit larceny or petit theft and having served a term therefor in any penal institution, commits any crime after such conviction, is punishable therefor as follows:

Petit larceny and petit theft
Second offenses, punishment for

1. If the offense of which such person is subsequently convicted is such that, upon a first conviction, an offender could be punished by imprisonment in the state prison for any term exceeding five years, such person may be punished by imprisonment in the state prison for the maximum period for which he might have been sentenced if such offense had been his first offense, but in no case less than five years.

Offense punishable in state prison, five years or more

2. If the subsequent offense is such that upon a first conviction, the offender would be punishable by imprisonment in the state prison for five years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding ten years.

Offense punishable in state prison, five years or less

3. If the subsequent conviction is for petit theft, then the person convicted of such subsequent offense is punishable by imprisonment in the state prison not exceeding five years.

Petit theft

SEC. 3. Section 667 of the Penal Code is hereby amended to read as follows:

Stats 1909, p 364

667. Every person who, having been convicted of any felony either in this state or elsewhere, and having served a term therefor in any penal institution, commits petit theft after such conviction, is punishable therefor by imprisonment in the

Second offenses, petit theft

state prison not exceeding five years; provided, however, that any such person who has been, or who shall hereafter be, sentenced to the state prison shall be subject to parole by the state board of prison directors, under the restrictions now provided by law for the parole of first term prisoners, any act to the contrary notwithstanding.

Stats. 1927,
p. 1056

SEC. 4. Section 669 of the Penal Code is hereby amended to read as follows:

Second term
of imprison-
ment, when
to commence

669. When any person is convicted of two or more crimes, the judgment shall direct whether the terms of imprisonment or any of them to which he is sentenced shall run concurrently or whether the imprisonment to which he is or has been sentenced upon the second or other subsequent conviction shall commence at the termination of the first term of imprisonment to which he has been sentenced, or at the termination of the second or subsequent term of imprisonment to which he has been sentenced, as the case may be.

CHAPTER 482.

An act to amend section 644 of the Penal Code, relating to the punishment of habitual criminals.

[Approved by the Governor May 28, 1931. In effect August 14, 1931.]

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

Stats. 1927,
p. 1066.

SECTION 1. Section 644 of the Penal Code is hereby amended to read as follows:

Habitual
criminals

644. Every person convicted in this state of any felony who shall have been previously twice convicted upon charges separately brought and tried, and served a term therefor in any state prison and/or federal penitentiary, either in this state or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a state prison, forgery, conspiracy to commit any one or more of the aforementioned felonies, or any of the aforementioned felonies, shall be adjudged an habitual criminal and shall be punished by imprisonment in the state prison for life and shall not be eligible for release on parole until he shall have served a minimum of at least twelve years. Every person convicted in this state of any felony who shall have been previously three times convicted, and served a term therefor in any state prison and/or federal penitentiary, either in this state or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of

a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a state prison, forgery, conspiracy to commit any one or more of the aforementioned felonies, or any of the aforementioned felonies, shall be punished by imprisonment in the state prison for not less than life and shall not be eligible to parole. Nothing in this act shall abrogate or affect the punishment by death in any and all crimes now or hereafter punishable by death.

SEC. 2. The provisions of this act shall be retroactive, and be deemed and construed to apply to every person heretofore convicted of and imprisoned for the crimes herein enumerated. Retroactive.

SEC. 3. If, for any reason, any section, subsection, sentence, clause, phrase, or word of this act be found unconstitutional, such decision shall not affect the validity of the remaining portions of this act. Constitutionality.

CHAPTER 483.

An act to amend section 1168 of the Penal Code and to add to said code new sections 18, 18a and 1192a and to repeal present section 1192a thereof, relating to the sentencing of prisoners, terms of imprisonment, credits to prisoners and paroles of prisoners.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. Section 1168 of the Penal Code is hereby amended to read as follows: Stats 1929,
p. 1930.

1168. (1) Imprisonment. Every person convicted of a public offense, for which imprisonment in any reformatory or state prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to be imprisoned in a state prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment. Imprisonment.

It is hereby made the duty of the warden of any of the state prisons to receive such person, who shall be imprisoned until duly released as provided for in this section. The term of imprisonment shall not exceed the maximum or be less than the minimum term of imprisonment provided by law for the public offense of which such person was convicted. Term

The state board of prison directors, or any board or commission that may be hereafter given authority so to do, shall determine after the expiration of the minimum term of imprisonment provided by law, except that in cases in which the minimum term of imprisonment is more than six months, the state Determination of term

board of prison directors may determine after the expiration of six months from and after the actual commencement of such imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the governor of the state. When a prisoner has imposed upon him two or more cumulative or consecutive sentences, the state board of prison directors may determine after the expiration of six months of his first sentence, what length of time he shall serve on all such cumulative or consecutive sentences.

Cumulative
or consecu-
tive
sentences

Change of
order of de-
termination

In case any convicted person undergoing sentence in any of the state prisons commits any infraction of the rules and regulations of the prison board, or escapes while working outside such prison under the surveillance of prison guards, the board of prison directors may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, and make a new order determining such length of time not exceeding the maximum penalty provided by law for the offense for which he was convicted, unless the sentence be sooner terminated by commutation or pardon by the governor of the state. Such revocation and redetermination shall not be had except upon a hearing upon the question of such infraction or escape and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner, unless outside the walls of the prison as an escape and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Persons
whose terms
have not been
shortened

Any convicted person undergoing sentence in any of the state prisons, not sooner released under the provisions of this section shall, in accordance with the provisions of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted.

Certain
minimum
penalties

(2) Certain minimum penalties. The following shall be the minimum term of sentence and imprisonment in certain cases, notwithstanding any other provisions of this code, or any provision of law specifying a lesser sentence:

(a) For a person not previously convicted of a felony, but armed with a deadly weapon either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, five years;

(b) For a person previously convicted of a felony either in this state or elsewhere, and armed with a deadly weapon, either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, ten years;

(c) For a person previously convicted of a felony either in this state or elsewhere, but not armed with a deadly weapon at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, five years.

"Deadly
weapon"
defined

The words "deadly weapon" as used in this section are hereby defined to include any instrument or weapon of the

kind commonly known as a blackjack, slung shot, billy, sand club, sand bag, metal knuckles, any dirk, dagger, pistol, revolver or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

(3) Good credits. The state board of prison directors shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison. Good credits

In all cases there may be allowed to apply upon the term of imprisonment fixed such credits for meritorious conduct and diligent labor as are or may be authorized by law.

Except as otherwise provided in this section, every prisoner who has committed no infraction of the rules or regulations of the prison, or the laws of the state, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him to the satisfaction of the prison officials, and in whose behalf the warden of the prison shall file a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall upon, but not until, the adoption of such recommendation by the state board of prison directors, be allowed time credit reductions from his term of confinement as fixed by the board of directors (instead of and in lieu of such time credits as were heretofore allowed by law) a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and correspondingly for any part of the year, where such term of confinement is for more or less than a year. The mode of reckoning credits, recommended by the warden and allowed by the board of prison directors, shall be as shown by the following table: Reductions from term

Table

Number of years of sentence	Good time that may be earned	Total good time that may be earned	Time to be served if full credits are earned and allowed
1st year-----	2 months	2 months	10 months
2d year-----	2 months	4 months	1 year 8 months
3d year-----	4 months	8 months	2 years 4 months
4th year-----	4 months	1 year	3 years
5th year-----	5 months	1 year 5 months	3 years 7 months
6th year-----	5 months	1 year 10 months	4 years 2 months
7th year-----	5 months	2 years 3 months	4 years 9 months
8th year-----	5 months	2 years 8 months	5 years 4 months
9th year-----	5 months	3 years 1 month	5 years 11 months
10th year-----	5 months	3 years 6 months	6 years 6 months

And so on, through as many years as may be the time of confinement.

If any convict shall assault any keeper, guard, foreman, officer, convict or other person, or threaten or endanger the person Forfeiture of credits

or life of anyone, or violate or disregard any prison rule or regulation, or neglect or refuse to do the work to which he is assigned, or be guilty of any misconduct, or violate any of the rules or regulations governing parole, the board of prison directors may declare a forfeiture of all time credits theretofore earned by or allowed to him before the commission of such offense, and/or all time credits which he may thereafter earn, or the board of prison directors may forfeit such part of such time credits as they may determine; such forfeitures, however, shall be made only by the board of directors after due proof of the offense and notice to the offender unless such offender be outside the walls of the prison as an escape and fugitive from justice, and the board may restore time credits forfeited for good cause shown, and may allow extra credits for extra meritorious conduct and industry.

Parole

(4) Parole. The state board of prison directors shall have power to establish rules and regulations under which any prisoner who is now, or who hereafter may be imprisoned in any of the state prisons, and who has served the period of time prescribed by this section, may be allowed to go upon parole outside the prison buildings and inclosures.

Minimum term.

No prisoner may be paroled in any case until he has served the minimum term of imprisonment provided by law for the offense of which he was convicted, except that in cases of parole not otherwise provided for by law, in which the minimum term of imprisonment is more than one year, he may be paroled at any time after the expiration of one-half the minimum term of imprisonment provided by law for the offense of which he was convicted, with benefit of credits, and in any case the matter of parole may be determined by the board at any time after the expiration of six months from and after the actual commencement of such imprisonment

Second term

No prisoner who has served a previous sentence in a state prison in this or any other state or in a federal penitentiary may be paroled until he has served at least two calendar years.

Cumulative or consecutive sentences

No prisoner who has had imposed upon him two or more cumulative or consecutive sentences may be paroled until he has served at least two calendar years of the aggregate time of such cumulative or consecutive sentences.

Parole of life-terminer

No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years.

Parole of person sentenced to fixed term.

If neither a maximum nor a minimum term of imprisonment is imposed by law for the offense of which the prisoner was convicted, but a fixed and definite term is imposed by the court, he may be paroled after serving one calendar year of his term.

Notice to judge before whom prisoner was convicted

At least thirty days before the state board of prison directors shall meet to consider the granting of a parole to any prisoner or to fix and determine the length of time any prisoner shall be confined, the said board shall send written notice thereof to the judge of the superior court before whom

the prisoner was tried and convicted, and to the district attorney and the sheriff of the county from which the prisoner was sentenced.

Notice to district attorney and sheriff

Prisoners on parole shall remain under the legal custody and control of the state board of prison directors and shall be subject at any time to be taken back within the inclosure of the prison. If any paroled prisoner shall leave the state without permission of the state board of prison directors, he shall be held as an escaped prisoner and arrested as such.

Custody of prisoners on parole.

Permission to leave state

The state board of prison directors upon granting any parole to any prisoner may impose on the parole such conditions as it may deem proper, and may impose as a condition of the parole, that all or a portion of his credits earned, or to be earned, may be forfeited by order of the state board of prison directors in the event that such prisoner shall break his parole or violate any law of the state, or rule or regulation of the prison, or of the state board of prison directors, or any of the conditions of his parole.

Conditions of parole

Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner, unless outside the walls of the prison as an escape and a fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Hearing.

Full power to make and enforce rules and regulations relating to the parole of prisoners, to grant paroles thereunder, to suspend, cancel and/or revoke paroles without notice, and to retake and imprison any prisoner so upon parole, is hereby conferred upon the state board of prison directors. The written order of the board certified by the president of the board shall be a sufficient warrant for all officers named therein to authorize such officers to return to actual custody any conditionally released or paroled prisoner.

Power over paroles

It is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties, and all police, prison and peace officers, and constables to execute any such order in like manner as ordinary criminal process.

Duty of police, etc

The governor of the state shall have like power to cancel and revoke the parole of any prisoner. The written authority of the governor shall likewise be sufficient to authorize any of the officers named therein to retake and return said prisoner to the state prison. His written order canceling or revoking the parole shall have the same force and effect and be executed in like manner as the order of the state board of prison directors.

Power of governor over paroles.

No parole shall be revoked and no credits forfeited without cause, which cause must be stated in the order revoking the parole or forfeiting the credits.

Cause for revocation of parole

If any prisoner who has been released on parole outside of the prison buildings and enclosures by permission of the state board of prison directors shall commit any crime for which

Sentences for crimes committed while under parole

he is convicted and sentenced by the court, the sentence or sentences imposed on him for such crime shall commence at the expiration of the sentence he was serving when granted parole.

Deemed
fugitive from
justice, when

From and after the suspension, cancellation, or revocation of the parole of any prisoner and until his return to custody he shall be deemed an escape and fugitive from justice and no part of the time during which he is an escape and fugitive from justice shall be part of his term.

Rules and
regulations

(5) Rules and regulations. The state board of prison directors shall make all necessary rules and regulations to carry out the provisions of this section not inconsistent therewith, and may provide the forms of all documents necessary therefor.

Application
of section

(6) The provisions of this section are to apply to all prisoners now serving sentences in the state prison.

New section

SEC. 2. A new section to be numbered 18 is hereby added to the Penal Code to read as follows:

Punishment
of felony
when not
otherwise
prescribed

18 Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a felony is punishable by imprisonment in any of the state prisons, not exceeding five years.

New section

SEC. 3. A new section to be numbered 18a is hereby added to the Penal Code to read as follows:

Minimum
punishment

18a. Except in cases where a different minimum punishment is prescribed by any law of this state, for every offense declared to be a felony and punishable by imprisonment in the state prison, the minimum imprisonment shall be imprisonment in any of the state prisons for not less than six months.

New section

SEC. 4. A new section is hereby added to the Penal Code to be numbered 1192a and to read as follows:

Inquiry as
to causes of
criminal
conduct

1192a. Before judgment is pronounced upon any person convicted of an offense punishable by imprisonment in the state prison, it shall be the duty of the court, assisted by the district attorney, to ascertain in a summary manner, and by such evidence as is obtainable, whether such person has learned and practiced any mechanical or other trade, and also such other facts tending to indicate the causes of the criminal character or conduct of such convicted person, or calculated to be of assistance to the court in determining the proper punishment of such person, or to the state board of prison directors in the performance of the duties imposed upon it by law, as the court shall deem proper. It shall be the duty of the judge before whom the convicted person was tried, and of the district attorney conducting the prosecution, to obtain, and with the commitment, furnish to the state board of prison directors, in writing, all information that can be given in regard to the career, habits, degree of education, age, nativity, nationality, parentage, and previous occupation of such convicted person, together with a statement to the best of their knowledge, as to whether such person was industrious or not, of good character or not, the nature of his associates and his disposition. Within thirty days after judgment has been pro-

nounced, the judge and the district attorney, respectively, shall cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed, together with such reports as the probation officer may have made relative to the prisoner. Within twenty days after the filing of such statement and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with postage thereon prepaid, addressed to the clerk of the prison to which such convicted person shall have been sentenced. The testimony pursuant to the provisions of this section shall be reported and transcribed by the clerk or official reporter. Within thirty days after judgment has been pronounced by the court, one copy of such transcript shall be filed with the clerk of the court, and another copy thereof shall be sent by mail, with postage prepaid, addressed to the warden of the prison to which such convicted person shall have been sentenced.

Statement to clerk of court

Copy to warden

SEC. 5. Section 1192a of the Penal Code as it existed January 1, 1931, is hereby repealed.

Repeal.

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

Constitutionality.

SEC. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeals

CHAPTER 484.

An act to amend section 7 of an act entitled "An act providing for the dissolution and winding up of savings banks, trust companies, and banks of deposit, and providing for the disposition of all funds deposited therein and not claimed within five years after such banks have ceased to do business, or after the commencement of proceedings to dissolve," approved March 31, 1891.

Stats. 1891, p. 271, amended

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

SECTION 1. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1891, p. 271.

Sec. 7. All bonds purchased by the board under the provisions of this act must be delivered to the state treasurer, who shall keep them as a portion of said "The dissolved savings bank fund" and any interest heretofore or hereafter received upon such bonds shall be credited by him to the general fund of the state.

Bonds purchased and interest

Construction
of act

SEC. 2. Nothing in this act shall be construed to revive or reenact any portion of the act hereby amended which may have been superseded or impliedly repealed by the "Bank Act," approved March 1, 1909, and in the event that any of the provisions of the act hereby amended conflict with any of the provisions of said "Bank Act," the provisions of the "Bank Act," as now or hereafter amended, shall prevail.

CHAPTER 485.

An act to amend section 969a of the Penal Code, relating to pleading prior convictions in indictments or informations.

[Approved by the Governor May 28, 1931. In effect August 14, 1931]

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

Stats. 1927,
p. 1064

Amendment
of indict-
ment or
information
to charge
prior
convictions

SECTION 1. Section 969a of the Penal Code is hereby amended to read as follows:

969a. Whenever it shall be discovered that a pending indictment or information does not charge all prior felonies of which the defendant has been convicted either in this state or elsewhere, said indictment or information shall be forthwith amended to charge such prior conviction or convictions, and such amendment may and shall be made upon order of the court, and no action of the grand jury (in the case of an indictment) shall be necessary. Defendant shall promptly be rearraigned on such information or indictment as amended and be required to plead thereto.

CHAPTER 486

An act to add a new section to the Penal Code to be numbered 1381, providing for the time within which a defendant must be brought to trial upon a pending indictment or information after such defendant's conviction on another charge.

[Approved by the Governor May 28, 1931 In effect August 14 1931]

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

New section

Indictment
or informa-
tion against
one at time
of his entry
into impris-
onment on
another
charge

SECTION 1 A new section is hereby added to the Penal Code to be numbered 1381 and to read as follows:

1381. Whenever a defendant has been convicted, in any court of this state, of the commission of a felony or indictable misdemeanor and has been sentenced to and has entered upon a term of imprisonment in a state prison and at the time of the entry upon such term of imprisonment there is pending, in any court of this state, any other indictment or information charging the defendant with the commission of any crime

triable in the superior court it is hereby made mandatory upon the district attorney of the county in which such indictment or information is pending to bring the same to trial within ninety days after such defendant shall have delivered to said district attorney written notice of the place of his imprisonment and his desire to be brought to trial upon said indictment or information, unless a continuance beyond said ninety days is requested or consented to by the defendant, in open court, and such request or consent entered upon the minutes of the court in which event the ninety day period herein provided for shall commence to run anew from the date to which such consent or request continued the trial. In the event such action is not brought to trial within the ninety days as herein provided the court in which such indictment or information is pending must, on motion or suggestion of the district attorney, or of the defendant or his counsel, or of the state board of prison directors, or on its own motion, dismiss such indictment or information. If an indictment or information is filed against a person during the time such person is serving a sentence in any state prison of this state it is hereby made mandatory upon the district attorney of the county in which such indictment or information is filed to bring the same to trial within ninety days after said person shall have delivered to said district attorney written notice of the place of his imprisonment and his desire to be brought to trial upon said indictment or information, unless a continuance is requested or consented to by the defendant, in open court, and such request or consent entered upon the minutes of the court, in which event the ninety day period herein provided for shall commence to run anew from the date to which such request or consent continued the trial. In the event such action is not brought to trial within the ninety days as herein provided the court in which such action is pending must, on motion or suggestion of the district attorney, or of the defendant or his counsel, or of the state board of prison directors, or on its own motion, dismiss such indictment or information.

Time for trial

Dismissal of indictment or information

Indictment or information against one serving sentence in state prison

Dismissal of indictment or information

CHAPTER 487

An act creating in the state department of penology a division of prison terms and paroles under the control of a board of prison terms and paroles, defining the powers and duties of said division and of said board, and making an appropriation therefor.

[Approved by the Governor May 28, 1931 In effect August 14, 1931]

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

SECTION 1. There is hereby created in the state department of penology an additional division to be known as the division of prison terms and paroles. This division shall be under the

Division of prison terms and paroles created

Members

control of a governing body, which is hereby created to be known as the board of prison terms and paroles, consisting of a chairman and two other members, each of whom shall be appointed by the governor. The terms of the first members of the board shall expire as follows: One member, January 15, 1933; one member, January 15, 1934; one member, January 15, 1935. With the exception of the first members, as herein prescribed, the term of office of members of the board shall be four years, and vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

Powers and duties, etc

SEC. 2. At the time or times and under the circumstances, conditions, restrictions and limitations prescribed by section 1168 of the Penal Code, and other applicable provisions of law, as the same now exist or from time to time may be amended the board of prison terms and paroles shall have power to fix and determine and redetermine what length of time persons sentenced to be imprisoned in a state prison shall be imprisoned, and to allow, suspend, revoke, forfeit and again allow prisoners imprisoned in a state prison to go upon parole outside the prison buildings and enclosures. All of the powers, duties, purposes, responsibilities and jurisdiction of the state board of prison directors in relation to the fixing, determining and redetermining of such terms of imprisonment and the allowing, suspending, revoking, forfeiting and again allowing of paroles to such prisoners, as are now or may hereafter be provided by law, are hereby transferred to and vested in the board of prison terms and paroles.

Meetings, regulations

SEC. 3. The board of prison terms and paroles shall meet at each of the state prisons at such times as may be necessary for a full and complete study of the cases of all prisoners whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business and no order of the board shall be valid unless concurred in by at least two of its members. The board shall make all necessary rules and regulations to carry out the provisions of this act not inconsistent with the provisions hereof and provide the forms of all documents necessary therefor.

Salaries, assistants, etc

SEC. 4. The chairman shall receive an annual salary of six thousand dollars and each of the other members of the board shall receive an annual salary of five thousand dollars. Each of the members of the board shall receive his actual necessary traveling expenses incurred in the performance of his duties hereunder. The board shall have power to employ, and to fix, with the approval of the department of finance, the compensation of and to prescribe the duties of a secretary and such other officers, employees and assistants as may be necessary.

Report to governor.

SEC. 5. On or before the first day of December in each year, the board shall transmit to the governor a report of its

work for the preceding fiscal year, in which shall be given the names of all prisoners whose terms of imprisonment have been fixed by it or who have been released upon parole by it, and such other information as the board may determine or the governor require.

SEC. 6. Out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars is hereby appropriated, to be expended in accordance with law in carrying out the provisions of this act, including the payment of salaries herein fixed or provided for. Appropriation

CHAPTER 488.

An act to amend section 67a of the Code of Civil Procedure, relating to the superior court in counties of the first class, increasing the number of judges thereof.

[Approved by the Governor May 29 1931 In effect August 14, 1931]

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

SECTION 1. Section 67a of the Code of Civil Procedure is hereby amended to read as follows: Stats 1927.
p 679

67a. In counties of the first class there shall be fifty judges of the superior court, any one or more of whom may hold court, and there may be as many sessions of said court at the same time as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by a vote of any twenty-six of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business and perform such other duties as the judges of the said court may by rule provide. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of the said court shall be equally as effective as if all the said judges of said court presided at such session. Los Angeles
county
superior
judges

Within thirty days after this act goes into effect, the governor shall appoint twelve additional judges of the superior court in counties of the first class, in addition to the thirty-eight superior court judges already provided by law in and for the said counties of the first class, who shall hold office until the first Monday after the first day of January, 1933. At the next general election to be held in November, A. D. 1932, twelve additional judges of the superior court shall be elected in counties of the first class who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the constitution and by law. The salaries of the additional judges herein provided for shall be the same in amount and be paid in the same manner and at the same time as the Additional
judges

salaries of the judges of counties of the first class now authorized by law.

CHAPTER 489.

An act to amend section 4.102 of the School Code, relating to an appropriation for vocational rehabilitation.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

Sch. C.
p. 158

Appropriation for vocational rehabilitation.

SECTION 1. Section 4.102 of the School Code is hereby amended to read as follows:

4.102. For each fiscal year, the sum of seventy thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be used in whole or in part by the state board of education for the purpose of carrying out the provisions of this article.

CHAPTER 490.

An act to add a new section to the Penal Code to be numbered 636c, relating to the protection of fish.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

New section

SECTION 1. A new section, to be numbered 636c, is hereby added to the Penal Code to read as follows:

Use of nets near San Juan Capistrano point

636c. Every person who at any time uses or operates, or assists in using or operating any net for the purpose of catching fish in the waters of the state within a radius of four miles of San Juan Capistrano point, in Orange county, is guilty of a misdemeanor.

Penalties

Every person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid to the division of fish and game for deposit in the state treasury to the credit of the fish and game preservation fund.

CHAPTER 491.

Stats 1927,
p. 1596,
amended

An act to amend chapter 808, statutes of 1927, entitled "American river flood control district act," as amended, by amend-

ing section 2 thereof, relating to the objects and purposes of the act and to the powers of the district, and section 17, relating to the levy and collection of assessments, and by adding a new section thereto to be numbered 18b making an appropriation in the sum of twenty thousand dollars to defray the expenses of the district and providing that said appropriation shall be returned to the state, and relating to the manner of repayment and containing a provision declaring this act to be an emergency measure stating the facts constituting such emergency, and providing this act shall take effect immediately upon its passage.

[Approved by the Governor May 29, 1931 In effect immediately]

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

SECTION 1. Section 2 of chapter 808 statutes 1927 entitled "American river flood control district act," as amended is hereby amended to read as follows: Stats 1929,
p 867

Sec. 2. The objects and purposes of this act are to provide, to the extent that the board of trustees of said district may deem expedient and/or economical, for the control and disposition of the storm and flood waters of said district and to that end the American river flood control district is hereby declared to be a body corporate and politic and as such shall have power: Purpose
of act

(a) To have perpetual succession. Powers of
district

(b) To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction. Succession
Suits

(c) To adopt a seal and alter it at pleasure. Seal

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and/or contract to sell, lease, and/or dispose of real, personal, and/or mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes. Control
property

(e) To acquire or contract to acquire lands, rights of way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized. Acquire
property

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the state, any political subdivision or district thereof. Eminent
domain

(g) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, Maintenance
work

poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and/or complete the same.

Issue bonds

(h) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

Levy assessments

(i) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

Hire assistants

(j) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district. Said board shall have the power to combine any two or more offices in its discretion.

Establish zones

(k) To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the general fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Contracts

(l) To make and enter into contracts with the United States of America, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

Lease property

(m) To lease and/or rent to or from any of the parties named in subdivision (l) of this section any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

Receive aid

(n) To receive and accept any and all contributions in labor, materials or money from any of the parties named in

subdivision (1) of this section, to be applied to the work or improvement herein provided for.

SEC. 2. Section 17 of said act is hereby amended to read as follows: Stats 1929, p 876

Sec 17. The board of trustees of such district shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy in which tax may be included a sum sufficient, in the judgment of the board of trustees, to take care of anticipated delinquencies; provided, however, that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, such tax shall be levied and collected at the time and in the manner aforesaid, annually each year, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest. Tax for payment of principal and interest

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

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

The board of trustees may elect to avail itself of the assessment made by the assessor of the county of Sacramento and may take such assessment as the basis for district taxes and County may collect taxes for district

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

Assessment
roll

All land situated within said district and subject to assessment and/or taxation for district purposes, and not included on said county rolls for taxation for county purposes, shall immediately upon the effective date of this act be placed upon and thereafter carried on said rolls, and the assessed valuation of said lands shall be determined and fixed by said county assessor and the amount of such assessed valuation corrected and equalized by said board of supervisors at the same time or times and in the same manner as the assessed valuation of other lands upon said assessment rolls are fixed, determined, corrected and equalized by said county officials.

Fixing tax
rate

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

of the district under the general requirements and penalties provided by law for the settlement of other taxes.

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

Apportionment of redemption moneys

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

Tax liens

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

Compensation of county

Wherever in this act the word "tax" is used, referring to the tax levied by the board of trustees of the district, the same shall be deemed and construed to be and to mean a special assessment.

Tax defined

SEC. 3. A new section is hereby added to said act to read as follows:

New section

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

Further fiscal arrangements

All of the moneys hereinbefore in this section appropriated, to wit, the sum of twenty thousand dollars together with the moneys heretofore appropriated in the year 1929, as provided by section 18a of this act, together with one-half of the moneys

heretofore appropriated in the year 1927, as provided by section 18 of this act, shall be repaid to the state by the said district by means of a special tax levy on all property in said district levied and assessed for the fiscal year 1931-32. If, prior to the first day of July, 1931, a bond election has been held in said district, and bonds authorized, the said assessment shall be included in the general assessment of said district and collected with the other taxes levied and assessed in said district for the said fiscal year, and the amount due the State of California hereunder shall be paid by the trustees of the district to the treasurer of the county of Sacramento for the use of the State of California. If, prior to the said first day of July, 1931, bonds have not been authorized by the electors of said district, then the amount so due the state shall be added to the assessment roll of the county of Sacramento in the form of a special tax on all the property in said district, upon a certification from the state department of finance to the auditor of the county of Sacramento as to the amount so due the state by reason of any advances made by the state hereunder, which tax shall be collected by the tax collector of the county of Sacramento and paid over to the state by said county.

Urgency

SEC. 4. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article four of the constitution of the State of California and as such it shall take effect immediately. The following is a statement of facts constituting such necessity: The immediate prosecution of the work contemplated by this act is necessary for the early correction of the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the lands within said American river flood control district, including the cities of Sacramento and North Sacramento and which should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

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

This act shall take effect immediately.

CHAPTER 492.

An act to amend section 2 of chapter 12, statutes of 1911, entitled "An act providing for the management of the California redwood park, and creating a board of five commissioners with power to manage said California redwood park," relating to the compensation of wardens. Stats. 1911,
p. 8,
amended.

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

[Approved by the Governor May 29, 1931. In effect August 14, 1931]

SECTION 1. Section 2 of chapter 12, statutes of 1911, entitled "An act providing for the management of the California redwood park, and creating a board of five commissioners with power to manage said California redwood park," is hereby amended as follows: Stats. 1911,
p. 8

Sec. 2. The said California redwood park commission shall have full power and control over the said park and over any and all funds provided for the care, preservation, maintenance, and improvement of the same and shall make and enforce all necessary rules and regulations for the care, preservation, maintenance, and improvements of the same, and shall have power to employ a warden and necessary assistants for the preservation of said park and for any and all purposes herein specified. Powers of
commission.

CHAPTER 493.

An act authorizing the governor of the State of California to select and engage the services of an educational research foundation or other organization engaged or organized to engage in the work of making critical surveys in the field of education to make a survey of the present system, plan of organization, and conduct of public education of higher than high school grade in the State of California and to report in writing the results of its survey with its recommendations, providing for the compensation of such foundation or other organization, making an appropriation therefor and for the payment of expenses incidental to carrying out the provisions of this act, and authorizing the governor to accept gifts of money, property or services in furtherance of the work to be carried out as in this act provided.

[Approved by the Governor May 29, 1931. In effect August 14, 1931]

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

SECTION 1. The governor of the State of California is hereby authorized to select and for the performance of the work hereinafter described to engage the services of an educational research foundation of nation-wide scope engaged or organized to engage in the work of making critical surveys in Survey of
educational
system by
research
foundation

the field of education and in particular prepared to make such surveys in respect of the organization, conduct, operation, and efficiency of educational work as carried on in colleges and universities. The governor shall require of the foundation or other organization by him so selected and engaged that it make a survey of the present system, plan of organization, and conduct of public education of higher than high school grade in the State of California, make recommendations as to suitable future policy and plan of operation with relation thereto and present to him a written report of its survey with its recommendations on or before the first day of July, 1932. The survey herein provided for shall be made by the foundation or other organization selected independently and without the participation of any department, institution, university or college of the state or officer of state or officer of any department, institution, university or college of the state, except in so far as such participation may be requested by the foundation or other organization selected.

Report

Compensation.

SEC. 2. Within the limits of the appropriation hereinafter made and in the name of the State of California, the governor is hereby authorized to agree to pay such sum of money to the foundation or other organization by him selected and engaged as authorized in section 1 of this act, as compensation for its services, as he may deem to be reasonable and to fix the time and other terms of such payment and to provide for the payment of all expenses incidental to the carrying out of the provisions of this act.

Appropriation

SEC. 3. The sum of twenty-five thousand dollars is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to be expended in accordance with law in the manner and for the purposes prescribed by this act.

Gifts and donations

SEC. 4. The governor is hereby authorized and empowered to receive such gifts and donations of money, property or services, either from public or private sources, as may be offered unconditionally or as may be offered under conditions which are in the judgment of the governor proper and consistent with the purposes and conditions of this act, and to use and employ such gifts and donations in furtherance of the work to be carried out as in this act provided.

CHAPTER 494.

An act to amend section 4266 and to repeal section 4261a of the Political Code, relating to the salaries of county officers of counties of the thirty-seventh class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Stats 1929,
p. 1695
(formerly
Sec 4264)

SECTION 1. Section 4266 of the Political Code is hereby amended to read as follows:

4266. In counties of the thirty-seventh class, the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, two thousand seven hundred dollars per annum, which shall be in full for all services, including registering voters and making the great register, excepting such services as are performed by said clerk as agent for the state; provided, that in counties of this class there shall be and is hereby allowed to the county clerk two deputies, who shall be appointed by said county clerk, one of which deputies shall be paid a salary of one thousand eight hundred dollars per annum, and the other said deputy shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the county clerk is paid.

2. The sheriff, five thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one undersheriff to be appointed by him, who shall receive one thousand eight hundred dollars per annum, and one deputy sheriff at a salary of one thousand eight hundred dollars per annum, which deputy shall work under the direction of the sheriff and shall assist the district attorney in the enforcement of law, whose salaries shall be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the sheriff is paid.

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

3. The recorder, two thousand four hundred dollars per annum, in full for all services, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall be a copyist, and who shall receive one thousand two hundred dollars per annum, whose salary shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the recorder is paid; provided, that when the board of supervisors shall deem it necessary, it may allow the recorder an additional copyist, to be paid not more than five cents per folio for any work done by said copyist, said compensation to be paid monthly by the county; provided, further, that the fees heretofore allowed the recorder for his own use, by section 3079 of the Political Code shall be hereafter paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbents.

4. The auditor, two thousand eight hundred dollars per annum, which shall include compensation for the compilation of the annual financial report and classified annual pay roll of the counties of this class, which reports are hereby made the duty of the auditor to compile, and he is hereby allowed one

deputy, to be appointed by him, to receive one thousand five hundred dollars per annum, said salary shall be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the auditor is paid; and it is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Treasurer

5. The treasurer, two thousand four hundred dollars per annum; provided, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

Tax collector.

6. The tax and license collector, two thousand one hundred dollars per annum, in full compensation for all services, and he is hereby allowed a deputy, to be appointed by him, at a compensation of one thousand five hundred dollars per annum, the salary of said deputy to be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the tax collector is paid.

Assessor.

7. The assessor, three thousand dollars per annum, in full compensation for all services, and he is hereby allowed, in addition thereto, such deputies and typists, to be appointed by him, as he may deem necessary to carry on the work of his office; provided, however, that not more than a total of four thousand dollars shall be paid in any year for such deputies and typists, no typist to be paid more than seventy-five dollars per month and no deputy to be paid more than eight dollars per day while engaged in the performance of their respective duties; provided, further, that the assessor shall be allowed his own necessary traveling expenses in the performance of his official duties as assessor.

District attorney

8. The district attorney, two thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall receive one thousand five hundred dollars per annum and one stenographer, appointed by him who shall receive six hundred dollars per annum payable in monthly installments, at the same time, in the same manner, and out of the same fund as the district attorney is paid.

Coroner.

9. The coroner, such fees as are now, or may be hereafter allowed by law; provided, that for such miles necessarily traveled by him in going to and returning from the place of an inquest, he shall receive twenty-five cents per mile each way.

Public administrator

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

Superintendent of schools.

11. The superintendent of schools, two thousand four hundred dollars per annum, and necessary expenses in visiting schools in the county, not to exceed ten dollars for each school visited, to be allowed by the board of supervisors of the county; and there is hereby allowed one deputy, appointed by the superintendent of schools, who shall receive one thousand

two hundred dollars per annum, said salary to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the superintendent of schools is paid.

12. The surveyor, two thousand four hundred dollars per annum, which salary shall be in lieu of all fees and per diem heretofore allowed by law; provided, however, that the surveyor shall be permitted by the board of supervisors to do outside work when his services are not required by the county; provided, however, that all compensation, for outside work, received by the surveyor shall belong to and be the property of the surveyor. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the county surveyor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified, according to their population, as shown by the federal census of 1930 as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of more than one thousand nine hundred fifty and less than four thousand shall belong to and be known as townships of the second class; and townships having a population of less than one thousand nine hundred fifty shall belong to and be known as townships of the third class. In case any township existing at the time of the compilation of the 1930 federal census has been heretofore or may hereafter be divided into two or more townships, the population of the new township shall be determined to be a figure which shall be in such proportion to the total census of the old township as the number of registered voters on the great register of 1930 in the new township is to the total number of registered voters on the great register of 1930 in the old township.

14. Justices of the peace shall receive the following salaries which shall be paid monthly out of the general fund of the county in the same manner, as the salaries of county officers are paid, and shall be in full for all services, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; and in townships of the third class, twenty-five dollars per month.

15. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, thirty dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions,

cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

Fees.

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; provided, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; provided, that a constable shall not be required to travel outside of his township to serve any civil process.

order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

16. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay in to the county treasurer, all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

17. Each member of the board of supervisors, one thousand five hundred dollars per annum and ten cents per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; provided, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law. Supervisors

18. Grand jurors and trial jurors in the superior court in civil or criminal cases, shall receive, as compensation for each day's attendance, per day four dollars, and witnesses in the superior court in civil or criminal cases shall receive as compensation for each day's attendance, per day three dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, per mile twenty-five cents. Witnesses in the justice courts and trial jurors in the same, in civil or criminal cases, when sworn to try the case, shall receive as compensation for each day's attendance, two dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, fifteen cents per mile. Jurors

19. In counties of this class there shall be a court reporter of the superior court whose salary shall be two thousand four hundred dollars per year, payable monthly out of the county treasury in lieu of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court and all preliminary examinations in the justices courts of the counties and all proceedings on inquisition before the Reporter

coroner and all proceedings before the grand jury and all statements and investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and in preliminary examinations, coroner's inquisitions, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney, shall be paid by the county as required by law; provided, however, that the per diem fee now paid by parties litigant on behalf of such court reporter shall continue to be paid by such parties litigant to the clerk of court who shall transmit the same to the county treasurer to be paid into the general fund of the county.

Repeal

SEC. 2. Section 4264a of the Political Code is hereby repealed.

CHAPTER 495.

An act to amend section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

Stats 1929,
p 993
(formerly
Sec 4254).
Marin
county
salaries

SECTION 1. Section 4252 of the Political Code is hereby amended to read as follows:

4252. In counties of the twenty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Clerk

1. The county clerk, four thousand dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; provided, that in counties of this class there shall be and is hereby allowed to the county clerk, two deputies, who shall be appointed by said county clerk, and who shall be paid a salary of two hundred dollars per month each, and one additional deputy, which office is hereby created, who shall be appointed by said county clerk, who shall be paid a salary of one hundred seventy-five dollars per month, said salaries of said deputies to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the county

clerk is paid; provided, further, that there is hereby allowed to the county clerk such additional deputies to be appointed by said county clerk, as may be necessary to carry on the work of his office for a length of time not to exceed four months in each year for each deputy, and the aggregate compensation to be paid all of said deputies shall not exceed six hundred dollars in any one year; said deputies to be paid at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand five hundred dollars per annum, ^{Sheriff.} and also all fees for service in actions arising out of his county; provided, that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, who shall be appointed by said sheriff, who shall be paid a salary of two hundred twenty-five dollars per month, and one deputy who shall be appointed by said sheriff, who shall be paid a salary of two hundred dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, four thousand dollars per annum; ^{Recorder.} provided, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of two hundred dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred fifty dollars per month, and two copyists who shall be appointed by said recorder, who shall be paid a salary of one hundred thirty-five dollars per month, each, said salaries of said deputies and of said copyists to be paid by said county, monthly, at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid. He may also appoint such additional copyists as may be required for the recording of all papers, notices, or documents, in his office, who shall receive for their services the sum not to exceed seven cents per folio for typewritten recording of each paper or document so recorded paid out of the fees collected by him, further that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, four thousand five hundred dollars per ^{Auditor.} annum; provided, that in counties of this class there shall be and is hereby allowed to the auditor, clerks and employees, who shall be appointed by said auditor, who shall be paid salaries as follows: Two deputy auditors at a salary of two hundred dollars per month, each, and a sum not to exceed six hundred dollars in any one year for such additional clerk hire as may be necessary, and one additional deputy which office is hereby created, at a salary of one hundred fifty dollars per month; provided, however, that the provision for such additional deputy auditor shall become effective only upon the enactment of that certain act known as "An act to amend section 3714 of the Political Code of the State of California, relating to the levy of taxes,"

introduced at the forty-seventh session of the Legislature and known as Senate Bill No. 298; provided, further, that the said salaries of the clerks and employees herein provided for shall be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Treasurer

5. The treasurer, four thousand dollars per annum; and such fees as are now or may hereafter be allowed by law; provided, that in counties of this class there shall be and is hereby allowed to the treasurer, one deputy, who shall be appointed by said treasurer and who shall be paid a salary of two hundred dollars per month, said salary of said deputy to be paid by said county, monthly, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax collector

6. The tax collector, four thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of two hundred dollars per month, and one deputy who shall be appointed by said tax collector, who shall be paid a salary of one hundred fifty dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; provided, further, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the thirty-first day of December, both dates inclusive, in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of one hundred thirty-five dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; provided, further, that in counties of this class, the said tax collector be allowed a sum not to exceed one thousand dollars per annum for such additional clerk hire as may be necessary, the same to be paid in the same manner and out of the same fund as the salary of the tax collector is paid; provided, further, that said tax collector shall be entitled to receive and retain for his own use ten per centum only of all licenses collected by him.

Assessor

7. The assessor, four thousand five hundred dollars per annum, and also such fees and commissions as are allowed by law; provided, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor who shall be paid a salary of two hundred dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; and provided, further, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed

by said assessor, who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid; provided further, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist, who shall be appointed by said assessor from the first day of January to the thirty-first day of July, inclusive, during each year. Said copyist shall be paid a salary of one hundred thirty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; provided, further, that in counties of this class there shall be and is hereby allowed to the assessors a copyist, who shall be appointed by said assessor from the first day of February to the thirty-first day of August, inclusive, during each year. Said copyists shall be paid a salary of one hundred thirty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; provided, further, that said assessor shall be entitled to receive and retain for his own use three per centum only in personal property tax collected by him as authorized by section 3820 of the Political Code of the State of California; provided, further, that there is hereby allowed to the assessor such additional deputies, to be appointed by said assessor, as may be necessary to carry on the work of his office, and the aggregate compensation to be paid all of such deputies shall not exceed four thousand five hundred dollars in any one year; said deputies to be paid monthly at the same time out of the same fund and in the same manner as the salary of said assessor is paid.

8. The district attorney, three thousand six hundred dollars per annum; provided, that in counties of this class the district attorney may appoint a deputy, which office of deputy district attorney is hereby created; said deputy to receive a salary of one thousand eight hundred dollars per annum; provided, further, that said district attorney may appoint a stenographer at a salary of one hundred fifty dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

District
attorney.

9. The superintendent of schools, three thousand six hundred dollars per annum and actual traveling expenses, while attending to his duties as such superintendent of schools; provided, that such traveling expenses shall not in any one year exceed the sum of seven hundred fifty dollars; provided, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools and who shall be paid a salary of two hundred dollars per month at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid; provided, further,

Superin-
tendent of
schools

that said superintendent of schools may appoint a stenographer, which office is hereby created, at a salary of one hundred twenty-five dollar per month. Said stenographer shall be paid at the same time and out of the same fund as other county officers are paid; and an assistant supervisor of schools, which office is hereby created, and who shall serve as such during the months of February, March, April, May, and June of each year, and who shall be appointed by the superintendent of schools and shall receive a salary of two hundred dollars per month, payable in the same manner and at the same time and out of the same fund as the salary of the said county superintendent of schools is paid.

Coroner

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

Public administrator.

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

Surveyor

12. The surveyor shall receive the sum of four thousand dollars per annum, for all work performed for the county, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county; provided, that in counties of this class, the surveyor may appoint five transit men two of whom shall receive the sum of nine dollars per day each, and three of whom shall receive the sum of eight dollars per day each, while actually engaged in work for the county, said salaries shall be paid in the manner and out of the same fund as the salaries of county officers are paid. The surveyor shall devote his entire time and service to the work of the county, and is prohibited from engaging in private surveying and engineering work. It is hereby found as a fact that the salaries herein provided for do not work an increase in the compensation of said surveyor and same shall apply and become effective immediately.

Township classification

13. For the purpose of fixing the compensation of justices of the peace and constables according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of more than twenty thousand shall belong to and be known as townships of the first class; townships having a population of not less than ten thousand nor more than twenty thousand shall belong to and be known as townships of the second class; townships having a population of less than ten thousand and more than one thousand eight hundred shall belong to and be known as townships of the third class; townships having a population of one thousand eight hundred or less and more than one thousand one hundred shall belong to and be known as townships of the fourth class; townships having a population of one thousand one hundred or less shall belong to and be known as townships of the fifth class. Justices of the peace shall receive the following salaries:

Justices of the peace

In townships of the first and second class the sum of one hundred fifty dollars per month, each; provided, that each

justice of the peace in townships of these classes shall be an attorney at law admitted to practice before the supreme court of this state;

In townships of the third class, the sum of one hundred fifty dollars per month; provided that nothing contained in this provision as to the salaries of justices of the peace of townships of the third class shall affect the salary of said justice of the peace of townships of the third class or the salary of his clerk prior to January 1, 1931;

In townships of the fourth class the sum of fifty dollars per month;

In townships of the fifth class the sum of twenty-five dollars per month;

Said salaries shall be paid in the same manner, and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace of the first, second and third classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; provided, further, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at the expense of the county; provided, further, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said townships of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; and provided, further, that said rental shall not exceed in any one month the sum of fifteen dollars.

14. Constables shall receive the following salaries:

Constables.

In townships of the first class the sum of one hundred dollars per month; provided, however, that in the event that only one constable shall be provided in townships of this class, the constable shall receive a salary of one hundred twenty-five dollars per month.

In townships of the second class the sum of eighty dollars per month; provided, however, that in the event that only one constable shall be provided in townships of this class, the constable shall receive a salary of one hundred twenty-five dollars per month.

In townships of the third class the sum of one hundred dollars per month.

In townships of the fourth and fifth classes the sum of twenty-five dollars per month.

15. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared

Township
population

by the county clerk of said county for the general election next preceding the date of such election. It is hereby found as a fact, that the salaries provided for in subdivisions thirteen and fourteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors

16. Each member of the board of supervisors one hundred dollars per month, and ten cents per mile while traveling on official business from his residence to the county seat, or returning therefrom, and also mileage for his services as road commissioner at the rate of ten cents per mile, for the distance actually traveled in the discharge of his duties as road commissioner; provided, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of education

17. Each member of the board of education including the secretary, five dollars per day when the board is in session and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law.

Reporter

18. In counties of this class, the official phonographic reporter of the superior court shall receive the sum of one hundred fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justice's court in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; provided, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party. The salary of the reporter shall be paid out of the county treasury in the same manner as other county officers are paid.

Sealer.

19. In counties of this class the sealer of weights and measures shall receive as compensation the sum of two hundred dollars per month, together with his actual and necessary traveling expenses incurred in the discharge of his duties as such sealer of weights and measures.

Librarian

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

Mileage

21. In all cases where the mileage of any county officer is not provided by general law, or provided for herein, such mileage shall be the sum of ten cents per mile for each mile actually and necessarily traveled in the performance of his duties.

Effect

SEC. 2 The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 496.

An act to add a new section, to be numbered 5, to chapter 93, statutes of 1899, entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, as amended, relating to the payment of certain state money into the general fund in the state treasury, and abolishing certain special funds.

Stats 1899,
p 110.
amended

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

SECTION 1 A new section is hereby added to chapter 93, statutes of 1899, entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, as amended, to be numbered section 5, and to read as follows:

New section

Sec. 5. The unenumerated balance remaining in the state treasury to the credit of any of the following funds: Mining bureau license fund, bar examination fund, and egg law enforcement fund, shall upon the date upon which this section takes effect, forthwith revert to and become a part of the general fund in the state treasury, whereupon each and all of the special funds in this section mentioned, shall be and are hereby abolished.

Certain
funds
abolished

CHAPTER 497

An act to amend section 385 and to repeal sections 370, 386 and 387 of the Political Code, relating to secretaries and assistants to and employees of the governor.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

SECTION 1. Section 385 of the Political Code is hereby amended to read as follows:

Stats. 1909,
p 397

385 The governor may appoint one private secretary, one executive secretary and one assistant secretary, each at an annual salary of five thousand dollars, and may also appoint and fix the salaries of such other secretaries, assistants and employees as he may deem necessary for his office. All such salaries shall be paid in the same manner and at the same time as the salaries of other state officers.

Governor's
assistants

SEC. 2. Sections 370, 386 and 387 of the Political Code are hereby repealed.

Repeal

CHAPTER 498.

Stats 1927,
p 822,
amended

An act to amend section 6 of chapter 485 of the statutes of 1927, entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Stats 1929,
p 1164.

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

License fee

Sec. 6. Before the applicant shall be entitled to receive a license hereunder he shall pay to the secretary of state for the initial license a fee in the sum of twenty-five dollars, and for each renewal license a fee in the sum of fifteen dollars. In addition a fee of two dollars shall be paid to the secretary of state for each branch office certificate to be issued. All moneys so received by the secretary of state shall be turned into the state treasury to the credit of the "collection agency fund," which fund is hereby created and from which fund expenses of carrying out the provisions of this act shall be defrayed. All moneys heretofore so received and turned into the state treasury by the secretary of state to defray the expenses of carrying out the provisions of this act, and now in the state treasury and designated by the controller as the "collection agencies' license fund" are hereby transferred to the "collection agency fund" and made a part thereof, and any appropriations heretofore payable from said "collection agencies' license fund" shall be payable from the said "collection agency fund."

Transfer of
funds.

CHAPTER 499.

An act to amend section 4259 of the Political Code, relating to salaries of officers of counties of the thirtieth class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

Stats 1929,
p 1705
(formerly
Sec 4258)

SECTION 1. Section 4259 of the Political Code is hereby amended to read as follows:

Kings
county
salaries.

4259. In counties of the thirtieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, two thousand seven hundred dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum, and one deputy at a salary

of one thousand three hundred twenty dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid; provided, further, however, that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year and provided, further, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of the other county officers are paid.

In counties of this class, the county clerk shall be and is hereby authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to the county clerk by the laws of the State of California pertaining to hunting and fishing licenses; also such fees or parts of fees as are now or hereafter may be allowed to the county clerk by the laws of the United States, pertaining to the naturalization of citizens.

2. The sheriff, three thousand dollars per annum and all ^{Sheriff.} fees for the service of process issued without this county. One undersheriff at a salary of two thousand one hundred dollars per annum, one deputy at a salary of one thousand eight hundred dollars per annum and two deputies at a salary of one thousand five hundred dollars per annum each, which offices are hereby created. The salary of said undersheriff and deputies payable monthly in the same manner as the salaries of other county officers are paid.

3. The recorder, two thousand four hundred dollars per ^{Recorder} annum. He shall have one deputy at a salary of one thousand six hundred twenty dollars per annum, which office is hereby created, one copyist at a salary of one thousand two hundred dollars per annum, and one copyist for six months of each year at a salary of one hundred dollars per month. The salaries of said deputy and copyist payable monthly in the same manner as the salaries of other county officers are paid.

4. The auditor, two thousand four hundred dollars per ^{Auditor} annum and one deputy at a salary of one thousand five hundred sixty dollars per annum, one deputy at a salary of one thousand two hundred dollars per annum, and one deputy for two months of each year at a salary of one hundred dollars per month, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

5. The treasurer, two thousand four hundred dollars per ^{Treasurer} annum; provided, however, the treasurer shall retain all fees now or which may hereafter be legally collected by his office, and that said sum or sums of money so collected as fees shall not be considered or construed as an increase of compensation.

6. The tax collector, two thousand four hundred dollars ^{Tax collector} per annum. He shall have one deputy at a salary of one

thousand five hundred dollars per year and two deputies for four months of each year at a salary of one hundred dollars per month each, which offices are hereby created, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid

Assessor

7. The assessor, two thousand four hundred dollars per annum; one chief deputy assessor, at a salary of one hundred thirty-five dollars per month; one deputy assessor at a salary of one hundred dollars per month for seven months in each year, from January first to August first; one copyist, for five months in each year, from March first to August first, at a salary of one hundred dollars per month, the salaries of said chief deputy assessor, deputy assessor and copyist payable in the same manner and at the same time as the salaries of the other county officers are paid.

The assessor shall appoint such field deputies as he may require; provided, that the compensation of such additional deputies shall not exceed in all the sum of four thousand five hundred dollars in any one year; and provided, that said field deputies shall file monthly with the assessor and county auditor a verified statement showing in detail the amount of time consumed in actual assessment work; the salaries of said field deputies shall be paid by the county monthly, in the same manner and at the same time as the salaries of the other county officers are paid. Said salary of the assessor shall be in full for all services rendered by him, and he shall pay all fees received into the county treasury.

District attorney.

8. The district attorney, two thousand seven hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum and one stenographer at an annual salary of one thousand two hundred dollars, which office is hereby created. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

Coroner

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

Public administrator

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

Superintendent of schools

11. The superintendent of schools, two thousand two hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; provided, that in counties of this class the county superintendent of schools shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor

12. The surveyor, ten dollars per day and actual reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

13. Supervisors, each the sum of one thousand two hundred dollars per annum in full for all services performed by them as supervisors and as members of the board of equalization and road commissioners and in any and every capacity, and also all actual and necessary traveling expenses in the performance of all such duties. Supervisors.

14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Justices of the peace

15. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Constables shall also be allowed mileage of eight cents per mile each way for necessary mileage traveling within the county, in the performance of their official duties, both civil and criminal. No mileage shall be allowed constables for traveling outside the county on civil or criminal cases. Constables.

16. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; provided, that in justice courts mileage shall be allowed only to those sworn to try the case. Jurors

17. The county librarian shall receive one thousand eight hundred dollars per annum. Librarian.

CHAPTER 500

An act to pay the claim of B. J. Humphreys against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. The sum of one hundred ten dollars (\$110) is hereby appropriated out of any money in the fish and game preservation fund in the state treasury, to pay the claim of B. J. Humphreys against the State of California.

CHAPTER 501.

An act to amend sections 4236b, 4236d, 4236g, 4236h, 4236l, of the Political Code, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers and providing for the compensation of said officers and said assistants, deputies, and other employees.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Stats. 1929,
p. 243.

SECTION 1. Section 4236b of the Political Code is hereby amended to read as follows:

Sacramento
county:
Sheriff

4236b. In counties of the seventh class the sheriff shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum salary; the sheriff shall also be paid fifteen cents per meal each, for all meals furnished prisoners confined in the county jail. He shall be allowed the actual and necessary expenses incurred in the performance of his official duties, including the actual and necessary expense incurred by him in recovering or searching for the body of any person meeting death through drowning; provided, that in counties of this class, there shall be, and there is hereby allowed the sheriff, the following deputies, jailers and bailiffs, to be appointed by said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy, who shall act as undersheriff, at a salary of two thousand seven hundred dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand four hundred dollars per annum; one chief jailer at a salary of two thousand two hundred eighty dollars per annum; two deputies who shall act as process servers at a salary of one thousand nine hundred eighty dollars each per annum; five deputies who shall act as criminal deputies at a salary

of two thousand one hundred dollars each per annum; one matron at a salary of one thousand two hundred dollars per annum; one matron, to attend female prisoners at a salary of one thousand five hundred dollars per annum; one deputy who shall act as bookkeeper at a salary of one thousand nine hundred eighty dollars per annum; one assistant bookkeeper and property clerk at a salary of two thousand two hundred dollars per annum; one deputy to act as stenographer and assistant bookkeeper at a salary of one thousand nine hundred eighty dollars per annum; one deputy to act as transportation deputy at a salary of one thousand nine hundred eighty dollars per annum; six deputies who shall act as jailers at a salary of one thousand nine hundred eighty dollars each per annum; four deputies to act as court bailiffs at a salary of one thousand nine hundred twenty dollars each per annum. The salaries and compensation of each of said deputies, jailers and bailiffs, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from whence received.

SEC. 2. Section 4236d of the Political Code is hereby amended to read as follows: Stats. 1929,
p. 245

4236d. In counties of the seventh class the auditor shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed the auditor, the following deputies, clerks and employees to be appointed by said auditor, which positions are hereby created and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one redemption deputy at a salary of two thousand four hundred dollars per annum; one warrant deputy at a salary of two thousand four hundred dollars per annum; one budget deputy at a salary of two thousand four hundred dollars per annum; one claim expert, at a salary of two thousand four hundred dollars per annum; one assistant claim clerk, at a salary of two thousand one hundred dollars per annum; two deputies, at a salary of two thousand one hundred dollars each per annum; and such additional assistants as the auditor may require at a salary of six dollars per diem each and whose compensation shall not exceed three thousand dollars per annum, in the aggregate, for all assistance so rendered; provided, further, that the auditor shall certify thereon, as to the correctness of such additional assistants. The salaries and compensations of each of said deputies and clerks, shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. Auditor.

Stats. 1929,
p. 246.

SEC. 3. Section 4236g of the Political Code is hereby amended to read as follows:

Assessor

4236g. In counties of the seventh class the county assessor shall receive as full compensation for services required of him by law, the sum of four thousand dollars per annum. He shall be provided with transportation to be used by him and his deputies in assessing property and gathering assessment data; provided, that in counties of this class there shall be and there is hereby allowed the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand seven hundred dollars per annum; six deputies at a salary of two thousand one hundred dollars each per annum; one stenographer and bookkeeper at a salary of one thousand five hundred sixty dollars per annum; one file clerk at a salary of one thousand five hundred dollars per annum; one country real estate valuation deputy, for not exceeding eight months in any one year, at a salary of one hundred seventy-five dollars per month; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of seven dollars and fifty cents per day each and whose compensation for such services shall not exceed the sum of nine thousand dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of seven dollars per day each and whose compensation for such services shall not exceed the sum of seven thousand dollars per annum in the aggregate for all such deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of six dollars per day each and whose compensation for such services shall not exceed the sum of two thousand four hundred dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of five dollars per day each and whose compensation for such services shall not exceed the sum of two thousand four hundred dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of four dollars per day each and whose compensation for such services shall not exceed the sum of two thousand dollars per annum in the aggregate for all deputies so employed; the salaries and compensation of each of said deputies, clerks and assistants shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Stats 1929,
p. 247.

SEC. 4. Section 4236h of the Political Code is hereby amended as follows:

District
attorney.

4236h. In counties of the seventh class the district attorney shall receive as full compensation for the services required of him by law the sum of six thousand dollars per annum;

provided, that in counties of this class there shall be and there is hereby allowed the district attorney the following assistant deputies and employees, to be appointed by said district attorney which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant district attorney, whose salary is hereby fixed at the sum of four thousand five hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of four thousand five hundred dollars per annum; three deputy district attorneys whose compensation is hereby fixed at the sum of three thousand six hundred dollars each per annum; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one chief clerk, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one county detective who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code and who shall perform such duties as may be required of him by the district attorney, or by the ordinance of the board of supervisors of the county, whose salary is hereby fixed at the sum of three thousand dollars per annum; provided, further, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses incurred by him in the performance of his official duties; provided, further, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; and provided, further, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The salaries and compensation of each of said assistants, deputies and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 5. Section 4236l of the Political Code is hereby amended to read as follows:

4236l. For the purpose of regulating the compensation of township justices and constables in counties of the seventh

Stats 1929,
p 249

Township
classifi-
cation

class, townships shall be classified on the basis of population. Incorporated cities having a population of twenty thousand or more shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; provided, that no township shall contain less than two thousand population; provided, further, that the number of townships shall not exceed eight in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population, and where the boundary line of any township is changed they shall take the census of said township or townships in the manner as in this section provided and the population therein determined shall be and become the official population of the township.

Townships of the second and third classes shall each have one justice and one constable.

Townships of the first class shall have one justice and two constables; provided, however, that in all such townships having a population of twenty thousand or more there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of two hundred dollars per month; one deputy clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred twenty-five dollars per month; such salaries to be payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly.

In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such township an office to be occupied by such justice and constables jointly. In such townships the constables shall be allowed one clerk at a salary of one hundred twenty-five dollars per month. In any township or townships of the second or third class when, in the opinion of the board of supervisors, it is necessary for the proper conduct of the business of the justices of the peace of any of the township courts, the supervisors shall have the power to provide court room space and the rental thereof shall be a proper charge against the county.

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per

annum. The salaries shall be payable monthly in the same manner as county officers are paid.

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand four hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officials are paid.

CHAPTER 502

An act to amend an act entitled "An act providing for the disposition of fines and forfeitures collected in all prosecutions for violations of the laws of the state referring to wild birds, wild mammals and fishes," approved May 20, 1915.

Constables
Stats. 1915,
p 685,
amended

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. Section 1 of an act entitled "An act providing for the disposition of fines and forfeitures collected in all prosecutions for violations of the laws of the state referring to wild birds, wild mammals and fishes," approved May 20, 1915, is hereby amended to read as follows:

Stats. 1915,
p 685

Section 1. All fines and forfeitures imposed or collected in any of the courts of this state for violations of any of the laws or acts providing for the protection or preservation of any of the wild birds, wild mammals or fishes, shall be paid by the court imposing or collecting the same to the fish and game commissioners or someone designated by them for that purpose and all moneys so collected shall be paid by the fish and game commissioners into the state treasury to the credit of the fish and game preservation fund.

Disposition
of fines

CHAPTER 503

An act providing for the recovery of damages by persons bitten by dogs and creating a liability of the owners of such dogs.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. The owner of any dog which shall bite any person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of such dog, shall be liable for such damages as may be

Liability of
owner of
dog

suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness. A person is lawfully upon the private property of such owner within the meaning of this act when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America, or when he is on such property upon the invitation, express or implied, of the owner thereof.

CHAPTER 504.

An act making an appropriation to pay the claim of Redd and Holden against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Special ap-
propriation

SECTION 1. The sum of two hundred seven and 65/100 dollars (\$207.65) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of Redd and Holden against the State of California.

CHAPTER 505

An act making an appropriation to pay the claim of Felix Cross Company against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

Special ap-
propriation

SECTION 1. The sum of forty-two and 06/100 dollars (\$42.06) is hereby appropriated out of any money in the San Francisco harbor improvement fund in the state treasury, to pay the claim of Felix Cross Company against the State of California.

CHAPTER 506.

An act making an appropriation to pay the claim of Gordon's Sea Food Grotto against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

Special ap-
propriation.

SECTION 1. The sum of eighty dollars (\$80) is hereby appropriated out of any money in the San Francisco harbor improvement fund in the state treasury, to pay the claim of Gordon's Sea Food Grotto against the State of California.

CHAPTER 507.

An act making an appropriation to pay the claim of Union Fish Company against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of one hundred five and 67/100 dollars (\$105.67) is hereby appropriated out of any money in the San Francisco harbor improvement fund in the state treasury, to pay the claim of Union Fish Company against the State of California. Special appropriation.

CHAPTER 508.

An act making an appropriation to pay the claim of J. D. Fabris against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

SECTION 1. The sum of thirty-eight dollars (\$38) is hereby appropriated out of any money in the San Francisco harbor improvement fund in the state treasury, to pay the claim of J. D. Fabris against the State of California. Special appropriation

CHAPTER 509.

An act making an appropriation to pay the claim of United Ship Repair Company against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

SECTION 1. The sum of one hundred twenty-five dollars (\$125) is hereby appropriated out of any money in the San Francisco harbor improvement fund in the state treasury, to pay the claim of United Ship Repair Company against the State of California. Special appropriation

CHAPTER 510.

An act making an appropriation to pay the claim of Associated Oil Company against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

*The people of the State of California do enact as follows:*Special ap-
propriation.

SECTION 1. The sum of eighty-five dollars (\$85) is hereby appropriated out of any money in the San Francisco harbor improvement fund in the state treasury, to pay the claim of Associated Oil Company against the State of California.

CHAPTER 511.

An act making an appropriation to pay the claim of Veterans' Bureau of United States government against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

*The people of the State of California do enact as follows:*Special ap-
propriation

SECTION 1. The sum of one and 11/100 dollars (\$1.11) is hereby appropriated out of any money in the motor vehicle fund in the state treasury, to pay the claim of Veterans' Bureau of United States government.

CHAPTER 512.

An act making an appropriation to pay the claim of Kimball-Upson Company against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

*The people of the State of California do enact as follows:*Special ap-
propriation

SECTION 1. The sum of sixteen dollars (\$16) is hereby appropriated out of any money in the fish and game preservation fund in the state treasury, to pay the claim of Kimball-Upson Company.

CHAPTER 513

An act making an appropriation to pay the claim of Harold E. Smith against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of fifty-two thousand six hundred sixty-two dollars and eighty-one cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Harold E. Smith against the State of California.

Special appropriation

CHAPTER 514

An act making an appropriation to pay the claim of Joseph L. Willcox against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of one thousand one hundred eighty-one and 05/100 dollars (\$1,181.05) is hereby appropriated out of any money in the highway maintenance fund in the state treasury, to pay the claim of Joseph L. Willcox against the State of California.

Special appropriation

CHAPTER 515

An act to amend section 4264 and to repeal section 4264a of the Political Code, relating to the salaries and fees of county and township officers in counties of the thirty-fifth class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4264 of the Political Code is hereby amended to read as follows:

Stats 1927, p. 1001 (formerly Sec 4266)

4264. In counties of the thirty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Madera county salaries

1. The county clerk, two thousand seven hundred dollars per annum and such fees and commissions as are now or may hereafter be allowed by law; one deputy at one hundred fifty dollars per month; one deputy at one hundred twenty-five dollars per month; which offices are hereby created; the salaries of said deputies shall be paid in monthly installments at the same time and in the same manner and out of the same

Clerk

fund as the salary of the county clerk is paid; provided, further, in each year in which a new and complete or supplemental registration of voters is required by law the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name for each and every voter registered by them; said compensation to be paid out of the general fund of the county on the presentation and filing with the board of supervisors of the county a duly verified claim therefor approved by the county clerk.

Sheriff.

2. The sheriff, three thousand dollars per annum and such mileage as is allowed by law for the service of all papers issued by courts outside this county; and all mileage for service of papers in civil cases in this county; and actual expenses incurred in criminal cases; he shall have one deputy at one hundred seventy-five dollars per month, and two deputies at one hundred fifty dollars each per month, which offices are hereby created, said deputies to be appointed by the sheriff, and to be paid by said county in equal monthly installments at the same time and out of the same fund as the salary of the sheriff is paid.

Recorder

3. The recorder, two thousand four hundred dollars per annum; he shall have one deputy recorder at one hundred twenty-five dollars per month; two deputy recorders at one hundred dollars per month each, which offices are hereby created, said deputies to be appointed by the recorder and to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor

4. The auditor, two thousand four hundred dollars per annum; he shall have one deputy auditor at one hundred twenty-five dollars per month; one deputy auditor, for a period of ninety days in any one year at a salary of four dollars per diem, such deputies to be appointed by the auditor and to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer

5. The treasurer, two thousand four hundred dollars per annum; one deputy treasurer at one thousand two hundred dollars per annum; which office is hereby created; the salary of said deputy to be paid by said county in equal monthly installments at the same time, in the same manner and out of the same fund as the treasurer is paid.

Tax collector

6. The tax collector, two thousand one hundred dollars per annum; he shall have one deputy at one hundred twenty-five dollars per month; he shall also have during the months of March, April and May of each year one deputy tax collector at a salary of one hundred dollars per month; during the months of October, November and December of each year one deputy tax collector at a salary of one hundred dollars per month; the salaries of said deputies to be paid by said county

in equal monthly installments at the same time, in the same manner and out of the same fund as the tax collector is paid.

7. The assessor, two thousand five hundred dollars per annum; he shall have one deputy assessor at one hundred fifty dollars per month; one deputy at one hundred twenty-five dollars per month, which offices are hereby created; the salaries of said deputies to be paid by said county in equal monthly installments at the same time, in the same manner, and out of the same fund as the assessor is paid. The assessor may also be allowed a sum of not to exceed two thousand seven hundred dollars per annum for additional help when in the opinion of the assessor such additional help is necessary; provided, further, that the assessor shall be entitled to receive and retain for his own use four per cent only on personal property tax collected by him as authorized by sections 3820 and 3829 of the Political Code.

8. The district attorney, three thousand dollars per annum; he shall have one stenographer at one hundred twenty-five dollars per month, said salary to be paid in monthly installments at the same time, in the same manner and out of the same fund as the district attorney is paid.

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

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

11. The superintendent of schools, two thousand four hundred dollars per annum; he shall have one deputy to be appointed by him at a salary of one thousand two hundred dollars per annum, which office is hereby created, said salary to be paid in monthly installments at the same time, in the same manner and out of the same fund as the superintendent of schools is paid.

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.

13. The justices of the peace shall receive the following salaries to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of five thousand or more, one hundred twenty-five dollars per month; in townships less than five thousand and more than three thousand, one hundred dollars per month; in townships having a population of less than three thousand, six hundred dollars per annum.

14. The constables shall receive the following salaries to be paid each month as the salaries of county officials are paid: In townships having a population of more than five thousand, one hundred twenty-five dollars per month; in townships of less than five thousand and more than three thousand, one hundred dollars per month; in townships having a population of less than three thousand, four hundred eighty dollars per annum. In addition to the monthly salaries herein allowed,

each constable may receive and retain for his own use such fees and mileage as are allowed by law for service of all papers issued by any court outside of this county and all fees and mileage for service of papers in civil cases in this county.

Supervisors

15. Each member of the board of supervisors, one thousand eight hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and twenty-five cents per mile while traveling from his residence to the county seat not more than once a month, and each member shall receive his actual traveling expenses as road commissioner not to exceed three hundred dollars per annum. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Reporter

16. The official reporter of the superior court shall receive such fees as are now or may hereafter be allowed by law.

Librarian

17. The salary of the county librarian shall be two thousand four hundred dollars per annum, to be paid in equal monthly installments, at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid.

Jurors

18. Grand jurors and jurors in the superior court shall receive the following fees: For each day's attendance three dollars, and for each mile actually traveled in attending court as a juror, one way, fifteen cents.

Repeal.

SEC. 2. Section 4264a of the Political Code is hereby repealed.

CHAPTER 516

An act repealing article nineteen of chapter three of title one of part three of the Political Code, embracing sections 695 to 715, inclusive, and relating to the continuance in effect of certain acts mentioned in said article.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Repeal

SECTION 1. Article nineteen of chapter three of title one of part three of the Political Code, embracing sections 695 to 715, inclusive, is hereby repealed.

Effect.

SEC. 2. Nothing herein contained shall be construed as repealing the act entitled "An act to provide for the construction of the state capitol in the city of Sacramento," approved March 29, 1860, or of any of the acts amendatory thereof, which acts, if still in force, shall continue in force to the extent, but to no greater extent, than as they exist at the time this act takes effect.

CHAPTER 517.

An act making an appropriation to pay the claim of the Lassen Advocate against the State of California.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. The sum of two hundred three and 20/100 dollars (\$203.20) is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to pay the claim of the Lassen Advocate against the State of California. Special appropriation

CHAPTER 518.

An act to repeal "An act authorizing and empowering the department of natural resources to acquire tax-deeded lands for the use of said department and make an appropriation therefor," approved June 4, 1929, relating to the acquisition of tax-deeded lands. Stats 1929,
p 1161,
repealed.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. An act entitled "An act authorizing and empowering the department of natural resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor," approved June 4, 1929, is hereby repealed Repeal

CHAPTER 519

An act to add a new section to be numbered section 752d to, and to amend section 760 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the calling of a special election for the election of officers of municipalities of the fifth class. Stats 1883,
p 93,
amended

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. A new section to be numbered section 752d is hereby added to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to read as follows: New section

Sec. 752d. Whenever a municipal corporation of the fifth class shall have failed from any cause to elect officers at its Special election

general municipal election provided in this act, or shall have failed to call or hold such general municipal election, a special election shall be called by the board of trustees within thirty days of the filing of a petition signed by twenty-five electors of said corporation, and held therein for the purpose of electing such officers and filling such offices as should have been elected or filled at such general municipal election.

Stats. 1883,
p. 93.

Meetings of
board of
trustees

SEC. 2. Section 760 of said act is hereby amended to read as follows:

Sec. 760. The board of trustees shall meet on the Monday next succeeding the date of said general municipal election, or special election, shall take the oath of office, shall choose one of their number president, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the president of the board or by three trustees, by written notice delivered to each member at least three hours before the time specified for the proposed meeting. All meetings of the board of trustees shall be held within the corporate limits of the city, at such place as may be designated by ordinance, and shall be public.

CHAPTER 520.

An act to amend section 2979c of the Political Code, relating to continuance of revolving fund, appropriating and adding supplemental amount thereto, providing for the uses and expenditure of such fund, and county obligations thereunder.

[Approved by the Governor May 29, 1931 In effect August 14, 1931.]

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

Stats 1929,
p. 1432.

Revolving
fund.

Appropriation

SECTION 1. Section 2979c of the Political Code is hereby amended to read as follows:

2979c. The twenty-five thousand dollar revolving fund which was heretofore created under this original section as adopted May 17, 1927, is hereby continued in force and effect, and there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars which shall be added to and supplement said revolving fund. The revolving fund shall be used in the carrying out of the provisions of this act, and may be expended under the direction of the state board of health for the services and materials furnished under the authority of the certificate provided under section 2979b of the Political Code. The state board of health is hereby empowered to pay for such services, materials, transportation, care, maintenance and appliances and their upkeep out of such fund; and the amount of such expenditures shall be charged against the county in which such petition was filed as provided in section 2979b.

CHAPTER 521.

An act to amend section 4247 of the Political Code, relating to the salaries, fees, and expenses, of officers and their deputies and assistants in counties of the eighteenth class.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

SECTION 1. Section 4247 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1030
(formerly
Sec. 4246)

4247. In counties of the eighteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees, and expenses, to wit:

Imperial
county:
salaries

1. County clerk, three thousand dollars per annum; provided, that in counties of this class there shall be, and hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies who shall receive a salary of one thousand eight hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed five hundred dollars for each such registration year; provided, further, that in counties of this class the county clerk shall be and hereby is authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to the county clerks by the laws of the United States, pertaining to naturalization of citizens and to the public lands; provided, further, that there shall be, and hereby is, allowed to the county clerk such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; provided, however, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand five hundred dollars in any one year.

Clerk.

2 Sheriff, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be, and hereby is, allowed to the sheriff one undersheriff whose salary is hereby fixed in the sum of two thousand seven hundred dollars per annum, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, one deputy, who shall be designated as fingerprint expert, at a salary of two thousand one hundred dollars per annum, which said deputy, in addition to performing the duties

Sheriff

required of him as fingerprint expert, shall assist in making such criminal investigations as may be required of him by the sheriff or the district attorney; one deputy who shall be designated as criminal investigator, at a salary of two thousand dollars per annum who shall be assigned to the district attorney and be available at all times to assist him in investigating cases and in procuring evidence in all criminal matters pending for trial or investigation. In addition to the deputies above mentioned there shall be and is hereby allowed to the sheriff the following additional deputies: Eight deputies at a salary of one thousand eight hundred dollars each per annum, six deputies at a salary of one thousand five hundred dollars each per annum, provided, however, that one of said six deputies shall be a woman who shall act as stenographer in the civil department and assistant day matron; two female deputies at a salary of one thousand two hundred dollars each per annum; provided, however, that one of such female deputies shall act as night matron at the county jail, and the other of such female deputies shall act as stenographer in the criminal department and as the day matron; provided, further, however, that the total compensation of all such additional deputies shall not exceed the sum of twenty-five thousand eight hundred dollars in any one year; provided further, that there shall be and hereby is allowed to the sheriff such extra deputies as the board of supervisors may deem necessary to properly guard the outlying districts of the county, provided, that the total compensation of all such extra deputies to guard the outlying district shall not exceed the sum of three thousand six hundred dollars in any one year.

Recorder.

3. Recorder, two thousand seven hundred dollars per annum; provided, that in counties of this class there shall be, and is hereby allowed the recorder one chief deputy at a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum; provided, further, that there shall be, and hereby is, allowed to the county recorder such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; provided, however, that the total compensation of such extra deputy or deputies shall not exceed the sum of one thousand two hundred dollars in any one year and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio; provided, however, that on instruments that are partly typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instruments, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument. The salaries of all copyists herein provided for shall be paid by the county in

monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

4. Auditor, three thousand dollars per annum; provided, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of two thousand one hundred dollars per annum, two deputies who shall each receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand five hundred dollars per annum, provided, however, that the auditor is hereby allowed five additional deputies, who shall be designated as clerks, who shall receive a salary of one hundred ten dollars each per month; provided, further, that the total compensation of all such additional deputies, herein designated clerks, shall not exceed the sum of five hundred fifty dollars in any one year. Auditor

5. Treasurer, three thousand dollars per annum; provided, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding one thousand eight hundred dollars per annum, to be expended for the salary of a deputy. Treasurer

6. Tax collector, three thousand dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, twelve deputies to be known and designated as clerks, who shall each receive the sum of four dollars per day for each day actually employed, the total amount to be thus expended for said deputies to be known as clerks not to exceed in any one year the sum of two thousand six hundred forty dollars. Tax collector.

7. Assessor, three thousand dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and in addition thereto the following additional deputies, two deputies at a salary of two hundred dollars each per month, two deputies at a salary of one hundred twenty-five dollars each per month, one deputy at a salary of one hundred twelve dollars per month, three deputies at a salary of one hundred dollars each per month; provided, that the assessor is hereby allowed one field deputy at a salary of two hundred twenty-five dollars per month, and twelve field deputies at a salary of two hundred dollars each per month. The field deputies provided for herein shall pay their own expenses; provided, however, that the total compensation of all said additional deputies shall not exceed the sum of fifteen thousand dollars in any one year. Assessor.

8. District attorney, four thousand dollars per annum; one chief deputy who shall receive a salary of three thousand dollars per annum, two deputies who shall each receive a salary of two thousand four hundred dollars per annum, one deputy who shall receive a salary of two thousand one hundred dollars per annum and one deputy who shall receive a salary of one thousand eight hundred dollars per annum; two stenographers who shall each receive a salary of one thousand five District attorney

hundred dollars per annum; one official reporter in the district attorney's office who shall report and transcribe all preliminary hearings required of him by the district attorney, and who shall also report and transcribe such other statements and testimony, and perform such other duties as may be required of him by the district attorney, and whose compensation shall be prescribed by section 869 of the Penal Code; provided, that in counties of this class the district attorney shall devote all of his time to the duties of his office.

Coroner

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

Public administrator

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

Superintendent of schools

11. Superintendent of schools, three thousand dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools: two additional deputies who shall receive a salary of one hundred ten dollars each per month: provided, however, that the total compensation of such additional deputies shall not exceed the sum of one thousand two hundred dollars in one year; the county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors and to be paid out of the county general fund, provided that this amount shall not exceed ten dollars per district per annum; provided, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.

Surveyor

12. Surveyor. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block-books for the use of the county assessor.

Justices of the peace

13. Justices of the peace. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner, and out of the same fund as county officers are paid, in townships having a population of more than five thousand, one hundred dollars per month; provided, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents; justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice's courts in each township; provided,

that in townships where the county seat is situated, such incidental expenses shall include clerical help not to exceed one hundred dollars per month, and in other townships having a population of more than six thousand, such expenses shall include clerical help, not to exceed seventy-five dollars per month, and in townships having a population of more than two thousand and less than six thousand, such expenses shall include clerical help, not to exceed twenty-five dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business; and to the justice of peace of the township where the county seat is situated the board of supervisors shall also furnish and equip with necessary furniture and other appliances, a suitable room in the county courthouse for holding the court of such justice.

14. Constables. Constables shall receive the following Constables monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month; provided, that in counties of this class constables shall in addition to the salaries herein provided receive fees provided in section 4300d of the Political Code. Any constable who shall fail, neglect or refuse to file or return any paper received by him for serving within thirty days from the time he receives such paper, shall be guilty of a misdemeanor, and upon conviction thereof shall be removed from office.

15. Population of townships. For the purposes of subdivisions thirteen and fourteen of this section, the population of Township
population the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three and one-half the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination.

16. Supervisors. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year; provided, however, that each supervisor shall be allowed his necessary traveling expenses at the rate of seven cents per mile, for each mile traveled in the county, in attending meetings of the board and performing his duties as road commissioner. Supervisors

17. Live stock inspector. Live stock inspector, who shall Live stock
inspector be ex officio county veterinarian, one thousand eight hundred dollars per annum; provided, that in counties of this class the

live stock inspector shall be and hereby is allowed one deputy who shall receive as salary six hundred dollars per annum; the county shall pay said inspector and his deputy their actual mileage or furnish them with transportation.

Librarian

18. Librarian. County librarian, one thousand eight hundred dollars per annum.

Jurors

19. Jurors. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, one way only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend.

(b) The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. It is hereby found as a fact that the changes provided for in this act do not work an increase in the compensation of any county officer provided for herein, and the same shall apply immediately to the present incumbents.

CHAPTER 522.

An act making an appropriation to pay the claim of Louis Zeh against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Special ap-
propriation

SECTION 1. Out of any money in the state treasury to the credit of the pharmacy board contingency fund, not otherwise appropriated, the sum of twenty-six 10/100 dollars (\$26.10) is hereby appropriated to pay the claim of Louis Zeh against the State of California.

CHAPTER 523

An act appropriating money to pay the claim of the disbursing officer of the division of highways, state department of public works, against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Special ap-
propriation

SECTION 1. The sum of five hundred six dollars and seventeen cents (\$506.17) is hereby appropriated out of any

money in the state highway general fund to pay the claim of the disbursing officer of the division of highways, state department of public works, against the State of California.

CHAPTER 524.

An act to amend section 4275 of the Political Code, relating to compensation of county and township officers in counties of the forty-sixth class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4275 of the Political Code is hereby amended to read as follows:

Stats 1925,
p 152
(formerly
Sec 4274)
Amador
county
salaries

4275. In counties of the forty-sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. County clerk. The county clerk, one thousand five hundred dollars per annum; provided that in counties of this class there shall be, and there hereby is allowed to the county clerk, one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary of one thousand two hundred fifty dollars per annum. Provided, that the board of supervisors may, in their discretion, authorize the clerk to appoint an additional deputy to assist in his office during the seasonal congestion of work, and shall fix the compensation of such deputy, but the same shall not exceed the sum of six hundred dollars for any one year.

Clerk.

2. Sheriff. The sheriff, four thousand two hundred fifty dollars per annum; provided, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; and provided, further, that the sheriff shall also receive for his own use and benefit, the mileage, fees, and commissions for all services of all papers whatsoever issued by any court of the state outside of his county.

Sheriff

3. Recorder. The recorder, one thousand eight hundred dollars per annum.

Recorder

4. Auditor. The auditor, one thousand dollars per annum.

Auditor

5. Treasurer. The treasurer, one thousand eight hundred dollars per annum.

Treasurer

6. Tax collector. The tax collector, five hundred dollars per annum; provided, as license collector, he shall, in addition, be entitled to receive, and retain for his own use and benefit, ten per cent on all licenses collected by him.

Tax
collector

7. Assessor. The assessor, one thousand eight hundred dollars per annum. The assessor shall appoint a deputy or deputies, when needed, at a per diem of five dollars, but the

Assessor

salary of such deputy or deputies shall not exceed in the aggregate the sum of one thousand five hundred dollars per annum. Provided, that the board of supervisors may, in their discretion authorize the assessor to appoint an additional deputy to assist in his office during the seasonal congestion of work, and shall fix the compensation of such deputy, but the same shall not exceed the sum of five hundred dollars, for any one year.

District
attorney

8. District attorney. The district attorney, one thousand eight hundred dollars per annum; provided, he may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

Coroner

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

Public ad-
ministrator

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

Superin-
tendent of
schools

11. Superintendent of schools. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, which expenses shall not exceed three hundred dollars per annum and shall be allowed and paid as a county charge.

Surveyor.

12. Surveyor. The surveyor, such fees as are now or may hereafter be allowed by law; provided, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

Justices of
the peace
and con-
stables.

13. Justices of the peace and constables. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of three thousand or more, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month. In townships having a population of more than two thousand two hundred and less than three thousand, the justices of the peace shall receive a monthly salary of forty-five dollars per month, and constables a monthly salary of fifty-five dollars per month. In townships having a population of more than one thousand eight hundred and less than two thousand two hundred, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month. In townships having a population of more than one thousand four hundred and less than one thousand eight hundred, justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of forty-five dollars per month. In townships having a population of less than one thousand four hundred, justices of the peace shall receive a monthly salary of thirty-five dollars per month, and constables a monthly salary of forty dollars per month. The salaries above specified shall be in full compensation of justices of the peace for all services of every kind and description rendered by them whether in criminal or in civil cases, but the salaries of constables as above specified, shall be in

full compensation for all services in criminal cases only rendered by said constables and they may retain for their own use and benefit the fees allowed by law in civil cases; provided, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law; for transporting prisoners to the county jail, the actual expenses of such transportation; and provided, further, that for the purpose of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half ($3\frac{1}{2}$).

14. Supervisors. Each supervisor, seven hundred dollars ^{Supervisors.} per annum, for his services both as supervisor and as road commissioner, and ten cents per mile for traveling from his residence to the county seat and return, at each regular or special session; provided, that from and after the first day of January, 1929, each supervisor shall receive a salary of one thousand two hundred dollars per annum, for his services both as supervisor and as road commissioner, and ten cents per mile for traveling from his residence to the county seat and return for each regular or special session of the board.

15. Jurors. Grand jurors and jurors in the superior court ^{Jurors} shall be paid three dollars per day for each day's attendance, and for each mile actually traveled, in going only, while acting as such jurors, twenty-five cents, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for such per diem and mileage, and the treasurer shall pay the same.

16. County librarian. The county librarian shall receive ^{Librarian} one thousand five hundred dollars per annum.

CHAPTER 525.

An act to amend section 4281 of the Political Code, relating to compensation of county and township officers in counties of the fifty-second class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

SECTION 1. Section 4281 of the Political Code is hereby amended to read as follows:

4281 In counties of the fifty-second class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1 The county clerk, one thousand five hundred dollars per ^{Clerk} annum. The county clerk may appoint such number of

Stats 1920,
p. 1231
(formerly
Sec 4278).

Calaveras
county
salaries

registration deputies as may be necessary for the purpose of registering electors. Each of such deputies shall be paid the sum of ten cents per name for each person legally registered by him.

Sheriff

2. The sheriff, three thousand five hundred dollars per annum; provided, that in counties of this class there shall be one deputy at a salary of one thousand dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; provided, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; and, provided further, that the sheriff shall also receive for his own use and benefit the mileage, fees and commission for all services of all papers whatsoever issued by any court of the state.

Recorder

3. The recorder, one thousand five hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor

4. The auditor, one thousand dollars per annum. In counties of this class the auditor may appoint a copyist for service in his office, which office of copyist for the county auditor is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Treasurer

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector

6. The tax collector, one thousand two hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy, at a salary of nine hundred dollars per annum to be paid out of the county treasury.

Assessor

7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury. The above-named deputies shall each be allowed his actual and necessary traveling expenses, not to exceed in the aggregate one thousand dollars per annum, incurred in the assessment of real and personal property and in the collection of personal property taxes.

District attorney

8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors

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

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

11. The superintendent of schools, two thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools

12. The surveyor, the sum of ten dollars per day for all services performed by him by virtue of his office and his necessary traveling expenses when performing official work in the field, such compensation and expenses to be allowed by, and paid on the order of, the board of supervisors; provided, he shall be given all work for the county in which the county employs a surveyor or civil engineer. Surveyor

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases. Justices of the peace and constables

In townships having a population of more than two thousand seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than one thousand nine hundred and less than two thousand seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than one thousand nine hundred, justices of the peace shall receive a monthly salary of twenty dollars per month and constables a monthly salary of twenty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; provided, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addi-

tion to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; and, provided further, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

Supervisors

14. Each supervisor, one thousand two hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county of Calaveras by order of the board on business connected with his office; said traveling expenses not to exceed one hundred dollars per year per supervisor.

Jurors

15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Librarian

16. The county librarian, one thousand eight hundred dollars per annum

CHAPTER 526.

An act to amend section 4274 of the Political Code, relating to compensation of county and township officers in counties of the forty-fifth class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Stats 1929,
p. 1072
(formerly
Sec 4275)
Tuolumne
county
salaries

SECTION 1. Section 4274 of the Political Code is hereby amended to read as follows:

4274. In counties of the forty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk

1. The county clerk, three thousand six hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary

receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

2. The sheriff, four thousand five hundred dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. Sheriff

3. The recorder, three thousand six hundred dollars per annum; provided, that said recorder shall collect and pay into the county treasury for the use and benefit of the county all fees required by law to be collected by him. Recorder

4. The auditor, one thousand eight hundred dollars per annum. Auditor

5. The treasurer, two thousand four hundred dollars per annum. Treasurer

6 The tax collector, two thousand seven hundred fifty dollars per annum, which shall be in full for all services as tax collector and as license collector. Also that in counties of this class, the tax collector may appoint a stenographer or clerk who shall receive a salary of one thousand five hundred dollars per annum, to be paid in monthly installments in the same manner, at the same time, and out of the same fund as the salary of the tax collector. Tax collector

7. The assessor, three thousand dollars per annum; provided, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county, whose salary is hereby fixed at the sum of one hundred twenty-five dollars per month; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor; and provided, further, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salary of said last mentioned deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor. Assessor

8. The district attorney, two thousand dollars per annum; provided, that in counties of this class the district attorney may appoint a stenographer or clerk who shall receive a salary of one thousand two hundred dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as is the salary of the district attorney. District attorney.

9. The coroner, nine hundred dollars per annum. Coroner.

Public ad-
ministrator

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

Superin-
tendent of
schools

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.

Librarian

11½. The county librarian, one thousand eight hundred dollars per annum.

Surveyor

12. The surveyor, ten dollars per day for each day's service rendered.

Supervisors.

13. Supervisors, each the sum of one thousand two hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; provided, that each supervisor shall receive ten cents for each mile traveled by that ordinary route, in going from his residence to the county seat and returning, once during each month; and that supervisors in counties of this class be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.

Township
classifica-
tion.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of 1910; townships having a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Justices of
the peace

15. In townships of the first class, justices of the peace shall receive ninety-six dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them.

In townships of the second class, justices of the peace shall receive ninety dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.

Constables

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of ninety dollars per month, and constables of townships of the second class shall receive a monthly salary of seventy-two dollars per month; provided, further, that the constables in the respective townships be allowed mileage at the rate of twenty-five cents per mile in the services of all papers pertaining to criminal cases, but shall not be allowed any sum for any other expenses.

17. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary of one hundred fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compensation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

18. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents; and in criminal cases, the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same.

19. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, shall be paid two dollars per day for each day's actual attendance, and twenty-five cents per mile for each mile actually traveled, in going only; and in criminal cases the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same.

CHAPTER 527.

An act to amend section 4262 and to repeal section 4257a of the Political Code, relating to compensation of county and township officers in counties of the thirty-third class.

[Approved by the Governor May 29, 1931. In effect August 14, 1931]

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

Stats. 1929,
p. 1149
(formerly
Sec. 4257)
Mendocino
county
salaries.

SECTION 1. Section 4262 of the Political Code is hereby amended to read as follows:

4262. In counties of the thirty-third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum. In counties of this class the county clerk is hereby allowed a deputy clerk, which office is hereby created, at an annual salary of one thousand eight hundred dollars. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid the sum of five cents for the name of each defendant entered in the index labeled "general index defendants" as provided in subdivision four of section 4178; and the further sum of five cents for each document recorded by said county clerk under the provisions of section 1387 of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section 1115 of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroner's inquests; and provided, further, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, as proper allowance of said claim by said board of supervisors.

Sheriff.

2. The sheriff, six thousand dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; provided, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; provided, further, that the sheriff shall be entitled to receive and retain for his own use, all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the state prisons,

or other state institutions, which expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. The sheriff shall not be entitled to any per diem for conveying persons to or from the said prisons or to or from the insane asylums or other state institutions. He shall have one deputy to be appointed by the sheriff, at a salary of one thousand five hundred dollars per annum, which office is hereby created.

3. The recorder, two thousand four hundred dollars per annum; provided, that said salary shall not become effective until January 1, 1927. He shall have two deputies, to be appointed by the recorder, at a salary of one thousand two hundred dollars per annum, each, which offices are hereby created. Recorder.

4. The auditor, three thousand dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and one deputy at a salary of one thousand two hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and shall employ such assistants as may be necessary for the purpose of extending the tax rolls; provided, that no more than seven hundred dollars shall be expended for such assistants in any one year. Auditor.

5. The treasurer, two thousand five hundred dollars per annum; provided, that said salary shall not become effective until January 1, 1927. Treasurer.

6. The tax collector, two thousand two hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the tax collector, which office is hereby created. Tax collector

7. The license collector, seven hundred dollars per annum, but he shall receive no fees nor commissions on the amount of licenses collected, nor for any other service required by law. License collector

8. The assessor, three thousand six hundred dollars per annum, but he shall receive no fees nor commissions on personal property taxes collected, nor for making up military roll, nor for any other service required by law. He shall have one office deputy at a salary of one thousand eight hundred dollars per annum, and eight field deputies for a period not exceeding two months of each year, at a salary of one hundred fifty dollars per month, each, all to be appointed by the assessor; provided, however, that the provisions of this section shall not take effect during the term of office of the present incumbent. Assessor

9. The district attorney, three thousand dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other District attorney.

matters in which the county is interested; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be two thousand four hundred dollars per annum.

The district attorney is hereby allowed a stenographer, which office is hereby created, at an annual salary of one thousand two hundred dollars.

Coroner.

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

Public administrator

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

Superintendent of schools.

12. The superintendent of schools, three thousand dollars and actual traveling expenses when visiting the schools of his county. He shall have one deputy, to be appointed by the superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created.

Surveyor.

13. The surveyor shall receive ten dollars per diem while engaged in the discharge of the duties of the office, and he shall be allowed one deputy at a salary of ten dollars per diem while engaged in the discharge of his official duties. The surveyor shall also be paid the actual and necessary expenses of transportation of himself, his deputy and surveying crews, and subsistence of himself and deputy, all while in the field. He shall also be allowed four helpers at a wage of five dollars per diem, each, while actually and necessarily engaged in assisting the surveyor in the discharge of his duties. The county shall also provide for the use of the surveyor, a suitable office, office furniture, field and office equipment, lights and care for said office, office and record books, and other necessary materials for the performance of his duties. In computing the per diem of the surveyor, his deputy and crews, the time spent in traveling shall be included.

Justices of the peace

14. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them: (1) In townships having a population of five thousand or more, one hundred dollars per month; provided, that where there is now or may be hereafter created in such township, more than one justice of the peace, the monthly salary of said two justices shall each be seventy-five dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, seventy-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per month; (5) in townships having a population of five hundred and less than one thousand, forty dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. The population

of townships shall, for the purposes of this section, be determined by the census last had by the federal government.

15. Each member of the board of supervisors shall be allowed the sum of seventy-five dollars for each meeting of said board; provided, that no member shall be allowed to receive pay for more than twelve meetings during any one year; and the further sum of twenty cents per mile, mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; provided, he shall not in any one year receive more than six hundred dollars as such road commissioner. Supervisors.

16. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: (1) in townships where the population is five thousand or more, sixty dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; (5) in townships having a population of less than one thousand, twenty dollars per month. In addition to the monthly salaries allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issue of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; provided, that no more than three dollars shall be charged or received for any one day; and provided, further, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the civil cases. Constables may also, when necessary, by first obtaining an order from the district attorney of the county or from a judge of the superior court of this state, employ a temporary guard for the safe-keeping or protection of prisoners, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive, in addition to the fees and salaries in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses, actually incurred in the pursuit within the county of insane persons or criminals charged with a felony, and the same shall be a county charge. Constables.
The population of townships shall, for the purposes of this

section, be determined by the census last had by the federal government.

Jurors

17. In counties of this class grand jurors and trial jurors in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile; provided, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

Constitutionality

The Legislature hereby declares that if any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act.

18. The salaries of all deputies and assistants provided for in this act shall be paid by the county, monthly, in the same manner and from the same fund as the county officers are paid.

Repeal

SEC. 2. Section 4257a of the Political Code is hereby repealed.

CHAPTER 528.

An act to amend section 4258 of the Political Code, relating to compensation of county and township officers in counties of the twenty-ninth class.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

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

Stats 1929,
p. 1412
(formerly
Sec 4262)
Siskiyou
county.
salaries

SECTION 1. Section 4258 of the Political Code is hereby amended to read as follows:

4258. In counties of the twenty-ninth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, three thousand five hundred dollars per annum, and such fees as are now or may hereafter be allowed by law; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk, one clerk, which office is hereby created, at a salary of one thousand eight hundred dollars per annum, and who shall be appointed by the county clerk. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the

same time, and in the same manner and out of the same fund as the salary of the county clerk is paid; and it is further provided, that in counties of this class there shall be and is hereby allowed to said county clerk, one stenographer, which office is hereby created, at a salary of nine hundred dollars per annum, who shall be appointed by the clerk. The salary of said stenographer herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said county clerk, and it is intended that the same shall apply immediately to the present incumbent.

2. The sheriff, six thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the sheriff, one clerk, which office is hereby created, at a salary of one thousand eight hundred dollars per annum and who shall be appointed by the sheriff. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the sheriff is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said sheriff, and it is intended that the same shall apply immediately to the present incumbent.

Sheriff.

3. The recorder, three thousand five hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the recorder, one copyist to be paid one thousand two hundred dollars per annum. The salary of said copyist herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the recorder is paid.

Recorder

4. The auditor, two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the auditor, two clerks to be appointed by the auditor, one at a salary of one thousand eight hundred dollars per annum, the other at a salary of one thousand two hundred dollars per annum which offices are hereby created. The salary of each of said clerks herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the auditor is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk, do not work an increase in the compensation of said auditor, and it is intended that the same shall apply immediately to the present incumbent.

Auditor.

5. The treasurer, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer, one clerk, which office is hereby created, at a salary of nine hundred dollars

Treasurer

per annum, and who shall be appointed by the treasurer. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the treasurer is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said treasurer, and it is intended that the same shall apply immediately to the present incumbent.

Tax
collector.

6. The tax collector, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the tax collector, one deputy, which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the tax collector. The salary of said deputy tax collector herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the tax collector is paid; and provided further, that in counties of this class, all fees and commissions of every name and nature received by the tax collector, shall be paid into the county treasury. And it is hereby found as a fact that the changes herein provided for in the salary of the said deputy tax collector do not work an increase in the compensation of said tax collector, and it is intended that the same shall apply immediately to the present incumbent.

Assessor.

7. The assessor, four thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the assessor, one clerk, which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the assessor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall also appoint seven field clerks, which offices of field clerk are hereby created, to serve not exceeding sixty days in any one year, and said field clerks shall receive as compensation for all services performed by them, the sum of seven dollars and fifty cents per day for each day actually and necessarily employed as such, to be paid out of the county treasury at the same time, and in the same manner and out of the same fund as the salaries of county officers are paid; provided, that each field deputy when so employed shall file with the auditor a statement verified by oath of such field deputy, and approved by the assessor, showing the number of days actually and necessarily employed in the duties of such employment during the period covered by said statement, before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for services in making out the roll of persons subject to military duty, and all other fees and commissions shall be

collected by the assessor and by him paid into the county treasury and no part shall be retained by him as part of his compensation. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said assessor, and it is intended that the same shall apply immediately to the present incumbent

8. The district attorney, three thousand six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the district attorney, one clerk, which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the district attorney. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the district attorney is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said district attorney, and it is intended that the same shall apply immediately to the present incumbent.

District
attorney

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

Coroner

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

Public ad-
ministrator

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of the county, and five dollars per day for services as a member at meetings of the board of education; provided, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, one clerk, which office is hereby created, at a salary of nine hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said superintendent of schools, and it is intended that the same shall apply immediately to the present incumbent.

Superin-
tendent of
schools

12. The county surveyor, two thousand seven hundred fifty dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the surveyor one deputy, who shall be appointed by the surveyor of said county, and shall be paid a salary of one thousand five hundred dollars per annum; the salary of such surveyor and such deputy surveyor shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county surveyor shall make all maps, plats and

Surveyor

blockbooks required by the county assessor; he shall do all work for the county in which the county employs a surveyor or civil engineer: he shall have general advisory supervision over all road and bridge work for the county and shall file annually with the board of supervisors a statement, which shall be published as a part of the proceedings of said board, showing the cost of all new road and bridge construction in the county, also the cost per mile of maintaining the different roads of the county for the preceding fiscal year; and provided, further, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistants for the performance of any of said work, the board of supervisors shall allow the necessary actual expense thereof; and provided, further, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field. The salary herein fixed for said surveyor shall be in lieu of all fees, commissions or compensation of whatsoever kind or nature for services performed by said surveyor for said county. All acts or parts of acts relative to such fees, commissions, or compensation for work performed for counties of this class by such county surveyor are hereby repealed.

Reporter.

13. In counties of this class there shall be a court reporter whose salary shall be two thousand four hundred dollars per year. The salary of said reporter herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salaries of county officers are paid; said salary shall be in lieu of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court, before the grand jury and all preliminary examinations in the justice courts of the county, and all investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior court and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and transcripts of proceedings before the grand jury, preliminary examinations, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney shall be paid by the county as required by law; provided, however, that the per diem fee now paid by parties litigant on behalf of such court reporter, shall continue to be paid by such parties litigant to the clerk of the court who shall transmit the same to the county treasury to be paid into the general fund of the county.

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors

as are other county charges. And it is hereby found as a fact that the changes herein provided for in the salary of the said reporter do not work an increase in the compensation of said reporter, and it is intended that the same shall apply immediately to the present incumbent.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases; in townships where the population is three thousand five hundred, or more, seventy-five dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand five hundred, or more, and less than three thousand five hundred, fifty dollars per month; in townships where the population is one thousand five hundred, or more, and less than two thousand five hundred, thirty-five dollars per month; in townships where the population is one thousand, or more, and less than one thousand five hundred, twenty-five dollars per month; in townships where the population is less than one thousand, fifteen dollars per month; provided, that all fees and fines chargeable and collectible by justices of the peace in civil and criminal cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; provided, further, that for the purpose of this subdivision, the population of the several townships shall be ascertained by the board of supervisors, by multiplying the number of registered voters at the last general election of each township by three.

Justices of
the peace

15. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases.

Constables

16. The meetings of the board of supervisors shall be monthly and shall be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand two hundred dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat.

Supervisors.

17. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall

Jurors.

receive for each mile actually and necessarily traveled from his residence to the place of service and return, the sum of fifteen cents per mile; provided, that in justice courts mileage shall be allowed only to those sworn to try the case.

CHAPTER 529.

An act to appropriate money to pay the claim of Herbert F. Field against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Special ap-
propriation

SECTION 1. The sum of one hundred eighty-nine dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Herbert F. Field against the State of California.

CHAPTER 530.

An act to amend section 4235 of the Political Code, relating to compensation of county and township officers in counties of the sixth class.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Stats 1927,
p. 749
(formerly
Sec 4233)
Fresno
county
salaries

SECTION 1. Section 4235 of the Political Code is hereby amended to read as follows:

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Clerk

1. Clerk The county clerk, four thousand six hundred dollars per annum; he shall have one deputy at two thousand eight hundred dollars per annum; three deputies at a salary of two thousand four hundred dollars each per annum; four deputies at a salary of one thousand nine hundred twenty dollars each per annum; four deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum; one deputy at a salary of one thousand nine hundred seventy dollars per annum. He shall also have three additional deputies for a period of not to exceed eight months during each and every even-numbered year at a salary of five dollars per day each during their said employment, and three deputies for a period of not to exceed six months during each and every even-numbered year, such deputies to receive a salary of five

dollars per day each during their said employment, and also for such even-numbered years he shall appoint such deputies in the county as are necessary for the purpose of registering the electors, such deputies to receive ten cents for each elector legally registered by them. The county clerk shall pay into the county treasury at the close of each month all fees received by him during the month, accompanied by a statement of the sources from whence received.

2. Sheriff. The sheriff, six thousand dollars per annum; Sheriff he shall have an undersheriff at a salary of three thousand twenty-five dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; eight deputies at a salary of two thousand dollars per annum each; seven deputies at a salary of one thousand eight hundred dollars per annum each; one criminal identification deputy who shall have charge of all criminal identification records and who shall act as a photographer and who shall receive a salary of two thousand four hundred dollars per annum; two stenographers whose annual salary shall be one thousand eight hundred dollars; one clerk whose annual salary shall be one thousand two hundred dollars; a matron whose annual salary shall be one thousand five hundred dollars. The sheriff shall pay into the county treasury all sums received by him for service of process and all moneys, exclusive of expenses, received by him under the provisions of sections 4175 and 4176 of the Political Code. The sheriff may retain for his own use and benefit all mileage now allowed by section 4300b of the Political Code, for traveling in the service of any paper required by law to be served.

3. Recorder. The recorder, four thousand dollars per Recorder. annum; one deputy at a salary of two thousand eight hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand nine hundred eighty dollars per annum; two deputies at a salary of one thousand nine hundred twenty dollars per annum; four deputies at a salary of one thousand eight hundred dollars per annum.

The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation not to exceed five cents per folio; provided, however, that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument.

4. Auditor. The auditor, four thousand dollars per annum Auditor. He shall also have one chief deputy at a salary of two thousand eight hundred dollars per annum; one deputy who shall act as chief accountant, and who shall receive a salary of two thousand seven hundred fifty dollars per annum; one deputy who shall act as a redemption clerk and who shall receive a salary of two thousand two hundred twenty dollars per annum;

one deputy who shall act as bookkeeper and who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall act as a warrant clerk and who shall receive a salary of one thousand eight hundred dollars per annum, three deputies at a salary of one thousand eight hundred dollars each per annum, three deputies at a salary of one thousand five hundred dollars each per annum; and eight deputies for not to exceed one hundred twenty days in each year, at a salary of five dollars per day each. In addition to the salary herein provided for the said auditor shall receive three per cent of the sum collected from the state under the provisions of section 4099a of the Political Code for the extra duties imposed by said section.

Treasurer 5. Treasurer The treasurer, four thousand dollars per annum; he shall have one deputy at a salary of two thousand eight hundred dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; three deputies at a salary of one thousand eight hundred fifty dollars per annum each.

Tax collector 6. Tax collector. The tax collector, four thousand dollars per annum; he shall have one deputy at a salary of two thousand eight hundred dollars per annum; one deputy at a salary of two thousand four hundred twenty-five dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; one deputy at a salary of one thousand nine hundred thirty dollars per annum; four deputies at a salary of one thousand eight hundred ten dollars per annum; and nineteen additional deputies for not exceeding three months in each year at a salary of five dollars per day each; and seven additional deputies for not exceeding two months in each year at a salary of six dollars per day each. The tax collector shall be allowed the actual and necessary expenses required by him in the performance of his official duties as license collector of Fresno county.

Assessor 7. Assessor The assessor, five thousand dollars per annum; he shall have one deputy at a salary of two thousand eight hundred dollars per annum; one deputy at a salary of two thousand one hundred ten dollars per annum; six deputies at a salary of one thousand eight hundred dollars each per annum; ten deputies for a period not to exceed six months in each year at a salary of five dollars per day each; seven deputies for a period of not to exceed four months in each year at a salary of seven dollars and fifty cents per day each; thirty deputies for a period not to exceed three months in each year at a salary of seven dollars and fifty cents per day each; one deputy for a period of not to exceed six months in each year at a salary of ten dollars per day.

All sums collected by the assessor or his deputies as personal property taxes shall be paid into the county treasury monthly as collected with a statement of such collections

Jurors 8. Jurors. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the

performance of the duties required by them, and in addition thereto shall receive the mileage now allowed by law.

9. District attorney. The district attorney, six thousand dollars per annum; he shall have one assistant at a salary of four thousand five hundred dollars per annum; one deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand nine hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand dollars per annum; and two deputies at a salary of two thousand four hundred dollars per annum each. A detective at a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum; and one combination stenographer and telephone clerk at a salary not to exceed one thousand five hundred dollars per annum

District attorney

Neither of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

The district attorney and his deputies shall devote their entire time during office hours to the work of the county and state and are prohibited from engaging in private work within such office hours.

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

Coroner.

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

Public administrator.

12. Superintendent of schools. The superintendent of schools, four thousand dollars per annum; he shall have one deputy at a salary of two thousand seven hundred dollars per annum; three deputies at a salary of two thousand four hundred dollars each per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each and two deputies at a salary of one thousand five hundred dollars per annum each. One of the deputies is to act as an attendance officer for the schools of Fresno, whose duties shall be to enforce the laws in regard to compulsory attendance of pupils and who shall perform such other duties in connection with school work as the county superintendent may direct. The superintendent and his supervising assistants and attendance officers shall be allowed their actual traveling expenses incurred while visiting the schools of the county.

Superintendent of schools

13. Surveyor The surveyor, four thousand dollars per annum in full compensation for all services as county surveyor and as road overseer and inspector. He shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars

Surveyor

per annum ; and one deputy at a salary of one thousand eight hundred dollars per annum. And in addition thereto the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of any plans, specifications, surveys or construction of any public improvement, upon the approval of the board of supervisors.

(Expenses. Inspectors and field or office help.) The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field.

The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from engaging in private surveying and engineering work, and shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

A majority of the members of the board of supervisors may employ and direct the county surveyor to supervise and take charge of all construction and maintenance work on all highways in the county.

Township
classifica-
tion.

14. Classification of townships. The registered population of the several judicial townships of this county is hereby determined to be as follows, to wit:

Township No. 1, Dos Palos	-----	1,993
Township No. 2, Clovis	-----	2,075
Township No. 3, Fresno	-----	29,924
Township No. 4, Fowler	-----	1,455
Township No. 5, Selma	-----	2,880
Township No. 6, Coalinga	-----	2,725
Township No. 7, Sanger	-----	2,440
Township No. 8, Reedley	-----	2,455
Township No. 9, Kingsbury	-----	765
Township No. 10, Tollhouse	-----	507
Township No. 11, Kerman	-----	1,745
Township No. 12, Dunlap	-----	320
Township No. 13, Laton	-----	525
Township No. 14, Parlier	-----	710
Township No. 15, Riverdale	-----	730
Township No. 16, Del Rey	-----	355
Township No. 17, Caruthers	-----	1,055
Township No. 18,	-----	155

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third

class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

15. Justices of the peace. Justices of the peace in townships of the first class shall receive a salary of two hundred fifty dollars per month to be paid each month as the county officers are paid. Justices of the peace

For each justice's court in townships of the first class there shall be one justice's clerk for each department or court thereof, who shall be appointed by the justices of the peace. Said clerk, or clerks, shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers, and give a bond in the sum of three thousand dollars, conditioned upon and for the faithful discharge of the duties of the office, which bonds shall be approved and filed in the same manner as are bonds of county officers.

Said justice's clerk, or clerks, shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

"-----
Justice of the Peace.
Attest -----,
Clerk."

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk, or clerks, in the manner and form hereinbefore set out. The said justice's clerk, or clerks, shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, or clerks, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk, or clerks, which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk, or clerks, shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk, or

clerks, shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

In the event that two justices' courts be established in any township of the first class, then and in such an event the justice of said additional court shall be entitled to and shall appoint a clerk for said additional court, which said clerk shall be vested with the same authority and charged with the same duties and entitled to the same compensation as the clerk of the justice's court hereinbefore provided for

The board of supervisors shall provide, in a convenient locality, a suitable office and court room, including all necessary office furniture, telephone, light, heat and water and all necessary stationery and office supplies for the justices and clerks thereof for all justices' courts in and for townships of the first and second class.

Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid and the same shall include their office rent except as heretofore provided for justices and first and second class, to wit:

In townships of the second class.....	\$100
In townships of the third class.....	90
In townships of the fourth class.....	75

For each justice's court in townships other than the first class, there shall be one justice's clerk, who shall be appointed by the justice of the peace: provided, that the total number of cases, civil and criminal, filed in said court during the calendar year preceding such an appointment be six hundred fifty.

Said clerk shall be appointed immediately on this act taking effect and shall have same qualifications, authority and duties as prescribed for clerks of justices' courts of the first class. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid. On the first day of each calendar year, the justice of each court, entitled to a clerk under this provision shall file with the county clerk a certified list of all cases filed in his court for the preceding calendar year, giving titles of same.

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

Constables

16. Constables. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class-----	\$125
In townships of the second class-----	100
In townships of the third class-----	90
In townships of the fourth class-----	75

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; provided, further, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of the county at the rate of five cents per mile.

17. Supervisors. The supervisors shall receive each the sum of three thousand six hundred dollars per annum, payable monthly in installments of three hundred dollars per month, in full compensation for all services rendered, either as supervisors or road overseers. Supervisors.

18. Sealer of weights and measures. The sealer of weights and measures shall receive a salary of two hundred dollars per month and he shall have three deputies at a salary of one hundred fifty dollars per month each, and in addition thereto he and his deputies shall be allowed their traveling expenses actually and necessarily incurred in the performance of their duties. Sealer.

19. Payment of salaries. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month. Salaries, etc.

20. No change herein made in the salary of an elective county officer, or in the manner of the disposition of fees received by such officer, shall become effective until the expiration of the present term of the incumbent. Elective officers

21. In counties of this class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses herein set forth; provided, that the members of the board of supervisors, clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, superintendent of schools, surveyor, sealer of weights and measures, and their respective deputies, shall be allowed all actual expenses which are necessary to the performance of their duties under the law; and said expenses and the salaries designated in this section for such officers and their deputies, except as in this section otherwise specifically provided, shall be as full and complete compensation for giving their entire time and attention to the duties required of them by law, or which are, for any reason imposed upon or performed by them under the laws of or on behalf of the United States or this state or any political subdivision thereof, or any

public corporation. All other fees, statutory mileage or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States or this state or any political subdivision thereof or any public corporation, shall be by such officers named in this section paid into the county treasury.

CHAPTER 531.

An act making an appropriation to pay the claim of Quaker Oats Company against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Special ap-
propriation.

SECTION 1. The sum of one thousand four hundred eighty-seven dollars and seventy-three cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Quaker Oats Company.

CHAPTER 532.

An act making an appropriation to pay the claim of California Securities Company against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Special ap-
propriation

SECTION 1. The sum of three hundred fifty-five dollars and two cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of California Securities Company.

CHAPTER 533.

An act providing for the retirement of funded debt bonds of 1873, and making an appropriation therefor.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

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

Appropriation:
retirement
of bonds

SECTION 1. Out of any moneys received from the federal government in payment of the claims of the State of California against the United States, pursuant to the provisions of chapter 873, statutes of 1929, after the counsel, agents, or attorneys, shall have been paid for their services, there shall

first be retired by the state treasurer the funded debt bonds of 1873 now held by the State of California in trust in the state school fund and the university fund, and the sum necessary to retire said bonds is hereby appropriated from said moneys so received.

CHAPTER 534.

An act to amend section 6 and section 24 of the "State medical practice act," approved June 2, 1913, as amended, relating to report of receipts, title of act, and penalties and disposition of fines. Stats. 1913, p. 722, amended

[Approved by the Governor May 29, 1931. In effect August 14, 1931]

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

SECTION 1. Section 6 of the state medical practice act, approved June 2, 1913, is hereby amended to read as follows: Stats. 1921, p 1010.

Sec. 6 All fees earned by the board of medical examiners and all fines shall be reported at the beginning of each month, for the month preceding, to the state controller, and at the same time the entire amount of such collections shall be paid into the state treasury, and shall be credited to a fund to be known as the board of medical examiners' contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of medical examiners and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. Use of contingent fund.

SEC. 2. Section 24 of said act is hereby amended to read as follows: Stats. 1927, p 181.

Sec. 24. This act when referred to, cited or amended may be designated as the state medical practice act, and for a violation of any provision of this act, said violator shall be guilty of a misdemeanor, unless otherwise specifically provided in this act, and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600) or by imprisonment for a term of not less than sixty (60) days nor more than one hundred eighty (180) days or by both such fine and imprisonment. The fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five per cent (75%) thereof to the board of medical examiners to be deposited to the credit of the contingent fund of the board of medical examiners; provided, that all fines and forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act and which such prosecution shall have been initiated by the board of osteopathic examiners of the State of California shall be paid upon the collection by the proper officer of the court seventy-five per cent (75%) thereof to the board of osteopathic examiners to be deposited by said Short title
Penalties
Disposition of fines.

board to the credit of the contingent fund of the board of osteopathic examiners and such payment to said board of medical examiners or board of osteopathic examiners shall be made without placing such fine or forfeiture of bail in any special or contingent or general fund in any county, city and county, city, or township. The balance or twenty-five per cent (25%) of such fines or forfeitures of bail shall be paid to the county wherein the case is pending.

CHAPTER 535

An act to amend the Political Code by adding thereto new sections to be numbered 3440a, 3440b, 3440c and 3440d, by amending sections 3512, 3513, and 3514 and by repealing sections 3422, 3423, 3424, 3425, 3426, 3427 and 3429, all relating to public lands.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 3440a to read as follows:

Payments
for state
lands

3440a All payments must be made by the purchaser to the county treasurer of the county in which the land or some part thereof is situated. The treasurer must receive the amounts to be paid including the fee for the certificate of purchase, if any. The treasurer must endorse upon the certificate of purchase the amount of all payments and must direct the purchaser to take the certificate of purchase, so endorsed, to the county auditor who must charge the treasurer with the amount received and make his check upon the endorsed receipt.

New section

SEC. 2. A new section is hereby added to the Political Code to be numbered 3440b to read as follows:

Report of
moneys from
tidelands,
etc.

3440b. Upon the first day of July of each year the county treasurer must prepare a report showing all moneys received for swamp and overflowed, salt-marsh, and tidelands during the preceding year, the number of the location or survey, the name of the purchaser and the amount paid since the date of his last report, whether as principal or interest. The payment of the fee for the certificate of purchase must also be entered in the proper column and the treasurer must then send the report to the auditor who must compare the items with the account of the treasurer and if the same agrees with his entries countersign it and return it to the county treasurer.

New section

SEC. 3. A new section is hereby added to the Political Code to be numbered 3440c to read as follows:

Reports

3440c. These reports must be forwarded to the department of finance and upon receipt thereof the department must enter the payment so reported to the credit of the purchaser, and

notify the county treasurer of the receipt of his report, and if it is not correct return it for correction.

SEC. 4. A new section is hereby added to the Political Code to be numbered 3440d to read as follows: New section

3440d. The county treasurer must retain all moneys arising from the sale of swamp and overflowed lands and place the same to the credit of a fund known as the "swamp land fund" of the county. He must compute interest on all sales of such lands from the date of the approval of the survey or the date of the certificate of location to the first day of January following such date or if for lands already purchased then up to the first of January following the day upon which the interest falls due after which time all payments of principal and interest fall due on the first day of January. County "swamp land fund" created

SEC. 5. Section 3512 of the Political Code is hereby amended to read as follows: Pol C 1872

3512. Except as provided in article two of this chapter whenever any survey or location has been made or approved, the purchaser must, within twenty days from the date of approval or location, present his copy of the same to the department of finance, which must receive the amount to be paid and the fee for the certificate of purchase, endorsing the receipt thereof upon the certificate of location or survey and returning it to the purchaser. Payment

SEC. 6. Section 3513 of the Political Code is hereby amended to read as follows: Stats 1917, p 64

3513. In case payment is not made within the time required by law, the lands described in the survey or location including those lands mentioned in article two of this chapter revert to the state without suit, and the survey or location is void. Except as provided in article two of this chapter all subsequent payments must be made to the department of finance, in like manner, which must endorse the same upon the certificate of purchase. Payment on state lands

If any interest on the unpaid portion of the purchase price of any of said lands including swamp and overflowed, salt-marsh, and tidelands be not paid on or before the thirtieth day of June following the first day of January upon which such interest becomes due ten per centum of the amount thereof is hereby added as a penalty for such delinquency. Delinquent interest

If such delinquent interest, and penalty, be not paid on or before the thirty-first day of December of such year an additional penalty of ten per centum of the amount of such delinquent interest is hereby imposed upon the person or persons liable for the payment thereof. If such delinquent interest, and penalties, be not paid on or before the thirtieth day of June of the year following, the certificate of purchase shall ipso facto become null and void, and the lands described therein revert to the state without suit, and shall again become subject to entry and sale in the same manner and subject to the same conditions as apply to other lands of like character.

Forfeitures

In the event of the happening of the contingency last mentioned, all moneys previously paid on account of the purchase price of such lands, whether for principal or interest, shall become, and are hereby determined and declared to be forfeited to the state, and neither such delinquent purchaser nor anyone claiming under him shall be entitled to recover the same or any part thereof. The penalties and forfeitures herein provided for shall not apply to any land for which certificates of purchase were issued prior to May first, A.D. one thousand nine hundred eleven, nor to lands within any reclamation district, after certificate of the board of supervisors that works of reclamation have been commenced in such district has been filed in the register's office. Whenever any penalty, or penalties, hereby imposed has, or have, accrued, the department of finance or the county treasurer, as the case may be, must in all cases collect the full amount thereof before indorsing the receipt of the payment upon such certificate.

Notice of forfeiture

Immediately following the thirtieth day of June, A.D. of each year, the register of the state land office shall note upon his records all forfeitures herein and hereby declared, and shall forward to the recorder of each county wherein any of said lands may be situate a notice of such forfeiture, stating therein the name and post-office address of the purchaser, and the name and post-office address of the assignee, grantee, or successor in interest of such purchaser in all cases wherein notice of any assignment of such certificate of purchase, or of any conveyance or other transfer of title to any part of the lands therein described shall have been filed in his office prior to the date of such forfeiture, such notice shall also show the number and date of the survey or location and of the certificate of purchase, and shall contain a description of the lands affected thereby. It shall be the duty of the recorder to receive and file such notice and to record the same in a book of deeds. Such notice is, from the time it is filed in the recorder's office, constructive notice of the contents thereof to subsequent purchasers and mortgages, and to all other persons who may thereafter attempt to acquire any interest in, or lien upon, any of the lands in such notice described.

Stats 1873-74, p 52.

SEC. 7. Section 3514 of the Political Code is hereby amended to read as follows:

Certificate of purchase

3514. Whenever an applicant for state lands has made the first payment, the division of state lands of the department of finance must issue to the person entitled thereto a certificate of purchase, showing the class of land purchased, the number of acres, the price per acre, the date of payment, the date from which interest is to be computed, the amount paid, and the amount remaining unpaid, which certificate is prima facie evidence of title.

Repeal

SEC. 8. Sections 3422, 3423, 3424, 3425, 3426, 3427 and 3429 of the Political Code are hereby repealed.

CHAPTER 536.

An act to amend section 2322x13 of the Political Code, relating to the office of agricultural commissioner in counties of the thirteenth class.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x13 of the Political Code is amended to read as follows: Stats 1929, p. 1740

2322x13. In counties of the thirteenth class, the commissioner shall receive a compensation of three thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit: Contra Costa county agricultural commissioner

(a) Eight inspectors at a salary of five dollars and fifty cents per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of seventy-five dollars per month, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars (\$900).

CHAPTER 537.

An act appropriating money to pay the claim of Lehmaier, Schwartz & Co., Inc., against the State of California.

[Approved by the Governor May 29, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of nine hundred twenty-four dollars (\$924) is hereby appropriated out of any moneys now in the state treasury not otherwise appropriated, to pay the claim of Lehmaier, Schwartz & Co., Inc., against the State of California. Special appropriation

CHAPTER 538.

An act relating to a convalescent colony and empowering the department of finance to accept land or contributions for the convalescent colony upon recommendation of the convalescent colony board, creating a convalescent colony board,

and providing for the disposition and expenditure of moneys in connection with said convalescent colony.

[Approved by the Governor May 29, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Gifts for
convalescent
colony

SECTION 1. The department of finance is hereby authorized to accept in the name of the people of the State of California gifts of land suitable for a convalescent colony or to receive contributions from any source for the purchase of or the care and maintenance of such land; provided, that before such gifts of land or contributions can be accepted by the department of finance their acceptance must be recommended by resolution, duly adopted, of the convalescent colony board.

Conditions,
etc

SEC. 2. Such gifts of land or contributions may be accepted by the department of finance at its discretion subject to such conditions or restrictions as the convalescent colony board with the approval of the director of finance may deem advisable, such conditions or restrictions to be clearly set forth in a resolution recommending the acceptance of such gifts of land or contributions and in the instruments of conveyance.

Title clear
and approved
by attorney
general

SEC. 3. Before accepting the conveyance of such land the department of finance shall have the title examined and shall not accept title from the grantor or donor unless a good and merchantable title free and clear of all taxes, liens or other financial encumbrances is shown to be vested in said grantor or donor. Such title shall be passed upon and approved by the attorney general of the State of California.

"Convalescent colony board"

SEC. 4. There is hereby created a board to be known as the "convalescent colony board" which shall be composed of the director of institutions, director of public health, director of education, the chief of the bureau of tuberculosis and the chief of the rehabilitation division of the state board of education.

Purpose of
colony

SEC. 5. The convalescent colony shall be intended for the use of persons convalescing from tuberculosis who may have been patients in public or private sanatoria, children convalescing from hospital care under the provisions of section 2979b of the Political Code, and persons recovering from heart disease or injuries received in industry who need rehabilitation; provided, however, that the colony shall not be for the use of persons recovering from habit forming drugs, inebriacy or mental illnesses.

Income from
leases

SEC. 6. Such lands may be leased by the board with the approval of the director of finance and any moneys received from the use of said lands or from the sale of products therefrom or any contributions shall be paid into the state treasury to the credit of the "convalescent colony fund," which fund is hereby created and which fund is hereby appropriated for the support of said convalescent colony as the board, with the approval of the department of finance, may determine.

CHAPTER 539.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the eighty-third and eighty-fourth fiscal years, and declaring same an urgency measure.

[Approved by the Governor May 29, 1931 In effect immediately]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of the money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for contingent expenses of the Assembly for the eighty-third and eighty-fourth fiscal years. Appropriation-
Assembly.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article four, section 1 of the constitution, take effect immediately. Usual
current
expenses

CHAPTER 540.

An act to add section 9a38 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing "An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,"" approved February 25, 1911, as amended, relating to librarians in counties of the thirty-eighth class. Stats 1911,
p 80,
amended

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 9a38 is hereby added to the act cited in the title hereof, to read as follows: Stats 1921,
p 1106
(formerly
Sec 9a36).

Sec. 9a38. In counties of the thirty-eighth class, the salary of the county librarian shall be one thousand eight hundred dollars per annum. Tehama
county
librarian.

CHAPTER 541.

An act to amend section 4267 of the Political Code, relating to compensation of county and township officers in counties of the thirty-eighth class.

[Approved by the Governor June 1, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4267 of the Political Code is hereby amended to read as follows: Stats 1925,
p 42
(formerly
Sec 4265)

Tehama
county
salaries

4267. In counties of the thirty-eighth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk

1. County clerk and recorder, two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there hereby is allowed to the county clerk and recorder one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand two hundred dollars per annum, and one deputy who shall receive a salary of nine hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them.

Sheriff

2. Sheriff, two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and hereby is allowed to the sheriff, one undersheriff, whose salary is hereby fixed at the sum of one thousand eight hundred dollars per annum; one deputy whose salary shall be one thousand five hundred dollars per annum; and a jailer, which office is hereby created, whose salary is hereby fixed at the sum of one thousand two hundred dollars per annum. The sheriff also may appoint not to exceed three deputies at a salary of fifty dollars per month each, subject to the approval of the board of supervisors.

Auditor

3. Auditor, two thousand dollars per annum; provided, that there is hereby allowed to the auditor one deputy who shall receive a salary of one thousand five hundred dollars per annum, and one additional deputy for not more than two months in each year who shall receive one hundred dollars per month. The sum of not to exceed one hundred sixty-five dollars per annum is appropriated for the use of the auditor in publishing an annual financial statement of the financial transactions of the county.

Treasurer

4. Treasurer and tax collector, two thousand dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of nine hundred dollars per annum; additional deputies at a salary of seventy-five dollars per month, not to exceed in the aggregate seven hundred fifty dollars in any year.

Assessor.

5. Assessor, two thousand dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy for six months in each year at a salary of one hundred fifty dollars per month; two field deputies each for four months in each year at salaries of one hundred fifty dollars per month each, and their traveling expenses, and one deputy for not to exceed three months in each year at a salary of one hundred twenty-five dollars per month.

6. District attorney, one thousand five hundred dollars per annum; one deputy at a salary of nine hundred dollars per annum; one stenographer at a salary of one thousand twenty dollars per annum. District attorney

7. Coroner, such fees as are now or may be hereafter allowed by law. Coroner

8. Public administrator, such fees as are now or may be hereafter allowed by law. Public administrator

9. Superintendent of schools, one thousand eight hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum. Superintendent of schools

10. Surveyor, two thousand dollars per annum. The surveyor shall be entitled to receive all necessary expenses while engaged in doing county work outside of his office. The surveyor shall be allowed such assistants as he may need at a compensation not to exceed nine hundred dollars per annum. Surveyor.

11. Justices of the peace shall each receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services performed by them in their official capacities: Justices of the peace

In townships having a population of five thousand or more, fifty dollars per month;

In townships having a population of four thousand, and less than five thousand, forty dollars per month;

In townships having a population of three thousand, and less than four thousand, thirty dollars per month;

In townships having a population of two thousand, and less than three thousand, twenty dollars per month;

In townships having a population of less than two thousand, ten dollars per month.

12. Constables shall each receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services performed by them in their official capacities: Constables

In townships having a population of five thousand or more, fifty dollars per month;

In townships having a population of four thousand, and less than five thousand, forty dollars per month;

In townships having a population of three thousand, and less than four thousand, thirty dollars per month;

In townships having a population of two thousand, and less than three thousand, twenty dollars per month;

In townships having a population of less than two thousand, ten dollars per month.

13. For the purpose of fixing the salaries of justices of the peace and of the constables the population of the several judicial townships of the county shall be ascertained as follows: Township population

By multiplying the registered vote in each township as shown by the great register for the last preceding presidential election by two and one-half.

Supervisors 14. The salary of each supervisor as supervisor and road commissioner, shall be five dollars per day. The supervisors shall receive as mileage, fifteen cents per mile for one way from the place of residence to the place of meeting for each regular session of the board of supervisors.

Physician 15. The salary of the county physician as county physician and health officer shall be one hundred dollars per month in full for all services and personal expenses incurred.

Probation officer. 16. Probation officer, one thousand two hundred dollars per annum, and he shall be allowed such necessary and incidental expenses incurred in the performance of his duties as are required by any laws of the State of California and may be authorized by the judge of the juvenile court, and the same shall be a charge upon the county, and said expense shall be paid out of the county treasury upon the written order of the judge of the juvenile court, directing the county auditor to draw his warrant on the county treasurer for the specific amount of such expenses. The probation officer shall keep a list of expenses and file a copy monthly with the county board of supervisors.

Jurors 17. The fees of grand jurors and trial jurors in the superior court shall be three dollars per day for each day's attendance and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor on the written order of the judge of the court in which the juror was in attendance, and the treasurer of said county shall pay such warrants.

Effect 18. The provisions of this act in relation to compensation, deputies, fees and expenses, are hereby found as a fact to work no increase in the compensation of county officers, and shall apply to the present incumbents.

CHAPTER 542.

Stats 1913,
p. 1086,
amended *An act to amend section 16x38 of the "Weights and measures act," relating to sealers of weights and measures in counties of the thirty-eighth class.*

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927
p. 1838
(formerly
Sec 16x36) **SECTION 1.** Section 16x38 of the "Weights and measures act" is amended to read as follows:

Tehama
county
sealer 16x38. In counties of the thirty-eighth class, deputy superintendent of weights and measures shall receive five dollars per day for each day actually employed in the county.

CHAPTER 543

An act to amend section 4273 of the Political Code, relating to compensation of county and township officers in counties of the forty-fourth class.

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4273 of the Political Code is hereby amended to read as follows:

Stats. 1927,
p. 34
(formerly
Sec. 4271)
Colusa
county.
salaries

4273. In counties of the forty-fourth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. **County clerk** The county clerk, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the county clerk, one deputy clerk, who shall be appointed by the county clerk, and shall be paid salary as follows: The sum of one thousand two hundred dollars per annum, which shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the clerk is paid; provided, that the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks in all places in said county other than at the county seat shall receive as compensation for their services the sum of eight cents per name for each and every voter registered by them, said compensation to be paid out of the general fund of the county on the presentation of filing with the board of supervisors of the county a duly verified claim therefor. approved by the county clerk.

Clerk

2. **Recorder** The recorder shall receive a salary of one thousand five hundred dollars per annum, and in addition to his salary fifty per cent of all fees collected by him as such recorder

Recorder

3. **Sheriff** The sheriff shall receive four thousand dollars per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of his county, also his traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county; provided, that in counties of this class the sheriff is hereby allowed one undersheriff and three deputies, who shall be appointed by the sheriff, the undersheriff shall receive a salary of one thousand eight hundred dollars per annum, and each of the other three deputies shall receive a salary of one thousand five hundred dollars per annum which shall be paid by the county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the sheriff is paid.

Sheriff

Auditor

4. The auditor, two thousand four hundred dollars per annum; provided, that in counties of this class the auditor is hereby allowed one deputy, who shall be appointed by the auditor and who shall receive a salary of nine hundred dollars per annum, which shall be paid by the county in equal monthly installments, at the time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer

5. The treasurer, two thousand dollars per annum, which shall be in full for all services rendered by him; and he shall pay all fees collected by him into the treasury of the county, in the manner provided by law.

Tax collector

6. The tax collector, one thousand one hundred dollars per annum. He shall also receive as compensation, to be paid to him for services, one-third of one per cent of all moneys collected by him as tax collector.

Assessor.

7. The assessor, three thousand dollars per annum.

District attorney.

8. The district attorney, two thousand four hundred dollars per annum; provided, that in counties of this class the district attorney is hereby allowed a clerk or stenographer, who shall be appointed by the district attorney, and who shall receive a salary of one hundred twenty-five dollars per month, which shall be paid by the county at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

Coroner

9. The coroner, such fees as are now, or may hereafter be allowed by law.

Public administrator.

10. The public administrator, such fees as are now, or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand four hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary of the county board of education without compensation; provided, (a), that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand dollars per annum.

Surveyor

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or by the board of supervisors, and as ex officio county recorder; provided, that he shall be entitled to receive from the county his actual and necessary traveling expenses incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law.

Justices of the peace

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them; in townships having a population of two thousand five hundred or more, one hundred twenty-five dollars per month; in townships

having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and one and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred and one, thirty dollars per month; provided, that in townships having a population of two thousand five hundred or more, justices of the peace shall be paid their necessary traveling expenses in the performance of their official duties; and provided, that in townships having a population of two thousand five hundred or more, the board of supervisors shall furnish and maintain at the expense of the county suitable offices for the justices thereof. All fees collected by the justices of the peace shall be paid into the county treasury at the end of each month. For the purposes of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year 1920.

14. Constables shall receive the following monthly salaries, ^{Constables} to be paid each month, and in the same manner and out of the same fund as county officers are paid; also their necessary traveling expenses incurred while in the performance of their official duties, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than two thousand five hundred, one hundred dollars per month; and in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as now or may hereafter be allowed by law for all services performed by him in civil actions; provided, however, in counties of this class constables are required to devote all of their time to the duties of their office. For the purposes of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year 1920.

15. Supervisors shall receive one hundred twenty-five dol- ^{Supervisors} lars per month, and mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioner or supervisor, not exceeding in the aggregate two hundred fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

16. The official reporter, such fees as are now provided ^{Reporter} by law.

17. Assistants to surveyor. The board of supervisors in ^{Surveyors} ^{deputies} counties of this class may, by resolution, authorize the county

surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants and their actual necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges.

Jurors 18. Grand and trial jurors of the superior court shall each receive for each day's attendance the sum of three dollars per day, and for each mile actually traveled in attending court, twenty cents per mile one way only.

Librarian 19. There is created for counties of the forty-fourth class, a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred dollars per annum, to be paid at the time and in the manner as other county officers.

Effect 20. The following provisions of this act, in relation to compensation, deputies, fees and expenses, to wit: subdivisions one and three, respectively, are intended to affect present incumbents.

CHAPTER 544.

Stats 1915,
p. 1225,
amended *An act to amend section 19x44 of the juvenile court law, relating to probation officers in counties of the forty-fourth class.*

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1923,
p. 273
(formerly
Sec 18x42)
Colusa
county
probation
officer

SECTION 1. Section 19x44 of the juvenile court law is amended to read as follows:

19x44. In counties of the forty-fourth class there shall be one probation officer whose salary shall be seventy-five dollars per month.

CHAPTER 545.

Stats 1913,
p. 1086,
amended *An act to amend section 16x44 of the weights and measures act, relating to sealers of weights and measures in counties of the forty-fourth class.*

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p. 1839
(formerly
Sec 16x42)
Colusa
county:
sealer

SECTION 1. Section 16x44 of the weights and measures act is amended to read as follows:

16x44. In counties of the forty-fourth class, deputy superintendents of weights and measures shall receive six dollars per day for each day actually employed in the county.

CHAPTER 546.

An act to amend section 19x12 of the juvenile court law, relating to probation officers in counties of the forty-second class. Stats 1915, p. 1225, amended

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 19x42 of the juvenile court law is amended to read as follows: Stats 1921, p. 1461 (formerly Sec 19x38).

Sec. 19x42. In counties of the forty-second class there shall be one probation officer whose salary shall be one hundred fifty dollars per month. Said probation officer shall be ex officio the school attendance officer. Glenn county probation officer

CHAPTER 547.

An act to amend section 4283 of the Political Code relating to compensation of county officers in counties of the fifty-fourth class.

[Approved by the Governor June 1, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4283 of the Political Code is hereby amended to read as follows: Stats 1929, p. 203 (formerly Sec 4282)

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Mariposa county salaries

1. The county clerk, one thousand eight hundred dollars per annum; and provided, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters. Each of said deputies to receive the sum of fifteen cents per name for each elector registered by him. Clerk

2. The sheriff, three thousand eight hundred dollars per annum. Sheriff

3. The recorder, one thousand five hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; and provided, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars in any one month, so collected; and provided, that the recorder may retain for Recorder

his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims.

Auditor

4. The auditor, six hundred dollars per annum. He may also appoint a deputy auditor, which office of deputy auditor is hereby created whose salary shall be one thousand two hundred dollars per annum payable as the salaries of all other county officers are paid.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

Assessor.

7. The assessor, one thousand nine hundred dollars per annum. In counties of this class the assessor shall be allowed to retain the fees provided by law for the collection of personal property taxes.

District attorney

8. The district attorney, one thousand six hundred dollars per annum.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. Public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools.

11. Superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses of visiting schools of the county.

Surveyor.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace

13. Justices of the peace, one hundred fifty dollars per annum.

Constables.

14. Constables, ten dollars per month in addition to such fees as are now or may be hereafter allowed by law.

Supervisors

15. Supervisors, each the sum of nine hundred dollars per annum, for all services performed by them, as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum.

Jurors

16. Grand jurors, shall be paid five dollars per day and jurors of the superior court in civil and criminal cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, thirty cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 548.

An act to amend section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4280 of the Political Code is hereby amended to read as follows:

4280. In counties of the fifty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk one thousand eight hundred dollars per annum; provided, that in counties of this class, there shall be one deputy clerk who shall be appointed by the county clerk, whose salary shall be one thousand five hundred dollars per annum, and one deputy county clerk to serve in each year, which deputy shall be employed only during that portion of the year requiring extra work, and who shall receive a salary of not to exceed five dollars per day, and not to exceed five hundred dollars in any one calendar year; which salaries shall be paid by said county in the same manner and out of the same funds as the salary of the county clerk.

2. The sheriff, five thousand dollars per annum and mileage for services of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for services of all processes issued from all courts outside of his county; the sheriff to pay all salaries of his deputies, except a chief deputy sheriff who shall receive the sum of one hundred twenty-five dollars per month out of the same fund from which the sheriff is paid.

3. The recorder, one thousand eight hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law. He shall have one deputy at a salary of one thousand five hundred dollars per annum, and one deputy as required for extra work at a salary of not to exceed five dollars per day and not to exceed five hundred dollars in any one calendar year, which salaries shall be payable by said county in the same manner and out of the same fund as the salary of the county recorder.

4. The auditor, one thousand eight hundred dollars per annum. The county auditor shall be allowed one deputy county auditor to be appointed by him, whose salary shall be one thousand five hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars per annum.

Stats 1927,
p. 1954
(formerly
Sec. 4276)

Inyo county:
salaries

Clerk

Sheriff

Recorder

Auditor

Treasurer

Tax
collector

Assessor

7. The assessor, two thousand one hundred dollars per annum; he shall have one deputy assessor to be appointed by him, whose salary shall be one hundred twenty-five dollars per month; and one deputy for three months in each year during the assessing period at a salary of one hundred twenty-five dollars per month, and his actual and necessary traveling expenses, which salary shall be paid in the same manner and out of the same fund as the salary of the county assessor.

District attorney

8. The district attorney, two thousand one hundred dollars per annum, and an assistant to the district attorney at a salary of one thousand five hundred dollars per annum to be paid in the same manner and out of the same fund as the district attorney is paid.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, one thousand eight hundred dollars per annum and all necessary traveling expenses when visiting the schools of the county.

Surveyor

12. In counties of this class the county surveyor shall receive the sum of ten dollars per day for all work performed for the county. The said county surveyor shall also receive all necessary expenses and transportation on work performed for the county in the field.

Librarian.

13. The county librarian, one thousand eight hundred dollars per annum.

Justices of the peace

14. Justices of the peace in townships having a population of two thousand five hundred or over shall receive fifty dollars per month, and justices of the peace in townships having a population under two thousand five hundred shall receive twenty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

Constables

15. Constables in counties of this class shall receive such fees as are now or may hereafter be allowed by law; provided, however, that in counties of this class each constable shall be allowed the sum of four dollars per day for each day that he is actually required to care for a prisoner in his custody or when in actual attendance during a trial or proceeding in the justices' court of his township; and, provided, further, that constables in townships having a population of two thousand five hundred or over shall receive a salary of fifty dollars per month, and constables in townships having a population of less than two thousand five hundred shall receive a salary of twenty-five dollars per month, which salaries shall be paid in

the same manner and out of the same fund as the salaries of other county officers are paid.

16. Each member of the board of supervisors one thousand ^{Supervisors} two hundred dollars per annum, thirty cents per mile one way in attending the meetings of the board, and three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

17. In counties of this class, the official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations, and for coroners' inquests, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases a per diem of ten dollars, to be paid by the litigants as the court may direct; and for transcription of said notes, when required, the sum of fifteen cents per folio for the original and five cents per folio for each copy thereof; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

18. Population of townships. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid. ^{Township population}

19. In counties of this class, jurors and witnesses shall receive the following fees and mileage: ^{Jurors and witnesses}

For attending as a grand juror, for each day's actual attendance, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; for attending as a trial juror in the superior court in civil and criminal cases, for each day's actual attendance, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; for attending as a trial juror in the justice's court, in civil cases only, for each day's actual attendance, per day, two dollars, and twenty cents per mile for each mile actually traveled, in going only. The fee of such jurors shall be paid to them, respectively, on each day during the period of their attendance, if demanded, and the mileage herein provided for shall be paid at the time the fee for the first day's attendance is paid.

For each day's actual attendance when legally required to attend upon the superior court, per day, three dollars, and twenty cents per mile for each mile actually traveled, in going only; and for each day's actual attendance when legally required to attend upon the justice's court, per day, two dollars, and twenty cents per mile for each mile actually traveled, in going only. Witnesses in criminal cases shall be paid their

fees and mileage, as in this section provided, immediately upon their being discharged by the court. Witnesses in civil cases may demand the payment of their fees and mileage for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

CHAPTER 549

Stats 1915,
p 1225,
amended

An act to amend section 19x18 of the "Juvenile court law," relating to the salary of the probation officer and deputy, in counties of the eighteenth class.

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1921,
p 1478
(formerly
Sec 19x17)
Imperial
county
probation
officer

SECTION 1. Section 19x18 of the "Juvenile court law" is hereby amended to read as follows:

19x18. In counties of the eighteenth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month, and two deputy probation officers who shall each receive a salary of one hundred twenty-five dollars per month.

CHAPTER 550.

An act to amend section 4242 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1733

SECTION 1. Section 4242 of the Political Code is hereby amended to read as follows:

Contra Costa
county
salaries

4242. In counties of the thirteenth class, the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries:

Clerk.

1. Clerk. The county clerk, five thousand dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: one chief deputy at a salary of two hundred twenty-five dollars per month; two court room deputies at a salary of two hundred dollars each per month; one office deputy at a salary of one hundred seventy-five dollars per month; one office deputy at a salary of one hundred sixty-five dollars per month; provided, that this deputyship shall become effective on the

first day of January, 1930; two office deputies at a salary of one hundred fifty dollars each per month; one office deputy at a salary of one hundred forty dollars per month; provided, further, that in any year when a general election is to be held or the compilation of a registration of voters is required by law or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters and making supplements thereto and work incidental to election, the sum of seven and one half cents for each name registered or appearing on the great register for each general election, to be paid upon filing and presentation of duly verified claims therefor, by the county clerk, with the board of supervisors of said county; and provided further, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county; after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; provided, further, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county.

2. Sheriff. The sheriff six thousand dollars per annum. Sheriff
All mileage for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil actions. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile, eight cents per mile; provided, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: one undersheriff at a salary of two hundred fifty dollars per month; one deputy sheriff at a salary of two hundred twenty-five dollars per month; two deputy sheriffs at a salary of two hundred dollars per month each; one deputy sheriff to act in criminal cases, at a salary of two hundred dollars per month; one deputy sheriff to act as day jailer at a salary of one hundred seventy-five dollars per month; one deputy sheriff to act as night jailer at a salary of one hundred seventy-five dollars per month; two deputy sheriffs to act as bailiffs at a salary of one hundred eighty-five dollars each per

month; two deputy sheriffs at a salary of one hundred sixty dollars per month each; one stenographer to the sheriff at a salary of one hundred fifty dollars per month; one office stenographer to the sheriff at a salary of one hundred forty dollars per month; one stenographer to the sheriff at a salary of one hundred twenty-five dollars per month; one jail matron to act on all occasions at a salary of ninety dollars per month; one clerk for identification bureau at a salary of seventy-five dollars per month; provided, that the sheriff may employ from one to five persons to act as deputy sheriffs at a salary of five dollars per day each, when in the judgment of the sheriff such deputies are necessary; provided, however, that the total amount of the compensation for such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand five hundred dollars; provided, further, that the compensation of said last mentioned deputies shall be paid upon presentation of duly verified claims filed with the board of supervisors of the said county in the same manner that other claims are filed and paid. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder

3. Recorder. The recorder, four thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the recorder the following deputies, clerks, and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: one chief deputy at a salary of two hundred twenty-five dollars per month; one deputy at a salary of one hundred seventy-five dollars per month; two index clerks at a salary of one hundred thirty-five dollars each per month; four copyists at a salary of one hundred thirty-five dollars each per month; and one copyist, at such time as in the judgment of the county recorder is necessary, at a salary of one hundred thirty-five dollars per month; and such copyists as the county recorder may appoint at a salary of four dollars and twenty-five cents per day each; provided, however, that the total salary on a per diem basis paid to such last named copyists, shall not exceed the sum of three thousand five hundred dollars per annum; and such last named copyists, employed on a per diem basis, shall be paid for their services on the presentation and filing with the board of supervisors of said county, of their duly verified claims therefor, from the same fund as the salary of the county recorder is paid. The salaries of the other deputies, clerks and employees herein provided for, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

Auditor

4. Auditor. The auditor, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies,

clerks and employees who shall be appointed by the county auditor and who shall be paid salaries as follows: one deputy auditor at a salary of two hundred seventy-five dollars per month; one deputy auditor at a salary of two hundred twenty-five dollars per month; two clerks at a salary of one hundred thirty-five dollars per month each; one clerk at a salary of one hundred twenty-five dollars per month; one clerk at a salary of one hundred dollars per month; the salaries of the deputies and employees hereinabove provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; provided, further, that the said auditor is hereby allowed such clerks and employees as he may deem necessary and appoint at a salary of five dollars per day each; provided, however, that the total amount of salary and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of one thousand five hundred dollars per annum; provided, further, that such clerks and employees shall be paid for their services out of the same fund as the auditor is paid upon filing with the board of supervisors of said county, their duly verified claims for the sums due them.

5 Treasurer The treasurer, four thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of two hundred dollars per month, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; provided, further, that the said treasurer is hereby allowed such clerks and employees as he may deem necessary to appoint at a salary of five dollars per day each; provided, however, that the total amount of salary and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of one thousand two hundred dollars per annum; and provided, further, that such clerks and employees shall be paid for their services out of the same fund as the salary of the treasurer is paid upon filing with the board of supervisors of said county, their duly verified claims for the sums due them; provided, however, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

6. Tax collector. The tax collector, four thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: one deputy tax collector at a salary of two hundred

twenty-five dollars per month; one deputy tax collector at a salary of one hundred seventy-five dollars per month; one deputy tax collector at a salary of one hundred fifty dollars per month; one clerk at a salary of one hundred thirty-five dollars per month; one stenographer to the tax collector at a salary of one hundred twenty-five dollars per month; and such copyists as the tax collector may appoint at a salary of three dollars and fifty cents per day each; and such clerks as the tax collector may appoint at a salary of four dollars per day each; provided, however, that the total amount of salary and compensation paid to such copyists and clerks shall not exceed the sum of four thousand dollars per annum; and such copyists and clerks to be paid for their services on presenting and filing with the board of supervisors of said county, their duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; provided, however, that the compensation of said copyists and clerks shall be paid on presenting and filing of the claims with the board of supervisors as hereinbefore provided.

District
attorney

7. District attorney. The district attorney, six thousand dollars per annum, provided, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: one deputy district attorney at a salary of three hundred dollars per month; two deputy district attorneys at a salary of two hundred twenty-five dollars per month each; one detective who shall assist the district attorney in the detection of crime and prosecution of criminal cases whose salary is hereby fixed at the sum of two hundred fifty dollars per month; and one stenographer to the district attorney at a salary of one hundred forty-five dollars per month; three stenographers at a salary of one hundred twenty-five dollars per month, each. The salaries of the deputies, clerks and employees herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed eight cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile, and his actual traveling expenses when he travels by rail.

Superintendent of
schools

8. Superintendent of schools. The superintendent of schools, five thousand dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of two hundred dollars per

month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination to be transmitted by the superintendent of schools to each trustee of all districts so examined, said field deputy shall receive a salary of three hundred dollars per month, and his actual and necessary traveling expenses while engaged in performing the duties of his office under the direction of the superintendent of schools; one deputy superintendent of schools who shall be appointed by the superintendent of schools and who shall receive a salary of one hundred seventy-five dollars per month; one deputy superintendent of schools who shall be appointed by the superintendent of schools and who shall receive a salary of one hundred ten dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments at the same time and in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

9. Assessor. The assessor, six thousand dollars per annum; Assessor. provided, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and employees who shall be appointed by the assessor and shall be paid salaries as follows: one deputy assessor at a salary of two hundred fifty dollars per month; one improvement valuation deputy assessor at a salary of two hundred twenty-five dollars per month; one deputy assessor at one hundred eighty dollars per month; four field deputy assessors to hold office not to exceed five months each in any one year at a salary of one hundred sixty-five dollars per month each; one transfer deputy at a salary of one hundred fifty dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month, and such additional deputy assessors at a salary not to exceed seven dollars and fifty cents per day each, and such additional clerks at a salary not to exceed four dollars and fifty cents per day each, and such additional copyists at a salary not to exceed four dollars per day each, as the assessor may appoint; provided, however, that the total compensation of said additional deputy assessors, clerks and copyists shall not exceed the sum of nine thousand five hundred dollars per annum. The salaries of the deputies, clerks and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; provided, however, that the compensation of said additional deputy assessors, clerks and copyists, shall be paid out of the same fund as the salary of the assessor is paid on the presentation and filing of verified claims with the board of supervisors, as hereinbefore provided; provided, however, that in counties of this class the assessor shall receive no compensation or com-

mission for collection of personal property taxes; nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code; provided, further, that in counties of this class the assessor is hereby authorized to contract with an abstract and title company for copies of transcripts of recorded instruments affecting titles, at a compensation not to exceed forty dollars per month.

Coroner

10. Coroner. The coroner, such fees as are now or may hereafter be allowed by law; provided, however, that in counties of this class the coroner shall be allowed for general services in holding an inquest, the sum of twenty-five dollars, and there shall be and there hereby is allowed to the county coroner, one stenographer whose duty it shall be to act as reporter, and take down in shorthand and transcribe into longhand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred twenty-five dollars per month, which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of the duly verified claims therefor with the board of supervisors of said county. All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law.

Public administrator

11 Public administrator. The public administrator, such fees as are now or may hereafter be allowed by law.

Surveyor

12. Surveyor. The surveyor, six thousand dollars per annum, provided that in counties of this class there shall be and there is hereby allowed to the surveyor the following deputies and employees who shall be appointed by the surveyor, and hold office at his pleasure, to wit: One deputy surveyor at a salary of three hundred dollars per month; one deputy surveyor at a salary of two hundred fifty dollars per month; one stenographer to the surveyor at a salary of one hundred twenty-five dollars per month. The salaries of the deputies and the stenographer herein provided for shall be paid by the said county at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid. In addition to the deputies and the stenographer herein provided for the surveyor, the surveyor shall be allowed the following engineers and employees: one engineer at ten dollars per day; six engineers at eight dollars and fifty cents per day each; four field engineers at eight dollars and fifty cents per day each; three draughtsmen at seven dollars and fifty cents per day each; four instrument men at seven dollars and fifty cents per day each; eight chainmen at five dollars and fifty cents per day each; provided, however, that the total com-

compensation for said engineers and employees shall not exceed the sum of eighteen thousand dollars per year; and provided, further, that the compensation of said engineers and employees shall be paid by the county on the presentation and filing of claims therefor with the board of supervisors as hereinbefore provided, said payment to be made from the same fund as the salary of the surveyor is paid.

13. Classification of townships. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of July, 1930, and in the month of July every four years thereafter.

Township
classifica-
tion

14. Justices of the peace. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases;

Justices of
the peace

(1) In townships having a population of fifteen thousand and one or more, three hundred fifty dollars per month;

(2) In townships having a population of from ten thousand and one or more to fifteen thousand, inclusive, two hundred fifty dollars per month;

(3) In townships having a population of from seven thousand and one or more to ten thousand, inclusive, one hundred seventy-five dollars per month;

(4) In townships having a population of from four thousand and one to seven thousand, inclusive, one hundred fifty dollars per month;

(5) In townships having a population of three thousand and one to four thousand, inclusive, one hundred twenty-five dollars per month;

(6) In townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month;

(7) In townships having a population of two thousand or more, and less than two thousand five hundred, forty-five dollars a month;

(8) In townships having a population of one thousand two hundred or more, and less than two thousand, forty dollars a month;

(9) In townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month;

(10) In townships having a population of four hundred fifty or more, and less than one thousand, fifteen dollars a month;

(11) In townships having a population of less than four hundred fifty, five dollars per month;

Each justice must pay into the county once a month, all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and

civil cases tried or filed and fines and fees collected and paid into the county treasury.

In addition to the monthly salary herein, each justice may receive as expenses for maintaining his office such sum as may be necessary, not to exceed twenty per cent of the amount allowed him as salary.

Constables

15. Constables. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases:

(1) In townships having a population of three thousand or more, one hundred eighty dollars a month;

(2) In townships having a population of two thousand five hundred or more, and less than three thousand, ninety-six dollars a month;

(3) In townships having a population of two thousand or more and less than two thousand five hundred, ninety-three dollars a month;

(4) In townships having a population of one thousand two hundred or more, and less than two thousand, ninety dollars a month;

(5) In townships having a population of one thousand and more, and less than one thousand two hundred, thirty-five dollars a month;

(6) In townships having a population of four hundred fifty or more, and less than one thousand, twenty-five dollars a month;

(7) In townships having a population of less than four hundred fifty, five dollars a month;

Provided, further, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses, outside of his own township, for services of warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law.

Fees. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses for such transportation.

In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or more may receive as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

Supervisors

16. Supervisors. Each member of the board of supervisors, two thousand four hundred dollars per annum for personal services performed by him as supervisor, member of the board

of equalization and road commissioner. Each supervisor shall also receive as expenses, as supervisor and road commissioner, twenty cents per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month, and in addition thereto the necessary actual expenses incurred by him while engaged in county business outside of his county.

17. Bonds. The bonds of county officers, their assistants, ^{Bonds} deputies and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund.

18. Traffic officer. The traffic officer, one hundred seventy- ^{Traffic} ^{officer} five dollars per month; provided, that in counties of this class there shall be and there hereby is allowed to the traffic officer the following deputies, which officers are hereby created, who shall be appointed by the traffic officer and be paid salaries as follows: six deputy traffic officers at a salary of one hundred sixty-five dollars per month each. The salaries of the deputies herein provided for shall be paid by the county monthly at the same time and in the same manner and out of the same fund as the salary of the traffic officer is paid; provided, that all the provisions of this subsection are to apply to the office of the county traffic officer whenever said office of county traffic officer is created by law.

19. Sealer. Sealer of weights and measures, two thousand ^{Sealer} four hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the sealer of weights and measures, one deputy, who shall be paid a salary as follows: one hundred fifty dollars per month; the salary of the sealer of weights and measures and the deputy herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and from the same fund as the salaries of other county officers are paid; provided, further, that verified claims of the sealer of weights and measures and his deputy for traveling expenses necessarily and actually incurred in the performance of their duties shall be presented and filed with the board of supervisors each month for the amounts claimed for the preceding month, which said claim shall be paid out of the general fund of the county, after due allowance thereof by the board of supervisors of said county.

20. Librarian. County librarian, three thousand dollars ^{Librarian} per annum; provided, the salary of the county librarian shall be paid by said county in monthly installments at the same time, and in the same manner and from the same funds as the salaries of other county officers are paid; provided, further, that verified claims of the county librarian for traveling expenses necessarily and actually incurred in the performance of the duties of the office shall be presented and filed with the

board of supervisors each month for the amounts claimed for the preceding month.

Expenses

21. Allowances for actual and necessary expenses. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered on the first day of each month for the expenses incurred within the previous month. For traveling necessarily done by automobile an officer shall be allowed mileage at the rate of eight cents per mile without any constructive mileage except as herein otherwise provided; provided, however, that the provisions of this paragraph shall not apply to or limit the provisions of paragraph sixteen of this section, providing for mileage of supervisors in counties of this class.

22. Declaration of necessity. Provided, that all deputies, assistants and employees herein provided for in addition to the deputies, assistants and employees provided for by any effective law on the second day of November, 1926, are hereby declared to be necessary and proper deputies, assistants and employees to be allowed to the principal in each county office herein mentioned during his term of office.

Vacations

23. Vacations for per diem employees of county. There shall be allowed to each of the employees of the county who shall receive his compensation on a per diem basis, one day's leave with pay for each twenty-three days so employed during the preceding twelve months; provided, however, that no such leave shall be due until the completion of at least one hundred thirty-eight working days of such employment, nor shall such leave exceed twelve working days in any one calendar year

CHAPTER 551.

An act to amend section 4244 and to repeal section 4249a of the Political Code, relating to the compensation of county and township officers in counties of the fifteenth class.

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p. 928
(formerly
Sec 4250)
San Mateo
county
salaries

SECTION 1. Section 4244 of the Political Code is hereby amended to read as follows:

4244. In counties of the fifteenth class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees, to wit:

Clerk

1. The county clerk. The county clerk three thousand nine hundred dollars per annum. He may appoint one chief deputy, who shall receive a salary of two thousand four hundred dollars per annum, one deputy who shall receive a salary of two thousand one hundred sixty dollars per annum, four

deputies who shall receive a salary of one thousand six hundred eighty dollars per annum, and two deputies at a salary of one thousand three hundred eighty dollars per annum. Two copyists each at a salary of one thousand two hundred dollars per annum, and during any year when an official primary election is held in the county he may appoint four additional deputies to serve for a period of four months only, at a monthly salary of seventy-five dollars.

It is expressly provided that if an additional superior judge is provided for and appointed in counties of this class, during or after the year, 1931, that thereupon the county clerk shall be allowed an additional deputy at a salary of two thousand one hundred sixty dollars per year.

The deputy clerks and copyists herein provided for shall be paid by the county at the same time and in the same manner and out of the same fund as the county clerk is paid.

In any year when a new registration of voters is required by law he may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him, said compensation to be paid out of the general fund of the county on the presentation and filing with the board of supervisors of the county a duly verified claim to be approved by the county clerk.

2. The sheriff. The sheriff, four thousand five hundred ^{Sheriff} dollars per annum. He shall be allowed the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two hundred twenty-five dollars per month. One deputy at a salary of two hundred fifteen dollars per month. One deputy, to act as jailer, at a salary of one hundred ninety dollars per month. One deputy to conduct a criminal identification and fingerprint bureau, at a salary of one hundred ninety dollars per month; provided, however, that if an additional superior judge is provided for and appointed during or after the year 1931, in counties of this class, said deputy shall act as bailiff in the superior court. Five deputies at a salary of one hundred ninety dollars each per month.

In criminal cases and actions in which the county is interested, the sheriff shall receive only actual expenses incurred and no more. All claims against the county shall be itemized and sworn to by the sheriff, or chief deputy and approved by the sheriff and filed with the board of supervisors monthly before the tenth day of each month. Expense accounts to be sworn to and filed as separate claims.

In counties of this class, there shall be appointed by the sheriff a suitable woman as jail matron, who shall have the care of female persons confined in the county jail. She shall be paid a salary of seventy-five dollars per month to be paid by the county in monthly installments at the same time and in

the same manner and out of the same fund that the salary of the sheriff is paid.

Prisoners in the county jail shall be fed and cared for under the direction of the sheriff at actual cost, the supplies therefor to be purchased by the county purchasing agent.

Recorder

3. The county recorder. The county recorder, three thousand nine hundred dollars per annum, and said recorder may appoint four deputies, one of whom shall receive a salary of two thousand one hundred dollars per annum, and two who shall receive a salary of one thousand eight hundred dollars per annum each, and one who shall receive a salary of one thousand five hundred dollars per annum, and one additional clerk at a salary of one hundred twenty-five dollars per month. He may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall receive for their services the sum of six and one-half cents per folio, and for copies of any paper or record, six and one-half cents per folio.

Auditor.

4. The county auditor. The county auditor, three thousand nine hundred dollars per annum. He may appoint two deputies, one chief deputy at a salary of two thousand one hundred dollars per annum, one deputy at a salary of two thousand forty dollars per annum, and one clerk at a salary of one hundred fifteen dollars per month, two typists at one hundred dollars per month each, and fourteen copyists for one month each year at a salary of one hundred dollars per month each. The chief deputy shall also be allowed the sum of thirty dollars per month for the preparation of the annual statistical report of the county finances, required to be printed by the board of supervisors. Such chief deputy shall, for said allowance, keep and prepare ready for the printer such report.

Treasurer

5. The county treasurer. The county treasurer shall receive three thousand nine hundred dollars per annum. He may appoint one deputy at a salary of two thousand one hundred dollars per annum, one clerk at a salary of one hundred fifteen dollars per month, and one clerk who shall serve as such for four months in each year at a salary of one hundred twenty-five dollars per month.

Tax collector

6. Tax collector. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy at a salary of two thousand one hundred dollars per annum; also one chief entry clerk at a salary of one thousand eight hundred dollars per annum, one entry clerk at a salary of one thousand six hundred eighty dollars per annum, one stenographer at a salary of one thousand five hundred dollars per annum, four typists at a salary of one hundred dollars per month each for not to exceed three months in each year; two cashiers at a salary of six dollars and fifty cents per day each, for not to exceed four months in each year; one copyist at a salary of seventy-five dollars per month, for not to exceed four months in each year; two typists at a salary of ninety dollars each per month, for not to exceed four months in each

year; and three clerks at a salary of one hundred thirty-five dollars each per month, for not to exceed four months in each year.

The tax collector is hereby declared to be the ex officio license collector, at a salary of five hundred dollars per annum, and is hereby allowed the actual and necessary expenses incurred by him in the performance of his official duties.

7. The assessor. The assessor, four thousand dollars per annum. He is hereby allowed one chief deputy assessor, at a salary of two thousand one hundred dollars per annum; one deputy assessor at a salary of one hundred fifty dollars per month; one deputy transfer clerk at a salary of two hundred dollars per month; six copyists at a monthly salary of one hundred dollars each, for not to exceed six months in each year; two typists at a salary of one hundred twenty-five dollars each per month, for not to exceed six months in each year; seven field deputies at a salary of seven dollars per day each, for not to exceed four months in each year; four appraisal deputies at a salary of two hundred fifty dollars per month each, said appraisers to be employed for the years 1931 and 1932 only; two additional appraisal deputies for the year 1933 only, at a salary of two hundred fifty dollars per month each; and two clerks for the years 1931, 1932, and 1933, at a monthly salary of one hundred twenty-five dollars per month each. The salaries of all deputies, clerks and employees shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the assessor is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any one year the sum of three hundred dollars.

8. The district attorney. The district attorney, three thousand nine hundred dollars per annum, and said district attorney may appoint one deputy, who shall receive a salary of two hundred twenty-five dollars per month, one deputy who shall receive a salary of one hundred seventy-five dollars per month, one stenographer who shall receive a salary of one hundred forty dollars per month, and one stenographer who shall receive a salary of one hundred fifteen dollars per month.

The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision two of section 4307 of the Political Code.

8a. The county librarian. The county librarian, two thousand four hundred dollars per annum, payable at the same time, in the same manner, and out of the same fund as the salaries of other county officers are paid; provided, that there shall be and there hereby is allowed to the county librarian one deputy, whose salary shall be one thousand eight hundred dollars per annum, one deputy whose salary shall be one thousand five hundred dollars per annum, one typist and filer, at a salary of one hundred dollars per month, three librarian cus-

todians at a salary of twenty dollars each per month, nine librarian custodians at a salary of fifteen dollars each per month, and eight librarian custodians at a salary of ten dollars each per month and two librarian custodians at a salary of five dollars each per month.

Coroner

9. The coroner. Such fees as are now or may hereafter be allowed by law.

Public administrator

10. The public administrator. Such fees as are now or may hereafter be allowed by law.

Superintendent of schools

11. The superintendent of schools. Three thousand nine hundred dollars per annum, and said superintendent of schools may appoint a clerk, who shall receive a salary of one hundred seventy-five dollars per month and he may appoint two additional clerks at a salary of five dollars per day for a period of not to exceed fifteen days in each year.

In counties of this class, the superintendent of schools shall receive the sum of sixty dollars per month, which shall be in full for all traveling and personal expenses for such official and his deputies in visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. The superintendent of schools may serve as secretary of the county board of education, and may receive compensation for his services as such.

Surveyor

12. The surveyor. Three thousand nine hundred dollars per annum; provided, in counties of this class there shall be, and there is hereby, allowed to the surveyor one deputy whose salary is hereby fixed at two hundred twenty-five dollars per month, one stenographer at a salary of one thousand five hundred dollars per annum, and whenever required for county work two draughtsmen who shall receive each a salary of one dollar and twenty-five cents per hour, four draughtsmen who shall each receive a salary of one dollar per hour, one transitman who shall receive a salary of one dollar and twenty-five cents per hour, two transitmen who shall receive a salary of one dollar per hour each, three rodmen who shall each receive a salary of seventy-five cents per hour, twelve chainmen who shall each receive a salary of seventy-five cents per hour, and four inspectors, who shall each receive a salary of one dollar per hour.

Whenever the county surveyor is directed by the board of supervisors or assessor to plat, trace, or otherwise prepare maps, plats or block books for the use of the county assessor or said board, he shall be and he is hereby allowed only the actual cost of preparing the same.

The county surveyor shall be and he is hereby allowed all necessary expenses for work performed for the county by virtue of his office, and all necessary expenses and transportation for work performed in the field.

Justices of the peace

13. Justices of the peace. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in

full for all services rendered by them and of all fees. In townships having a population of three thousand five hundred or more, one hundred seventy-five dollars per month. In townships having a population of one thousand five hundred and not more than three thousand five hundred, one hundred twenty dollars per month. In all townships having a population less than one thousand five hundred, ninety-five dollars per month. All fees collected by justices of the peace shall be paid into the county treasury.

The board of supervisors may furnish suitable quarters for the justices of the peace. In townships having a population of three thousand five hundred or more, the total expense of the office rent and office expenses of the justice of the peace chargeable against the county shall not exceed sixty dollars each month. In townships having a population of less than three thousand five hundred the office rent and office expenses chargeable against the county shall not exceed the sum of forty dollars per month.

Each justice of the peace must pay into the county treasury monthly all fees and fines collected by him and he must keep a book open for the inspection of the public during office hours in which must be entered at once and in detail the amount of all fees and fines collected by him.

14. Constables. Constables shall receive the following Constables monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of three thousand five hundred or more, one hundred sixty-five dollars per month; in townships having a population of not less than one thousand five hundred nor more than three thousand five hundred, one hundred thirty dollars per month; in all townships having a population of less than one thousand five hundred, ninety dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice in his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Board of supervisors. Each supervisor, one hundred Supervisors seventy-five dollars per month and twenty cents per mile for traveling from his residence to the county seat; provided, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, and additional expenses not in any one year to exceed the sum of three hundred dollars.

Jurors

16. In counties of this class, grand jurors and trial jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

Salaries,
fees, etc

17. The salary and compensation of each of the deputies, assistants, employees or appointees herein provided for and to be appointed by the aforesaid county officials in counties of this class shall be paid out of the same funds and at the same time and in the same manner as their principals, that is to say, the aforesaid county officials, are paid.

Provided, that the salaries and compensation, as herein provided for, shall be in full for all compensation to said officials, their deputies, employees or appointees.

All fees, perquisites, commissions, and other moneys received by any county official, his deputy, employee or appointee, by virtue of the office or employment of such county officer, deputy or employee, shall each month be paid into the county treasury, and shall belong to the county; provided, however, that the coroner and public administrator may retain the fees allowed by law, and the special registration deputies appointed by the county clerk may retain the ten cents registration fee allowed by law to such deputies. No registration fees shall be allowed to any official or regularly appointed or acting deputy county clerk.

All fees collected by township officers, except the fees allowed constables in civil cases, shall each month be paid into the county treasury, and shall belong to the county.

Holding
more than
one office
forbidden

18. In counties of this class, no county official other than a township officer may, during his term of office, nor may his deputy, employee or assistant as hereinbefore provided for, accept or hold any other office, appointment, position or employment with compensation from this or any other state, or from the county or any county, city, city and county, or any district or other political subdivision or any public agency, except as hereinbefore provided. The term "compensation" as used in this provision shall be understood to include any direct or indirect reward, whether in the form of salary, wage, per diem, fee, percentage, commission, or otherwise, or whether in money, evidence of indebtedness, property, or otherwise, but shall not be understood to include actual, necessary traveling expenses. This provision, however, shall not prevent any official from holding an ex officio position as provided for by law, but he shall not receive any further compensation therefor other than hereinbefore provided.

Repeal

SEC. 2. Section 4249a of the Political Code is hereby repealed.

CHAPTER 552.

An act to amend section 4276 and to repeal sections 4276a and 4276b of the Political Code, relating to salaries and fees of officials in counties of the forty-seventh class.

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4276 of the Political Code is hereby amended to read as follows:

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, one thousand five hundred dollars per annum and such fees for services in naturalization proceedings as by act of congress, in such case made and provided it is said he may retain; and also such other fees as he may be allowed by the law of this state to retain; and provided, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; and provided, further, that in counties of this class there shall be and is hereby allowed to the county clerk one deputy, which office is hereby created, who shall receive a salary of one hundred fifty dollars per month, and one copyist, which office is hereby created, who shall receive a salary of ninety dollars per month, who shall be appointed by the county clerk, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand two hundred dollars per annum, and mileage for the services of papers or process served by him in all civil cases from any court, also necessary expenses for pursuing criminals or transacting any business of the county or state relating to crimes.

3. The recorder, one thousand eight hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; provided, that in counties of this class there shall be, and is hereby allowed to the recorder a deputy to be appointed by him and who shall receive a salary of one thousand two hundred dollars per annum, and one deputy to be appointed by him and who shall receive a salary of nine hundred dollars per annum, said salary to be paid by

Stats 1927,
p 802
(formerly
Sec 4277)
El Dorado
county
salaries.

Clerk.

Sheriff

Recorder

said county in equal installments at the same time and in the same manner as the salary of the recorder is paid.

Auditor

4. The auditor, nine hundred dollars per annum and five per cent of all amounts found to have been paid out by the county for state aid as per his report as contemplated by section 4099a of the Political Code of this state or other law providing for such compensation.

Treasurer

5. The treasurer, one thousand eight hundred dollars per annum; and such fees and commissions as now are or hereafter may be allowed by law.

Tax collector

6. Tax collector, five hundred dollars per annum and such fees as now are or hereafter may be allowed by law.

Assessor

7. The assessor, three thousand five hundred dollars per annum and such fees as now are or hereafter may be allowed by law.

District attorney

8. The district attorney, one thousand eight hundred dollars per annum; and provided further, that in counties of this class there shall be and hereby is allowed to the district attorney one stenographer to be appointed by him, who shall receive a salary of six hundred dollars per annum, said salary to be paid by said county, in equal installments at the same time and in the same manner as the salary of the district attorney is paid.

Coroner

9. The coroner, such fees as are now, or hereafter may be allowed by law.

Public administrator

10. The public administrator, such fees as are now or hereafter may be allowed by law.

Superintendent of schools

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session.

Surveyor

12. The surveyor, the sum of ten dollars per day for all services performed by him by virtue of his office and his necessary traveling expenses when performing official work in the field, such compensation and expenses to be allowed by, and paid on the order of, the board of supervisors.

Township classification

13. For the purpose of regulating the compensation of justices of the peace, the townships of counties of this class are hereby classified according to population, as follows:

Townships having a population of two thousand five hundred or more shall belong to and be known as townships of the first class; townships having a population of one thousand one hundred seventy-five and less than two thousand five hundred shall belong to and be known as townships of the second class; townships having a population of eight hundred and less than one thousand one hundred seventy-five shall belong to and be known as townships of the third class; townships having a population of less than eight hundred shall belong to and be known as townships of the fourth class.

For the purpose of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by three the number of registered voters in each township at the last general election.

14. Justices of the peace shall receive the following salaries: Justices of the peace.
In townships of the first class the sum of one thousand two hundred dollars per annum; in townships of the second class the sum of six hundred dollars per annum; in townships of the third class the sum of two hundred forty dollars per annum; in townships of the fourth class the sum of twelve dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

15. Constables, such fees as are now or may hereafter be Constables
allowed by law.

16 Each member of the board of supervisors, nine hundred Supervisors
dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

17. Each member of the board of education shall receive Board of education
five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents a mile one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section 1770 of this code

18. In the superior court, jurors' fees, and witnesses' fees in Jurors
criminal cases shall be allowed as follows:

For attending as a grand juror, for each day's attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each Witnesses
day's attendance, the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the

auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; provided, however, that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are a necessary expense of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

Repeal

SEC. 2. Sections 4276a and 4276b of the Political Code are hereby repealed.

CHAPTER 553.

An act to amend the Political Code by repealing section 4254 thereof and adding new sections thereto, to be numbered 4254, 4254a, 4254b, 4254c, 4254d, 4254e, 4254f, 4254g, 4254h, 4254i, 4254j, 4254k, 4254l, 4254m, 4254n, 4254o, 4254p, 4254q, 4254r, 4254s, relating to county and township officers in counties of the twenty-fifth class and providing for the compensation of said officers and said assistants and deputies and other employees.

[Approved by the Governor June 1, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 4254 of the Political Code is hereby repealed.

Stats 1927,
p 1513
(formerly
Sec 4255).
Santa Cruz
county
salaries

SEC. 2. A new section is hereby added to the Political Code to be numbered 4254, and to read as follows:

4254. In counties of the twenty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

SEC. 3. A new section is hereby added to the Political Code to be numbered 4254a, and to read as follows:

Clerk

4254a. In counties of the twenty-fifth class, the county clerk shall receive a salary of three thousand dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; provided, further, that in counties of this class there shall be and there is hereby allowed to the county clerk, three deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at two thousand one hundred dollars per annum, one at one thousand eight hundred dollars per annum, and one at one thousand five hundred dollars per annum, one at one thousand two hundred

dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid. Commencing on the first day of January, 1932, said county clerk shall be allowed one additional deputy which office is hereby created at a salary of one hundred dollars per month.

SEC. 4. A new section is hereby added to the Political Code to be numbered 4254b, and to read as follows:

4254b. In counties of the twenty-fifth class, the sheriff shall receive a salary of three thousand dollars per annum; provided, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of two thousand one hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum, and one deputy for civil work who shall receive a salary of one thousand five hundred sixty dollars per annum, and one deputy who shall act as bailiff and who shall receive a salary of three hundred dollars per annum. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; and also provided, that the sheriff may employ from one to two persons to act as deputy sheriffs at salaries not to exceed five dollars per day each when in the judgment of the sheriff such deputies are necessary; provided, however, that the total amount of the compensation of such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand dollars per annum; and also provided, that the compensation of the last mentioned deputies shall be paid on presentation of duly verified claims filed with the board of supervisors of the said county and in the same manner that other claims are filed and paid; and provided, further, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law. It is hereby found as a fact that the provisions of this section do not work an increase in compensation of the offices and it is intended that the same shall apply immediately to the present incumbent.

SEC. 5. A new section is hereby added to the Political Code to be numbered 4254c, and to read as follows:

4254c. In counties of the twenty-fifth class, the recorder shall receive a salary of three thousand dollars per annum and he shall be allowed the following deputies who shall be appointed by said recorder and shall be paid salaries and compensations as follows: One chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per

annum; the said deputies to be paid at the same time and out of the same fund as the recorder's salary is paid. Said recorder may employ as many copyists as may be required for the recording of all papers, notices or documents in his office and shall be entitled to the actual cost incurred by him not exceeding six cents per folio for copying and comparing, and their salaries shall be paid in the same manner and out of the same funds as the salary of the recorder is paid, upon certifying to the auditor the actual number of folios so recorded. The said copyists may be appointed deputies without extra compensation.

SEC. 6. A new section is hereby added to the Political Code to be numbered 4254d, and to read as follows:

Auditor 4254d. In counties of the twenty-fifth class, the auditor shall receive a salary of three thousand dollars per annum; provided, that in counties of this class the auditor shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; and provided, further, that in counties of this class the auditor shall be allowed such additional clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one calendar year. The deputy, clerks and copyists named herein shall be appointed by the auditor and their salaries shall be paid in the same manner and at the same time and out of the same fund as the salary of the auditor is paid.

SEC. 7. A new section is hereby added to the Political Code to be numbered 4254e, and to read as follows:

Treasurer 4254e. In counties of the twenty-fifth class, the treasurer and tax collector shall receive a salary of three thousand dollars per annum and such fees as are allowed by law; provided, that in counties of this class the treasurer and tax collector shall be allowed one deputy who shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum and one deputy who shall be paid a salary of one thousand two hundred dollars per annum; and provided, further, that in counties of this class there shall be and hereby is allowed to the treasurer and tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed the sum of one thousand eight hundred dollars in one calendar year.

SEC. 8. A new section is hereby added to the Political Code to be numbered 4254f, and to read as follows:

Assessor 4254f. In counties of the twenty-fifth class, the assessor shall receive a salary of three thousand dollars per annum; provided, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand eight hundred dollars per annum; one draftsman at a salary of two thousand one hundred dollars per annum; and one rural appraiser who would be employed the entire year at an annual salary of one thousand eight hundred dollars and necessary equipment to perform the duties of his office. Said deputy

and said draftsman and said rural appraiser shall be appointed by said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; and provided, further, that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of seven thousand five hundred dollars in any one year. Said field deputies, assistants, clerk and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the officer, and it is intended that the same shall apply immediately to the present incumbents.

SEC. 9. A new section is hereby added to the Political Code to be numbered 4254g, and to read as follows:

4254g. In counties of the twenty-fifth class, the district attorney shall receive a salary of two thousand four hundred dollars per annum; provided, in counties of this class there shall hereby be allowed to the district attorney, one deputy at an annual salary of one thousand five hundred dollars and one deputy who shall receive a salary of nine hundred dollars per annum; provided, that one of these deputies shall be employed in a place other than the county seat. In addition to the two deputies the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. In counties of this class the district attorney is also allowed an additional stenographer, which office is hereby created, who shall receive a salary of six hundred dollars per annum. All salaries herein provided shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions in which the county is interested. The deputies shall be admitted to practice law.

SEC. 10. A new section is hereby added to the Political Code to be numbered 4254h, and to read as follows:

4254h. In counties of the twenty-fifth class, the coroner shall receive such fees as are now or may be hereafter allowed by law.

SEC. 11. A new section is hereby added to the Political Code to be numbered 4254i, and to read as follows:

4254i. In counties of the twenty-fifth class, the public administrator shall receive such fees as are now or may be hereafter allowed by law.

SEC. 12. A new section is hereby added to the Political Code to be numbered 4254j, and to read as follows:

Superintendent of schools

4254j. In counties of the twenty-fifth class, the superintendent of schools shall receive a salary of two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; provided, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

SEC. 13. A new section is hereby added to the Political Code to be numbered 4254k, and to read as follows:

Surveyor

4254k. In counties of the twenty-fifth class, the county surveyor shall receive a salary of three thousand dollars per annum. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars.

SEC. 14. A new section is hereby added to the Political Code to be numbered 4254l, and to read as follows:

Supervisors

4254l. In counties of the twenty-fifth class, each member of the board of supervisors shall receive a salary of one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; provided, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses.

The supervisors while acting as road commissioners shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervision. The supervisors in addition to the meetings otherwise provided by law shall meet on the seventh of each month or on the next legal day following the seventh.

SEC. 15. A new section is hereby added to the Political Code to be numbered 4254m, and to read as follows:

Justices of the peace.

4254m. In counties of the twenty-fifth class, there shall be two judicial townships. Townships having a population of twenty thousand or over shall be townships of the first class; townships having a population under twenty thousand shall be townships of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand five hundred dollars per annum and clerical help not to exceed nine hundred dollars in each year, and the board of supervisors shall provide him with the necessary office room.

SEC. 16. A new section is hereby added to the Political Code to be numbered 4254n, and to read as follows:

4254n. In each of the townships in counties of the twenty-fifth class, there shall be one constable who shall receive a salary of one thousand two hundred dollars per annum; provided, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the services of the warrant of arrest or any other process in a criminal case (where said service is in fact made) his actual expenses each way for each mile traveled outside of the county both going to and returning from the place of arrest or other services of process; also the transportation of prisoners to the county jail, the constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases, and also all fees now allowed him by law for the arrest of violators of the fish and game laws.

Constables

SEC 17. A new section is hereby added to the Political Code to be numbered 4254o, and to read as follows:

4254o. In counties of the twenty-fifth class the official reporter of the superior court shall receive the fees allowed by law.

Reporter.

SEC. 18 A new section is hereby added to the Political Code to be numbered 4254p, and to read as follows:

4254p. In fixing the compensation of county and township officers in counties of the twenty-fifth class, in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; and it is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in section 4290 of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by said officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him; save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, treasurer, district attorney, county surveyor and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to-wit, sheriff, treasurer, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, five, seven and ten of this act.

Salaries, etc.

SEC. 19. A new section is hereby added to the Political Code to be numbered 4254q, and to read as follows:

4254q. In counties of the twenty-fifth class, all officers who are allowed extra compensation for carrying out the work of

Extra compensation

their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount.

SEC. 20. A new section is hereby added to the Political Code to be numbered 4254r, and to read as follows.

Jurors

4254r. In counties of the twenty-fifth class, grand jurors and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during each session such jurors are required to attend.

SEC. 21. A new section is hereby added to the Political Code to be numbered 4254s, and to read as follows:

Sealer

4254s. In counties of the twenty-fifth class, the sealer of weights and measures shall receive a salary of two thousand one hundred dollars per annum and he is hereby allowed his actual and necessary traveling expenses while engaged in the performance of his duties as such sealer of weights and measures.

CHAPTER 554.

An act to amend section 4234 and to repeal section 4235a of the Political Code, relating to the compensation of county and township officers in counties of the fifth class.

[Approved by the Governor June 1, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 1139
(formerly
Sec 4235)
Santa Clara
county
salaries

SECTION 1. Section 4234 of the Political Code is hereby amended to read as follows:

4234. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Clerk

1. The county clerk, four thousand two hundred dollars per annum; provided, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand four hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of two thousand one hundred dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary

of two thousand one hundred dollars per annum; provided, however, that the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk who shall receive a salary of one thousand five hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerks. The county clerk shall also be allowed two additional deputies at an annual salary of two thousand one hundred dollars per annum to be paid as are other deputies herein provided for; provided, further, that in any year in which a general election is held the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of ten months, and two deputies who shall serve for a term of eight months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; also, in the event of special elections in any odd-numbered year, the county clerk shall be allowed additional deputies at a compensation to be fixed by said county clerk, such compensation, however, not to exceed in the aggregate for all of such deputies the sum of one thousand dollars in any one year; and he shall be allowed each year such number of registration deputies, to be appointed by him, as may be necessary for the registration of voters outside of the office of said county clerk, each of said deputies to receive the sum of ten cents per name for each elector legally registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor on the general fund of said county after proper allowance by said claim by said board of supervisors; provided, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff, four thousand six hundred dollars per annum; Sheiff provided, that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum;

also fifteen deputies who shall each receive a salary of two thousand one hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also two deputies who shall each receive a salary of one thousand eight hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand three hundred twenty dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; provided, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

Recorder

3. The county recorder, four thousand two hundred dollars per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand four hundred dollars per annum; also four deputy recorders who shall each receive a salary of two thousand one hundred dollars per annum; also two deputy recorders who shall each receive a salary of one thousand eight hundred dollars per annum; also as many deputies to act as copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices, except maps and plats, and for copies of any record seven cents per folio; provided, that such recorder may be allowed the actual and necessary expense incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Auditor.

4. The county auditor, four thousand two hundred dollars per annum; and said auditor may appoint one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum; also one deputy auditor to serve as accountant who shall receive a salary of two thousand one hundred dollars per annum; also two deputy auditors who shall receive a salary of two thousand one hundred dollars each per annum; also one redemption clerk who shall receive a salary of two thousand one hundred dollars per annum; provided, that the auditor shall be allowed additional deputies who shall each receive a salary or compensation of five dollars per day for each day actually employed, the total amount to be paid such additional deputies not to exceed the sum of three thousand two hundred dollars in any one year. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; provided, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, four thousand two hundred dollars ^{Treasurer.} per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand four hundred dollars per annum. The treasurer may also appoint a deputy county treasurer, which office is hereby created, at an annual salary of two thousand one hundred dollars per annum. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

6. The tax collector and license collector shall receive as full ^{Tax collector.} compensation for services required of him by law as such tax collector and ex officio license collector, four thousand two hundred dollars per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, three additional deputy tax collectors who shall receive a salary of two thousand one hundred dollars each per annum; also two additional deputy tax collectors who shall serve as such only for a period of six months in each year, and who shall receive a salary of one hundred fifty dollars each per month; also two additional deputy tax collectors to serve as such only for a period of three months in each year, and who shall receive a salary of one hundred twenty-five dollars each per month; also thirteen additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred twenty-five dollars each per month; also five additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred twenty-five dollars each per month; also twelve copyists who shall serve only during one and one-half months of each year, and who shall each receive a salary of one hundred twenty-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; provided, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived; provided, that checks, drafts and post-office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; provided, further, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888 of the Political Code.

Assessor

7. The county assessor, four thousand two hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand four hundred dollars per annum; one supervising deputy assessor who shall receive a salary of two thousand two hundred fifty dollars per annum; seven office deputy assessors who shall each receive a salary of two thousand one hundred dollars per annum; one deputy assessor who shall be a draftsman, whose duties shall include the preparation of maps for the county assessor, who shall receive a salary of two thousand one hundred dollars per annum; also twenty-three deputy assessors who shall serve as such during the months of March, April, May, and June of each year who shall each receive a salary of one hundred fifty dollars per month; three deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred twenty-five dollars each per month; four deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; also two proof readers to serve as such for only four months in any one year and who shall each receive a salary of one hundred twenty-five dollars per month; and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; provided, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all of such commissions shall be paid into the county treasury. The deputies, copyists and proof readers herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; provided, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; and provided, further, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month.

District attorney.

8. The district attorney, four thousand two hundred dollars per annum; he may appoint a chief deputy at a salary of three thousand three hundred dollars per annum; four assistant district attorneys at a salary of two thousand seven hundred dollars each per annum; one detective who shall serve at a salary of two thousand one hundred dollars per annum; one clerk at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred twenty dollars per annum; all of whom shall be paid in the same manner as said district attorney; provided, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

9. The coroner and public administrator. such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; provided, that said deputy coroner shall receive only such fees as the coroner would receive if acting.

Coroner and
public ad-
ministrator

10. The county superintendent of schools, four thousand two hundred dollars per annum; and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand four hundred dollars per annum, one deputy superintendent of schools who shall receive one thousand eight hundred dollars per annum, one deputy superintendent of schools, at an annual salary of one thousand five hundred dollars per annum, and one deputy at one thousand two hundred dollars per annum. The said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the superintendent of schools.

Superin-
tendent of
schools

11. The county surveyor, the sum of four thousand two hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand five hundred eighty dollars per annum; also, two deputies who shall receive a salary of two thousand four hundred dollars each per annum; one deputy who shall receive a salary of two thousand two hundred eighty dollars per annum; one deputy who shall receive a salary of two thousand two hundred twenty dollars per annum; three deputies who shall receive a salary of two thousand one hundred dollars each per annum one of whom shall be a draftsman whose duties shall include the preparation of maps for the county assessor, one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand six hundred twenty dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; provided, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

Surveyor

12. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties.

Game
warden

13. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable

Justices of
the peace

monthly in the same manner as the salaries of county officers are paid, viz :

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of four thousand two hundred dollars per annum as full compensation for all services rendered by them, except as hereinafter provided; provided, however, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, provided, that in townships of this class there is hereby allowed to each justice of the peace two clerks, to be appointed by said justice, and to receive the following salaries: One clerk at a salary of two thousand one hundred dollars per annum; one deputy clerk at a salary of one thousand eight hundred dollars per annum. Said salaries shall be paid monthly in the same manner as salaries of county officers are paid.

Said clerks shall take the oath of office prescribed for county officers and shall each give a bond in the sum of five thousand dollars conditioned upon and for the faithful discharge of the duties of the office, which said bond shall be approved and filed in the same manner as are bonds of county officers. If a surety company be the surety on such bond, the premium or charge thereon shall be paid by the county in the same manner as are the bonds of county officers. Such clerks shall perform the duties required of them by law, and also, such clerical duties in connection with the business of the court as are required of said clerks by the justices of said court; they shall keep a record of the proceedings of said court and shall have the custody of all records and papers in said justice's court and in addition to the other powers conferred upon them by law, shall be authorized in civil actions to issue, sign, certify and file all pleadings, summonses, writs, notices, subpoenas, abstracts, certificates, transcripts, records, papers, and proceedings which are required to be issued, signed, certified or filed by the justice of the peace by whom they are appointed, and in criminal matters pending before said justice of the peace, to file all papers and to issue subpoenas, to prepare bonds, justify bail when the amount has been fixed by the court or justice, and may administer and certify oaths, and to attest and authenticate said acts in substantially the following form:

“-----
 Justice of the Peace.
 By-----
 Clerk.”

Said clerks shall exact in advance and receive all fees which are allowed by law for any official service of the justice of the peace, and shall collect and receive all fines and forfeitures in criminal cases, and said clerk shall account for the same under oath and shall pay the same to the authorities legally entitled to receive the same at the time and in the manner provided by law, except as hereinafter provided.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred seventy-five dollars per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided; provided, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained, said census shall be and remain the official census of such township; and shall not be affected by any provision of this act with respect to the application of the federal census of 1930, in classifying townships.

Justices of the peace in all townships in counties of this class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month. They shall be furnished with offices and necessary supplies, including light, heat, telephone service and incidental expenses, by the board of supervisors.

14. In counties of this class constables shall be compensated Constables. as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred fifty dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred twenty-five dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain

for their own use such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

Constables shall be allowed all necessary expenses incurred in conveying prisoners.

Township
population

The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1930; provided, however, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly num-

bered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon the same shall be known and shall be the official census of said township or townships.

15. Each supervisor, three thousand dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; provided, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year. SUPERVISORS

16. The fees of grand jurors and trial jurors in the superior courts of said counties of this class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for. JURORS

Whenever under the provisions of law or otherwise a bond is required of any county officer or of any of his deputies, the premium of such bond shall be paid from the general funds of the county.

SEC. 2. Section 4235a of the Political Code is hereby repealed. REPEAL.

CHAPTER 555.

An act to amend section 4260 of the Political Code, relating to compensation of county and township officers in counties of the thirty-first class.

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4260 of the Political Code is hereby amended to read as follows:

4260. In counties of the thirty-first class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may CLERK.

Stats 1929,
p. 1763
(formerly
Sec. 4261)

Placer
county
salaries

hereafter be allowed by law; and in each year in which a new and complete registration of voters is required by law he shall receive such an amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, and such an amount as shall be necessary to pay deputies in the office for enrolling the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be one thousand eight hundred dollars per annum and a deputy clerk which office of deputy clerk is hereby created, whose salary shall be one thousand two hundred dollars per annum, said salaries payable as the salaries of county officers are paid.

Sheriff

2. The sheriff, six thousand dollars per annum.

Recorder.

3. The recorder, two thousand seven hundred dollars per annum; provided, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; and provided, that in counties of this class the recorder may appoint two deputy recorders for service in his office, which offices of deputies for the county recorder are hereby created, one of said deputies shall receive as compensation for his services the sum of one thousand two hundred dollars per annum; and one of said deputies shall receive as compensation for his services the sum of one thousand eighty dollars per annum to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

The provisions of this subsection relating to the salaries of the deputies of the county recorder do not increase the salaries of county officers and shall take effect immediately.

Auditor.

4. The auditor, two thousand seven hundred dollars per annum; provided, that in counties of this class the auditor may appoint two deputy auditors for service in his office, which office of deputies for the county auditor are hereby created, one of said deputies shall receive as compensation for his services the sum of one thousand two hundred dollars per annum; and one of said deputies shall receive as compensation for his services the sum of one thousand eighty dollars per annum to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

The provisions of this subsection relating to deputies for the county auditor do not increase the compensation of a county officer and shall take effect immediately.

Treasurer.

5. The treasurer, three thousand dollars per annum.

Tax collector

6. The tax collector, two thousand dollars per annum; provided, that said tax collector shall perform the duties and collect and pay into the county treasury, the fees provided by law for the license tax collector. In counties of this class the

tax collector may appoint one deputy, which office is hereby created, at a salary of one thousand two hundred dollars per annum.

7. The assessor, four thousand two hundred dollars per annum; provided, that said assessor shall perform all the duties of said office and shall collect and pay into the county treasury for the use and benefit of the county the fees provided by law for the collection of personal property tax, and all other fees and commissions received or collected by him; provided, that in counties of this class the assessor may appoint one deputy for service in his office which office of deputy for the county assessor is hereby created; said deputy shall receive, as compensation for his services, the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid. The assessor may appoint two field deputies and one special deputy which offices of field deputies and special deputy are hereby created. Said special deputy shall receive as full compensation for all services performed, and all expenses incurred, the sum of one thousand two hundred dollars per annum; said field deputies shall each receive as full compensation for all services performed, and all expenses incurred, the sum of six dollars per diem for each day actually and necessarily employed as such, to be paid out of the county treasury at the same time, in the same manner, and out of the same fund as the salaries of other county officers are paid; provided, however, that the total compensation paid to all such field deputy assessors shall not exceed the sum of six hundred dollars during any one calendar year; provided, also, that every field deputy, when so employed, shall file with the auditor a statement, verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in field work in the performance of duties of such employment during the period covered by such statement before any warrant for the payment of such compensation shall be drawn by the auditor.

The provisions of this subsection shall take effect at noon, on the first Monday of January, 1931.

8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid.

In counties of this class the district attorney is allowed and may appoint one clerk which office is hereby created. The salary of said clerk is fixed at one thousand two hundred dollars per annum payable at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid. The provisions of this subsection relating to the appointment of one clerk by the district attorney do not increase the compensation of a county officer and shall take

effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

Coroner

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand four hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed five hundred dollars per annum; he shall also be allowed one deputy whose salary shall be eighty-five dollars per month, payable the same as the salary of county officers are paid.

Surveyor

12. The surveyor shall receive a per diem of twelve dollars and fifty cents for all work performed for the county, in addition thereto all necessary expenses and transportation on work performed in the field.

Township classification

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships.

Townships having a population of over four thousand five hundred shall belong to and be known as townships of the first class; townships having a population of three thousand and less than four thousand five hundred shall belong to and be known as townships of the second class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand five hundred shall belong to and be known as townships of the fourth class;

Justices of the peace

Justices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum; in townships of the second class, the sum of nine hundred dollars per annum; in townships of the third class, six hundred sixty dollars per annum; in townships of the fourth class, four hundred dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

Constables

14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when

necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; provided, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaint or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one-half per cent, to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar; for executing and delivering constable's deeds, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveling outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate either upon arrest or for trial or examination or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; provided, that if two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; provided, further, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, one thousand eight hundred dollars ^{Supervisors.} per annum; which shall be in full for all services and expenses both as supervisor and road commissioner. Said supervisors shall not use county owned automobiles for the performance of any of their duties as such supervisors or road commissioners, nor while traveling to and from the county seat, nor in the performance of any of their official duties.

16. The county traffic officer, two thousand two hundred dollars per annum; provided, that in counties of this class ^{Traffic officer.} there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Said deputy shall be appointed by said county traffic officer and shall receive a salary of two thousand two hundred dollars per annum which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said

traffic officer and his deputy shall provide their own motorcycles or other vehicles and shall pay all of the expense of the upkeep of such machines and the said county shall provide gasoline and oil for the purpose of propelling the same; and provided, further, that there shall be and there is allowed to the county traffic officer a sum not to exceed one thousand two hundred dollars in any one year to be used in carrying out the duties of his office. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law.

Jurors.

17. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

Effect.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments: and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 556.

Stats. 1915,
p. 1225,
amended

An act to amend section 19x21 of the juvenile court law, relating to probation officers in counties of the twenty-first class.

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1929,
p. 320
(formerly
Sec 19x24).
Monterey
county
probation
officer

SECTION 1. Section 19x21 of the juvenile court law is amended to read as follows:

Sec. 19x21. In counties of the twenty-first class, there shall be one probation officer whose salary shall be three thousand dollars per annum, and one deputy probation officer whose salary shall be one thousand five hundred dollars per annum.

CHAPTER 557.

An act to amend section 19x26 of the "juvenile court law," relating to probation officers in counties of the twenty-sixth class. Stats. 1915, p. 1225, amended

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 19x26 of the "juvenile court law" is amended to read as follows: Stats. 1921, p. 868 (formerly Sec. 19x27).

Sec. 19x26. In counties of the twenty-sixth class there shall be one probation officer, whose salary shall be one thousand eight hundred dollars per annum. Merced county: probation officer.

CHAPTER 558.

An act to amend section 19x11 of the "juvenile court law," relating to probation officers in counties of the eleventh class. Stats 1915, p. 1225, amended.

[Approved by the Governor June 1, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 19x11 of the "juvenile court law" is amended to read as follows: Stats 1929, p. 53, (formerly Sec 19x12).

19x11. In counties of the eleventh class, there shall be one probation officer whose salary shall be three thousand six hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand eight hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum. Kern county probation officer

CHAPTER 559.

An act to amend sections 19x25 and 19x41 of the juvenile court law, relating to probation officers in counties of the twenty-fifth and forty-first classes. Stats 1915, p. 1225, amended.

[Approved by the Governor June 1, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 19x25 of the juvenile court law is amended to read as follows: Stats 1923, p. 639 (formerly Sec 19x26).

Sec. 19x25. In counties of the twenty-fifth class, there shall be one probation officer whose salary shall be one hundred fifty dollars per month. Said probation officer shall be ex officio the county school attendance officer. Santa Cruz county probation officer

SEC. 2. Section 19x41 of the juvenile court law is amended to read as follows: Stats 1917, p. 1024 (formerly Sec 19nn)

Sec. 19x41. In counties of the forty-first class there shall be one probation officer, whose salary shall be fifty dollars per month. San Benito county probation officer

CHAPTER 560.

An act to amend section 4250 and to repeal section 4249a of the Political Code, relating to the salaries of the county officers of counties of the twenty-first class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 1312
(formerly
Sec 4253).
Monterey
county.
salaries.

SECTION 1. Section 4250 of the Political Code is hereby amended to read as follows:

4250. In counties of the twenty-first class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum; provided, that the county clerk shall have the power to appoint two deputies at a salary of two thousand four hundred dollars each per annum, one deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, and also one deputy to serve only during such years as general elections may be held, at a salary of one thousand eight hundred dollars per annum, such deputies to be paid at the same time and in the same manner as other county officers are paid; provided, further, that the county clerk shall receive for compiling the great register, and for services in connection with elections, the additional sum of one thousand two hundred dollars per annum; and provided, further, that he shall also receive and retain, for his own use and benefit, all such fees and commissions as now are, or which hereafter may be, allowed by law.

Sheriff

2. The sheriff shall receive, as full compensation for all services required of him by law, the sum of four thousand two hundred dollars per annum; provided, that the sheriff shall be allowed the amount of the actual and necessary expenses incurred by him in the performance of his official duties; and provided, that there shall be, and there hereby is, allowed to the sheriff one deputy, who shall be known as undersheriff, at a salary of two thousand five hundred and twenty dollars per annum, two deputies at a salary of two thousand four hundred dollars each per annum, and one deputy at a salary of two thousand one hundred dollars per annum and one deputy, to be known as clerk and jailer at a salary of one thousand eight hundred dollars per annum; one deputy, to be known as county jail matron at a salary of nine hundred dollars per annum. The deputies herein provided for shall be appointed by the sheriff, and shall be paid out of the county treasury in equal monthly installments, and in the same manner and at the same time as other county officials are paid. The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received

by him as sheriff during the month, accompanied by a statement of the sources from which the same were received. It is hereby found as a fact that the changes specified and provided for in this section in respect to the salaries do not effect an increase in the compensation of the sheriff.

3. The recorder, three thousand dollars per annum; provided, that there shall be, and there hereby is, allowed to the recorder one chief deputy, at a salary of one thousand eight hundred dollars per annum, and one additional deputy at a salary of one thousand five hundred dollars per annum; provided, further, that the recorder may appoint such additional deputies as may be necessary to act as copyists, and who shall receive, as compensation for such services, the sum of six cents per folio for recording instruments or notices of all kinds, except maps and plats, and for making copies of any record; and provided, that the recorder shall pay into the county treasury all fees received by him in his official capacity from whatsoever source the same may be derived. The deputies herein provided for shall be appointed by the recorder, and shall be paid at the same time and in the same manner as other county officials are paid. Recorder

Provided, however, that if the photostat system of recordation be installed and put into effect in the said recorder's office, there shall be allowed to the recorder, to be appointed by him, the following deputies only, to be paid at the time and in the manner as other county officials are paid, to wit: One chief deputy, at a salary of one thousand eight hundred dollars per annum; one indexing deputy at a salary of one thousand five hundred dollars per annum; and three additional deputies, to serve as copyists and operators, at a salary of one thousand five hundred dollars each per annum.

4. The county auditor, three thousand dollars per annum; provided, that there shall be allowed to the auditor, to be appointed by him, one chief deputy, at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; two deputies at a salary of one thousand five hundred dollars per annum, and one deputy at a salary of one thousand three hundred eighty dollars per annum; provided, further, that the auditor may appoint or employ such additional assistants as he may require, the aggregate compensation therefor not to exceed the sum of six hundred dollars per year; the said deputies and assistants to be paid at the same time and in the same manner as other county officials are paid. Auditor.

Provided, further, that in the event the county auditor shall serve as, and perform the duties of, the county purchasing agent, he shall receive, as full compensation for such services, the sum of nine hundred dollars per annum.

5. The treasurer, three thousand dollars per annum; provided, that the treasurer shall have the power to appoint one deputy, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as Treasurer

other county officials are paid; and provided, that the treasurer shall receive and retain for his own use and benefit, all such fees and commissions as now are, or hereafter may be, allowed by law.

Provided, further, that from the time and in the event that said office is consolidated with that of tax collector, the holder of the said consolidated office of treasurer and tax collector shall receive a salary of three thousand six hundred dollars per annum; that there shall be and is hereby allowed: One chief deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum; provided, further, that the holder of said consolidated office of treasurer and tax collector may appoint such additional assistants as he may require, at a salary not to exceed one hundred twenty-five dollars per month each, the aggregate amount therefor not to exceed the sum of one thousand five hundred dollars per annum.

**Tax
collector.**

6. The tax collector, two thousand four hundred dollars per annum; provided, that there shall be allowed to the tax collector one deputy at a salary of one thousand eight hundred dollars per annum, and three additional deputies, to serve for periods of five months, three months, and two months, respectively, during each year, at a salary of one hundred dollars each per month. The deputies herein provided for shall be appointed by the tax collector, and shall be paid at the same time and in the same manner as other county officials are paid; provided, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of treasurer.

Assessor.

7. The assessor, four thousand two hundred dollars per annum; provided, that there shall be allowed to the assessor one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one assistant for a period of three months of each year at a salary of one hundred dollars per month; four field deputy assessors, for not to exceed three months of each year, at a salary of two hundred dollars each per month, and seven additional field deputy assessors for not to exceed two months of each year at a salary of two hundred dollars each per month, but the aggregate amount which may be expended in any one year for all such field deputies shall not exceed five thousand two hundred dollars. The deputies and assistants provided for herein shall be appointed by the assessor, and shall be paid at the same time, and in the same manner, as other officers are paid.

Provided, that in the event the assessor or any of his full time deputies shall engage in actual field work in assessing property, he or said deputies shall be allowed actual and necessary traveling expenses incurred in the discharge of official duties, but not to exceed the aggregate sum of one thousand

five hundred dollars in any one year; and provided, that the assessor shall deposit in the county treasury all fees by him received, from whatsoever source the same may be derived.

8. The district attorney, three thousand six hundred dollars per annum; provided, that the district attorney shall be allowed the amount of his actual and necessary traveling and other expenses, when incurred in connection with the prosecution of criminals, within the county; provided, further, that the district attorney shall have the power to appoint two deputies, at a salary of two thousand four hundred dollars per annum each, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers. That in counties of this class there shall be and is hereby allowed to the district attorney, to be appointed by him, one stenographer at a salary of one thousand five hundred dollars per annum and one stenographer at a salary of one thousand dollars per annum with the understanding that such stenographers, without extra compensation, shall take all depositions and statements and confessions of prisoners. Said deputies and stenographers are to be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

District
attorney.

9. The coroner, one thousand five hundred dollars per annum; provided, that the coroner shall be allowed the amount of his actual and necessary expenses when in the discharge of his official duties outside of the county seat, including mileage at the rate of twenty-five cents for each mile necessarily traveled in going to each of such places where he may hold an inquest, together with an allowance of the sum of two dollars for summoning a jury. The coroner shall also be allowed two deputies, who shall act without compensation, except that they shall be allowed the amount of their traveling expenses for necessary travel outside of the county seat in the performance of their duties. The coroner shall be allowed one stenographer at a salary of nine hundred dollars per annum, who shall render all stenographic services for the coroner, including the reporting of all coroner's inquests. The salary and allowances herein provided for shall be compensation in full for all services rendered by the coroner; provided, however, that when the coroner shall act as or in the place of the sheriff he shall be allowed the same fees that are allowed to the sheriff for like services.

Coroner.

10. The public administrator, such fees as now are, or hereafter may be, allowed by law.

Public ad-
ministrator

11. The superintendent of schools three thousand three hundred dollars per annum, together with the amount of his actual traveling expenses when visiting schools of the county; provided, that the superintendent of schools shall have the power to appoint two deputies, one of whom shall receive a salary of two thousand one hundred dollars per annum, and the other a salary of one thousand eight hundred dollars per annum, the salary of each of such deputies to be paid at the

Superin-
tendent of
schools

same time and in the same manner as that of other county officers.

Surveyor

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto he shall be allowed his actual and necessary traveling and other expenses in connection with field work, and the cost of preparing maps, plats, block books and tracings for the assessor when directed by him to do so; provided, however, that if the county surveyor shall be appointed superintendent of permanent highways in the county, constructed under bond issue, pursuant to any statute in this state providing for the appointment of such superintendent, the surveyor shall receive the additional sum of three thousand dollars per annum as compensation for his services as such superintendent of permanent highways.

Justices of the peace.

13. The justices of the peace shall receive the following monthly salaries, respectively, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) In each township having a population of more than ten thousand the justice of the peace shall receive a salary of two hundred dollars per month. (2) In each township having a population of more than five thousand and less than ten thousand, the justice of the peace shall receive a salary of one hundred fifty dollars per month; provided, however, that in each case where there are two or more justices of the peace in any such township, or where two or more offices of justice of the peace may be hereafter created in any such township, the salary of each of such justices of the peace shall be one hundred dollars each per month; (3) in each township having a population of two thousand five hundred, but less than five thousand, sixty-five dollars per month; (4) in each township having a population of one thousand five hundred, but less than two thousand five hundred, sixty dollars per month; (5) in each township having a population of one thousand, but less than one thousand five hundred, forty-five dollars per month; (6) in each township having a population of five hundred, but less than one thousand, thirty-five dollars per month; (7) and in each township having a population of less than five hundred, thirty dollars per month. Each justice of the peace shall pay into the county treasury each month all fees and fines collected by him; and provided, further, that the county board of supervisors may, in its discretion, furnish and provide suitable offices for the transaction of the business of any one or more of the justices of the peace.

Constables

14. The constables shall receive the following monthly salaries, respectively, to be paid as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them in all criminal cases or criminal matters: (1) In each township having a population of five thousand or more, one hundred dollars per month; (2) in each township having a population of two thousand five hun-

dred, but less than five thousand, fifty dollars per month; (3) in each township having a population of one thousand five hundred, but less than two thousand five hundred, forty-five dollars per month; (4) in each township having a population of one thousand, but less than one thousand five hundred, thirty-five dollars per month; (5) in each township having a population of five hundred, but less than one thousand, thirty dollars per month; (6) and in each township having a population of less than five hundred, twenty dollars per month; provided, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for necessary traveling expenses in his own district, for the service of a warrant of arrest, or any other process in a criminal case, or other criminal matters, when such service is in fact made, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest in the service of process, five cents per mile; and for transporting any person to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use such fees in civil cases as now are or hereafter may be specified by law.

15. The supervisors, the sum of one thousand two hundred ^{Supervisors.} dollars each per annum, and twenty cents per mile for all distances actually traveled in the performance of his duty as road commissioner, not to exceed five hundred dollars per annum, together with mileage, at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

16. In each county of this class, the official phonographic ^{Reporter.} reporter of the superior court shall receive, for his services in reporting testimony and proceedings in court, and for the transcription thereof, such compensation and fees as now are, or hereafter may be, prescribed by law; provided, however, that when the court reporter is on duty in chambers in assisting the judge in his work, or is otherwise engaged therein, although not engaged in reporting testimony or proceedings in the court, he shall be allowed, and shall receive, the sum of ten dollars per day.

17. The county librarian shall receive a salary of two ^{Librarian.} thousand one hundred dollars per annum.

18. The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the next preceding federal census. ^{Population.}

19. In counties of the twenty-first class, grand jurors and trial jurors in the superior court shall receive for each day's attendance three dollars, and for every mile actually traveled in attending court as such juror, in going only, fifteen cents. ^{Jurors.}

SEC. 2. Section 4249a of the Political Code is hereby ^{Repeal.} repealed.

CHAPTER 561.

An act amending section 4243 of the Political Code, relating to salaries and compensation of officers in counties of the fourteenth class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 47
(formerly
Sec. 4240)
Tulare
county
salaries

SECTION 1. Section 4243 of the Political Code is hereby amended to read as follows:

4243. In counties of the fourteenth class, officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries:

Clerk.

1. The county clerk, four thousand dollars; provided, that said clerk shall have the following deputies: One deputy, who shall act as assistant clerk of the board of supervisors, and who shall be paid a salary of twenty-seven hundred dollars per annum; one chief deputy clerk who shall be paid a salary of one thousand nine hundred twenty dollars per annum; three deputy clerks, who shall be paid a salary of one thousand eight hundred dollars per annum. In the event that the Legislature shall hereafter increase the number of superior judges in any county of this class, an additional court-room deputy shall be appointed by said county clerk at a salary of one thousand five hundred dollars per annum, who shall perform the duties and act in place of the deputy provided for by section 4290 of the Political Code. The county clerk shall perform the duties of registrar of voters and shall appoint additional deputies who shall act as registration deputies for the purpose of registering electors outside of the county courthouse grounds; such deputies shall be paid the sum of ten cents per name for each affidavit of registration taken by them and the claims of such deputies for such service shall be presented to, and be allowed by the board of supervisors as other claims against the county are presented and allowed. The county clerk shall also be allowed such assistant clerks and deputies as he may require at a salary of four dollars per day each, provided the total compensation for all clerks and deputies so employed shall not exceed the sum of one thousand seven hundred fifty dollars, for said even-numbered year and seven hundred fifty dollars for each odd-numbered year. The county clerk shall pay into the county treasury to the credit of the salary fund at the close of each month, all fees and commissions received by said county clerk during the month, accompanied by a statement of the sources from which said fees and commissions have been received.

Sheriff

2. The sheriff, four thousand dollars per annum; provided, that said sheriff shall have the following deputies and assistants: One chief deputy, who shall be paid a salary of two thousand one hundred dollars per annum; four deputies,

each of whom shall be paid a salary of one thousand eight hundred dollars per annum; two deputies to act as bailiffs at a salary of one thousand eight hundred dollars each per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum; one deputy who shall perform the duties of matron and cook at the county jail, at a salary of one thousand ninety-five dollars per annum, and her board at said jail, while performing such duties; and one deputy for a period of two weeks, out of each year, at a salary of three dollars per day and board, who shall perform the duties of matron and cook during the vacation period of the matron above provided. The sheriff shall receive and retain for his use, the compensation allowed by the state for the transportation of prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, state hospitals and other state institutions. All other fees and mileage received by the sheriff shall be paid into the county treasury and placed to the credit of the salary fund. In the event that the Legislature shall hereafter increase the number of superior judges in any county of this class, an additional deputy shall be appointed by said sheriff to act as bailiff at a salary of one hundred twenty-five dollars per month.

3. The county recorder, three thousand six hundred dollars per annum; provided, that said recorder shall have the following deputies and assistants: One chief deputy who shall be paid a salary of two thousand one hundred dollars per annum; three deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; two comparing clerks, each of whom shall be paid a salary of one hundred dollars per month; and such copyists as are necessary to perform the duties of the office, who shall receive a compensation of three cents per folio for each folio of any instrument recorded and necessary to be transcribed by said recorder, and which said compensation shall be paid out of the salary fund of such county. All fees collected by the county recorder shall be paid into the county treasury and placed to the credit of the salary fund. Recorder

4. The county auditor, three thousand dollars per annum; provided, that said auditor shall have the following deputies and assistants: One deputy who shall be paid a salary of two thousand one hundred dollars per annum; three deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum: one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and such additional deputies and assistants as he may consider necessary to promptly perform the work required to be done in the office of said auditor, and who shall be paid a salary of four dollars per day, while actually employed; provided, however, that the total compensation of such additional deputies and assistants shall not in the aggregate, exceed the total sum of one thousand five hundred dollars per year. It shall be the duty of the county auditor in counties of this class to Auditor.

prepare for the board of supervisors, the reports required by sections 4099 and 4099a of the Political Code. All fees and commissions received by the county auditor shall be paid by him into the county treasury and placed to the credit of the salary fund.

Treasurer.

5. The county treasurer, three thousand dollars per annum; provided, that said treasurer shall have one deputy who shall be paid a salary of two thousand one hundred dollars per annum; and one deputy who shall be paid a salary of one thousand five hundred dollars per annum.

Tax collector

6. The tax collector, three thousand dollars per annum, in full compensation for all services performed as tax collector and ex officio license collector; provided, that said tax collector shall have the following deputies and assistants: One chief deputy who shall be paid a salary of two thousand one hundred dollars per annum; two deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; and such additional assistants during each year as he may require to promptly perform the work required to be done in the office of said tax collector, said assistants to be employed by said tax collector and to be paid a compensation of one hundred dollars per month while actually employed, and such compensation shall not in the aggregate exceed the sum of four thousand dollars per annum. All fees and commissions paid to the tax collector and ex officio license collector, shall be paid into the county treasury and placed to the credit of the salary fund.

Assessor

7. The county assessor, four thousand dollars per annum; provided, that said assessor shall be allowed the following deputies and assistants: One deputy, who shall be known as chief deputy and who shall be paid a salary of two thousand one hundred dollars per annum; two deputies who shall be paid a salary of one thousand five hundred dollars per annum; and providing, further, that the said assessor shall have such additional deputy assessors as he may require, at a salary of two hundred ten dollars per month, for those employed as outside field deputy assessors, and at a salary of one hundred eighty dollars per month for those employed as inside field deputy assessors, and at a salary of one hundred dollars per month for those employed as copyists; provided, however, that the total compensation of said additional deputy assessors employed as inside and outside field deputy assessors and copyists, shall not exceed the sum of sixteen thousand two hundred dollars per year; and provided, further, that no field deputy assessors herein provided for shall be employed for more than four months in any one year. All fees and commissions, including all sums collected by the assessor or his deputies as personal property taxes, shall be paid in to the county treasurer monthly as collected, with a statement of account of each collection.

District attorney

8. The district attorney, four thousand two hundred dollars per annum; provided, that the district attorney shall have the

following deputies and assistants: An assistant district attorney who shall be paid a salary of three thousand three hundred dollars per annum; one deputy who shall be paid a salary of three thousand dollars per annum; one deputy who shall be paid a salary of two thousand seven hundred dollars per annum; one deputy who shall be paid a salary of two thousand four hundred dollars per annum; two stenographers who shall be paid a salary of one hundred twenty-five dollars each per month.

9. The coroner shall receive the following fees: For general services in holding an inquest before a jury or in investigating the cause of death where such investigation is required by law, ten dollars. For each witness subpoenaed before the jury of inquest, twenty-five cents. In addition to the fees mentioned herein, the coroner shall receive his actual necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid, provided that the said traveling expenses exclusive of meals and hotel accommodations shall not exceed the sum of eight cents per mile. For directing or attending the interment for each body upon which an inquest before a jury or an investigation by the coroner has been made, two dollars.

When acting as or in place of the sheriff, the same fees as are allowed the sheriff for like services.

Whenever the coroner takes custody of a dead body as required by law, he may embalm the body and charge and collect from the person entitled to custody of the body the sum of fifteen dollars except in those cases in which the body is that of a child not more than fourteen years of age or of a person for whose burial there is available a sum less than seventy-five dollars, in which cases no fee shall be charged and the expense of embalming the body shall be a county charge.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator

11. The superintendent of schools, as full compensation of all services required of him by law, including his duties as a member of the county board of education, four thousand dollars per annum, and actual and necessary traveling expenses when visiting the schools of his county; provided, that the superintendent of schools shall have the following deputies. One chief deputy who shall be paid a salary of two thousand one hundred dollars per annum; a second deputy who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy who shall be paid a salary of one thousand five hundred dollars per annum, said chief deputy and said second deputy to be qualified teachers, competent to perform the duties of said office, either in the field or in said office. Superintendent of schools

12. The county surveyor, three thousand dollars per annum; provided, that the surveyor shall have the following deputies Surveyor

Surveyor.

and assistants: One deputy who shall be paid a salary of two thousand dollars per annum; one field inspector who shall be paid a salary of two thousand dollars per annum; one field and office assistant who shall also act as stenographer and who shall be paid a salary of one thousand five hundred dollars per annum. In addition the county surveyor shall be allowed all necessary traveling and other expenses incurred by himself or by said deputy, field inspector or assistant in the performance of all work in the field and in the discharge of the duties of his office, and said surveyor shall also have power to employ such inspectors, chainmen, rodmen and other field help as may be necessary to perform the duties of his office in the field and for the proper supervision and inspection of all highways, bridges, structures and other engineering work, which the said county surveyor may be required by the board of supervisors to supervise or inspect, while under construction, and the compensation of said inspectors and other help shall be a proper charge against the county, and shall be paid out of the county general fund upon the presentation of proper claims therefor to the board of supervisors in any county of this class. The county surveyor shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges; and in any county of this class, whenever a portion of the county general fund has been appropriated for the construction of highways or bridges, or bonds have been issued under the provision of section 4088 of the Political Code for the construction of bridges or highways, the county surveyor may at any time during the planning, laying out or construction of said bridges or highways, employ all necessary inspectors, draftsmen and field or office help for the purpose of assisting said county surveyor in planning, laying out or supervising and inspecting the construction of such bridges or highways and the compensation of all persons so employed shall be paid out of the fund created for such work upon the presentation of proper claims therefor to the board of supervisors; provided, however, that before employing any inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment, and said inspectors and field or office help shall not be employed for a period longer than may be necessary to actually complete said bridges or highways, and the compensation of all such persons employed as inspectors, draftsmen, field or office help, shall be prescribed by the board of supervisors. The board of supervisors shall have the power to appoint the county surveyor, superintendent of maintenance of permanent highways constructed under bond issues, direct tax or county general funds, and such surveyor, in the event of such appointment, must perform the duties of such superintendent of maintenance, and when so appointed, shall receive a salary of eight hundred dollars per annum. He shall be allowed all necessary help to perform the duties of such super-

intendent of maintenance, the compensation of which help shall be fixed by the board of supervisors, and which said board shall furnish such superintendent of maintenance with necessary equipment and funds to properly perform such work.

13. For the purpose of regulating the compensation of the justices of the peace and constables in counties of this class the townships of said counties are hereby classified as follows: Townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class. Townships having a population of not less than ten thousand and under fifteen thousand shall belong to and be known as townships of the second class. Townships having a population of not less than six thousand and under ten thousand shall belong to and be known as townships of the third class. Townships having a population of not less than three thousand and under six thousand shall belong to and be known as townships of the fourth class. Townships having a population of not less than one thousand and under three thousand shall belong to and be known as townships of the fifth class. Townships having a population under one thousand shall belong to and be known as townships of the sixth class; provided, that for the purposes of this section the population of the several townships of the counties of this class shall be ascertained by the board of supervisors by multiplying the number of registered voters at the last preceding general presidential election by three.

Township
classifica-
tion.

14. Justices of the peace in townships of the first and second class shall be paid a salary of one hundred seventy-five dollars per month and in each justice's court in townships of the first class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall hold office at the pleasure of the said justice of the peace and who shall be paid a salary of one hundred twenty-five dollars per month and which shall be payable in the same manner and out of the same funds as county officers are paid. For each justice's court in townships of the second class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall hold office at the pleasure of the said justice of the peace and who shall be paid a salary of one hundred dollars per month and which shall be payable in the same manner and out of the same funds as county officers are paid. Such justice's clerks shall take the oath of office prescribed for county officers and execute an official bond in the sum of two thousand dollars conditioned upon and for the faithful discharge of the duties of the office of the justice's clerk and which bond shall be approved and filed in the same manner as are bonds of county officers and the premium for said bonds shall be a charge against the county. Said justice's clerks may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of their office, said appointments to be made and filed in the same manner as the appointment of other county officers; provided,

Justices of
the peace.

**Justices of
the peace**

however, that the said deputies shall serve without compensation from the county. Said justice's clerks shall be authorized to administer all oaths, take and certify affidavits and shall be authorized to issue and sign writs, summons, notices and all other process in any action or proceedings in the justice's court of the township for which said clerks have been appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued and all such instruments shall be issued and signed in substantially the following form:

Attest:

“-----
Justice of the Peace.

Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court, including all proceedings pending in said court as a small claims court, shall be issued by the said justice's clerk in the manner and form hereinbefore set forth, and said justice's clerk shall issue, sign and certify any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All pleadings and papers required to be filed in the said justice's court shall be filed with such justice's clerk and such clerk shall be authorized and is empowered to make entry in the official docket, and other books required to be kept by said justice of the peace, of the actions and proceedings in said court, and such clerk shall have all the powers of justice's clerks now and hereafter provided by law. All fees for the issuance of all process, or other fees, which are by law allowed for any official service of the justice of the peace, must be paid in advance to the clerk of said justice's court, and together with all fees, fines, forfeitures or penalties received in said justice's court shall be paid into the county treasury, and said justice's clerk shall render on or before the first Monday of each month to the county auditor, an exact account under oath of all fines, forfeitures, penalties and fees received by him or collected by said court.

Justices of the peace in townships other than townships of the first and second class, shall be paid the following monthly salaries, to wit: In townships of the third class one hundred twenty-five dollars per month; in townships of the fourth class, one hundred dollars per month; in townships of the fifth class, fifty dollars per month; in townships of the sixth class, thirty dollars per month. and all salaries provided for by this section shall be in full compensation for all services rendered by justices of the peace and justice's clerks, in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by all justices and justice's clerks into the county treasury

The board of supervisors may provide a suitable office and court room, including furniture and telephone, for each justice of the peace in this county and the expense of the same shall be a charge against the county; provided, however, the total expense of the office, court room, furniture and telephone shall not exceed twenty per cent (20%) of the salary of that justice of the peace for the said fiscal year, and in addition thereto the board of supervisors shall provide, through its purchasing agent, all necessary stationery, books, and printing supplies required by each of the justices of the peace for the proper transaction of the business of his office and the expense of such stationery, books and printed supplies shall be a charge against the county.

15. Constables shall be paid the following monthly salaries each month in the same manner as the salaries of county officers are paid, and said salaries shall be in full compensation for all services rendered by them in both civil and criminal cases: In townships of the first, second and third class, one hundred fifty dollars per month; in townships of the fourth class, one hundred dollars per month; in townships of the fifth class, seventy-five dollars per month; in townships of the sixth class, thirty dollars per month. All such fees as are now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury. In addition to the monthly salary herem provided, each constable shall be allowed all expenses necessary and actually incurred by him, in the execution of all criminal and civil process. Constables

16 It shall be the duty of each and every justice of the peace and constable to file in the office of the board of supervisors on or before the first Monday of each and every month, a full and complete statement showing all business, both civil and criminal, done during the preceding month. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, and his statement of criminal actions, together with the mileage from the office of such constable to the place of arrest. All justices of the peace shall file a full and correct statement of all civil and criminal actions, and fees received therefrom, said statements to be sworn to before some officer entitled by law to administer oaths; provided, that in townships of the first class, such statement may be made and sworn to by the justice's clerk. Reports

17. Each supervisor shall be paid a salary of two thousand four hundred dollars per annum for all personal service performed by him as supervisor, member of the board of equalization and road commissioner, and in addition thereto each supervisor shall receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid; provided, however, that the said travel- Supervisors

ing expenses exclusive of meals and hotel accommodations shall not exceed the sum of eight cents per mile.

Librarian.

18. The county librarian, two thousand four hundred dollars per annum.

Jurors.

19. For attending as a grand juror in the superior court for each day's attendance per day five dollars; for attending as a trial juror in the superior court, for each day's attendance per day two dollars: for attending as a trial juror in the justice's court for each juror sworn to try the cause, per day two dollars; for each mile actually traveled in attending court or meetings of the grand jury as a juror, eight cents per mile.

Fees.

20. All fees and sums required by law to be paid into the county treasury by any county or township officer shall be so paid on the first Monday in each month after collection.

CHAPTER 562.

An act to amend section 4253 and to repeal section 4252a of the Political Code, relating to compensation of county and township officers in counties of the twenty-fourth class.

[Approved by the Governor June 2, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p. 1297
(formerly
Sec 4248)
Solano
county:
salaries.

SECTION 1. Section 4253 of the Political Code is hereby amended to read as follows:

4253. In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand six hundred dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He shall also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; and provided, further, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the

convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail at a salary of one thousand five hundred dollars per annum, an undersheriff at a salary of two thousand one hundred dollars per annum, a deputy jailer at a salary of two thousand dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer at a salary of two thousand dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid. Sheriff

3. The recorder, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy recorder is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officials are paid. He may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying and comparing any instrument to be recorded (except maps and plats) and for making copies of any records or papers. The compensation of the copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; provided, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying and comparing. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury. Recorder

4. The auditor, three thousand dollars and such fees as are allowed by law. The auditor shall also be allowed one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum and one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum. In addition to said deputies the county auditor shall have the right to employ from time to time in his office such additional Auditor.

assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary not to exceed five dollars each for each day they are actually and necessarily employed and not to exceed the sum of seven hundred fifty dollars in any one year. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer.

5. The treasurer, three thousand dollars per annum. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

Tax collector.

6. The tax collector, three thousand dollars per annum and his actual and necessary expenses when engaged in the collection of taxes in the various townships of the county; provided, however, such expenses shall not in any one year exceed the sum of one hundred dollars. He shall also be allowed one deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid. In addition to said deputy, the county tax collector, shall have the authority to employ from time to time in his office such additional assistants as may be required to promptly perform the work necessary therein. Said assistants shall receive a salary not to exceed five dollars per day and not to exceed the sum of seven hundred fifty dollars in any one year. The deputy and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, four thousand dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the properties of his county; provided, such traveling expenses shall not in any one year exceed the sum of two hundred dollars. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation two thousand four hundred dollars per annum, and one deputy, which office of deputy is hereby created, who shall receive as compensation one thousand eight hundred dollars per annum. The salaries of which deputies shall be paid out of the same fund and in the same manner as the salaries of other county officers are paid. The assessor shall also receive six per cent of all personal property taxes collected by him and all fees and commissions allowed him by law for collection of poll taxes and preparation of roll of persons subject to military duty.

District attorney.

8. The district attorney, three thousand dollars per annum. In counties of this class the district attorney may appoint a

deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed, the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of other county officials are paid. He shall be allowed two stenographers, which offices of stenographers are hereby created and who shall receive as compensation one thousand five hundred dollars each per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, eight hundred dollars per annum. Public administrator.

11. The superintendent of schools, three thousand dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools; provided, the superintendent of schools may appoint one deputy which office of deputy is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Superintendent of schools.

12. The surveyor, three thousand dollars per annum and in addition thereto all necessary expenses, such as transportation and pay for help which may be necessary for the performance of county duties. He shall also be allowed to appoint one clerk, which office of clerk is hereby created and who shall receive as compensation the sum of one thousand five hundred dollars per annum. Surveyor

13. The county librarian, two thousand four hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officers; provided, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses. Librarian.

14. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them: In townships having a population of six thousand or more, one hundred fifty dollars per month; in townships having a population of one thousand five hundred and less than six thousand, one hundred dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of six hundred fifty and less than one thousand, twenty dollars; in townships having a population of less than six hundred fifty, ten dollars. Each justice must pay into the county treasury, once Justices of the peace.

a month, all fines and fees collected by him in criminal and civil cases as provided for by law.

Constables

15. Constables, the following salaries which shall be paid monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred twenty-five dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of six hundred fifty and less than eight hundred, fifteen dollars; in townships having a population of less than six hundred fifty, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; provided, however, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Supervisors

16. Each member of the board of supervisors, one thousand two hundred dollars per annum for all services rendered including mileage and including services as road commissioners; provided, that when required to go on business to any point outside of the county, they shall be allowed actual expenses.

Board of education.

17. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; provided, that mileage be not allowed for more than two meetings in any one month.

Effect

18. Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, and the provisions of section 15 relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the Legislature.

The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies as provided in section 7 of this act shall be paid into the county treasury as provided by law except that the county clerk, sheriff, auditor, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivisions 1, 2, 4, 7, 9, and 15, respectively, of this act.

Repeal.

SEC. 2. Section 4252a of the Political Code is hereby repealed.

CHAPTER 563.

An act to amend section 4265 of the Political Code, relating to compensation of county and township officers in counties of the thirty-sixth class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4265 of the Political Code is hereby amended to read as follows:

4265. In counties of the thirty-sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. County clerk, three thousand dollars per annum; and in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid.

2. Sheriff, three thousand dollars per annum and actual traveling expenses in pursuit or arrest of criminals, either in or out of his county, and in counties of this class there shall be one chief deputy sheriff who shall be appointed by the sheriff, who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy sheriff who shall be appointed by the sheriff to act as night jailer, and to perform such other functions as may be required of him, and who shall receive a salary of one thousand five hundred dollars per annum, and that the salaries of said deputies shall be paid out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid.

3. Recorder, three thousand dollars per annum, and in counties of this class, there shall be one deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the county treasury at the same time and in the same manner as the salaries of county officers are paid; and one deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum, payable out of the county treasury at the same time and in the same manner as the salaries of county officers are paid.

4. Auditor, three thousand dollars per annum; and in counties of this class there shall be one deputy auditor who shall be appointed by the auditor and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the county treasury at the same time and in the same manner as the salaries of county officers are paid. It shall be the duty of the deputy auditor, in addition to acting as deputy

Stats 1929,
p 1668
(formerly
Sec 4270).

Sutter
county
salaries.

Clerk.

Sheriff.

Recorder

Auditor.

auditor, to prepare for the board of supervisors, a statistical report as provided by section 4049a of the Political Code as adopted in 1907.

Treasurer

5. Treasurer, two thousand two hundred dollars per annum; and in counties of this class the treasurer shall appoint such assistants, as may be necessary for the transaction of the business of this office, whose salaries shall not in any one calendar year exceed the sum of three thousand dollars. Said salaries to be paid upon verified claims filed with and allowed by the board of supervisors.

Tax collector

6. Tax collector, eight hundred dollars per annum; and in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and who shall receive a salary of one thousand eight hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Assessor

7. Assessor, three thousand dollars per annum; and in counties of this class there shall be one chief deputy assessor, who shall be appointed by the assessor, and who shall receive a salary of one thousand eight hundred dollars per annum, and the assessor may appoint such other deputies, as may be necessary for the proper discharge of the duties of his office, whose compensation shall not for any one calendar year exceed the sum of one thousand five hundred dollars. The salary of said chief deputy assessor shall be paid at the same time and in the same manner as the salaries of county officers are paid, and the salaries of other deputies shall be paid upon verified claims filed and allowed by the board of supervisors.

District attorney

8. District attorney, two thousand four hundred dollars per annum; and in counties of this class the district attorney shall appoint a clerk or stenographer who shall receive a salary of one thousand two hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Coroner

9. Coroner, five hundred dollars per annum and the actual traveling and other expenses that he incurs while discharging the duties of his office.

Public administrator

10. Public administrator, such fees as are now or may be hereafter allowed by law.

Surveyor

11. Surveyor, two thousand one hundred dollars per annum, and his actual traveling and other expenses while engaged in the performance of the duties of his office and while on the business of the county by order of the board of supervisors; and provided, that whenever the board of supervisors shall direct the surveyor to perform engineering or surveying work for the county he shall have the power to employ such office and field assistants as shall be necessary for the performance of such work, such office and field assistants to be paid upon verified claims filed with and allowed by the board of supervisors. The surveyor shall also be allowed his actual and necessary expenses incurred while traveling to and from and while attending the annual convention of the association of

county surveyors; provided, that in no event shall such expense exceed the sum of fifty dollars in any one calendar year.

12. Superintendent of schools, two thousand four hundred dollars per annum and his actual traveling expenses in visiting the schools of his county; and in counties of this class there shall be one deputy superintendent of schools who shall be appointed by the superintendent of schools, and who shall receive a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as the salaries of county officers are paid. The salary hereby fixed for the superintendent of schools includes compensation for his services as secretary of the board of education as provided in section 1770 of the Political Code and is in lieu of the compensation provided for his services as such secretary of the board of education.

Superintendent of schools

13. Supervisor. Each supervisor shall receive one hundred dollars per month and his actual expenses when attending to the business of the county by the order of the board of supervisors and mileage at the rate of twenty cents per mile, one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors, and mileage at the rate of twenty cents per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner.

Supervisors

14. In counties of this class township officers shall receive the following compensation: For the purpose of fixing their compensation according to their duties, townships in counties of this class are hereby classified according to population as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of less than four thousand shall belong to and be known as townships of the second class. For the purpose of determining the population of townships, the population shall be determined by the United States census taken in the year 1930.

Township classification

15. Justices of the peace shall receive the following salaries: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class twenty dollars per month. Such salaries shall be paid at the same time and in the same manner as the salaries of county officers are paid. All fees received by justices of the peace shall be paid into the county treasury each month.

Justices of the peace

16. Constables shall receive the following salaries: In townships of the first class one hundred dollars per month; in townships of the second class twenty dollars per month; and constables shall also receive their actual traveling and other necessary expenses incurred in the performance of the duties of their offices and in pursuit and arrest of criminals and in the investigation of criminal offenses; and provided, that said constables, for their services in civil cases, shall be entitled to retain for their own use the mileage fee in civil cases, and

Constables

all other fees received by them shall be paid into the county treasury each month.

Jurors. 17. Grand jurors and jurors in the superior court shall receive for each day's attendance three dollars; for each mile actually traveled in attending court as a juror, one way, twenty-five cents. Mileage shall be paid for each time a regular empaneled jury or grand jury shall be called in separate session.

Librarian 18. Librarian, two thousand dollars; and provided, said librarian may appoint such assistants as shall be necessary for the expeditious transaction of the duties of his office, and the compensation of such assistants shall be paid out of the county library fund and upon verified claims filed with and allowed by the board of supervisors, and shall not exceed in any one calendar year the sum of five thousand dollars.

Salaries and fees. 19. Compensation in full. Disposition of fees. The compensation provided in this section shall be in full compensation, exclusive of expenses, for all services of every kind and nature, rendered by the assessor, clerk, treasurer, tax collector, superintendent of schools, auditor, and recorder, their deputies and assistants, either as officers or ex officio officers, unless in this section otherwise expressly provided, and all fees provided by section 4290 of the Political Code, all fees paid to the county clerk for the issuance of fishing or hunting licenses, all naturalization fees provided to be retained by the county clerk, all inheritance tax fees provided to be retained by the treasurer, all fees for the registration of birth or death certificates, and any and all other compensation or fees provided to be retained for their own use by any of the officers in this subdivision named, shall not be so retained, but shall be received by them, and then paid into the county treasury to the credit of the salary fund; provided, however, that any compensation or fee paid to any of said officers by any reclamation or drainage district, and any salary, compensation or fee provided by law to be paid to any county officer or officers or ex officio officers of levee district number one in counties of this class, shall be retained by such officer for his own use and not be paid into the county treasury.

CHAPTER 564.

An act to amend section 2322x27 of the Political Code, relating to the office of agricultural commissioner in counties of the twenty-seventh class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 205 (for-
merly Sec.
2322x22)

SECTION 1. Section 2322x27 of the Political Code is hereby amended to read as follows:

2322x27. In counties of the twenty-seventh class, the agricultural commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Butte
county
agricultural
commis-
sioner

(a) One deputy county agricultural commissioner at a salary of six dollars per diem during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed eight inspectors at a compensation of five dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand two hundred dollars.

CHAPTER 565.

An act to amend section 2322x38 of the Political Code, relating to the office of agricultural commissioner in counties of the thirty-eighth class.

[Approved by the Governor June 2, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x38 of the Political Code is amended to read as follows:

Stats 1925,
p 211 (for-
merly Sec
2322x36)

2322x38. In counties of the thirty-eighth class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Tehama
county
agricultural
commis-
sioner

(a) Three inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

CHAPTER 566.

An act to amend section 4271 and to repeal section 4267a of the Political Code, relating to compensation of county and township officers in counties of the forty-second class.

[Approved by the Governor June 2, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 1090
(formerly
Sec 4267).
Glenn
county
salaries

SECTION 1. Section 4271 of the Political Code is hereby amended to read as follows:

4271. In counties of the forty-second class the county officers and their deputies herein provided for, the township officers and grand jurors and trial jurors shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, per diem and mileage, to wit:

Clerk

1. The county clerk, two thousand seven hundred dollars per annum; provided, (a) that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum; the deputies herein provided for shall be appointed by the county clerk, and their salaries shall be paid by the said county in equal monthly installments at the same time in the same manner and out of the same funds as the salary of the county clerk is paid.

Sheriff

2. The sheriff, five thousand dollars per annum, and also his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court magistrate of his county; provided, that in counties of this class the sheriff is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum; and further provided, that the sheriff shall pay into the county treasury, for use of the county, all fees, commissions or mileage for the service of all papers issued by any court of the state outside of his county.

Recorder

3. The recorder, two thousand seven hundred fifty dollars per annum; provided, that in counties of this class the recorder is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum.

Auditor

4. The auditor, two thousand seven hundred fifty dollars per annum; provided, that in counties of this class the auditor is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum; and one deputy who shall receive a salary of one thousand five hundred dollars per annum; provided, that the auditor shall prepare for publication, without expense to the county, an annual statistical report.

5. The treasurer, three thousand dollars per annum; provided, that in counties of this class the treasurer is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum; provided, that all commissions and fees authorized by any law to be collected by the treasurer shall be paid to the county. Treasurer

6. The tax collector, two thousand four hundred dollars per annum; provided, (a) that in counties of this class the tax collector is hereby allowed one deputy for a period of eight months during each year who shall receive a salary of one hundred fifty dollars per month. Tax collector

7. The assessor, four thousand dollars per annum; provided, that the assessor shall receive and retain for his own use four per cent only on personal property tax collections made by him as authorized by section 3820 of the Political Code. Assessor

8. The district attorney, two thousand four hundred dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the district attorney a stenographer or clerk which person shall receive the sum of one hundred dollars per month, said sum to be paid in monthly warrants at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid. District attorney

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator

11. The superintendent of schools, three thousand two hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary of the county board of education without compensation; provided, (a) that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum. Superintendent of schools

12. The county surveyor shall receive a salary of two thousand seven hundred dollars per annum, for all work performed for the county, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work in the field for the county; said salary shall be paid in the manner and out of the same funds as the salaries of county officers are paid. Surveyor

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population less than five hundred, twenty dollars per month. For the purposes of Justices of the peace

this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year 1920.

Constables

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; provided, that each constable shall receive his actual and necessary expenses, incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purposes of this section, the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in the year 1920.

Supervisors

15. Supervisors, the sum of one hundred twenty-five dollars per month each; mileage at the rate of twenty cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate six hundred dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

Reporter

16. The official reporter, same as now provided by law.

Jurors

17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

Librarian

18. The county librarian shall receive a salary of one thousand eight hundred dollars per annum, and the actual and necessary traveling expenses incurred on business of the office.

Deputies

19. The deputies, stenographers, clerks and assistants herein provided for shall be appointed by the officers to whom the same are allowed, and shall be paid by the county, in equal monthly installments, at the same time, in the same manner and out of the same funds that said officers are paid.

Repeal

SEC. 2. Section 4267a of the Political Code is hereby repealed.

CHAPTER 567.

An act to amend section 4236a of the Political Code, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers, and providing for the compensation of said officers and said assistants, deputies, and other employees.

[Approved by the Governor June 2, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4236a of the Political Code is hereby amended to read as follows: Stats. 1927.
p. 757

4236a. In counties of the seventh class the county clerk shall receive as full compensation for the services required of him by law the sum of four thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed the county clerk, the following deputies, clerks and employees, to be appointed by said clerk, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy who shall serve as chief deputy and registrar of voters, two thousand seven hundred dollars per annum; one deputy, two thousand four hundred eighty dollars per annum; eight deputies, two thousand one hundred dollars each per annum; six deputies, one thousand nine hundred eighty dollars each per annum; provided, that whenever a special state or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and is hereby allowed the following additional help: Five clerks for a period of and not exceeding sixty days, immediately preceding such election date, whose salary shall be one hundred twenty-five dollars each, per month; provided, further, that, for the purpose of registering electors, the county clerk in counties of this class shall be, and he is hereby allowed as many clerks as are necessary, in his discretion, at one hundred dollars each per month and whose compensation shall not exceed the sum of four thousand dollars in the aggregate for any two consecutive years, commencing January 1, 1932, for all clerks, so employed; provided, further, the county clerk may appoint such number of registration deputies in any precinct as may be necessary for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, shall be paid the sum of fifteen cents per name, for each person legally registered by him, and that each of said deputies, within the corporate limits of a municipality containing twenty-five thousand or more inhabitants, shall be paid the sum of seven and one-half cents per name for each person legally registered by him, and the said registration deputies to be paid for their Sacramento
county,
clerk

services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk. The salaries and compensation of each of said deputy clerks and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. The county clerk shall pay into the county treasury at the close of each month, all fees received by him as county clerk during the month accompanied by a statement of the sources from whence received.

CHAPTER 568.

Stats 1915,
p. 1225,
amended *An act to amend section 19x28 of the "Juvenile court law," relating to the compensation of the probation officer in counties of the twenty-eighth class.*

[Approved by the Governor June 2, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1921,
p. 1082
(formerly
Sec 19x30)
San Luis
Obispo
county
probation
officer

SECTION 1. Section 19x28 of the "Juvenile court law" is hereby amended to read as follows:

19x28. In counties of the twenty-eighth class there shall be one probation officer whose salary shall be one hundred fifty dollars per month.

CHAPTER 569.

An act to amend section 4257, and to repeal section 4257a of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 1596
(formerly
Sec 4259)

San Luis
Obispo
county
salaries

SECTION 1. Section 4257 of the Political Code is hereby amended to read as follows:

4257. In counties of the twenty-eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, three thousand six hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law for issuing hunting and fishing licenses and for naturalization of citizens; and provided, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy to be appointed by said county clerk who shall be paid a salary of two thousand four hundred dollars per annum, one deputy to be appointed by said county clerk who shall be paid a salary of one thousand eight hundred dollars per annum; provided, further, that the clerk shall be

allowed such additional assistants as he may require whose salary, in the aggregate, shall not exceed the sum of one thousand five hundred dollars in any one fiscal year, and one deputy to be appointed by said county clerk who shall be paid a salary of one thousand five hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; provided, further, that in any year when a new and complete registration of voters, or a supplemental registration of voters, is required by law the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by such deputy, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk; provided, further, that in any year when a general election, primary election, special state election, special county election, or special district election ordered by the board of supervisors, is held, there shall be allowed to said county clerk such number of assistants as is necessary to properly prepare for and conduct any of said elections and which said assistants shall be paid out of the general fund of the county on the presentation and filing with the board of supervisors duly verified claims therefor approved by said county clerk.

2. The sheriff, three thousand five hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law, and his actual traveling expenses; and, provided, that in counties of this class there shall be and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of two thousand dollars per annum; also three deputy sheriffs at a salary of one thousand eight hundred dollars each per annum, which salaries of said undersheriff and said deputy sheriffs herein provided for, shall be paid out of the same fund and in the same manner and at the same time as the salaries of other county officers are paid. Sheriff

3. The recorder shall receive as compensation three thousand dollars per annum; and provided, that in counties of this class there shall be and there is hereby allowed the recorder a deputy whose compensation shall be one thousand eight hundred dollars per annum; and one deputy whose salary shall be one thousand five hundred dollars per annum, and provided further, the recorder shall be allowed such additional assistants for copying as may be required and whose compensation shall be five cents per folio but shall not in the aggregate exceed three thousand dollars in any one fiscal year, and that all commissions and fees heretofore or now allowed Recorder.

by law to the recorder shall be paid by him to the county treasurer.

Auditor

4. The auditor shall receive as compensation three thousand dollars per annum; and provided, that in counties of this class there shall be and there is hereby allowed the auditor a deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand eight hundred dollars per annum and also one deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand five hundred dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; provided, further, that in counties of this class there shall be, and there is hereby allowed the auditor such additional assistants as may be required and whose compensation in the aggregate shall not exceed three thousand dollars in any one fiscal year.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the auditor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbents.

Treasurer

5. The treasurer, two thousand seven hundred dollars per annum; and such fees and such commissions as are now or may hereafter be allowed by law for all inheritance and transfer taxes collected by him, and provided that in counties of this class, the treasurer shall be allowed such additional assistants as may be required whose compensation in the aggregate shall not exceed the sum of five hundred dollars in any one fiscal year.

Tax collector

6. The tax collector shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The tax collector may appoint one deputy, which office of deputy tax collector is hereby created, who shall receive a salary of one thousand five hundred dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid; and provided, further, that in counties of this class there shall be and hereby is allowed to the tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed two thousand one hundred dollars in any one fiscal year. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the tax collector by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Assessor.

7. The assessor, four thousand dollars per annum; providing, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a

salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand five hundred dollars per annum, and three deputies for four months at one hundred twenty-five dollars each per month, during each fiscal year payable in monthly installments at the same time and in the same manner and out of the same funds as other county officers are paid, and such field deputies as the assessor may require, whose compensation shall not in the aggregate exceed the sum of four thousand one hundred dollars per annum. Such field deputies shall not be allowed a compensation of more than eight dollars per diem. The assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid, said field deputies to be paid for their services on the presentation and filing with the board of supervisors of said county duly verified claim or claims therefor. The assessor shall be allowed his actual and necessary traveling expenses, including the expenses of operating and maintaining an automobile, incurred in the discharge of his official duties, not to exceed the sum of eight hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All fees as are now or may be hereafter allowed by law to the assessor shall be paid by him into the county treasury.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the assessor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

8. The district attorney, three thousand three hundred dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be two thousand four hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office clerk to the district attorney is hereby created, whose salary shall be one thousand five hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, two thousand dollars per annum until the first Monday in January, 1923, from and after which date the superintendent of schools shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The superintendent of schools shall be allowed his actual traveling expenses when visiting the schools of his county; and provided, that in counties of this class there shall be and there is hereby allowed the superintendent of schools a deputy Superintendent of schools

superintendent, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand six hundred eighty dollars per annum and also one clerk, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand five hundred dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time and in the same manner as the salaries of other county officers are paid.

Surveyor

12. The surveyor, one thousand five hundred dollars per annum for all work performed for the county; provided, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; provided, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same.

Justices of the peace

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, two hundred dollars per month, in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than one thousand five hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of two thousand five hundred or more, an office suitable for use as a court room, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

Constables

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred

fifty-five dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than fifteen hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month; provided, that each constable shall be allowed and paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, twenty cents per mile; and shall also be allowed and paid mileage at the rate of twenty cents per mile for every mile actually traveled within his county, both going and returning, in making an arrest or conveying prisoners to prison or to court, and also all other necessary expenses incurred in the performance of any of his duties other than in civil cases; said mileage and other expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law, and shall also be allowed mileage at the rate of fifteen cents per mile for every mile actually traveled within his county.

15 Each member of the board of supervisors, one thousand ^{Supervisors} two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed and paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county; also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; provided, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; provided, that the amount so allowed and paid shall not exceed the sum of one hundred dollars in any one month.

16. In counties of this class the official ^{Reporter} phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive ten dollars per day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section 271 of the Code of Civil Procedure, the said per diem of ten dollars to be paid in the same manner as provided in criminal cases.

Jurors

17. Grand and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of fifteen cents per mile; provided, that in the justices' courts mileage shall be allowed only to those sworn to try the case.

Witnesses

18. Witnesses subpoenaed in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day and ten cents per mile for every mile actually traveled. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Sealer

19. Sealer of weights and measures, two thousand four hundred dollars per annum; provided, that the salary of the sealer of weights and measures herein provided for shall be paid at the same time and in the same manner as the salary of other county officers are paid; and provided, further, that the sealer of weights and measures shall be allowed the necessary expenses incurred in the discharge of his official duties.

Repeal.

SEC. 2. Section 4257a of the Political Code is hereby repealed.

CHAPTER 570.

Stats 1915,
p 1225,
amended

An act to add section 19x20 to the "juvenile court law," relating to the compensation of the probation officers in counties of the twentieth class.

[Approved by the Governor June 2, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1011
(formerly
Sec. 19x23).
Ventura
county
probation
officer

SECTION 1. Section 19x20 is added to the "juvenile court law," to read as follows:

Sec. 19x20. In counties of the twentieth class there shall be one probation officer whose salary shall be two hundred fifty dollars per month and one assistant probation officer whose salary shall be one thousand six hundred twenty dollars per annum, and one assistant probation officer whose salary shall be one thousand five hundred dollars per annum.

CHAPTER 571.

An act to amend section 19x33 of the juvenile court law, relating to probation officers in counties of the thirty-third class. Stats 1915, p 1225, amended

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 19x33 of the juvenile court law is amended to read as follows: Stats 1929, p 953 (formerly Sec 19x28)

19x33. In counties of the thirty-third class there shall be one probation officer whose salary shall be one hundred dollars per month. Mendocino county probation officer.

CHAPTER 572.

An act to amend section 19x50 of the juvenile court law, relating to probation officers in counties of the fiftieth class. Stats 1915, p. 1225, amended

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 19x50 of the juvenile court law is amended to read as follows: Stats 1929, p 976 (formerly Sec 19x51)

Sec. 19x50. In counties of the fiftieth class, the probation officer shall receive a salary of fifty dollars per month. Lake county probation officer

CHAPTER 573.

An act to amend section 19x4 of the juvenile court law, relating to probation officers in counties of the fourth class. Stats 1915, p 1225, amended

[Approved by the Governor June 2, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 19x4 of the juvenile court law is amended to read as follows: Stats 1929, p 965. (formerly Sec 19x5)

Sec. 19x4. In counties of the fourth class there shall be one probation officer and nine assistant probation officers. San Diego county probation officer

The salary of the probation officer shall be three thousand dollars per year; the salary of one assistant probation officer shall be two thousand four hundred dollars per year, and the salaries of eight assistant probation officers shall be two thousand one hundred dollars per year each.

The said probation officer is hereby allowed one stenographer with bookkeeping experience at a salary of one thousand eight hundred dollars per year, two stenographers with statistical and record experience at a salary of one thousand five hundred

dollars per year each, and three stenographers at a salary of one thousand two hundred dollars per year each.

CHAPTER 574.

An act to amend section 4277 and to repeal section 4281a of the Political Code, relating to compensation of county and township officers and jurors in counties of the forty-eighth class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1154
(formerly
Sec 4281).
Modoc
county:
salaries

SECTION 1. Section 4277 of the Political Code is hereby amended to read as follows:

4277. In counties of the forty-eighth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk

The county clerk, two thousand four hundred dollars per annum; provided, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of one thousand five hundred dollars per annum; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; and provided, further, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerk of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerk by the board of supervisors as other county charges are allowed and paid.

Sheriff

The sheriff shall receive two thousand five hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of one thousand eight hundred dollars per annum; provided, further, that in counties of this class, there shall be and is hereby allowed to the sheriff, a jailer to be appointed by the sheriff, which office is hereby created, at a salary of one thousand five hundred dollars per annum. The salaries of said deputy and said jailer shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder

The recorder, one thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the recorder two copyists who shall be appointed by the recorder, and one copyist paid the salary of one hundred twenty-five dollars per month, and one copyist to be paid a salary of seventy-five dollars per month; said salaries to be paid by the said county in monthly installments, at the time

and in the same manner and out of the same fund as the salary of the recorder is paid.

The auditor, eight hundred dollars per annum

Auditor

The treasurer, one thousand eight hundred dollars per annum.

Treasurer.

The tax collector, one thousand eight hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; provided, that in counties of this class there shall be and is hereby allowed to the tax collector, an assistant to be appointed by tax collector for whatever time each year he may elect, and paid the salary of seventy-five dollars per month for each month employed, said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the tax collector is paid; provided, that such assistant shall not be so employed for more than eight months in each calendar year.

Tax collector

The assessor, two thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the assessor, two deputies, to be appointed by him, to serve at such times as he deems fit, who shall receive the salary of one hundred twenty-five dollars per month, each; provided, however, that the salaries of each of said deputies shall not exceed the sum of five hundred dollars per annum, and said salaries to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

Assessor

The district attorney, one thousand eight hundred dollars per annum; provided, that in counties of this class, the district attorney shall be allowed one stenographer, who shall be appointed by the district attorney, and paid a salary of nine hundred dollars per annum, said salary to be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the district attorney is paid.

District attorney

The coroner, such fees as are now or may hereafter be allowed by law.

Coroner

The public administrator, such fees as are now or may hereafter be allowed by law.

Public administrator.

The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid; provided, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one secretary to be appointed by him at a salary of six hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Superintendent of schools

Surveyor

The county surveyor shall receive six dollars per day for office work and ten dollars per day for field work; provided, however, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field.

Justices of the peace

Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables.

Constables shall receive the following salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of five hundred or more, twenty dollars per month; (2) in townships having a population of less than five hundred, ten dollars per month; provided further, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law.

It is hereby declared that the salaries provided for in this subdivision do not constitute an increase and shall apply to present incumbents.

Supervisors

Each member of the board of supervisors to receive a flat rate of one thousand two hundred dollars per annum, in full for all services.

Jurors

For attending as a grand juror or as a trial juror in the superior court, in criminal cases, three dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; provided, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid

by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

The county librarian shall receive one thousand eight hundred dollars per annum. Librarian.

SEC. 2. Section 4281a of the Political Code is hereby repealed. Repeal.

CHAPTER 575.

An act to amend section 4246 of the Political Code, relating to compensation of county and township officers in counties of the seventeenth class.

[Approved by the Governor June 2, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4246 of the Political Code is hereby amended to read as follows:

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand two hundred dollars per annum in full compensation for all duties required by law or by virtue of the office; provided, that he shall appoint one chief deputy at a salary of two thousand four hundred dollars per annum; three deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum; one copyist for the county clerk and ex officio clerk of the board of supervisors at a salary of one thousand three hundred twenty dollars per annum; and deputy clerks for the purpose of registering electors in the office of the county clerk, to be paid at not to exceed one hundred dollars per month each; provided, that such deputies so employed for registering electors shall be employed only between the first day of January and the first day of December of the year 1932, and the salaries of such deputies shall not exceed in the aggregate the sum of three thousand six hundred dollars for said year; one or more outside deputies for the purpose of registering electors in said year, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid. The county clerk may retain for his own use and benefit such fees as are now or may be hereafter allowed to the county clerks by the laws of the United States pertaining to naturalization of citizens, and such fees for the issuance of hunting and fishing licenses as are now or may be hereafter allowed to the county clerks under the laws of this state. All other commissions and fees of what-

Stats 1928,
p 1685
(formerly
Sec 4243).

Sonoma
county
salaries.

Clerk.

ever character, received by the county clerk, shall be paid by him into the county treasury.

Sheriff

2. The sheriff, five thousand dollars per annum, in full compensation for all services required of him by law or by virtue of the office; provided, he shall appoint one undersheriff at a salary of two thousand four hundred dollars per annum, one chief deputy at a salary of two thousand dollars per annum, and five deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; as many special deputies as may be required at a salary not exceeding one hundred fifty dollars per month, each, such salaries not to exceed in the aggregate the sum of three thousand dollars in any one year; a person to act as matron of the county jail at a salary of one hundred dollars per month and one stenographer at one thousand three hundred twenty dollars per annum. Said undersheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. In the event a third judge of the superior court is provided in the county, the sheriff shall appoint an additional deputy at a salary of one thousand eight hundred dollars per annum. The sheriff shall be allowed ten cents per mile for the use of his automobile for each mile actually and necessarily traveled in the discharge of his duties, and shall receive his actual and necessary expenses incurred while traveling on all civil and criminal business. The sheriff shall collect all fees allowed by law in civil processes and proceedings and per diems paid by the state, or otherwise, and pay the same when so collected, into the county treasury.

Recorder

3. The recorder, three thousand dollars per annum; provided, that the recorder shall appoint one chief deputy at a salary of two thousand dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, four deputies at a salary of one thousand three hundred twenty dollars each per annum, to be paid at the same time and in the same manner as county officers are paid; provided further, that the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem each; but the aggregate pay of such assistants for such work shall not exceed five hundred dollars in any one calendar year. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed. All commissions and fees of whatever character received by the recorder shall be deposited in the county treasury, and become the property of the county.

Auditor

4. The auditor, three thousand six hundred dollars per annum; provided, that said auditor shall appoint one chief deputy, who shall be an accountant at a salary of two thousand dollars per annum, three deputies at a salary of one thousand three hundred twenty dollars each per annum. The auditor shall be allowed as many tax deputies as may be required, at a salary not to exceed six dollars per day, each,

such salaries not to exceed in the aggregate three hundred dollars in any one year. No allowance shall be made for additional assistants appointed to perform any duties relating to claims, statistical or other fiscal reports. All fees and commissions of whatever character received by the auditor shall be deposited in the county treasury, and become the property of the county.

5. The treasurer shall receive as full compensation for his services the sum of three thousand six hundred dollars per annum; provided, that the treasurer shall appoint one deputy at a salary of one thousand eight hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. All fees and commissions of whatever character received by the treasurer shall be deposited in the county treasury and become the property of the county.

Treasurer

6 The tax collector, three thousand dollars per annum; provided, that said tax collector shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand three hundred twenty dollars per annum; and one deputy for a period of nine months of each year at a salary of one hundred ten dollars per month, to be paid at the same time and in the same manner as county officers are paid. All fees and commissions of whatever character received by the tax collector shall be deposited in the county treasury and become the property of the county.

Tax collector

7. The assessor, five thousand dollars per annum; provided, that the assessor shall appoint one chief deputy at a salary of two thousand dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum, and four office deputies at a salary of one thousand three hundred twenty dollars each per annum. The salaries of such deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many field deputies as may be necessary to carry on his work at an expense to the county not to exceed eight thousand dollars during any fiscal year. The salaries of which last named deputies shall be one hundred fifty dollars per month each for a period not to exceed five months in any one year, and shall be paid at the same time and in the same manner and from the same funds as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims, however, shall not exceed the sum of eight thousand dollars above mentioned for any one fiscal year. The assessor and field deputies shall be allowed traveling expenses at the rate of ten cents per mile for each mile actually and necessarily traveled in the performance of their duties; provided, however, that the amount allowed for

Assessor

such expenses shall not exceed the sum of one thousand dollars in any one year. All fees and commissions of whatever character received by the assessor shall be deposited in the county treasury, and become the property of the county.

District
attorney

8. The district attorney, four thousand five hundred dollars per annum; provided, that he shall appoint one assistant district attorney at a salary of three thousand dollars per annum, and one deputy district attorney at a salary of two thousand one hundred dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum and one county detective, who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code, and shall perform such duties as may be required of him by the district attorney or by the ordinances of the board of supervisors of the county, and whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum. The district attorney, the assistant and deputy district attorneys and the detective shall be allowed their actual and necessary expenses when traveling on county business. The salaries of said assistant, deputy, stenographer, and detective shall be paid at the same time and in the same manner as county officers are paid. The district attorney and assistant and deputy district attorney shall devote their entire time to the duties of the office, and are prohibited from engaging in private practice of law, with the exception of uncontested civil litigation.

Coroner.

9. The coroner, one thousand five hundred dollars per annum, which salary shall be in lieu of all fees that are now, or may hereafter be allowed by law. The coroner shall be allowed his actual and necessary traveling expenses incurred in the discharge of his official duties; provided, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

Public ad-
ministrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, three thousand six hundred dollars per annum and actual and necessary traveling expenses when visiting schools in his county, not to exceed ten dollars for each school actually visited; provided, that such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand eight hundred dollars per annum, one bookkeeper at a salary of one thousand three hundred twenty dollars per annum, and one clerk who shall be a stenographer at a salary of one thousand three hundred twenty dollars per annum, payable at the same time and in the same manner as county officers are paid. The superintendent of schools shall be an ex officio member of the board of education.

Surveyor

12. The surveyor, three thousand six hundred dollars per annum; provided, further, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the

county in such manner and by such persons as the board of supervisors may direct. The surveyor shall devote his entire time to the duties of his office. And it shall be his duty to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. The surveyor shall charge and collect the sum of ten dollars per day, together with the sum necessary to pay the compensation and expenses of his assistants, for making such surveys as the duties of his office require. The sum so collected by him shall be deposited in the county treasury and become the property of the county. He shall appoint a deputy at a salary of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as county officers are paid; provided, further, that the county surveyor may employ field engineers at a compensation not to exceed eight dollars per day and chainmen at a salary not to exceed five dollars per day and such other help as may be required at a rate not exceeding four dollars per day, when so employed. The aggregate sum that may be expended for all such field engineers, chainmen and other help shall not exceed the sum of ten thousand dollars for any one year. The surveyor and his assistants shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties within the county.

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases.

Justices of
the peace

In townships having a population of fifteen thousand or more, two hundred dollars per month; provided, that in townships having a population of fifteen thousand or more, the justice of the peace shall appoint one clerk at a salary of six hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than six thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than four thousand, forty dollars per month;

In townships having a population of one thousand and less than two thousand, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred, fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; and provided, further, that for the purposes of this subdivision, the population

of the several townships shall be ascertained from the United States census reports of 1930. The board of supervisors may furnish or aid in the furnishing of court rooms for justices of the peace.

Constables

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month; in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; provided, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; and provided, further, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; and provided, further, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; and provided, further, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census report of 1930.

Supervisors.

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and ten cents per mile in traveling to and from his place of residence to the courthouse; provided, that only one mileage must be allowed at each board meeting; and provided, further, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; provided, that he shall not in any one year receive more than nine hundred dollars as such road commissioner; provided, that no member of the board of supervisors or other county officer shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county.

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month. Salary payments

17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, or as a member of any committee of the grand jury duly called by the secretary or committee chairman, for each day's attendance, while serving as such juror, or on such committee per day, three dollars; for each day's attendance when not selected to serve, two dollars, but in no case shall there be charged for more than one per diem on any one calendar day. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee but shall be entitled to mileage for each mile actually and necessarily traveled in attending court as a juror, or in attending the regular sessions of the grand jury, or any committee meeting of the grand jury duly called, except in criminal cases in justice's courts, for which no allowance shall be made, per mile, ten cents. Jurors

It is hereby found as a fact that the changes herein made in the manner of compensating the county clerk, sheriff, auditor, treasurer, coroner, and assessor, are not intended to, and do not effect an increase in the compensation of said officers, and are to apply to the present incumbents.

CHAPTER 576.

An act to amend section 19x6 of the "juvenile court law," relating to probation officers in counties of the sixth class. Stats. 1915,
p. 1225,
amended

[Approved by the Governor June 2, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1 Section 19x6 of the "juvenile court law" is amended to read as follows: Stats. 1927,
p. 748
(formerly
Sec 19x4)

Sec. 19x6. In counties of the sixth class there shall be one probation officer whose salary shall be three thousand dollars per annum; there shall be one assistant probation officer whose salary shall be two hundred dollars per month; two assistant probation officers at a salary of one hundred fifty dollars per month each; one assistant probation officer, who shall be a competent stenographer, at a salary of one hundred twenty-five dollars per month; and one clerk, who shall be a competent stenographer, at a salary of one hundred twenty-five dollars per month. Fresno
county
probation
officer

CHAPTER 577.

An act to amend section 4240 of the Political Code, relating to salaries of officers and employees of counties of the eleventh class.

[Approved by the Governor June 2, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1221
(formerly
Sec 4241)

Kern
county
salaries

Clerk.

SECTION 1. Section 4240 of the Political Code is hereby amended to read as follows:

4240. In counties of the eleventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and his necessary expenses while traveling outside the county seat, and twelve and one-half cents for each elector registered; also such fees as are now or may hereafter be allowed by law, for services to the state and federal government; provided, that in counties of this class there shall be and there is hereby allowed to the county clerk, which said positions are hereby created, the following deputies, who shall be appointed by the county clerk of the said county and shall be paid salaries as follows: One chief deputy at a salary of two thousand five hundred fifty dollars per annum, two deputies at a salary of two thousand two hundred fifty dollars each per annum, three deputies at a salary of two thousand one hundred dollars each per annum, one deputy at a salary of one thousand nine hundred fifty dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum; provided, that to comply with the terms of the constitution in the permanent registration of voters, the county clerk in counties of this class shall be and he is hereby allowed the following additional deputies, which positions are hereby created: One deputy at a salary of two thousand one hundred dollars per annum and his necessary expenses incurred while traveling in the performance of his official duties; three deputies each even numbered year at a salary of one thousand eight hundred dollars per annum each; two deputies, January first to March thirty-first, of each odd numbered year at a salary of one hundred fifty dollars per month, each; provided, further, the county clerk may appoint such number of registration deputies in any precinct as he may deem necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purposes shall receive as compensation therefor the sum of eight cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county the duly verified

claim therefor approved by said county clerk. The deputies herein provided for shall be paid by such county at the same time and in the same manner and out of the same fund that the salary of the county clerk is paid. In counties of this class the county clerk shall pay into the county treasury all fees received by him in his official capacity, except such fees as are received by him from the federal and state government. The provisions herein contained shall apply to the deputies of the present incumbent.

2. The sheriff, four thousand eight hundred dollars per annum. ^{Sheriff} The sheriff shall receive for his own use the fees for mileage which are now, or which may hereafter be allowed by law, and the fees and commission for the service of all papers whatsoever issued by any court in this state, outside of this county. The sheriff shall also receive the necessary expenses incurred in the pursuit of criminals; provided, that no constructive mileage shall be allowed. In counties of this class there shall be, and there is hereby allowed to the sheriff, which said positions are hereby created, the following deputies, who shall be appointed by the sheriff of such county, and shall be paid salaries as follows: One undersheriff at a salary of two thousand seven hundred dollars per annum; two deputies at a salary of two thousand four hundred dollars, each, per annum; two deputies at a salary of two thousand two hundred fifty dollars, each, per annum; eight deputies at a salary of two thousand one hundred dollars, each, per annum; one deputy, who shall be a woman, at a salary of one thousand nine hundred fifty dollars per annum, and one stenographer at a salary of one thousand five hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the sheriff is paid. In counties of this class the sheriff shall make no charge for the boarding of prisoners over and above the actual cost of materials. The provisions herein contained shall apply to present incumbents.

3. The recorder, four thousand dollars per annum; provided, ^{Recorder.} that in counties of this class there shall be, and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries as follows: One chief deputy recorder at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars, each, per annum, two copyists at a salary of one thousand five hundred dollars, each, per annum; three copyists at a salary of one thousand two hundred dollars, each, per annum; and as many copyists as are necessary, in his discretion, at a salary of one hundred dollars each, per month, and whose compensation shall not exceed two thousand five hundred dollars in the aggregate per annum for all copyists so employed; provided, that said copyists being eligible, may also

be appointed deputy recorders without further compensation. The compensation of such additional copyists shall be paid out of the general fund of said county at the rate of one hundred dollars a month, and proper claims therefor shall be presented to and allowed by the board of supervisors. The deputies and copyists herein provided for, other than additional copyists, shall be paid by said county at the same time, and in the same manner, and out of the same fund that the salary of the recorder is paid; provided, that in counties of this class the recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived. The provisions herein contained shall apply to the deputies of present incumbents.

Auditor.

4. The auditor, four thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the auditor of such county, and shall be paid salaries as follows: One chief deputy auditor at a salary of three thousand dollars per annum; one deputy at a salary of two thousand two hundred fifty dollars per annum; three deputies at a salary of two thousand one hundred dollars, each, per annum; and two deputies at a salary of one thousand eight hundred dollars, each, per annum; and one deputy, who shall be a stenographer, at a salary of one thousand six hundred eighty dollars per annum; provided, further, that the auditor may appoint additional assistants each year, to be paid four dollars and fifty cents, each, per diem, the total sum so expended not to exceed four thousand dollars in any one year. The deputies and assistants herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the auditor is paid. In counties of this class the auditor shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of present incumbents.

Treasurer

5. The treasurer, four thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer, which said positions are hereby created, one deputy, who shall be appointed by the treasurer of said county, and shall be paid a salary of two thousand seven hundred dollars per annum, and one additional deputy, who may be appointed by the treasurer of said county, and shall be paid a salary of two thousand one hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the treasurer is paid.

In counties of this class the treasurer shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of present incumbents.

6. The tax and license collector, four thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the tax and license collector, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the tax and license collector of said county, and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum, one deputy at a salary of two thousand one hundred dollars per annum, and two deputies at a salary of one thousand five hundred dollars, each, per annum, and as many additional assistants as are necessary, in his discretion, at a salary of four dollars and fifty cents, each, per day. The total compensation of such additional assistants shall not exceed eleven thousand dollars in the aggregate in any fiscal year. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the tax and license collector is paid. The provisions herein contained shall apply to present incumbents.

7. The assessor, five thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the assessor, the following deputies and employees, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; two outside deputies at a salary of two thousand four hundred dollars per annum, and actual necessary expenses; one deputy at a salary of one thousand nine hundred fifty dollars per annum; one deputy assessor at a salary of one thousand six hundred fifty dollars per annum; one deputy assessor at a salary of one thousand five hundred dollars per annum, who shall be a stenographer; six extra deputies, not exceeding one hundred twenty days, at eight dollars, each, per day; ten extra deputies, not exceeding one hundred twenty days, at seven dollars, each, per day; and ten extra deputies, not exceeding one hundred twenty days, at four dollars and fifty cents, each, per day; such additional deputies whose aggregate compensation shall not exceed two thousand four hundred dollars in any fiscal year, as may be necessary to carry on the work of his office; provided, that the above salaries and compensations shall be in full payment for all services rendered by him as such assessor, and that no commission for the collection of state taxes or infirmity poll taxes for road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll or persons returned to him as subject to military duty, as provided by section 1901 of the Political Code of the State of California, but that all fees and commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid; provided, that the assessor shall be allowed the actual

and necessary expenses incurred by him in the performance of his official duties. The provisions herein contained shall apply to present incumbents.

District
attorney

8. The district attorney, four thousand eight hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the district attorney, which said positions are hereby created, the following: One assistant district attorney at a salary of four thousand dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; and one detective at a salary of two thousand two hundred fifty dollars per annum. The district attorney, assistant district attorney, and the deputy district attorneys shall devote their entire time during office hours to the work of the county and state, and are prohibited from engaging in private work within such office hours. The assistant district attorney, deputies, detective and stenographers, herein provided for shall be appointed by, and hold office at the pleasure of, the district attorney, and shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the district attorney is paid; provided, further, that the necessary traveling expenses of the detective shall constitute a county charge; and provided, also, that the assistant district attorney herein provided for shall possess the powers of, and may perform the same duties attached by law to the office as his principal; provided, further, that no employee of the district attorney's office shall accept any other compensation by reason of services rendered in any action or proceeding wherein fees or per diem would constitute a charge against the county. The provisions herein contained shall apply to the deputies of the present incumbents. It is understood that this provision relative to private work does not affect the district attorney until his salary is four thousand eight hundred dollars per annum.

Coroner and
public ad-
ministrator

9. The coroner and public administrator, three thousand six hundred dollars per annum, and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed one deputy at a salary of one hundred dollars per month, and his necessary expenses in traveling outside of the county seat; said deputy shall have the power, and it shall be his duty, when directed by the coroner, to hold inquests, and all power

conferred by law upon the coroner may be exercised by said deputy; one reporter, which office is hereby created, at a salary of two thousand four hundred dollars per annum, and his actual necessary expenses in traveling outside of the county seat, and one relief reporter for two weeks during the reporter's vacation at a salary of one hundred dollars for such two weeks, whose duty it shall be when called upon by the coroner, to attend all inquests and take down in shorthand the testimony of all witnesses at such inquests; when such testimony is taken down by such reporter, his transcription thereof, duly certified to by him, shall constitute the depositions of the witnesses testifying at such inquests so reported by such reporter; the salary of the said deputy and reporter herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same fund as the salary of the coroner and public administrator is paid. Said deputy and said reporter shall be appointed by the coroner and public administrator, and shall hold office at the pleasure of the coroner and public administrator. All fees and commissions collected by the coroner and public administrator in his official capacity and by his said deputy in his official capacity shall be paid into the county treasury. The coroner may appoint as additional deputies as many as may be necessary, to serve without compensation. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation of this office, and it is intended that the same shall apply immediately to the present incumbent.

10. The superintendent of schools, four thousand dollars per annum; provided, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, which said positions are hereby created, the following deputies, who shall be appointed by the superintendent of schools of such county, and shall be paid salaries as follows: Four deputies at a salary of two thousand two hundred fifty dollars, each, per annum. The deputies herein provided for shall be paid by said county, at the same time, and in the same manner, and out of the same fund that the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools, and one deputy, shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. The provisions herein contained shall apply to present incumbents.

11. The surveyor, four thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the surveyor, which said positions are hereby created, the following deputies, who shall be appointed by the surveyor of such county: One chief deputy surveyor at a salary of three thousand dollars per annum; two deputies at

a salary of two thousand four hundred dollars each per annum, one deputy at a salary of two thousand two hundred fifty dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum. The deputies herein provided for shall be paid by the county at the same time, and in the same manner, and out of the same fund, as the salary of the surveyor is paid; provided further, that the surveyor and his deputies shall during the time they are holding office be, and they are hereby prohibited from engaging in private employment at surveying. The provisions herein contained shall apply to the deputies of present incumbents.

Supervisors.

12. Supervisors, four thousand dollars per annum, each, and actual and necessary expenses in the performance of the duties of their office; provided, that in counties of this class the board of supervisors shall have the power to provide for the maintenance and support of minor children under eighteen years of age who are orphans or half orphans, abandoned or destitute minors; to lease, construct, and maintain appropriate buildings therefor; to provide suitable salaries for the necessary teachers and superintendents thereof. In the event that any regularly organized corporation whose sole purpose is the care, welfare and support of orphans, half orphans, abandoned or destitute minors under eighteen years of age, has already a building, structure, grounds and officers and have been in the business of caring for such destitute minors for eight years prior to the passage of this act, then the board of supervisors of the county is authorized to pay to the directors of the said corporation so caring for said destitute minors a sum not to exceed the sum of twenty dollars per month for each minor so cared for.

Every institution receiving aid as above provided for must keep the following records which at all times must be open for inspection to the board of supervisors of such county, or to any person appointed by them to examine the same.

(1) A record on which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, destitute or abandoned child, who is or may hereafter be received or admitted into such institution, and the date of discharge of any such child, when such discharge is made, the parentage, is known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

(2) A book entitled "monthly accounts." In it must be entered on the debtor side all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

(3) A pay roll of the employees, and the amounts disbursed to each.

(4) A book in which must be entered in detail the amounts paid for the specific purpose of every orphan, half orphan, destitute or abandoned child, and the date of such payments.

13. In counties of this class the township officers shall consist of the following, and shall receive the following compensation, to wit:

Justices of
the peace
and
constables

Judicial township number one, estimated population one thousand five hundred sixty, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Judicial township number two, estimated population five thousand five hundred twenty-six, one justice of the peace at a salary of one thousand five hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number three, estimated population nineteen thousand four hundred eighty-five, one justice of the peace at a salary of one thousand nine hundred eighty dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum; and one clerk at a salary of one thousand five hundred dollars per annum.

Judicial township number four, estimated population three thousand five hundred, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Judicial township number five, estimated population one thousand two hundred thirty, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum; one deputy constable to be appointed by the constable, who must be a resident of Annette, at a salary of two hundred forty dollars per annum.

Judicial township number six, estimated population twenty thousand four hundred ninety-three, one justice of the peace at a salary of three thousand dollars per annum; one constable at a salary of one thousand six hundred twenty dollars; and one clerk at a salary of one thousand five hundred dollars per annum.

Judicial township number seven, estimated population eighteen thousand four hundred fifty-three, one justice of the peace at a salary of one thousand nine hundred eighty dollars per annum; one constable at a salary of one thousand six hundred eighty dollars per annum, and one clerk at a salary of one thousand five hundred dollars per annum.

Judicial township number eight, estimated population five thousand nine hundred four, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand eighty dollars per annum.

Judicial township number nine, estimated population five thousand eight hundred forty-four, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number ten, estimated population one thousand five hundred sixty, one justice of the peace, at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number eleven, estimated population one thousand three hundred seventy-one, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number twelve, estimated population one thousand five hundred twenty-one, one justice of the peace at a salary of six hundred dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number thirteen, estimated population one thousand thirty-eight, one justice of the peace, with a salary of six hundred dollars per annum; one constable at a salary of six hundred dollars per annum.

Judicial township number fourteen, estimated population two hundred, one justice of the peace at a salary of two hundred forty dollars per annum; one constable at a salary of two hundred forty dollars per annum.

Judicial township number fifteen, estimated population five thousand, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Salaries of justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. The salaries of justices of the peace and constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid.

Jurors

14. In the superior court, jurors' fees and witness fees shall be as follows:

For attending as a grand juror, for each day's actual attendance per day, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a trial juror, for each day's actual attendance, per day, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a witness in criminal cases and before the grand jury, for each day's actual attendance, the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; provided, however, that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness the same was necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed. Witnesses

The fees for jurors in criminal cases in justice courts shall be two dollars per day, for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem, and the treasurer shall pay the same.

15. The county librarian shall receive three thousand dollars per annum. Librarian

16. Each employee regularly employed in the service of the county who shall have been employed for a period of not less than six months shall be allowed, during each year of his service, a vacation of not less than two weeks; said vacation to be without loss of pay, and the time allowed for said vacation to be designated by the heads of various departments of said county. Vacations

CHAPTER 578.

An act to amend sections 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of, and to add new sections numbered 9a and 10a, to chapter 791, statutes of 1929, entitled "An act providing for the registration of contractors, and defining the term contractors; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the powers and duties of the Stats 1929,
p. 1591.
amended

registrar of contractors and proceedings for revocation of licenses.

[Approved by the Governor June 3, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 1591

SECTION 1 Section 2 of chapter 791, statutes of 1929, entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, is hereby amended to read as follows:

Sec. 2. This act shall not apply to:

Exemptions
from opera-
tion of act.

(a) An authorized representative or representatives of the United States government, the State of California, or any incorporated town, city, county, city and county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state;

(b) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising, or clearing or other work upon land in rural districts for fire prevention purposes;

(c) Trustees of an express trust, or officers of a court, providing they are acting within the terms of their trust or office, respectively;

(d) Public utilities operating under the regulation of the state railroad commission on construction work incidental to their own business; or any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well, when performed by an owner or lessee;

(e) Sole owners of property building thereon dwellings intended for the use and occupancy of such owners and their families;

(f) Any work or operation on one undertaking or project by contract or contracts performed directly or indirectly by one contractor, and the aggregate contract price for which, for labor, materials, and all other items, is less than two hundred dollars, such work or operations being considered as of casual, minor, or inconsequential nature; provided, however, that the limitations of this section shall not apply in any case wherein the work of construction is only a part of a larger or major operation, or in which a division of the operation is made in contracts of amounts less than two hundred dollars for the purpose of evasion of this act, or otherwise; and provided further that the provisions of this section shall not apply to

any work or operation connected with the sale or installation of any finished product, material, or article of merchandise, which is not fabricated into and does not become a permanent fixed part of the structure.

SEC. 2. Section 3 of chapter 791, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 1591

Sec. 3. A contractor within the meaning of this act is a person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, who for either a fixed sum, price, fee, percentage, or other compensation, other than wages, undertakes or offers to undertake with another, or purports to have the capacity to undertake with another, to construct, alter, repair, add to, or improve any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personalty, or to do any part thereof; provided, that the term contractor, as used in this act, shall include subcontractor, but shall not include any one who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of, the work of the contractor as herein defined. Contractor
defined

SEC. 3. Section 4 of chapter 791, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 1591

Sec. 4. The administration of this act is hereby placed under the jurisdiction of the director of the department of professional and vocational standards who shall have the power to procure such equipment and records and to appoint and fix the duties of such assistants as may be necessary to carry out its provisions, including a registrar of contractors (which office is hereby created), a deputy registrar of contractors, a secretary, and investigators, whose compensation with the approval of the director of finance shall be fixed by, and who shall hold office at the pleasure of, the director of the department of professional and vocational standards. Administra-
tion of act
Director of
professional
and
vocational
standards

The positions of registrar, deputy registrar, secretary, and two investigators are hereby declared to be exempt from the provisions of the civil service law.

SEC. 4. Section 6 of chapter 791, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 1591

Sec. 6. Upon receipt of said application and of said fee, it shall be the duty of the registrar forthwith and within ten days to issue a license to the applicant permitting him to engage in business as a contractor under the terms of this act for the balance of the fiscal year following the application, provided the applicant has furnished such complete information and in such manner as may be required by the registrar in accordance with section 5 of this act. The license issued under this act shall be signed by the licensee, shall be non-transferable, and shall be displayed in his main office or chief place of business, and satisfactory evidence of the possession thereof shall be exhibited by him upon demand. Issuance of
licenses

Stats 1929,
p 1591

Expiration
and renewal
of licenses.

SEC. 5. Section 7 of chapter 791, statutes of 1929, is hereby amended to read as follows:

Sec. 7. All licenses issued under the provisions of this act shall lapse and expire on June thirtieth of each year. Application for renewal of a current license at any time during June of any year shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing fiscal year. All applications for renewal of license shall be filed with the registrar of contractors not later than July thirtieth of each year; otherwise, such licenses shall be ipso facto suspended and shall be renewable only on the payment of a fee of twenty dollars, and unless so renewed shall remain suspended during the remainder of the fiscal year. After a license has been suspended as in this section provided, for the period of one or more fiscal years, a new application for license must be made and a new license issued in accordance with the provisions of section 5 of this act. All licensees shall report all changes of personnel and addresses under this act, within thirty days after same shall occur, on such forms as the registrar shall provide in such cases.

Stats 1929,
p 1591

Registrar's
records
and lists.

SEC. 6. Section 8 of chapter 791, statutes of 1929, is hereby amended to read as follows:

Sec. 8. The registrar shall maintain at the office of the department of professional and vocational standards in Sacramento, open to public inspection during office hours, a complete indexed record of all applications and all licenses issued and of all renewed licenses under this act, and of all terminations, cancellations and suspensions thereof; and shall furnish a certified copy of any license issued, or of the cancellation or suspension thereof, upon receipt of the sum of fifty cents; and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein.

Whenever funds are available for that purpose, it shall be the duty of the registrar to furnish a list of contractors, with their addresses, registered under the provisions of this act, and of licenses issued, suspended or revoked, to such public works and building departments and public officials or public bodies as in his judgment may be deemed advisable.

Said lists of registered contractors, and of licenses issued, suspended or revoked, shall, whenever funds are available for that purpose, be furnished to the public officials hereinbefore enumerated at intervals of ninety days or less; such intervals to be as frequent as the registrar shall deem necessary. Copies of said lists may also be furnished by the registrar upon request to any firm or individual upon payment of such reasonable fee or fees as may be determined by the registrar.

Stats 1929,
p 1591

Complaints

SEC. 7. Section 9 of chapter 791, statutes of 1929, is hereby amended to read as follows:

Sec. 9. The registrar of contractors may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any contractor within the

state and shall have power to temporarily suspend or permanently revoke a license issued under the provisions of this act if the holder, while a licensee hereunder, is guilty of or commits any one or more of the following acts or omissions:

- (1) Abandonment of any contract without legal excuse;
- (2) Diversion of funds or property received for prosecution or completion of a specific contract, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose.
- (3) Fraudulent departure from or disregard of, plans or specifications in any material respect, without consent of the owner or his duly authorized representative.
- (4) Wilful and deliberate disregard and violation of the building code of the state, or of any political subdivision thereof, or of the safety laws or labor laws of the state.
- (5) Failure to keep records showing all receipts and disbursements of the licensee in all of his transactions as a contractor as that term is defined in this act.
- (6) Misrepresentation of a material fact by applicant in obtaining a license.
- (7) The doing of any wilful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.

SEC. 8. A new section is hereby added to chapter 791, statutes of 1929, to be numbered 9a, and to read as follows:

Sec 9a. Upon the filing with the registrar of a verified complaint charging a licensee with the commission within two years prior to the date of filing of such complaint of any act which is cause for suspension or revocation of license, the registrar must forthwith issue a citation directing the licensee, within ten days after service of the citation upon him, to appear by filing with the registrar his verified answer to the complaint, showing cause, if any he has, why his license should not be suspended or revoked. Service of the citation upon the licensee shall be fully effected by mailing a true copy thereof, together with a true copy of the complaint, by United States registered mail in a sealed envelope with postage fully prepaid thereon addressed to the licensee at his latest address of record in the registrar's office. Service of said citation shall be complete at the time of said deposit subject to the provisions of section 1013 of the Code of Civil Procedure of this state. Failure of the licensee to answer shall be deemed an admission by him of the commission of the act or acts charged in the complaint and thereupon the registrar shall have power forthwith to suspend or revoke the license.

Upon the filing of the answer, the registrar shall fix a time and place for the hearing and give the licensee and the complainant not less than five days' notice thereof. The notice may be served by depositing in the United States mail a true copy of the notice enclosed in a sealed envelope with

Grounds for
revocation of
license, etc

New section

Procedure for
revocation

Notice

Answer

postage thereon fully prepaid and addressed to the licensee and to the complainant, respectively, at his last known address. With the notice to the complainant there shall be attached or enclosed a copy of the answer. If either party has appeared by counsel, the notice shall be given, in like manner, to counsel instead of to the party.

Hearing

Upon the hearing, the registrar shall hear all relevant and competent evidence offered by the complainant and by the licensee, and shall have power to continue the hearing from time to time as in his judgment may be necessary or proper. After the hearing is concluded and the matter submitted, the registrar shall, within ten days after such submission, render his decision in writing, suspending or revoking the license or dismissing the complaint, with a brief statement of his reasons therefor. He shall give to the complainant and the licensee, or their respective attorneys, notice of the decision, by mail, in the same manner as prescribed herein for the giving of notice of hearing. A decision of the registrar suspending or revoking a license shall not take effect until twenty days after such service of notice of the decision.

Petition for rehearing.

Within twenty days after such service of notice of the decision of the registrar suspending or revoking a license, the licensee may apply for a rehearing by filing with the registrar his petition in writing therefor. Within five days after such filing, the registrar shall cause notice thereof to be served upon the complainant by mailing a copy of the petition for rehearing to the complainant in the same manner as herein prescribed for the giving of notice of hearing.

The filing of a petition for rehearing as to the registrar's action in suspending or revoking a license suspends the operation of such action and permits the licensee to continue to do business as a contractor pending denial or granting of the petition, and, if the petition be granted, pending decision of the registrar upon rehearing.

Order on rehearing

In his order granting or denying a rehearing, the registrar shall set forth a statement of the particular grounds and reasons for his action on the petition and shall forthwith mail a copy of the order to the parties who have appeared in support of or in opposition to the petition for rehearing. If a rehearing is granted, the registrar shall set the matter for further hearing on due notice to the parties, given in the same manner as prescribed herein for the giving of notice of an original hearing.

Decision on rehearing

Within ten days after submission of the matter upon rehearing, the registrar shall render his decision in writing and give notice thereof in the same manner as of a decision rendered upon an original hearing.

Appeal

Within thirty days after service of notice of the order denying the rehearing or of the decision rendered upon the rehearing, any party aggrieved by the order or decision of the registrar may appeal therefrom to the superior court of the State of California, in and for the county or city and county

in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the registrar a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying therefor at the rate of ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon, the registrar shall, within thirty days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the court shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the registrar in making such decision.

When an appeal is taken to said superior court from the order or decision of the registrar suspending or revoking a license, such order or decision shall remain in effect pending final determination of the matter, unless the appellant shall file with the court a bond in a sum to be fixed by the court or by the judge thereof in favor of the people of the State of California and conditioned upon the faithful performance of all the obligations of said appellant as a contractor, pending the final determination of the matter on appeal and until the fulfillment by the contractor of any condition imposed by such order or decision of the registrar. Such bond shall be for the benefit of any person having dealings with said appellant in his capacity as a contractor, and any person so dealing with said appellant in such capacity shall have the right to commence and maintain an action thereon in his own name against such contractor and his sureties on said bond. Stay bond

If such superior court shall determine that a contractor's license should be suspended or revoked, it shall by its judgment suspend or revoke such license. The clerk of such superior court shall within ten days after the entry of any such judgment on appeal transmit to the registrar, by United States mail, a notice containing information as to the affirmation, modification or reversal of the order or decision of the registrar in said matter. Judgment

The suspension or cancellation of license as in this act provided may also be embraced in any action otherwise proper in any court involving the licensee's performance of his legal obligation as a contractor.

SEC. 9. Section 10 of chapter 791, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 1591

Sec 10. A judgment of suspension or cancellation of license by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts, but there shall be no stay of execution or enforcement of such judgment pending such proceedings on appeal or review unless the appellant or applicant for review shall file a bond in all respects con- Stay bond

ditioned as, and similar to, the bond required by section 9a of this act.

Notice of judgment.

The clerk of the court wherein said judgment has become final shall, within ten days after the entry of such final judgment, transmit, by United States mail, to the registrar, a notice containing information as to the affirmance, modification or reversal of the judgment of the superior court in said matter.

New section

SEC. 10. A new section is hereby added to chapter 791, statutes of 1929, to be numbered 10a, and to read as follows:

Power to issue subpoenas, etc

Sec. 10a. In any investigation, proceeding or hearing which under the provisions of this act he is empowered to institute, conduct or hold, the registrar, deputy registrars and investigators shall have the power to administer oaths, certify to official acts, issue subpoenas for the attendance of witnesses and the production of books, papers, and records, and exercise all of the powers conferred upon the head of a department by the provisions of section 353 of the Political Code. All of the provisions of said section are incorporated herein with the same force and effect as if herein set forth at length and wherever in said section the term "head of a department" or similar designation occurs, the same, for the purpose of this reference, means the "registrar of contractors"

Stats 1929, p 1591

SEC. 11. Section 11 of chapter 791, statutes of 1929, is hereby amended to read as follows:

Renewal and reissue of licenses

Sec. 11. After suspension of the license upon any of the grounds set forth in section 9 of this act, the registrar shall renew the same upon proof of the compliance by the contractor with any provisions of the judgment as to renewal of such license or, in the absence of such judgment or any provisions therein as to renewal, in the sound discretion of the registrar. After cancellation of a license upon any of the grounds set forth in section 9 of this act, such license shall not be renewed or reissued within a period of one year after final determination of cancellation and then only on proper showing that all loss caused by the act or omission for which the license was canceled has been fully satisfied.

Stats 1929, p. 1591

SEC. 12. Section 12 of chapter 791, statutes of 1929, is hereby amended to read as follows:

Penalties

Sec. 12. Any person, who acts in the capacity of a contractor within the meaning of this act without a license as herein provided, and any person who conspires with another person to violate any of the provisions of this act, is guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, in the discretion of the court.

No person engaged in the business or acting in the capacity of a contractor as defined by section 3 of this act, shall bring or maintain any action in any court of this state for the collection of compensation for the performance of any act for

which a license is required by this act without alleging and proving that such person was a duly licensed contractor at the time the alleged cause of action arose.

The word "person" as used in this section includes an individual, a firm, copartnership, corporation, association, or other organization.

CHAPTER 579.

An act to amend section 737s of the Political Code, relating to the salaries of the judges of the superior court of the county of Los Angeles.

[Approved by the Governor June 3, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737s of the Political Code is hereby amended to read as follows: Stats 1927,
p. 560.

737s. The annual salary of each of the judges of the superior court in and for the county of Los Angeles is ten thousand dollars. Superior
Judges
Los Angeles
county

CHAPTER 580.

An act to establish a standard for fire hose couplings and fire hydrant fittings, to provide for alteration of such existing equipment, to prevent the sale of such equipment as does not conform with such standard, and to prescribe penalties for violations of this act.

[Approved by the Governor June 3, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. All equipment for fire protective purposes, purchased by state, county, and municipal authorities, or any other authorities having charge of public property, shall be equipped with the standard threads for fire hose couplings and hydrant fittings designated as the national standard as adopted by the National Board of Fire Underwriters, which standard is hereby designated as the standard for such equipment in the State of California. National
standard fire
hose coup-
plings, etc.
adopted

SEC. 2. The standardization of existing fire protective equipment in this state shall be arranged for and carried out within the next five years by and under the direction of the state fire marshal of California. The state fire marshal is authorized to make such changes as may be necessary to standardize all existing fire protective equipment in this state immediately after this act becomes effective. He shall employ the necessary assistants to superintend this work, provide such tools and appliances as are necessary, and shall proceed with Standardiza-
tion of
existing
equipment

such standardization as rapidly as possible, and complete such work at the earliest date circumstances will permit.

Notice of
changes.

SEC. 3. The state fire marshal shall notify industrial establishments and property owners having equipment for fire protective purposes, which in his judgment may be necessary for a fire department to use in protecting the property or putting out fire, of the changes necessary to bring their equipment up to the requirements of the standard hereby established, and shall render them such assistance as may be available in converting their equipment to standard requirements.

Only
standard
equipment
shall be
sold

SEC. 4. It shall be unlawful for any person, firm, corporation, copartnership or agent thereof to sell or offer for sale in the State of California any fire hose, hydrant, fire engine or other equipment with threaded parts for fire protective purposes, unless the same be fitted and equipped with the standard thread for fire hose couplings and hydrant fittings designated as the national standard, as the same has been adopted by the National Board of Fire Underwriters, and has been designated by law as the standard for such equipment in the State of California.

Violation a
misdemeanor

SEC. 5. Any person, firm, corporation, copartnership or agent thereof who shall violate any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail for not less than five or more than thirty days, or by both such fine and imprisonment.

CHAPTER 581.

An act to amend section 737a of the Political Code, relating to the salaries of the judges of the superior court of the county of Alameda.

[Approved by the Governor June 3, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 559

SECTION 1. Section 737a of the Political Code is hereby amended to read as follows:

Superior
Judges
Alameda
county

737a. The annual salary of each of the judges of the superior court in and for the county of Alameda is ten thousand dollars.

CHAPTER 582.

Stats 1929,
p 1591,
amended

An act to amend section 5 of chapter 791, statutes of 1929, entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of

contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act," approved June 13, 1929, relating to the licensing of contractors, and providing that this act shall take effect immediately.

[Approved by the Governor June 3, 1931. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of chapter 791, statutes of 1929, entitled "An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act." approved June 13, 1929, is hereby amended to read as follows: Stats. 1929,
p. 1591.

Sec. 5. To obtain a license under this act the applicant shall submit, on such forms as the registrar shall prescribe, and in accordance with such rules and regulations as may be adopted by the registrar, an application in writing for such license containing the statement that the applicant desires the issuance of a license under the terms of this act. The information contained in such application forms shall include a complete statement of the general nature of the applicant's contracting business and in addition, if the applicant is an individual, his name and address; if a copartnership, the names and addresses of all partners; and if a corporation, association or other organization, the names and addresses of the president, vice president, secretary, and chief construction managing officer or officers, together with all other information which may be deemed necessary by the registrar. Application
for license.

No license shall be issued until the registrar of contractors has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that said applicant is qualified in the following respects to hold a license: Showing
required.

(1) That the applicant is of good reputation;

(2) That the applicant has never been refused a license or had a license revoked for reasons that should preclude the granting of the license applied for; provided, that no license shall be refused by the registrar of contractors without providing an opportunity to the applicant within thirty days to be heard and produce evidence in support of his application.

It shall be the duty of the registrar of contractors, with the approval of the director of the department of professional and vocational standards, to adopt and promulgate such rules and regulations as he may deem necessary to carry out the provisions of this act.

Said application shall be accompanied by a fee of ten dollars, and not to exceed five per cent of said license fee Fees

may be expended by the registrar for publicity and educational purposes in connection with the administration of this act. The fees received under this act shall be deposited in the contractors license fund, which fund is hereby created. All moneys in said fund are hereby appropriated for the purpose of carrying out the provisions of this act.

Urgency.

SEC. 2. Inasmuch as this act concerns and is necessary to the immediate preservation of public health and safety, for the reason that it is imperative, at the earliest possible date, to provide adequate funds for the administration and enforcement of the provisions of the act hereby amended, the present funds therefor being insufficient and the existing rate of license being inadequate, and the rate in this act fixed will make possible the accomplishment of the intended object, this act shall take effect immediately.

CHAPTER 583.

An act making an appropriation for repairs, improvements, equipment and furnishing of the gubernatorial mansion in Sacramento.

[Approved by the Governor June 4, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Appropriation gubernatorial mansion

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of seven thousand five hundred dollars is hereby appropriated to be expended in accordance with law by the state department of finance for repairs, improvements, equipment and furnishing of the gubernatorial mansion in Sacramento.

CHAPTER 584.

An act providing for the preparation and printing of a cumulative supplement to the index of the laws of California and a statutory record, and making an appropriation therefor.

[Approved by the Governor June 4, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Supplement to be prepared

SECTION 1. The legislative counsel is hereby directed to prepare a cumulative supplement to the index of the constitution and laws of this state made pursuant to an act entitled "An act providing for the publication of an index of the laws of California, and making an appropriation therefor," approved May 23, 1919. The cumulative supplement shall consist of (1) all the material contained in the supplement to

the index of the constitution and laws of this state published pursuant to an act approved May 18, 1925, and (2) an index to all laws enacted at the forty-seventh, forty-eighth and forty-ninth sessions of the Legislature and (3) the amendments to the constitution adopted since the year 1925.

The legislative counsel is directed to combine with and include in the cumulative supplement the "statutory record," an historical record of all laws enacted by the State of California from 1850 to 1931, inclusive, as prepared by the California code commission. Statutory
record.

SEC. 2. The superintendent of state printing is hereby directed to print two thousand five hundred copies of the 2500 copies
to be
printed

CHAPTER 585, STATUTES 1931.

An act to prohibit and prevent the waste of crude petroleum oil in the State of California and defining such waste, and in that behalf creating an oil conservation commission; providing for the election of the members of said commission; fixing the terms of office of the members of said commission; providing for the filling of vacancies in the membership of said commission; providing for the powers, duties and authority of said commission and the members thereof; requiring producers of crude petroleum oil and operators of wells and owners and operators of any storage facilities of crude petroleum oil to make and file certain reports; providing for the filing and hearing of complaints concerning the waste of crude petroleum oil and for oaths, subpoenas and depositions; providing for the fixing of allowable production of crude petroleum oil for the state and for the several oil fields thereof, respectively, and for the several zones, properties and wells in each such oil field, respectively, so as to stop such waste; providing for the enforcement of said act; providing penalties for refusing to permit the commission or its representatives to inspect any drilling or producing well or storage facilities and for failing, neglecting or refusing to furnish any report or record or statement required by the commission and for wilfully rendering or furnishing a false or fraudulent report, statement or record, creating a fund for the purposes of said act and providing for the assessment and collection thereof.

[Above and foregoing chapter delayed from going into effect by referendum provisions of Section 1, Article IV, of the State Constitution (petition therefor with sufficient signatures having been filed with the Secretary of State) and will be voted on by the people at the next general election in November, 1932, or at any special election which may be called by the Governor, in his discretion, prior to such regular election.]

purposes of said act and providing for the assessment and collection thereof.

[Approved by the Governor June 4, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Waste of oil
prohibited

SECTION 1. The production of crude petroleum oil in the State of California in such manner, under such conditions and in such amounts as to constitute or result in waste as hereinafter defined is hereby declared to be opposed to the public interest and is hereby prohibited.

"Waste"
defined

SEC. 2. The term "waste" as used herein shall include underground waste or destruction without beneficial use, surface waste or destruction without beneficial use, waste by reduction of the total quantity of recoverable crude petroleum oil in any underground source of supply by the careless or improper drilling or operation of wells, and the waste incident to or resulting from the production of crude petroleum oil when the current production together with the amount of crude petroleum oil and/or its refined products in storage exceeds the current requirements for use within and for shipment to points without the state, and for the maintenance in storage of such reserves of crude petroleum oil and/or its refined products as are reasonably necessary to meet and insure the continuity of an adequate supply of crude petroleum oil and/or its refined products for such current requirements as determined upon the basis of past experience existing conditions and estimated future requirements of crude petroleum oil and its refined products for such use and shipment. The loss by evaporation or leakage and the increased hazard of loss from fire and other causes resulting from the storage of crude petroleum oil and/or its refined products in excess of the quantities which are reasonably necessary to insure continuity of an adequate supply for such current requirements is waste within the meaning of this act.

Oil con-
servation
commission
created.

SEC. 3. There is hereby created the oil conservation commission which shall consist of six members one of whom shall be the state oil and gas supervisor and one shall be elected for each of the five districts into which the state is divided by the provisions of section 10 of an act of the State of California entitled "An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creation of a division in the department of natural resources for the prevention of such waste and destruction; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of con-

servation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the acts; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purpose of this act," approved June 10, 1915, chapter 718; amended 1917, chapter 759; amended 1919, chapter 536; amended 1921, chapter 912; amended 1929, chapter 535; as follows:

Within thirty (30) days after this act becomes effective a meeting shall be called and held in each of said districts, respectively, at a place to be determined by the state oil and gas supervisor. At each of such meetings a member of the oil conservation commission for the district in which such meeting is held shall be elected by ballot by a plurality vote of the persons, corporations, copartnerships and associations entitled to vote for district oil and gas commissioners within such district, as provided by said section 10 of said act above referred to, except that each of whom shall be entitled to only one vote. The place and time and details of such meetings, respectively, shall be fixed by the state oil and gas supervisor and he shall deposit a notice thereof in the United States mail, postage prepaid, at least two weeks before the meeting addressed to each of said persons, corporations, copartnerships and associations entitled to vote, as aforesaid, at his or its post-office address or principal place of business, as the same appears on the last record of assessment. At such meeting each of those entitled to vote, as hereinabove provided, may be represented by one person holding the written authority of such voter to act for him at such meeting.

The members first elected for districts number one and number two, as defined in said section 10, shall serve until the third Monday in September, in 1933; the members elected for districts number three and number four, as defined in said section 10, shall serve until the third Monday in September, in 1934; and the member elected for district number five, as defined in said section 10, shall serve until the third Monday in September, in 1935; and thereafter until their respective successors are elected or appointed and qualified. The successors of all members shall thereafter serve for terms of four years each and until their successors are elected or appointed and qualified and shall each be elected on the third Monday in September of the year in which his term of office expires. at the meeting held for the election of district oil and gas commissioners in the district for which his predecessor was elected. The notice of each such meeting shall state that a member of the oil conservation commission is to be elected thereat and the election shall be held in the same manner as hereinabove specified for the election of the first members.

Certificates
of election.

The chairman and secretary of each such meeting shall issue a written certificate to the state oil and gas supervisor, setting forth the results of the election and the name and address of the person elected as such member for said district, and such supervisor in turn shall notify each person so elected of his election and shall certify the same to the secretary of state of the State of California.

Oath

Each person so elected shall, within thirty (30) days after notice of his election, as aforesaid, qualify by taking oath of office and by filing the same with the secretary of state, as required by law.

Vacancies

In case of vacancy, the remaining members of the oil conservation commission shall appoint a person to serve until the next regular meeting called and held for the election of district oil and gas commissioners in the district for which the member whose office has become vacant served. The notice of such meeting shall state the fact of such vacancy and that a member of the oil conservation commission is to be elected thereat to fill such vacancy, and at such meeting the vacancy shall be filled by an election called and held in the same manner as hereinabove specified for the election of the first members, and the result of such election shall be certified and all subsequent proceedings taken as hereinabove specified for the regular election and qualification of members.

Secretary of
commission.

The state oil and gas supervisor shall be ex officio secretary of said commission and shall keep a record of its proceedings, and his office shall be the office of said commission. The powers and duties of such commission shall be as hereinafter set forth. Said commission shall have power to appoint such deputies and to employ such legal, technical, clerical and other assistants as may be necessary to enable it to perform its duties under this act and shall fix their compensation with the approval of the director of finance, which, together with all reasonable and necessary costs and charges of the enforcement of this act, shall be payable out of the petroleum gas fund hereinafter referred to.

First
meeting

Immediately upon the commencement of the respective terms of office of the oil conservation commissioners the state oil and gas supervisor shall call the first meeting thereof, giving at least five (5) days' written notice to each commissioner of the time and place thereof. At such meeting the said commission shall appoint a chairman and such officers other than secretary as it shall deem necessary and shall adopt rules and regulations for the conduct of its meetings.

Recall of
commis-
sioners

The oil conservation commissioner elected for any district hereunder may be recalled from office in the following manner: Upon the filing in the office of the state oil and gas supervisor of a written petition, signed by not less than forty per cent (40%) of the voters entitled to vote on the election of such member, as hereinabove set forth, for such district, asking the recall of such member, said supervisor shall forthwith examine and verify the signatures to such petition, and

if he shall find the same sufficient he shall, within ten (10) days from the date of the filing of such petition, give written notice to all of the voters entitled to vote for the election of such member of a meeting for a special election to be held at a place within the district for which such member was elected, and at a time, designated by said supervisor in such notice. Such notice shall be given at least two (2) weeks prior to the day fixed for such election, and shall be by letter addressed to each of the persons, corporations, copartnerships and associations entitled to vote for such member, as aforesaid, at his or its post-office address or principal place of business. Such election shall be called and held in the same manner as a regular election for a member for such district except that the election shall be for the unexpired portion of the term for which such member was originally elected, and any other candidates may at the same time be voted upon with such member. It shall require a majority of the votes of all the voters entitled to vote for the election of such member to office to elect any candidate for such unexpired portion in his place. In the event no candidate other than such member shall receive a majority of all such votes, such recall shall be deemed to have failed and such member shall continue to serve until the expiration of said term as if no such election had been held. In case any candidate other than such member shall receive a majority of such votes at such election, then such recall shall be deemed to have become effective, and the candidate so receiving such majority of votes shall be deemed elected to such office for such unexpired portion of said term. The chairman and secretary of the meeting at which such election shall be so held shall issue a written certificate to the state oil and gas supervisor setting forth the results of such election, and, if a new member is elected, the name and address of the person so elected. If a new member is so elected said supervisor shall notify him of his election, and shall certify the same to the secretary of state of the State of California. Each person so elected shall qualify as required by law and shall thenceforth be the member of the commission for the district in which such election was held.

SEC. 4. It shall be the duty of the oil conservation commission from time to time to inquire into the production of crude petroleum oil, and the amount of crude petroleum oil and/or its refined products in storage in this state and the extent of the current requirements for use within and for shipment to points without the state and of requirements for the maintenance in storage of such reserves as are reasonably necessary to meet and insure the continuity of an adequate supply of crude petroleum oil and/or its products for such requirements, in order to enable it to determine whether or not waste as hereinbefore defined exists. For this purpose the oil conservation commission shall have the power and it shall be its duty to adopt such rules and regulations as shall enable it to ascertain all the facts upon which the proper and adequate

Duties and
powers of
commission

enforcement of this act shall depend. Said commission shall have the right to require any producer or producers of such crude petroleum oil or any operators of any drilling or producing well or wells to make and file sworn statements of production of or facts concerning any well or wells under their control whenever and as often and for such periods as it may specify and such well or wells may be inspected and/or gauged and/or the production therefrom gauged in such manner and under such rules and regulations as may be prescribed by such commission.

Records of
oil and gas
supervisor.

All of the records of the oil and gas supervisor of the State of California shall be available for the use of said oil conservation commission under this act.

Statements
of oil
operators

Said commission shall likewise have the power to require owners and/or operators of any storage facilities of crude petroleum oil and/or its refined products in this state to make and file sworn statements regarding the same and the quantity and quality of the oil and/or its refined products in storage, in such manner and to such extent as shall be prescribed by said commission by rules and regulations or by specific order in the performance of its duties under this act.

Hearings to
determine
waste

SEC. 5. Upon complaint of the oil conservation commission, or upon the verified complaint of any producer of crude petroleum oil in this state, or upon complaint of the director of natural resources of this state, that waste of crude petroleum oil as hereinbefore defined is being committed in this state, it shall hold a hearing in each of the counties in which it is alleged that such waste is being committed, to determine whether or not such or any waste is being committed. At least five (5) days prior to the date of said hearing the commission shall cause notice of the time and place of said hearing to be published in a newspaper of general circulation printed and published in each county in which it is alleged that waste is being committed, and to be posted in at least three (3) conspicuous places in each field or locality in which it is alleged that such waste is being committed; provided, however, that in lieu of notice by posting or by publication, personal service of such notice upon any person, firm or corporation at least five (5) days prior to the date of said hearing shall be sufficient notice of such hearing to such person, firm or corporation. Said notice shall also specify the commonly accepted name or general description of the field or fields or locality or localities in which the waste is alleged to be taking place and the county or counties in which the same are situated. At said hearing all persons interested shall be entitled to be heard and to introduce evidence. Said hearing shall first be held at the place specified in said notice and may be by the commission adjourned from time to time for further hearing or hearings at such place or places as may be specified by it upon such adjournments, respectively, in the county or any of the counties in which it is alleged waste is being committed as set forth in the original notice of such hearing; provided, that each operator shall be

Notice

Hearing.

permitted to present the testimony relating to the alleged waste committed on his property in the county in which his property is located. Each member of the board of oil conservation commissioners and each representative of such commission appointed and designated to take testimony at the hearing provided herein shall have power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearing. The superior court in and for the county, or city and county, in which any hearing may be held under the authority of this act shall have power to compel the attendance of witnesses, the giving of testimony and the production of papers as required by any subpoena issued hereunder. The oil conservation commission or its representatives before whom the testimony is to be given or produced may, in case of refusal of any witness to attend or testify or produce any papers required by such subpoena, report to the superior court in said county, or city and county, by petition, setting forth that due notice has been given of the time and place of the attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this act and has failed and refused to attend or produce the papers required by the subpoena before the commission or its representative in the case or proceeding named in the notice of time and place of hearing and subpoena, or has refused to answer questions propounded to him in the course of said proceedings, and ask an order of said court to compel the witness to attend and testify or produce said papers before the commission or its representative. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than five (5) days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or its representative. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representative the court shall thereupon enter an order that said witness shall appear before the commission or its representative at the time and place entered in such order and testify or produce the required papers, and upon failure to obey said witness shall be dealt with as for contempt of court.

Enforcing
subpoenas

The commission or its representative may in any investigation or hearing cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel or cause to be compelled as hereinabove set forth, the attendance of witnesses and the production of documents and papers.

Depositions

SEC. 6. If upon the hearing the commission finds that waste is being committed and if such waste be incident to or result from the wasteful over production of crude petroleum

Order fixing
production

Nonwasteful
production.

oil as defined in section 2 hereof, the commission shall make an order fixing therein the amount of nonwasteful production for the State of California and for the several oil fields within the state, respectively, found to be contributing to such waste, and for each such oil field fixing therein the amount of allowable production for the several zones, producing properties and/or well or wells in such oil field, so as to stop said waste. The aggregate amount of production without waste, as so determined, shall be so allocated by the commission among the different fields and the different zones, properties and wells in the respective fields as to avoid discrimination in the quantity of production from any field or zone or property as compared with the quantity of production from any other field, zone or property, taking into consideration the extent of the respective fields, zones or properties, the relative accessible oil reserves at the times of allocation, the stage of development of each field or zone, the potential production of the wells, the size and condition of the wells, the quality of the oil produced from each field or zone, and the demand therefor.

Waste other
than from
excessive
production

If the commission finds that waste other than waste incident to or resulting from excessive production, as hereinabove set forth, is being committed, it shall enter its order or orders requiring the person, firm or corporation found to be committing such waste to desist from the same within such time and to the extent specified in such order or orders. No order made upon a finding of the commission that waste incident to or resulting from excessive production as hereinbefore set forth is being committed, and no order amending or modifying any such order, other than a repeal or suspension thereof, shall become effective until the same has been approved by the director of natural resources of this state, as hereinafter provided. Every order of the commission requiring the approval of the director of natural resources shall be certified to by the secretary of the commission and a copy thereof forthwith delivered by him to the director of natural resources who shall certify either his approval thereof or his objections thereto to the secretary of the commission. If the director objects to such order, the commission shall reconsider this order and make such new or amended order as it shall determine upon. This new or amended order shall be in like manner subject to the approval of the director of natural resources.

Approval of
director of
natural
resources

If the director of natural resources fails to either certify his approval or objections to an order of the commission within fifteen (15) days after the certification thereof by the secretary of the commission, the same shall be deemed and considered as having been approved by the director.

Content of
order, etc

SEC. 7. Each order shall state the time during which the same shall be effective and may provide for subsequent hearings for the purpose of determining upon the necessity of and providing for the amendment, modification or setting aside of any such order. The property or properties or well or wells referred to therein shall be described by using the commonly

known name or designation thereof filed with the state oil and gas supervisor.

A copy of each order made by the commission shall be mailed to each person, firm or corporation operating any property affected by said order. Mailing

No failure to mail copies of any order of the commission as hereinabove provided shall affect the validity of the same.

Any order of the commission may at any time or times be amended, modified or set aside by the commission upon hearing, noticed as hereinbefore prescribed for the original hearing or had as provided for in such order. Modification

A copy of each order when made by the commission shall be filed with the director of natural resources of the state. Filing with director

SEC. 8. If and when an order of the commission shall be made fixing the amount of allowable production from any oil-producing property within the state, and notice thereof shall have been given as hereinbefore provided, no crude petroleum oil produced in violation of such order shall be removed by any third person, firm or corporation from the property where the same was produced. Excess production not removable

SEC. 9. If and when any order shall be made by the commission hereunder fixing the quantity of allowable production from any oil-producing property within the state, and notice thereof shall have been given as hereinbefore provided, if thereafter any person, firm or corporation operating any such property shall produce therefrom a quantity of crude petroleum oil in excess of the quantity allowed to such property under said order of the commission pending proceedings in a court of competent jurisdiction as provided in section 11 hereof, the well or wells on said property shall be entirely closed in until such time as the amount which said well or wells could produce under the order of said court equals the amount theretofore produced in excess of the amount allowed by said order. Thereupon such well or wells may be restored to production upon the basis allowed by such order of said court. Closing of excess production wells.

SEC. 9a. The commission may at any time, upon complaint made in writing to it by any person, firm, company, corporation or syndicate, or upon its own motion, and after a hearing held in the same manner as is provided herein for hearings upon complaints that waste of crude petroleum is being committed in this state, modify, suspend in whole or in part, or rescind any order theretofore made by it pursuant to the provisions of this act. Modification of orders

SEC. 10. Any producer of crude petroleum oil or operator of any drilling or producing well or wells, or owner or operator of any storage facilities of crude petroleum oil, and/or refined products, referred to in this act, or employee thereof, who refuses to permit the commission or its representative to inspect the same, and every person, firm, association, corporation, trust or syndicate, whether as principal, agent, servant, employee or otherwise, failing or neglecting or refusing to furnish any Refusal of inspection, etc., a misdemeanor

report or record or statement which may be required pursuant to the provisions of this act, or who wilfully renders or furnishes a false or fraudulent report or statement or record, is guilty of a misdemeanor.

Injunction
to restrain
waste.

SEC. 11. If any person, firm or corporation violates any order of the oil conservation commission made hereunder and persists in such violation after having been given notice of said order as herein provided, the director of natural resources of this state may, and upon request of such commission must, bring an action by complaint in equity in the name of the people of the State of California against such person, firm or corporation in the superior court for any county in which any of the property covered by such order is situated, to restrain the commission of waste as herein defined. There may be joined in the same proceeding any number of defendants alleged to be violating the same order, although their properties and interests may be severally owned, may be situated in several counties, and their actual violations of the order may be separate and distinct. In such action the court shall enjoin the defendants from violating said order or may find to what extent waste is being committed as herein defined regardless of said order, and enter judgment accordingly. In event the order is determined to be invalid, the court may dismiss said action without prejudice to the right and jurisdiction to conduct further hearings and make a new order in the premises by giving notice thereof as is in this statute provided. In any action for injunction brought hereunder no restraining order shall be issued ex parte but otherwise the procedure shall be governed by the provisions of chapter III, title VII, part 2, of the Code of Civil Procedure of the State of California and pending appeal no temporary or permanent injunction issued in such proceeding shall be refused or dissolved or stayed upon the giving of any bond or undertaking, or otherwise.

Code
provisions
governing

Assessment
of expenses

SEC. 12. The department of natural resources shall annually on or before the first Monday in March, acting in conjunction with the state board of control, make an estimate of the amount of moneys which shall be required to carry out the provisions of this act. Said amount of money shall be provided by assessments which shall be levied, assessed, equalized and collected in the manner and at the same time as is provided for the collection of the charges under the provisions of an act entitled "An act to protect the natural resources of petroleum and gas approved June 10, 1915, chapter 718, amended 1917, chapter 759, amended 1919, chapter 536, amended 1921, chapter 912, amended 1929, chapter 535," referred to in section 3 hereof and shall be paid into the petroleum and gas fund created by section 46 of the act above referred to in addition to the amount provided for in said act.

Construc-
tion.

SEC. 13. Nothing herein contained shall be construed to confer on the oil conservation commission any jurisdiction over any matter or matters given to the state oil and gas super-

visor or to the director of natural resources by any law of the State of California or to limit the effect of any such law.

SEC. 14. The invalidity of any section, subdivision, clause or sentence of this act shall not in any manner affect the validity of the remaining portion thereof.

Constitutionality

CHAPTER 586.

An act to protect persons and property against danger from fire and explosion in petroleum oil or gas wells by providing for the location of wells in relation to the outer boundary lines of the property, public streets, roads and highways and other wells.

[Approved by the Governor June 4, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Any well hereafter drilled for petroleum oil or gas or both, or any such well hereafter drilled and permitted to produce petroleum oil or gas or both which is located within one hundred feet of an outer boundary of the parcel of land on which such well is situated or within one hundred feet of a public street or road or highway dedicated prior to the commencement of drilling of such well or within one hundred fifty feet of any well being drilled, or within one hundred fifty feet of a well theretofore drilled which is producing petroleum oil or gas or both or within one hundred fifty feet of a well which has been drilled and is not producing petroleum oil or gas or both but which is capable of producing petroleum oil or gas or both, is hereby declared a public nuisance; provided, that where several contiguous parcels of land in one or different ownerships are operated as a single petroleum oil or gas lease or operating unit, the term "outer boundary line" shall mean the outer boundary line of the lands included in such lease or unit, and in determining the contiguity of any such parcels of land no street, road or alley lying within the same shall be deemed to interrupt such contiguity; provided, that where a parcel of land contains one acre or more, but is less than two hundred fifty feet in width, then there may be drilled on said parcel of land not more than one well to each acre of the area if the well is so placed as to be as far from the lateral boundary lines of said parcel of land as the configuration of the surface and the existing improvements thereon will permit, and provided for the purposes of this act an alley which intersects or lies within any block or other subdivision unit shall not be deemed to constitute a public street or road.

Oil or gas well within certain limits a nuisance

Each day in which the drilling of such well is carried on or in which such well is permitted to produce petroleum oil or gas or both shall be deemed a separate nuisance.

Saving
clause.

The provisions of this act shall not apply to any field producing petroleum oil or gas on the date this act becomes effective.

Constitu-
tionality.

If any section, subsection, sentence, proviso, clause or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, proviso, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, provisos, clauses or phrases be declared unconstitutional.

CHAPTER 587.

An act to add a new section to the Political Code, to be numbered 4177, relating to the sheriff's duty in caring for money and property of prisoners.

[Approved by the Governor June 4, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4177 and to read as follows:

Custody of
prisoner's
property.

4177. The sheriff shall take charge of, safely keep and keep a correct account of all money and valuables found on each prisoner when delivered at the county jail. Except when otherwise ordered by a court of competent jurisdiction, the sheriff shall pay such money, or sums therefrom, and deliver such valuables, or portions thereof, as the prisoner shall direct and shall pay and deliver all the remainder of such money and valuables to such prisoner, or to his order, upon his release from the jail, or to his legal representative in case of his death or insanity; provided that, when any prisoner is removed to a state hospital or to a state prison, or is released to the custody of an officer of another jurisdiction, such money and valuables, or the remainder thereof, shall be transmitted to such hospital or prison, or entrusted to such officer, for the prisoner's account. The sheriff shall pay into the general fund, for the use and benefit of the county, any such money remaining, or the proceeds of the sale of any such valuables remaining, unclaimed for a period of one year after the release or five years after the death of any such prisoner. When any prisoner dies or becomes insane, the sheriff shall make diligent effort to communicate such fact to friends or relatives of such prisoner, together with information on the state of the prisoner's account. Such money and valuables and the accounts thereof shall be subject to audit by the county auditor. For failure to comply with the provisions of this section, the sheriff shall be liable on his official bond.

CHAPTER 588.

An act making an appropriation for the purchase of land for the Santa Barbara State Teachers College.

[Approved by the Governor June 4, 1931, with reduction hereunder noted. In effect August 14, 1931.]

[I object to the item of \$100,000 in section 1 of Assembly Bill No 431, and reduce the amount thereof to \$90,000. With this reduction, I approve the bill. Dated: June 4, 1931 JAMES ROLPH, JR., Governor.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be expended in accordance with law, in the purchase, appraisal, survey, and improvement of lands for the Santa Barbara State Teachers College.

Appropriation Santa Barbara Teachers College

CHAPTER 589.

An act to amend section 1160 of the Political Code, relating to the opening and closing of the polls.

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1160 of the Political Code is hereby amended to read as follows:

Stats 1927. p. 425.

1160. The polls must be opened at six o'clock a.m. of the day of any election, including any primary election, and must be kept open until seven o'clock p.m. of the same day, when the polls shall be closed, except as provided in section 1164 of this code. The legislative body or the body charged with the management and control of elections of any incorporated city, or city and county, however, by resolution adopted prior to the publication of notice of an election, may provide that the polls be opened at seven o'clock a.m. of the day of any election including any primary election and be kept open until eight o'clock p.m., of the same day, when the polls shall be closed, except as provided in section 1164 of this code.

Opening and closing of polls.

CHAPTER 590.

An act to amend sections 453a and section 462 of the Political Code, relating to funds in the state treasury, and to provide

for the transfer of special deposits made to the general fund.

[Approved by the Governor June 4, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 879.

Funds in
state
treasury

SECTION 1. Section 453a of the Political Code is hereby amended to read as follows:

453a. Whenever any person donates to the state any money, the state treasurer is hereby authorized, upon the receipt of a certificate from the controller, to receive the same; and in case the donor, at the time of making the donation, designates, in a written request filed with the controller, the fund or appropriation he desires to benefit thereby, such donation must be credited accordingly, but if no such designation is made, then it must be paid into the state school fund. In the event that money which has been drawn from the state treasury in pursuance of a valid act of appropriation is subsequently returned, in whole or part, the controller is authorized to credit it back to the special or general appropriation from which it was drawn, and the moneys so returned may be again drawn from the state treasury for the purpose for which it was appropriated. Trust funds which have come into the possession of any agency of the state may be paid into the state treasury, subject to the right of recovery to fulfill the purposes of the trust, and to that end this provision shall be construed to constitute a valid act of appropriation. When paid into the state treasury such trust funds shall be credited to the "special deposit fund," which fund is hereby created, and such moneys shall be held subject to the right of the state agency to recover the same, on claims properly presented, for the purpose of fulfilling the trust. Whenever any statute provides for the payment of moneys into the state treasury which have been collected or received for specific purposes by any agency of the state, and no fund has been created in the state treasury to which said moneys are to be credited, then said moneys shall be credited to the "special deposit fund," and the moneys so deposited shall be held subject to the right of the state agency to recover the same, on claims properly presented, for fulfilling the purposes for which said moneys were so collected or received. Moneys which have remained unclaimed in the hands of any state department, board, officer, or commission, or for which the claimant can not be found, may be deposited in the state treasury in trust in the same manner as other trust moneys, and may be similarly withdrawn, except as herein otherwise provided. The state controller shall keep an accurate account of all moneys deposited in the "special deposit fund" for each respective agency making a deposit to said fund. Whenever any money has been deposited in trust in the state treasury by any state department, board, officer, or commission because such moneys have

"Special
deposit
fund."

remained unclaimed, or the claimant can not be found, the state treasurer shall thereafter hold the same for the payment of such claim for a period of two years after return thereof and if the said claim be not so paid within said period of time, the amount so returned shall, at the close of the next succeeding fiscal year, revert to and become a part of the general fund of the state.

SEC. 2. Section 462 of the Political Code is hereby amended to read as follows: Stats 1929, p 661.

462. Whenever the amount of any claim against the state has been deposited in trust with the state treasurer by any department, board, officer or commission, because of inability to locate the claimant thereof, the state treasurer shall thereafter hold the same for the payment of such claim for a period of two years after such return thereof, and if the said claim be not so paid within said period of time, said amount so returned shall at the close of the next succeeding fiscal year revert to and become a part of the general fund of the state. Disposition of unpaid moneys.

SEC. 3. Any moneys which have heretofore been deposited as special deposits in the general fund of the state under section 453a of the Political Code shall upon the date this act takes effect be withdrawn from the general fund and deposited in the "special deposit fund" under the same conditions as other moneys may be deposited in said fund. Existing special deposits

CHAPTER 591.

An act to amend the Political Code by adding thereto a new section to be numbered 4310, providing a special fund for the sheriff, for the manner of making disbursements thereunder, for the use of the fund, and for the manner of accounting therefor.

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The Political Code is hereby amended by adding thereto a new section numbered 4310, to read as follows: New section

4310. There is hereby created in every county having a population of ninety thousand or more, a fund to be known as the sheriff's special fund. It shall be the duty of the board of supervisors, within thirty days after this act takes effect and annually thereafter at the beginning of the fiscal year, to transfer from the general fund to the sheriff's special fund such sum or sums as may be necessary from time to time, so that there shall be in such fund at the beginning of each fiscal year, available for use by the sheriff, the following amounts: In counties, or cities and counties having a population of five hundred thousand or more, the sum of five thousand dollars; in all other counties having a population of ninety thousand or

more such sum as the board of supervisors shall set aside, not to exceed two thousand five hundred dollars.

On the presentation of his requisition therefor by the sheriff to the auditor, said auditor shall draw his warrant in favor of the sheriff on such fund for such amounts as the sheriff may require from time to time; on presentation, the treasurer shall cash such warrant.

All such sums may be used by the sheriff for his expenses incurred in criminal cases arising in the county and for such expenses necessarily incurred by him in the preservation of peace and the suppression of crime.

Vouchers

The sheriff shall file vouchers with the auditor at the end of the fiscal year and may file vouchers from time to time during the year showing what disposal he has made of any of the moneys received from such fund and the particular purpose for which it was spent; provided, that if at the end of the fiscal year a criminal proceeding be pending or under investigation, as to any moneys spent in such proceeding or investigation, such vouchers need not be filed until the trial of the criminal proceeding be ended or the investigation concluded.

Upon the filing of such vouchers at the end of the fiscal year, and at such other times as the sheriff may file said vouchers, the board of supervisors may reimburse said fund in a sum not to exceed the amount accounted for by said vouchers. Said reimbursement shall be made in the same manner as provided for the establishment of the fund.

Construction

Provided, that nothing in this section shall be construed as a limitation or affecting in any way the provisions of section 4307 of this code or any provision of law relative to the expenses of the sheriff which may be incurred by him and paid as are other county claims, after allowance by the board of supervisors, but the fund herein shall be in addition to any funds at the disposal of the sheriff as now provided by law.

Application of section

Provided, this section shall not apply to any county or city and county operating under a charter where provision for a similar fund is made by law. The population herein provided for is to be fixed by the federal census taken in the year A.D. 1930.

CHAPTER 592.

An act to amend section 5.540 of the School Code, relating to the employment of teachers.

[Approved by the Governor June 4, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. C.,
p 241.

SECTION 1. Section 5.540 of the School Code is hereby amended to read as follows:

Registration
of cre-
dentials.

5.540. No person shall be employed in a position requiring certification qualifications until his or her certificate has been

filed or credential registered with the county superintendent of schools having jurisdiction over the district employing such person.

When any person so employed is the holder of a California state teachers college diploma, accompanied by the certificate of the state board of education, as provided elsewhere in this part, an educational or life diploma of California, the superintendent of schools of the county, upon presentation thereof to him, shall record the name of said holder in a book provided for that purpose in his office, and the holder of said diploma shall thereupon be absolved from the provisions of this section.

CHAPTER 593.

An act to amend the title and section 1 of an act entitled "An act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885, to extend the provisions of the act to cover municipal corporations of the fifth class, and to provide for the calling of an election in the event a freeholders charter of such corporations be declared unconstitutional. Stats 1885, p 136, amended

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885, is hereby amended to read as follows: Stats 1885, p 136

An act to enable municipal corporations of the fifth and sixth class to elect officers. New title

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats 1911, p. 414

Section 1. Whenever a corporation of the fifth or sixth class shall have failed, from any cause, to elect officers in accordance with its charter, and there are no officers to carry on the city government, or call an election for officers, or whenever a corporation of the fifth or sixth class has attempted to adopt a freeholders charter as provided in section 8 of article eleven of the constitution, and has failed to elect officers in accordance with the provisions of law governing the election of officers in such corporation, and such freeholders charter is held to be invalid; in any such case citizens of such corporation may present a petition to the governor for the appointment of three commissioners of election. Such petition shall set forth: First, the name of the corporation, and when and how organized; second, when the last election for officers took place, and whether any of such officers are performing their duties, and if not, how long since they ceased to perform their duties; third, the provision of the charter

Election
commis-
sioners

as to the qualifications of voters; fourth, that the persons signing the petition possess the qualifications provided by the charter for voters, and that each of said signers is a householder and freeholder in said corporation. The petition shall be signed by not less than seventy-five persons in said corporation possessing all the qualifications mentioned in the body of the petition, and shall be verified by at least two of the signers, that, of their own knowledge, the petition is true, and that all the signers possess all the qualifications set forth in the petition. Upon the presentation of the petition to the governor; he may either act upon the petition or require additional evidence of the matters set forth in the petition. Upon being satisfied of the truth of the matters set forth in the petition, the governor is authorized and empowered to appoint three persons as commissioners of election for such corporation. Such commission shall be known and styled board of election commissioners for (here give name of corporation).

Appoint-
ment by
governor

CHAPTER 594.

An act to amend section 737ww of the Political Code, relating to the salary of the superior judges in and for the county of Sonoma.

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p. 563.

SECTION 1. Section 737ww of the Political Code is hereby amended to read as follows:

Superior
judges
Sonoma
counti

737ww. The annual salary of each of the judges of the superior court in and for the county of Sonoma is seven thousand dollars.

CHAPTER 595.

Stats 1927,
p 1477,
amended

An act to amend section 2 of chapter 763, statutes of 1927, entitled "An act to provide that the department of natural resources, through the state park commission, shall have control of the state park system; to establish and define the state park system; to define certain powers and duties of the state park commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund," approved May 25, 1927, relating to the state park system.

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats. 1927,
p. 1477.

SECTION 1. Section 2 of chapter 763, statutes of 1927, entitled "An act to provide that the department of natural

resources, through the state park commission, shall have control of the state park system; to establish and define the state park system; to define certain powers and duties of the state park commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund." approved May 25, 1927, is hereby amended to read as follows:

Sec. 2. All parks, public camp grounds, monument sites, landmark sites, and sites of historical interest heretofore or hereafter created or acquired by the state, or which are under its control shall constitute the state park system, except the site and grounds known as Sutter's Fort property, and that known as the State Fair Grounds, situate in the city of Sacramento, and the park known as Balboa Park, situate in the city of San Diego.

State park system

Exception:

CHAPTER 596.

An act to add a new article to chapter III of title I of part III of the Political Code, to be numbered article II_n, embracing sections 377 to 377_n, inclusive, relating to a department of professional and vocational standards.

[Approved by the Governor June 4, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new article is hereby added to chapter III of title I of part III of the Political Code, to be numbered II_n, embracing sections 377 to 377_n, inclusive, and to read as follows:

New article

ARTICLE II_n.

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS.

377. A department of the government of the State of California to be known as the department of professional and vocational standards is hereby created. The department shall be conducted under the control of an executive officer to be known as the director of professional and vocational standards, which office is hereby created.

Department created

377a. The director shall be appointed by and shall hold office at the pleasure of the governor and shall receive a salary of six thousand dollars per annum. He shall execute and furnish to the State of California, an official bond in the sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties; shall be a civil executive officer and shall be entitled to necessary traveling expenses.

Director:

377b The department of professional and vocational standards is divided into at least two divisions, to be known as division number one and division number two. Division number one shall embrace the board of medical examiners, board of dental examiners and the board of pharmacy. Division number two shall embrace the board of accountancy, board of architecture—

DIVISIONS

northern district, board of architecture—southern district, board of embalmers, board of barber examiners, board of cosmetology, board of optometry, and the board of veterinary medical examiners, and, unless otherwise provided such other boards, the duties, powers, purposes, responsibilities, and jurisdictions of which may be transferred to the department of professional and vocational standards. The director of the department, with the approval of the governor, except as otherwise provided by law, shall have power to create such additional divisions and to move such boards from one division to another as may be necessary for the administration of the affairs of the department; provided, that no reclassification applying to division number one shall be made except by express provision of the Legislature.

Organiza-
tion

377c. For the purpose of administration, the reregistration and clerical work of the department shall be forthwith organized by the director, subject to the approval of the governor, in such manner as he shall deem necessary properly to segregate and conduct the work of the department.

Power of
director

377d. The director of the department of professional and vocational standards is hereby vested with full power to investigate the work of the several boards in his department, obtaining a copy of all records and at all times full and complete data in all official matters in possession of said boards, their members, officers, or employees exclusive of examination questions prior to the submission of same to applicants at scheduled examinations.

Boards
subject to
department

377e. For the purposes of this article, the terms, "board of medical examiners," "board of dental examiners," "board of pharmacy," "board of veterinary medical examiners," "board of optometry," "board of accountancy," "board of architecture—northern district," "board of architecture—southern district," "board of embalmers," "board of barber examiners," "board of cosmetology," and shall be construed to mean and refer to the department of professional and vocational standards and the appropriate officers thereof.

Officers, etc

377f. The positions of all deputies, officers and employees of the department of professional and vocational standards are hereby retained, except when in the judgment of the director, as a matter of economy and efficiency, same may, except as otherwise provided in section 377h of this code, be abolished and have no further legal existence; provided, however, that the statutes and laws under which they exist, and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations, established thereunder, are hereby expressly continued in force.

Control of
records, etc

377g. The department of professional and vocational standards shall be in possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations, land and other property—real or personal—now or hereafter held for the benefit or use of all of said bodies, offices or officers mentioned in this article and the title to all

property now or hereafter held by any of said bodies, offices or officers for the use and benefit of the state, is hereby transferred to the State of California to be held in possession of the said department, except as provided in section 377 of this code.

377h. The members of each of the boards herein mentioned, in office at the date this act takes effect, shall continue in office for the length of the term for which they were respectively appointed, or until their successors are appointed and qualified. Nothing in this act shall be construed as abolishing any of the boards herein mentioned or the appointive or elective offices of the members of such boards. Each of the boards herein mentioned shall exist as a separate unit, retain the functions of setting standards, holding meetings and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under their jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following such hearings in so far as these powers are now or may hereafter be imposed by statute upon each respective board. The decisions of any of the boards comprising the department of professional and vocational standards herein mentioned with respect to the setting of standards, conducting examinations, passing of candidates, and revocations of licenses, shall not be subject to review by the director, but all such decisions shall be final within the limits now provided by existing statutes, or as the same may be amended from time to time.

Director's
power of
review

377i. Each board may elect a secretary, who may or may not be a member of said board, and may fix his salary, with the approval of the director of finance. The secretary so elected shall be entitled to traveling and other expenses necessary in the performance of his duties.

Officers,
agents and
assistants

377j. In accordance with civil service regulations the director shall have full authority to employ and fix the compensation of all employees necessary to properly administer the work of division number two of the department and the work of each board of said division number two. In accordance with civil service regulations each board in division number one shall have full authority to employ and fix the compensation of all employees necessary to properly administer the work of each said board.

Each board in division number one shall have authority, with the approval of the director of finance, to employ such investigators, inspectors, deputies and attorneys as are necessary to properly investigate and prosecute all violations of any law, the enforcement of which is committed to the said board in said division of said department.

The director shall have authority, with the approval of the director of finance, to employ such investigators, inspectors, deputies and attorneys as are necessary to properly investigate and prosecute all violations of any law in division num-

ber two, the enforcement of which is charged to the department or to any board in said division of said department.

Removal of
officers.

377j $\frac{1}{2}$. The governor shall have power to remove from office at any time, any member of any board appointed by him in division two, for continued neglect of duties required by law, or for incompetence, unprofessional or dishonorable conduct. Nothing in this section contained shall be deemed or construed as a limitation or restriction on the power of the governor, conferred on him by any other provision of law, to remove any member of any board in either division number one or division number two of the department.

Deposit of
moneys

377k. All moneys collected by the department for and in behalf of the activities of each respective board mentioned herein, shall be remitted to the state treasury in accordance with law, for credit to the respective funds now in existence.

Payment of
expenses

377l. A charge for the estimated administration expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share against any of the funds of any of the boards included in this act, at the discretion of the director and with the approval of the department of finance. Upon proper presentation of claims by the department to the state controller, the state controller shall draw his warrant or warrants against any of the funds of any one of the boards herein mentioned to cover such estimated administrative expenses of the department; provided, that the fund of one board shall not be used to pay the expenses of any other board. The amount of such warrant or warrants shall be remitted to the state treasurer by the department for credit to the professional and vocational standards' fund, which fund is hereby created, and out of which fund the department shall pay all of the necessary administration expenses of the department.

Revolving
fund

377m. A sum not to exceed one per cent of the total amount appropriated for all of the boards herein mentioned may be withdrawn from the professional and vocational standards' fund without at the time furnishing vouchers and itemized statements. The sum so drawn shall be issued as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon demand of the department of finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the state controller.

Assumption
of duties by
director

377n. Upon the request of any of the board regulating, licensing, or controlling any professional or vocational occupation, now in existence, or hereafter created by an initiative act, the director of the department of professional and vocational standards may take over the duties of said board under the same conditions and in the same manner as provided for in this act for other boards of like character; provided, that said boards created by initiative act shall pay a proportionate cost of the administration of the department on the same basis as charged other boards included within this act.

SEC. 2. This act in so far as it does not add to, take from ^{Effect} or alter an existing law shall be construed as a continuation thereof.

SEC. 3. Article IIm of said chapter, title and part, ^{Repeal} embracing sections 376 to 376n, inclusive, added to the Political Code by chapter 290, statutes of 1929, is repealed.

CHAPTER 597.

An act to amend section 364a of the Political Code, relating to the creation of a division of immigration and housing in the department of industrial relations.

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 364a of the Political Code is hereby ^{Stats 1927, p 734} amended to read as follows:

364a. For the purpose of administration, the department shall be forthwith organized by the director, subject to the approval of the governor, in such manner as he shall deem necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least five divisions to be known respectively as the division of industrial accidents and safety, the division of immigration and housing, the division of state employment agencies, the division of labor statistics and law enforcement and the division of industrial welfare. Each division, except as otherwise expressly provided by law, shall be in charge of a chief, who shall be appointed by, and hold office at the pleasure of the governor and shall receive such salary as may be fixed by the governor, not to exceed five thousand dollars per annum. The chief of each division before entering upon the duties of his office shall execute an official bond to the State of California in the penal sum of ten thousand dollars conditioned upon the faithful performance of his duties.

CHAPTER 598.

An act making an appropriation to pay the claim of Southern Pacific Company, a corporation, against the State of California.

[Approved by the Governor June 4, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred ninety-five thousand five hundred ninety-nine dollars and ninety-seven cents is ^{Special appropriation.}

hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Southern Pacific Company, a corporation, against the State of California.

CHAPTER 599.

An act making appropriation to pay the claim of the Electro Metals Company against the State of California.

[Approved by the Governor June 4, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation.

SECTION 1. The sum of two hundred fifty thousand dollars is hereby appropriated, to be paid as hereinafter provided, to pay the claim of the Electro Metals Company against the State of California.

Schedule of
payment

SEC. 2. Said sum of two hundred fifty thousand dollars shall be paid as follows: On the date this act takes effect, one hundred seventy-five thousand dollars out of any moneys in the state treasury not otherwise appropriated; and the further sum of seventy-five thousand dollars out of any moneys in the fish and game preservation fund payable as follows: On the date this act takes effect, eighteen thousand seven hundred fifty dollars; on July 1, 1932, the sum of eighteen thousand seven hundred fifty dollars; on July 1, 1933, the sum of eighteen thousand seven hundred fifty dollars, and on July 1, 1934, the sum of eighteen thousand seven hundred fifty dollars.

CHAPTER 600.

An act to amend sections 4041.5, 4041.6 and 4041.21 of the Political Code, relating to the powers of boards of supervisors.

[Approved by the Governor June 4, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1929,
p. 1452

SECTION 1. Section 4041.6, Political Code, is hereby amended to read as follows:

Appropriate
funds for

4041.6. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to appropriate and expend money from the general fund of the county for the following purposes:

Flood
control.

(a) The construction of works, improvements, levees or check dams to prevent the overflow and flooding of streams and rivers in the county;

(b) The protection and reforestation of the watersheds of such streams and rivers; Reforestation.

(c) The conservation of the flood waters of such streams and rivers; Conservation of flood waters

(d) The making of all surveys, maps and plats necessary to carry out any work, construction or improvement authorized by this subdivision; Surveys

(e) The carrying out of any work, construction or improvement authorized by this subdivision outside the county where such rivers or streams flow in or through more than one county. Work outside county

(2) To appropriate and expend money from the general or other appropriate funds of the county for the construction of works, improvements, levees or check dams to prevent the overflow and flooding of streams and rivers in the county, and to construct such works, improvements, levees or check dams outside the county for said purposes upon channels, streams or rivers which flow or lie in or through more than one county, or where any of the foregoing work is reasonably necessary for the control of flood waters in the county although the channel, river or stream does not lie or flow in or through two or more counties. In connection with such flood control work, whether done by the county or by any district therein or agency thereof, highways, bridges and other public works affected thereby or which will be of public benefit, whether located in the county or wholly or partially in incorporated or unincorporated territory outside said county, may be constructed, reconstructed, remodeled, maintained, repaired and/or demolished at the expense of the county doing such flood control work, or wherein any district or agency thereof is doing said work, or at the joint expense of such county and the county or counties and/or city or cities in which any work herein authorized may be done, as may be provided by agreement between the board of supervisors of the county doing said flood control work, or wherein any district or agency thereof is doing said work, and the board of supervisors or other legislative body of the county or counties and/or city or cities in which any of such work may be wholly or partially performed. Nothing herein contained shall be construed to authorize the imposition of any tax or special assessment on any property outside the county doing such flood control work whether such work be done directly by such county or by any district in, or agency of such county, either by such county, district, or agency, nor to authorize the doing of any work herein mentioned outside such county without the consent of the legislative body of the county wherein such work is to be done if in unincorporated territory and/or of the legislative body of any incorporated city or town wherein any of such works shall be situated in whole or in part. Flood control outside county

(3) To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from Forestry work.

injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy and collection within such districts of a tax therefor. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

Stats 1929,
p 1451.

SEC. 2. Section 4041.5 of the Political Code is hereby amended to read as follows:

Special tax
to exploit
resources of
county

4041.5. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to levy a special tax not to exceed four cents on the one hundred dollars of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for exhibiting or advertising, for said purposes, the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural and other resources or advantages of the county; and provided, however, that if said rate of four cents will not raise ten thousand dollars in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the four cent levy and ten thousand dollars; and provided, further, that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used as authorized under the provisions of section 4056b of this code; and provided, further, that nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section 4088 of the Political Code of California for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources.

Special tax
for erection
of comfort
stations

(2) To levy a special tax not to exceed five cents on the one hundred dollars of the assessed valuation of all property within the county, to be used for the erection, maintenance and repairs of public comfort stations.

Special tax
for compiling war
history

(3) To levy a special tax which shall produce not to exceed two thousand five hundred dollars to be used for the purpose of compiling a war history of the county.

Stats 1929,
p 1461

SEC. 3. Section 4041.21 of the Political Code is hereby amended to read as follows:

4041.21. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to provide for the sale, at not less than cost, of copies of such maps as may be prepared by the surveyor or engineer for the use of the assessor under the provisions of section 4218 of the Political Code of California, as may be deemed desirable by the board of supervisors.

Maps

(2) To sell at public auction, at the courthouse door or at such other place within the county as the board may, by four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in three public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; provided, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars or if it be the product of the county farm, the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors; provided, further, that this subdivision shall not apply to the furnishing of goods to special districts, mentioned in section 4004 of this code.

Sale of property at public auction

(3) To establish, maintain, and operate a store in connection with the county jail and for this purpose to purchase food, confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and to sell such goods, articles and supplies for cash to prisoners in such jail at cost, plus a reasonable handling charge. All proceeds of such sales shall be deposited in the county treasury and the sheriff shall be liable therefor on his official bond.

Store at county jail

(4) To perform services for and to sell personal property to any road improvement, lighting, irrigation, waterworks, flood control or any other special district within the county, whose affairs and funds are under the supervision and control of the board of supervisors, or for which the board of supervisors is ex officio the governing body.

Sale of personal property, etc. to special districts

(5) To dispose of surplus plants, trees, shrubs and nursery stock belonging to the county and not required for public use, by public or private sale, or by exchanging the same with any person, firm or corporation or other public body, for other property required by the county, and such sale or exchange of such property may be made in the discretion of the board of supervisors, without advertisement or competitive bidding.

Sell surplus plants, trees, etc.

(6) To grant and convey by a four-fifths vote of the board, to any school district within the county, without compensation, or upon such compensation as such board may determine, any

Grant public property to school districts

land belonging to the county upon which has been, or is, situated any public works, and which said property, or works, are not required for public use.

CHAPTER 601.

Stats 1919, p. 1252, amended. *An act to amend sections 3, 9, 10, 12 and 20a of, and to add a new section to be numbered 12a, to the California real estate act relating to the state real estate department, the issuance and revocation of licenses and the examination of subdivision projects.*

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929, p. 224.

SECTION 1. Section 3 of the California real estate act is hereby amended to read as follows:

State real estate department created
Real estate commissioner, appointment

Sec. 3. There is hereby created a state real estate department. The chief officer of such department shall be the real estate commissioner. He shall be appointed by the governor and hold office at the pleasure of the governor, and no person shall be appointed to the office of real estate commissioner who shall not have been for five years a real estate broker actively engaged in business as such in California. He shall receive an annual salary of six thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state and execute to the people of the State of California a bond in the penal sum of ten thousand dollars executed by two or more sureties, or by a surety company duly authorized to do business in this state, to be approved by the governor of the state, for the faithful discharge of the duties of his office. The real estate commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. The real estate commissioner shall publish or cause to be published on or about March first and November first of each year a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to the act, and shall mail one copy of such directory to each licensed broker upon his request therefor, without charge. The real estate commissioner may periodically issue a bulletin containing matter relating to his department, and to the act, and the administration thereof and may publish the same character of matter in any established periodical published in the state, which, in his

Salary

Bond

Powers

List of licensed brokers and salesmen.

opinion, would be most likely to disseminate such matter and information to licensees under this act. The real estate commissioner shall employ such deputies, clerks and assistants as he may need to discharge in proper manner the duties imposed upon him by law. After qualifying as such, neither the real estate commissioner, nor any of his deputies, clerks or assistants shall be interested in any real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman within the meaning of this statute or act as a copartner or agent for any other such broker or brokers, salesman or salesmen. Such deputies, clerks and assistants shall perform such duties as the real estate commissioner shall assign to them. The real estate commissioner shall fix the compensation of such deputies, clerks and assistants, which compensation shall be paid monthly on a certificate of the real estate commissioner and on the warrant of the controller out of the state treasury. Each deputy shall, after his appointment, take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state.

Employees

Not to engage in real estate business

Duties of employees

Compensation.

SEC. 2. Section 9 of said act is hereby amended to read as follows:

Stats 1929, p. 226

Sec. 9. Application for license as real estate broker shall be made in writing to the real estate commissioner, which application shall be accompanied by the recommendation of two real estate owners of the county in which such applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a license be granted the applicant. If the applicant shall have resided, or shall have engaged in business for less than one year in the county from which the application is made, the same shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during said period of one year prior to the filing of said application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant. Where the applicant for a real estate broker's license maintains more than one place of business within the state he shall be required to apply for and procure an additional license for each branch office so maintained by him. The commissioner shall have the power to determine whether or not a broker is doing a real estate brokerage business at or from any particular location which requires him to have a branch office license. Every such application shall state the name of the person, copartnership or corporation, and the location of the place or places of business for which such license is desired.

Application for license

Application for license as real estate salesman shall be made in writing to the real estate commissioner, signed by the applicant, setting forth the period of time during which he has been engaged in the business, stating the name of his last employer and the name and place of business of the

Form of application

person, copartnership or corporation then employing him, or in whose employ he is to enter. The application shall be accompanied by the recommendation of his employer, if employed, certifying that the applicant is honest, truthful and of good reputation, and recommending that the license be granted to the applicant.

Additional
proof

The real estate commissioner may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of any corporation, or of the members of any copartnership making such application before authorizing the issuance of a license. In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, the real estate commissioner must ascertain by written examination that such applicant, and in case of a copartnership or corporation applicant for a broker's license that each officer, agent or member thereof through whom it proposes to act as a licensee, has appropriate knowledge of the English language, including reading, writing, spelling, elementary arithmetic, a fair understanding of the rudimentary principles of real estate conveyancing, the general purposes and general legal effect of deeds, mortgages, land contracts of sale, and leases, of the elementary principles of land economics and appraisals, and a general and fair understanding of the obligations between principal and agent, of the principles of real estate practice and the canons of business ethics pertaining thereto, as well as of the provisions of the California real estate act; provided, however, that the commissioner may, in his discretion, waive the examination of any applicant for a broker's license who held an unrevoked or unsuspended license on December thirty-first of the preceding year as an individual broker, an officer of a corporation, or member of a copartnership and may waive the examination of any applicant for a salesman's license who held an unrevoked or unsuspended salesman's license on December thirty-first of the preceding year and who had previously qualified by passing written examination; provided, further, that the commissioner shall issue without examination to any person who otherwise qualifies under section 9 of this act a temporary salesman's license, good for the remainder of the calendar year not exceeding six months from date of issuance, but the holder of such temporary license shall not be entitled after six months from date of issuance of such temporary license to further license without examination as herein provided, except that the holder of such temporary salesman's license may within said six months apply for transfer to another or other brokers.

Examination
of appli-
cants

Waiver of
examination

Temporary
salesman's
license

Stats 1929,
p 229

License fees

SEC. 3. Section 10 of said act is hereby amended to read as follows:

Sec. 10 License fees shall be as follows:

(1) For an original broker's license the fee shall be five dollars together with an examination fee of fifteen dollars, which examination fee shall cover all examinations prior to

the issuance of such original broker's license. For a renewal ^{Same.} broker's license the annual fee shall be five dollars. For the purpose of this section, an original broker's license is defined to be one issued to a person, copartnership or corporation who did not have a broker's license on December thirty-first of the year previous to the year for which the license is issued. For the purpose of this section, a renewal broker's license is defined to be one issued to a person, copartnership or corporation who did have a broker's license unrevoked and unsuspended on December thirty-first of the year previous to the year for which such renewal license is issued. If the licensee be a corporation, the license issued to it shall entitle the president thereof, on behalf of such corporation, to engage in the business of real estate broker within the meaning of this act without the payment of any further fee. For each officer other than the president of a licensed corporation, through whom it shall engage in the business of real estate broker, within the meaning of this act, the annual fee shall be two dollars in addition to the fee paid by said corporation. If the licensee be a copartnership, the license issued to it shall entitle one member only of said copartnership to engage on behalf of such copartnership in the business of real estate broker within the meaning of this act, said member to be designated in the application of such copartnership for a license. For each other member of such copartnership who on behalf of such copartnership engages in the business of real estate broker within the meaning of this act the annual fee shall be two dollars in addition to the fee paid by said copartnership.

(2) For an original salesman's license the annual fee shall be two dollars, together with an examination fee of three dollars, which examination fee shall cover all examinations prior to the issuance of an original salesman's license. An original salesman's license is defined to be one issued to a person who did not have a salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on December thirty-first of the year previous to the year for which the salesman's license is issued. For the purpose of this section a renewal salesman's license is defined to be one issued to a person who had a salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on December thirty-first of the year previous to the year for which the salesman's license is issued.

(3) For a renewal salesman's license the annual fee shall be two dollars.

(4) For a branch office broker's license the fee shall be one dollar.

(5) For change of name or of address of licensee on the records of the department the fee shall be one dollar.

(6) The fee for transfer of a salesman's license on change of employer shall be one dollar.

The fee for all licenses shall at all periods of the year be the same as above provided. All license fees herein provided for shall be payable in advance of issuing the licenses and all examination fees shall be payable before taking the examination. All licenses shall expire on December thirty-first of each year at midnight.

Stats 1929,
p 231

SEC. 4. Section 12 of said act is hereby amended to read as follows:

Revocation
or suspension
of
licenses.

Sec. 12 The real estate commissioner may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker, or a real estate salesman, within this state, and shall have the power to temporarily suspend or permanently revoke a license issued under the provisions of this act, at any time where the holder thereof, within the immediately preceding three years, while a licensee under this act, in performing or attempting to perform any of the acts mentioned herein has been guilty of:

Causes.

- (1) Making any substantial misrepresentation, or
- (2) Making any false promises of a character likely to influence, persuade or induce, or
- (3) A continued and flagrant course of misrepresentation or making of false promises through agents or salesmen, or
- (4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or
- (5) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes fraud or dishonest dealing.

The real estate commissioner shall have power to suspend or revoke the license of any licensee under this act, who within three years immediately preceding has:

- (6) Procured a license under this act, for himself or any salesman, by fraud, misrepresentation or deceit, or
- (7) Has been convicted of a felony, knowledge of which the commissioner did not have at the time of last issuing a license to such licensee, or
- (8) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision thereof offered for sale, or
- (9) Wilfully disregarded or violated any of the provisions of this act.
- (10) Wilfully used the term "realtor" without legal right so to do.

New section

SEC. 5. A new section is hereby added to said act to be numbered 12a and to read as follows:

Notice be-
fore deny-
ing, sus-
pending
or revoke
license

Sec. 12a. Before denying, suspending or revoking any license the said commissioner shall notify, in writing, the applicant or holder of such license of the charges against him and afford an opportunity to be heard in person or by coun-

sel in reference thereto. Service upon the licensee or applicant of notice of hearing and of the charges against him shall be fully effected by mailing a true copy of such notice and charges by United States registered mail in a sealed envelope with postage fully prepaid thereon to the licensee or applicant at his latest address of record in the real estate division and within ten days after such service the defendant shall be required to appear and file a verified answer to such charges. In case a hearing is called on an application for a broker's license, the commissioner, upon the request of such applicant, and upon the payment of a fee of five dollars, accompanied by a bond in the penal sum of two thousand dollars, in the same form as required by section 9a of this act, shall issue a temporary broker's license to any applicant who held an unrevoked or unsuspended license on December thirty-first of the preceding year as an individual broker, a corporation, an officer of a corporation, a copartnership or member of a copartnership, but such temporary broker's license shall expire at the time the decision rendered by the commissioner takes effect as hereinafter provided.

Temporary
broker's
license in
case of
hearing.

In case a hearing is called on an application for a salesman's license, the commissioner, upon the request of such applicant, accompanied by the recommendation of the broker under whom such salesman is seeking a license, and upon the payment of a fee of two dollars, shall issue a temporary salesman's license to any applicant who held an unrevoked or unsuspended salesman's or broker's license on December thirty-first of the preceding year, but such temporary salesman's license shall expire at the time the decision rendered by the commissioner takes effect as hereinafter provided.

Temporary
salesman's
license in
case of
hearing.

The decision of the said commissioner in denying, suspending or revoking any license under this act shall be subject to review in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Any party aggrieved by such decision of the commissioner may make a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within thirty days, make and certify such transcript. In suspending or revoking any license, the decision of the commissioner shall not take effect until ten days after its date. Under the provisions of this section, the commissioner shall have power to suspend or revoke the license of a corporation as to any officer or agent acting under its license, and the license of a copartnership as to any member acting under its license, without revoking the license of such corporation or of such copartnership.

Review of
decision.

Revocation
as to
individual
member.

Sec. 6. Section 20a of said act is hereby amended to read as follows:

Stats 1929,
p 233

Notice to
commissioner of
agricultural
subdivisions

Sec. 20a. Prior to the time when subdivided lands shall be offered for sale as an agricultural or rural acreage subdivision not exclusively residential, or for colonization purposes, or for poultry raising or animal husbandry, the owner, his agent, or subdivider, shall notify the real estate commissioner in writing of his intention to sell such offering. Such notice of intention shall contain the following information: The name and address of the owner; name and address of subdivider; legal description and area of land; a true statement of the condition of the title to the land, particularly including all encumbrances thereon, the terms and conditions on which it is intended to dispose of such land, together with copies of any contracts intended to be used and such other information as the owner or subdivider may desire to present.

Additional
informa-
tion

Lands
subject to
encum-
brance

After receiving such a statement the real estate commissioner may require such additional information concerning the project as he deems necessary, and for which purpose he shall be empowered to prepare a questionnaire for the owner, his agent, or subdivider, to answer. In case the lands to be subdivided shall be subject to a lien or encumbrance securing or evidencing the payment of money other than taxes or assessments levied by public authority, or in case the interest of the owner or subdivider be held under option or contract of purchase or in trust, it shall be unlawful to sell any land in such subdivision unless provision exists in such lien, encumbrance, option, contract or trust agreement, or in a valid supplementary agreement enabling the vendor to deliver, title to each parcel sold free of such lien, encumbrance, option, contract or trust agreement, upon completion of all payments and performance of all the terms and provisions required to be made and/or performed by the vendee under the agreement of sale. Certified or verified copies of documents containing such provisions shall be filed with the real estate commissioner prior to the sale of any part of the subdivision.

Fees and
costs of
examination

The commissioner shall be empowered to employ such expert and technical assistants as may be necessary to a proper examination of the project. The total cost of such examination by the commissioner, together with charges of said experts and technical assistants, if any, shall be borne by the owner or subdivider of the project on the basis of actual cost to the real estate department. An initial fee of twenty-five dollars shall accompany the answered questionnaire. The additional cost shall not exceed the rate of fifteen cents (15c) per acre if the project is situated in this state, which cost shall be payable upon demand of the commissioner. If the project be situated outside of this state the questionnaire shall be accompanied by a fee equal to three cents a mile for each mile going and returning, estimated by the commissioner to be traveled by railroad from Sacramento to the location of the project, plus a fee of fifty dollars. In the event the time consumed in the examination exceeds five days, the owner or subdivider shall, after the examination of the project, pay to the commissioner a sum

at the rate of ten dollars per day for each day consumed in such examination over and above five days.

The owner or subdivider shall be required to pay the fees of all expert and technical assistants together with their necessary traveling expenses in going to and returning from the project, the distance to be computed by the most direct railroad route from Sacramento to the site of the project and return, which cost shall be payable upon demand of the commissioner. If the department decides to make an examination of the project, the commissioner shall make a public report thereon and is hereby authorized to publish said report. Said fees shall not be a lien upon said land, nor shall the failure to comply with the provisions of this section affect in any way the title to any of said land.

Expenses of expert and technical assistants

It shall be unlawful for the owner or subdivider of the project, after it is submitted to the commissioner, to materially change the set-up of such offering without first notifying the commissioner in writing of such intended change.

Change in plans of project.

The state real estate commissioner, upon his own initiative may investigate any such lands being at the time of the adoption of this act offered for sale for colonization purposes or for farm acreage subdivision or for rural settlement, and may make public his findings thereon.

Investigation

For the purpose of this act the words "subdivided lands" and "subdivision" are hereby defined as land or lands divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels.

"Subdivided lands," "subdivision" defined.

No lien, encumbrance, option, contract or trust agreement existing on the ninety-first day after the adjournment of the 1931 session of the Legislature, and no extension, renewal or refinancing of any such existing lien, encumbrance, option, contract or trust agreement shall be affected by any amendment to this section adopted at such session.

Saving clauses.

CHAPTER 602.

An act to amend section 498 of the Civil Code, relating to construction of street railway tracks.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 498 of the Civil Code is hereby amended to read as follows:

Stats 1921, p 1499.

498. The city or town authorities, in granting the right of way to street railroad corporations, in addition to the restrictions which they are authorized to impose, must require a strict compliance with the following condition, except in the cases of prismoidal or other elevated railways. In such cases, said railway shall be required to be constructed in such a man-

Construction of street railway tracks.

ner as will present the least obstruction to the freedom of the streets on which it may be erected, when allowed by the granting power; that the tracks must not be more than five feet wide within the rails, and must have a space between them sufficient to allow the cars to pass each other freely.

CHAPTER 603.

An act to amend section 3669c of the Political Code, relating to taxation of corporations for state purposes and to the trial of actions for the collection of state taxes.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1919,
p 181

Suspension
of corporate
powers on
failure to
pay taxes

SECTION 1. Section 3669c of the Political Code is hereby amended to read as follows:

3669c. 1. Within ten days after the first Monday in February, the controller shall send by mail to the last known address of any company whose taxes are delinquent a notice of the amount of said taxes, penalties and costs, and that if the said taxes, penalties, and costs are not paid on or before the Saturday preceding the first Monday in March next thereafter at six o'clock p.m. of said day, the corporate powers, rights and privileges of such delinquent company, if it be a domestic corporation, will be at that time suspended and thereafter incapable of exercise, and that if the delinquent company be a foreign corporation it will thereupon forfeit its right to do intrastate business in this state. If the taxes, penalties, and costs are not paid within the time specified in said notice, the controller shall, on said Saturday preceding the first Monday in March at six o'clock p.m. of said day, mark on the record of assessments for state taxes opposite the assessment of the delinquent corporation the words "corporate powers suspended," if the delinquent corporation be a domestic corporation, and thereupon said corporate powers shall be suspended and incapable of exercise until restored as hereinafter provided; and if the delinquent corporation be a foreign corporation, the controller shall mark on the record of assessments for state taxes opposite the assessment of such delinquent corporation the words "right to do intrastate business forfeited" and thereupon said right to do such business shall be so forfeited. He shall at once report to the secretary of state the name and number of charter of each corporation whose corporate powers have been suspended or right to do business has been forfeited for nonpayment of taxes.

List sent
to county
recorder

On or before the first Monday in April of each year the controller shall make a list of all corporations subject to the tax imposed under sections 3664a, 3664b, 3664c, and 3664d of this code and which have failed to pay the same and transmit

a certified copy thereof to each county clerk and county recorder in this state. Said county clerks and county recorders shall file such certified copies in their respective offices in such manner that the same shall be preserved in the form of a permanent record of such office and easily identified by and available to the public. Said copies so certified by the controller and filed as herein provided shall in the case of each corporation state whether such corporation is a domestic or foreign corporation and specify the penalty which each corporation has incurred for failure to pay the tax imposed by this act. Such certified copies so filed with either of said county officers, or any copy thereof certified by the controller shall be received in evidence in any court in lieu of the original record on file with the controller and shall be prima facie evidence of the truth of all statements contained therein.

2. After six o'clock p.m. of the Saturday preceding the first Monday in March in any year, the corporate rights, privileges and powers of every domestic corporation which has failed to pay said tax and money penalty shall, from and after said hour of said day, be suspended, and incapable of being exercised for any purpose or in any manner, except to defend any action brought in any court against such corporation, until said tax with all accrued penalties, and all taxes and charges due the state under the corporation license act are paid as hereinafter provided. The right and privilege of every foreign corporation to transact intrastate business in this state shall, for failure to pay said tax and money penalty, be forfeited at said hour of said day, and the controller shall make a record of such forfeiture. In the case of foreign corporations such forfeiture may be relieved and the corporation's privilege to transact intrastate business in this state restored in the manner hereinafter provided. After said hour of said day and until such taxes, penalties and charges are paid, every person who attempts or purports to exercise any of the rights, privileges or powers of any delinquent corporation, or, who transacts or attempts to transact any intrastate business in this state in behalf of any forfeited foreign corporation, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in any county in which any part of such attempted exercise of such powers, or any part of such transaction of business was had or occurred. Every contract made in violation of this section is hereby declared to be void.

Corporate powers suspended, when

Penalty for exercising powers after suspension.

3. All corporate powers, rights and privileges suspended or forfeited may be revived and restored to full force and effect by the payment of all accrued taxes and penalties due to the state under sections 3664a, 3664b, 3664c, and 3664d of this code and also, in addition thereto, a sum of money equal

Procedure for restoration of powers

to the tax last assessed under the provisions of said sections of this code, for each year succeeding the year in which such tax was levied, and to the time of such revivor. "Year" within the meaning of the preceding sentence is hereby defined as the period between the first Monday in March of any calendar year and the first Monday in March of the following calendar year. In addition to the payment of the amounts above provided for, such reviving corporation shall pay to the secretary of state that proportion of the license tax specified in section three of any act known as the "corporation license act," as now in force or as hereafter amended, which the unexpired number of months of the calendar year in which such revivor or reinstatement occurs (including the month in which such revivor or reinstatement occurs) bears to the entire year. Upon payment of all such taxes and penalties the state controller shall issue a certificate under his seal evidencing such payment and restoration, which certificate when recorded in the office of any county recorder shall constitute a release of all existing liens for such taxes upon the property of such corporation. Each county recorder shall keep an index of all such controller's certificates recorded by him. Upon presentation of such controller's certificate of revivor to any county clerk said officer shall make a record thereof in his office in a book kept for such purpose. The record so made by said county clerk shall be prima facie evidence of the restoration to such corporation of all previously suspended or forfeited rights, powers and privileges unless it appears from the records in the office of such county clerk or of the secretary of state that subsequent to the date of such certificate of revivor the powers of said corporation have been suspended or its right to do intrastate business forfeited.

Controller's
certificate.

Action to
collect taxes

4. The controller may, on or before the thirtieth day of April next following said delinquency and suspension or forfeiture, bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties, or costs, which have not been paid in accordance with the provisions of this code and appearing delinquent upon the record of assessments for state taxes hereinbefore mentioned, and such actions shall be tried in the county of Sacramento unless the court, with the consent of the attorney general, order a change of place of trial.

Duty of
attorney
general.

The attorney general must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required.

Service of
summons.

In the case of companies whose right to do business has been forfeited or corporate powers suspended, service of summons may be made upon the persons provided for by law to be served as agents or officers of any of such companies and such

persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action. In the case of corporations whose powers have been suspended, the persons constituting the board of directors thereof shall have the power and right to defend such action. Payment of the taxes and penalties, or amount of the judgment recovered in such action must be made to the state treasurer. In such actions the record of assessments for state taxes, or a copy of so much thereof as is applicable in said action, duly certified by the controller, or by the secretary of the state board of equalization, showing unpaid taxes against any company, person or association assessed by the state board of equalization, is prima facie evidence of the assessment upon the property and franchises, the delinquency, the amount of the taxes, penalties, and costs due and unpaid to the state, and that the company, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Evidence of
unpaid
taxes.

CHAPTER 604.

An act making an appropriation for the construction of jetties at the mouth of the Russian river.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-seven thousand five hundred dollars is hereby appropriated to be expended in accordance with law by the state department of public works for the construction of jetties at the mouth of the Russian river near Jenner for the purpose of opening and maintaining a permanent channel through the bar at the mouth of said river.

Appropriation:
Russian
river jetties.

CHAPTER 605.

An act to amend section 632 of the Penal Code relating to the protection of fish.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 632 of the Penal Code is hereby amended to read as follows:

Stats. 1929,
p 1332

632 It shall be unlawful to angle for, take, catch, kill or have in possession, either dead or alive, any trout or whitefish, in the State of California at any time or in any manner

Protection
of trout and
whitefish

except as provided in this section. It shall be lawful to angle for, take, catch, kill and have in possession trout or whitefish during the open season which shall begin and end, both dates inclusive, in each year as herein prescribed; provided, that such trout or whitefish are taken in the manner allowed by law and within the bag limit prescribed, and that not more than one daily bag limit is had in possession by any person during any one calendar day.

Season and
limit

(a) The open season on all varieties of trout and whitefish, except golden trout, in all fish and game districts, except fish and game districts numbers fourteen and twenty-six, and except as hereinafter provided, shall be from May first to October thirty-first. Bag limit not more than twenty-five trout or more than ten pounds of trout and one trout in any one calendar day; provided, there shall be no bag limit on Dolly Varden trout or whitefish.

Districts
23, 24 and
25

(b) In fish and game districts numbers twenty-three, twenty-four and twenty-five the season shall be open for all varieties of trout and whitefish except golden trout from May thirtieth to October thirty-first, with the same bag limit as specified in subdivision (a) hereof.

Golden
trout

(c) The open season on golden trout in all fish and game districts shall be from July first to September thirtieth. Bag limit not more than twenty trout, or more than ten pounds of trout and one trout in any one calendar day. Size limit not less than five inches in length.

District 2½

(d) In fish and game district number two and one-half the season shall be open for all varieties of trout and whitefish from May thirtieth of one year to February twenty-eighth of the following year, with the same bag limit as specified in subdivision (a) hereof.

Steelhead
trout.

(e) In the Russian river and in the Napa river and in the Navarro river and the Eel river in fish and game district two, and in tidewater in fish and game districts two, three and fifteen, in addition to the open season provided in subdivision (a) hereof, the season shall be open for steelhead trout from November first of one year to February twenty-eighth of the following year. Bag limit three fish per day, irrespective of size.

District 1½
and Klamath
river

(f) In fish and game district number one and one-half and in Klamath river fish and game district, in addition to the open season provided in subdivision (a) hereof, the season shall be open for steelhead trout from November first to December thirty-first. Bag limit five fish per day, irrespective of size.

Lakes in
district 25

(g) In any lake exceeding twenty-five square miles in area within the boundaries of fish and game district twenty-five, in addition to the open season provided in subdivision (b) hereof, the season shall be open for all varieties of trout from May first to May twenty-ninth, with the same bag limit as specified in subdivision (a) hereof, and such trout so taken may be pos-

essed within the boundaries of fish and game district twenty-five.

(h) In any stream in fish and game district twenty-three District 23 flowing into the state of Nevada, not including, however, its tributaries, nor any lake from which said stream may flow, in addition to the open season provided in subdivision (b) hereof, the season shall be open for all varieties of trout and whitefish from May fifteenth to May twenty-ninth, with the same bag limit as specified in subdivision (a) hereof, and such trout or whitefish so taken may be possessed within the boundaries of fish and game district twenty-three.

Every person who, in fish and game districts twenty-three Districts 23 and 24. and twenty-four, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, angles for, takes, catches, kills or pursues any trout or whitefish in any stream flowing into any lake within two miles, extending from its mouth towards its source, or has in his possession any trout or whitefish taken from such streams, is guilty of a misdemeanor.

Every person who, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, angles for, takes, catches, kills or pursues any trout or whitefish in any lake within three hundred feet of the mouth of any stream flowing into any lake, or who has in his possession any trout or whitefish so taken, is guilty of a misdemeanor. Lakes

No person shall at any time angle for, take, catch, kill or pursue any trout or whitefish, except with rod and line held in the hand and used in the manner commonly known as angling and the hook or hooks baited with live or artificial bait or lure. Fishing for trout or whitefish with snag or gaff hooks, set lines, or lines having more than two attractor blades, or more than three hooks, shall be unlawful. Manner of taking

It shall be unlawful for any person to have in his possession, except in his home, any fish spear, gaff or other such appliances, within three hundred feet of any lake or stream in the State of California, at any time when spearing is prohibited in such lake or stream; provided, that this provision shall not apply to the possession of gaff or other such appliance carried as accessory to the landing of a fish already taken with hook and line in the manner commonly known as angling. Fish spears and gaffs

It shall be unlawful for any person to use goldfish as bait for the purpose of taking, catching or killing trout or whitefish, and no person shall use minnows for said purpose unless such minnows are native to or have been introduced into the waters so being fished. Goldfish and minnows

It shall be lawful to take, catch, kill or have in possession any number of Dolly Varden trout (*Salvelinus malma* or *Salvelinus parkei*) when such trout are taken in the open season for other trout in the same district; provided, further, that any person lawfully catching and killing trout in any open district may carry the same into a closed district; pro- Dolly Varden trout. Transporting and shipping trout

vided, an affidavit is made before a justice of the peace or notary public in the district in which the trout are caught, or legally possessed and in which is set forth the date and place of catching such trout, the name and address of the consignor and the number of the angling license of the consignee. The original of this affidavit must be attached to this shipment and a copy left on file with the justice of the peace, or notary public before whom the affidavit is made; provided, that trout lawfully taken and possessed may be shipped into a closed district, when said shipment is accompanied by a written statement signed by the person taking said trout and countersigned by the agent of the express company to whom said trout are offered for shipment, stating that the trout were legally taken and setting forth the address of the person possessing same; provided, further, that it shall be unlawful at any time to offer for shipment, ship or receive for shipment or transport from the State of California any trout caught or taken in the waters of the state.

Sale and inspection of trout from without the state

Nothing in this section shall prohibit the possession and sale of Dolly Varden or steelhead trout from without the state, nor the sale of such trout within the state, when the same shall be inspected and tagged according to regulations to be prescribed by the fish and game commission; provided, that steelhead trout are not to be sold, offered or exposed for sale or held in possession in excess of the daily limit provided for in subdivisions (a) and (f) hereof, at any time in fish and game district one and one-half. The cost of such inspection must be paid by the person or persons submitting such Dolly Varden or steelhead trout for such inspection and tagging.

Domesticated trout

Nothing in this section shall apply to trout raised under the provisions of the act authorizing and regulating the raising and selling of domesticated trout.

Taking for propagation purposes

Nothing in this section shall prohibit the fish and game commission of this state, or persons authorized by them, from taking at all times such trout as they deem necessary for the purposes of propagation or for scientific purposes.

Penalties

Every person guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had not less than ten or more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid to the division of fish and game deposit in the state treasury to the credit of the fish and game preservation fund.

Constitutionality.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or

more sections, subsections, sentences, clauses or phrases be declared unconstitutional. _____

CHAPTER 606.

An act to amend section 356 of the Political Code, relating to exchange of employees between state departments.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 356 of the Political Code is hereby amended to read as follows: Stats 1921.
p. 1026

356. Each department shall furnish to each other department upon written request therefor, approved by the department of finance, such assistance as it may render without detriment to the administration of such department, including the deputizing of agents and inspectors, when consistent with law, and the temporary reassignment of employees when the same will tend to eliminate duplication or expense. Any traveling or other expense incurred by an employee or deputy in the performance of his duties while he is reassigned or loaned to a department other than that in which he is regularly employed, may be paid in accordance with law by the department to which he is reassigned from the funds made available for support of that department. Cooperation
of state
depart-
ments

CHAPTER 607.

An act to amend section 720 of and to add a new section to be numbered 723 to the Code of Civil Procedure, relating to proceedings supplemental to execution, and to the qualifications and powers of referees in such proceedings.

[Approved by the Governor June 5, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 720 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907.
p 686

720. If it appears that a person or corporation, alleged to have property of the judgment debtor, or to be indebted to him, claims an interest in the property adverse to him, or denies the debt, the judgment creditor may maintain an action against such person or corporation for the recovery of such interest or debt; and the judge or referee may, by order, forbid a transfer or other disposition of such interest or debt, until an action can be commenced and prosecuted to judgment. Such order may be modified or vacated by the judge or referee granting the same, or the court in which the action is brought, at any time, upon such terms as may be just. Proceedings
upon third
party claim

New section

SEC. 2. A new section to be numbered 723 is hereby added to the Code of Civil Procedure, said section to read as follows:

Qualifications and powers of referee

723. A referee appointed by a judge of the superior court of a county or city and county having a population of nine hundred thousand inhabitants or more, pursuant to the provisions of this chapter, must be an attorney duly licensed to practice law in all the courts of this state at least five years prior to the date of such appointment, and said referee of the superior court of such county or city and county of the state shall have the same powers as the court to grant adjournments, to preserve order, to subpoena witnesses to attend before him and to compel the attendance of witnesses by attachment.

CHAPTER 608.

Stats. 1929,
p. 914,
amended

An act to amend sections 2, 4, 5, 13, 14, 16, 22 and 23, and to repeal section 24 of chapter 530, statutes of 1929, entitled "An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor, and prescribing penalties for the violation of the provisions of this act," approved May 28, 1929, and to add thereto new sections to be numbered 2½ and 18½, relating to the protection, welfare and assistance of aged persons in need, and resident in the State of California.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1929,
p. 914.

SECTION 1. Section 2, of chapter 530, statutes of 1929, entitled "An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act," is hereby amended to read as follows:

Persons
entitled
to aid.

Sec. 2. Aid may be granted under this act to any person who:

- (a) Has attained the age of seventy years;
- (b) Has been a citizen of the United States for-at least fifteen years before making application for aid;
- (c) Resides in the State of California and has so resided continuously for at least fifteen years immediately preceding the date of application, but continuous residence in the state shall not be deemed to have been interrupted by period of absence therefrom if the total of such periods does not exceed three years; or has so resided forty years at least five of which have immediately preceded this application;

(d) Resides in the county or city and county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application;

(e) Is not at the time of receiving such aid an inmate of any public or private home for the aged, or any public home, or any public or private institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a hospital;

(f) Has no relative of the following degree of kindred: husband, wife, parent or child, able and responsible under the law of this state for his support;

(g) Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

SEC. 2. A new section is hereby added to chapter 530, statutes of 1929, to be known as section 2½ to read as follows: New section

Sec. 2½. For the purpose of determining the age of an applicant for aid under this act consideration should be given to any of the following documents: Considerations in determining age.

(a) Certificate of birth;

(b) Certificate of baptism;

(c) Statement of age as recorded on marriage license or certificate;

(d) Statement of age of the applicant as recorded by the registrar of voters of this state or any subdivision thereof at least five years prior to the date of such application as shown by the records of the department of elections of this state or any subdivision thereof;

(e) Entries in a family bible or other genealogical record or memorandum of the family of such applicant;

(f) The returns of the United States census taken at least five years before the date of such application;

(g) The affidavit of a reputable citizen not related to the applicant if it is based on personal knowledge of facts which would determine probable age, and is not merely a statement of belief based on applicant's personal appearance.

Such affidavit shall contain statements of the circumstances upon which said affiant's knowledge is based and shall be submitted to the department of social welfare, and where such affidavit does not present satisfactory evidence the state department may require a second affidavit of more conclusive proof. Such affidavit shall not be accepted to establish proof of age until all reasonable efforts to produce documentary evidence have failed;

(h) Such other evidence as the state department of social welfare may approve.

SEC. 3. Section 4 of chapter 530, statutes of 1929, is hereby amended to read as follows: Stats 1929, p. 914.

Sec. 4. Aid under this act shall not be granted or paid to any person the value of whose real property, or, if married, the value of the combined real property of husband and wife, at the time of such application exceeds three thousand dollars. Persons not entitled to aid.

Stats. 1929,
p 914. SEC. 4. Section 5 of chapter 530, statutes of 1929, is hereby amended to read as follows:

Income of
applicant. SEC. 5. The annual income of any property of an applicant for aid which does not produce a reasonable income shall be computed at five per cent of the value of such property.

Stats. 1929,
p. 914. SEC. 5. Section 13 of chapter 530, statutes of 1929, is hereby amended to read as follows:

Applica-
tions. SEC. 13. Every applicant for aid shall file such application in writing with the board of supervisors of the county or city and county in which he resides, in the manner and form prescribed by the state department. An inmate of a public or private home for the aged, or of any public home, or of any public or private institution of a correctional, custodial or curative character, may make an application for aid while in such a home or institution, but the aid, if granted, shall not begin until after such applicant ceases to be such an inmate. All statements in the application shall be verified, under oath, by the applicant.

Stats 1929,
p 914 SEC. 6. Section 14 of chapter 530, statutes of 1929, is hereby amended to read as follows:

Investiga-
tion by
board of
supervisors SEC. 14. The board of supervisors, directly or through the advisory board or other authorized investigator, shall upon the receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation.

Decision by
board and
appeal
therefrom The board shall, upon receipt of the report of the investigation, decide upon the amount of aid, if any; provided, however, that in any case where such application is denied by the board of supervisors, the applicant, upon filing a petition with the department of social welfare setting forth the facts in full as to the necessity of such aid, verified by five reputable citizens of the county, shall have the right of appeal direct to said department of social welfare, and if the appeal is sustained by said department the payments of aid in the amounts determined by said department must be paid by the county or city and county as herein provided.

Renewing
rejected ap-
plications An applicant whose application for aid under this act has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or city and county.

Payments If the application for aid be granted, the clerk of the board of supervisors shall report the fact to the auditor of the county or city and county. All payments of aid under this act shall be made monthly by the treasurer of the county or city and county in the manner provided by law for payment of claims against the county or city and county. All aid under this act shall be renewed annually on verified applications and after such further investigations as the board may deem necessary, and the amount of aid may be changed if the board finds that the recipient's circumstances have been changed.

Aid renewed
annually.

It shall be within the power of the board of supervisors to cancel and revoke aid for cause and it may for cause suspend payments for aid for such periods as it may deem proper.

Revocation
of aid

SEC. 7. Section 16 of chapter 530, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 914

Sec. 16. The state department of social welfare shall have power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this act, and not inconsistent therewith.

Rules and
regulations

SEC. 8. A new section is hereby added to chapter 530, statutes of 1929, to be known as section 18½ to read as follows:

New section

Sec. 18½. Any person qualified for and receiving aid hereunder in any county or city and county in this state, who removes to another county or city and county in the state, shall be entitled to aid under the provisions of this act after a one-year residence in the county or city and county to which such person has removed; provided, an agreement in writing has been entered into by and between the two counties concerned approving such transfer or removal, and thereupon the county of first residence of such person shall continue his aid for one year and until the aforesaid residence has been established by him in the second county or city and county.

Person
receiving aid
who removes to
another
county.

SEC. 9. Section 22 of chapter 530, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 914

Sec. 22. Nothing in this act shall be construed as repealing any other act or part of an act providing for the support of the poor except in so far as inconsistent therewith, and provisions of this act shall be construed as an additional method of supporting and providing for the aged poor. This act shall be liberally construed. If any portion of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this act.

Construc-
tion

Constitu-
tionality

SEC. 10. Section 23 of chapter 530, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 914

Sec. 23. This act may be cited as the old age security act of the State of California.

Short title

SEC. 11. Section 24 of chapter 530, statutes of 1929, is hereby repealed.

Repeal

CHAPTER 609

An act to prevent fraud or misrepresentation in the distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil; regulating the distribution and sale of such products; defining the powers and duties in relation thereto of the division of weights and measures of the department of agriculture, and persons authorized by it, sealers of weights and measures, and their deputies, and other officers; defining "gasoline" and prescribing specifications for products sold or offered for sale as

“gasoline”; prescribing penalties for the violation of provisions heretofore; and repealing acts and parts of acts inconsistent herewith.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Gasoline

SECTION 1. For the purposes of this act “gasoline” is defined to be any liquid petroleum product offered for sale, which conforms to the following specifications:

Tests

(a) It shall be free from water and suspended matter

(b) A clean copper strip shall not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours, at one hundred twenty-two degrees Fahrenheit, the test being conducted in accordance with the American Society for Testing Materials, Standard D 130-30, as published in “American Society for Testing Materials Standards,” 1930.

(c) It shall distill, within the following limits, when tested in accordance with the American Society for Testing Materials, Standard D 86-30, as published in “American Society for Testing Materials Standards,” 1930, using the low distillation thermometer.

(1) When ten per cent has been recovered in the receiver, the thermometer shall not read more than one hundred seventy-six degrees Fahrenheit, nor less than one hundred twenty-two degrees Fahrenheit; provided that, if the total distillation loss is less than four per cent, then for each per cent of difference between four per cent and the total distillation loss, the minimum temperature requirement of one hundred twenty-two degrees Fahrenheit, at which ten per cent is recovered, shall be lowered five and four-tenths degrees Fahrenheit.

(2) When fifty per cent has been recovered in the receiver, the thermometer shall not read more than two hundred eighty-four degrees Fahrenheit.

(3) When ninety per cent has been recovered in the receiver, the thermometer shall not read more than three hundred ninety-two degrees Fahrenheit.

(4) The end point shall not be higher than four hundred thirty-seven degrees Fahrenheit.

(5) At least ninety-five per cent shall be recovered as distillate in the receiver from the distillation.

Unlawful sales

SEC. 2. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to sell, offer for sale, or assist in the sale of or permit to be sold or offered for sale, or deliver or offer to deliver to any premises for the purpose of sale, any product as or purporting to be “gasoline,” unless the same shall conform to the foregoing specifications.

Markings on containers

SEC. 3. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or

employee thereof, to sell, offer for sale or assist in the sale of, or permit to be sold or offered for sale, or deliver or offer for delivery, any gasoline, as hereinbefore in section 1 of this act defined, or any oil represented as lubricating or motor oil for internal combustion engines, at any place where petroleum products are kept or stored for sale, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such gasoline or oil is drawn or poured out for sale or delivery, and so as to be plainly visible, a sign or label consisting of the word or words, in letters not less than one-half ($\frac{1}{2}$) of an inch in height, "gasoline," "lubricating oil" or "motor oil," as the case may be, together with the brand, trade-mark or trade name of such product;

Provided, that in attaching such sign or label to the inlet end of the fill-pipe of an underground storage tank, it shall consist of a tag or plate firmly attached or affixed to such fill-pipe, at said end, so as to be plainly visible when filling same, but the letters thereon may be of any convenient size; and

Provided further, that as to any bottles used for dispensing lubricating or motor oil, if such bottles are kept in baskets, stands or racks, for holding same, it shall be sufficient to label each such basket, stand or rack in lieu of labeling the bottle itself, and

Provided further, that if any gasoline shall have no brand, trade-mark or trade name, each such sign or label therefor shall consist of the words, in letters not less than three (3) inches in height, "gasoline, no brand," and if any lubricating or motor oil shall have no brand, trade-mark or trade name, each such sign or label therefor shall consist of the words, in letters not less than three (3) inches in height, "lubricating oil, no brand" or "motor oil, no brand"; except that this provision as to size of letters shall not apply to signs or labels at the inlet end of any underground storage tank, which letters may be of any convenient size but must be plainly visible when filling such underground storage tank.

SEC 4 It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to sell, offer for sale, or to cause or to permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are kept or stored for sale, which does not conform to the requirements of section 1 of this act, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, and so as to be plainly visible, a sign or label comprising the brand, trade-mark or trade name of such fuel, or the words "no brand," which words shall be in letters not less than one (1) inch in height,

Visibility of markings.

Bottles Labels on racks, etc

Products without trade-mark or trade name

Labels for products other than gasoline sold as motor fuels

and also in red letters not less than three (3) inches in height, on a white background, and not less than twice the size of any other letters or words appearing on or near said label or sign, the words "not gasoline";

Provided, that in attaching such sign or label to the inlet end of the fill-pipe of an underground storage tank, it shall consist of a tag or plate firmly attached or affixed to such fill-pipe at said end, so as to be plainly visible while filling same, but the letters thereon may be of any convenient size.

Labeling
outlets on
vehicles
transporting
motor fuels

SEC. 5. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to transport in any tank-wagon or tank-truck or trailer, for the purpose of sale, or for delivery to any place where petroleum products are kept or stored for sale, any petroleum products as a fuel for internal combustion engines, unless and until there shall be firmly attached to or affixed at each outlet faucet or valve of each such tank-wagon, tank-truck and trailer, a metal tag, plate or label, on which is displayed, in letters not less than one-half ($\frac{1}{2}$) inch in height, the name of the particular product in the tank compartment of the tank-wagon, tank-truck or trailer with which such valve or faucet is connected; and the brand, trade-mark, or trade name of such product, or the words "no brand"; and if such product does not conform to the requirements of section 1 of this act, there shall also be displayed on a corresponding tag, plate, or label, in red letters not less than twice the size of any other letters or words appearing on such tag, plate, or label, the words "not gasoline."

Signs on
pumps, etc

SEC. 6 Whenever any pump, receptacle or other container is maintained or used to serve more than one driveway, the said signs or labels required under the provisions either of section 3 or section 4 of this act shall be placed upon both sides of such pump, receptacle or other container so that one set of signs or labels shall be clearly visible from each such driveway; and wherever any pump, receptacle or other container is maintained or used to serve only one driveway, such signs or labels shall be upon the side of such pump, receptacle or other container adjacent to such driveway.

Small
measures

SEC. 7. Small hand measures used for delivery of petroleum products, and filled in the presence of the customer, need not be labeled in accordance with provisions of this act; provided that the receptacle, container or pump from which petroleum products are drawn or poured into such hand measures is properly labeled as hereinbefore in sections 3 and 4 provided.

False repre-
sentations

SEC. 8 It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to sell, attempt to sell, offer for sale or assist in the sale of, any gasoline, distillate or other motor fuel, or lubricating or motor oil, for use in internal combustion engines, and wilfully and falsely represent such gasoline, distillate or other

motor fuel or lubricating oil or motor oil to be the product of any manufacturer, refiner or producer other than the true manufacturer, refiner or producer thereof; and it shall be unlawful for any individual or any member of a firm or association or any officer of a corporation knowingly to permit any employee of such individual, firm, association or corporation, to sell, offer for sale or assist in the sale of, any gasoline, distillate or other motor fuel, or lubricating or motor oil, for use in internal combustion engines, and falsely represent such gasoline, distillate or other motor fuel or lubricating or motor oil to be the product of any manufacturer, refiner or producer, other than the true manufacturer, refiner or producer thereof;

Knowledge of false representations of employees, etc

Provided, however, that neither this section nor section 5 shall apply to any person, firm, association or corporation who sells or offers for sale or transports under his own trade-mark, trade name or brand, the product of another manufacturer, refiner or producer, if he has first obtained the written consent of such manufacturer, refiner or producer so to sell or transport such product, which written consent must specify the brand, trade-mark or trade name under which such product is to be sold.

Consent of manufacturer, etc., to use of name under which product to be sold

SEC. 9. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to deposit or deliver into any tank, pump, container or receptacle, or into any bottle or bottles kept in a basket, stand or rack, at any place where petroleum products are kept or stored for sale, any gasoline or other motor fuel, or any distillate, kerosene, lubricating or motor oil, other than that indicated by the brand, trade-mark or trade name displayed on such tank, pump, container, receptacle, bottle, basket, stand or rack, or the inlet end of the underground storage tank, except as provided in section 8 of this act

Products to conform to names on containers, etc

SEC. 10. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, engaged in the business of selling at retail any gasoline or other motor fuel, or any distillate, or kerosene, or any lubricating or motor oil for internal combustion engines, to display any sign or other designating mark at or near the place of business of such person, firm, association or corporation describing or designating a brand, trade-mark or trade name of a gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil for internal combustion engines, not actually sold or offered for sale or delivery at the place of business where such sign or other designating mark is displayed

Misleading signs, etc

SEC. 11. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to advertise at any place where gasoline or other motor fuel, or lubricating or motor oil for internal combustion engines, is sold or kept for sale, the price at which any

Name of brand on signs, etc., where price is shown

such product is offered for sale, without also clearly and conspicuously showing on the same sign, board, placard or other place where such price is so advertised, the name of the particular product, the price of which is so advertised, and also the trade name or brand, if any, of the product so offered for sale, and if such product has no trade name or brand, then the words, "no brand" shall be so displayed in connection with the designation of the product.

Sale of
adulterated
mixtures

SEC. 12. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to mix or adulterate any gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, and to fraudulently sell or offer for sale or attempt to sell or assist in the sale of, any of the products resulting from such mixture or adulteration as the gasoline or other motor fuel, distillate, kerosene, or lubricating or motor oil, of a brand, trade-mark or trade name, maintained and in general use by any other manufacturer, refiner, producer or marketer.

Relabeling
receptacles,
etc.

SEC. 13. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to place, store, or keep, or cause or permit to be placed, stored or kept, for the purpose of sale, in any storage tank, underground or otherwise, container or receptacle, any petroleum product if such tank has previously contained a different product, or the product of a different manufacturer, refiner, producer or marketer unless and until such tank, container or receptacle shall first have been emptied and relabeled in all respects in accordance with the provisions of this act

Attachment
of pumps,
etc.

SEC. 14. (a) It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to attach or connect, or to cause or permit to be attached or connected, any pump, container or other device, used for or in the drawing, pouring, or delivery of any petroleum product referred to in this act, and intended for sale, to or with any tank or receptacle containing any petroleum product or any liquid other than the one described on the label, tag or sign attached or affixed to such pump, container or other device.

Sale through
pumps.

(b) It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, in making any sale, to pump, draw, furnish, or deliver, or to cause or permit to be pumped, drawn, furnished or delivered, by means of, or through, any pump or other device, any product other than the one described on the label, tag or sign attached or affixed to such pump or other device.

Enforce-
ment.

SEC. 15. The division of weights and measures of the department of agriculture, and every person authorized by it, each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city and town, in the State of

California, and any person now or hereafter authorized or empowered by law to inspect the petroleum products in this act referred to, are hereby severally authorized and empowered to take such sample or samples as may be necessary of any petroleum or petroleum product kept or stored for the purpose of sale within the State of California. It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, to refuse to permit any person authorized by this section to take such sample or samples, or to prevent or to attempt to prevent the taking of such sample or samples;

Provided, however, that if the owner or person in possession of such product shall at the time of said taking, demand payment for the commodity taken, then said person taking such sample shall pay therefor the reasonable market price thereof.

Market price
of samples.

SEC. 16 (a) The division of weights and measures of the department of agriculture, and every person authorized by it, and each county sealer and deputy county sealer, each city and county sealer and deputy thereof, and every sealer and deputy sealer of each incorporated city and town, in the State of California, and any person now or hereafter authorized or empowered by law to inspect the petroleum products herein referred to, are each hereby authorized and empowered to close and seal outlets and inlets of any unlabeled or mislabeled receptacles, containers, pumps or storage tanks connected thereto, containing any petroleum product which is sold, offered for sale, stored, or delivered as, or which is, any petroleum product specifically mentioned, defined or described in sections 1, 3 or 4 of this act, and to post in a conspicuous place on the premises, where such receptacle, container, pump or storage tank connected thereto has been sealed, a notice stating that such action of sealing has been taken in accordance with the provisions of this act, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof, under penalty as hereinafter provided.

Sealing
receptacles

(b) Upon at least twenty-four (24) hours written notice from the owner, manager or operator, whose container, receptacle, pump or storage tank has been sealed, to the city sealer of the city or town in which the premises are situated, or if said premises be not situated in a city or town or if such city or town has no sealer, then to the sealer of the county or city and county in which the premises are situated, stating that the contents of such container, receptacle, pump or storage tank will be removed or that such container, receptacle, pump, or storage tank or inlet end of the fill-pipe thereof will be properly labeled as in this act provided, at a specified time, between the hours of nine a.m. and four p.m. of a day specified in said notice, other than a holiday, it shall thereupon be the duty of such officer, at the time specified, to break said seal or seals for the purpose of permitting the removal by such manager, owner or operator, of the contents of such container, receptacle, pump

Notice of
intention
properly to
label tanks

Removal
of seals.

or storage tank connected thereto, or the use thereof after proper labeling of the same, provided that such removal of contents or proper labeling of the container, receptacle, pump, storage tank or inlet end of the fill-pipe thereof, as the case may be, shall be made at the time specified and in the presence of the officer removing such seal. If for any reason the contents are not then removed, or the container, receptacle, pump, storage tank or inlet end of the fill-pipe thereof, is not properly labeled, then such container, receptacle, pump or storage tank connected thereto and the inlet end of the fill-pipe of such storage tank, shall be again sealed as hereinbefore provided and the contents may not thereafter be removed or the container, receptacle, pump or storage tank connected thereto or inlet end of the fill-pipe thereof, be again used, except upon the giving of a new notice and proper labeling. Upon removal of such contents or proper labeling as hereinabove provided, the notice previously posted shall be removed and said container, receptacle, pump or storage tank may thereafter be restored to lawful use. No container, receptacle, pump or storage tank connected thereto, or the inlet end of the fill-pipe of such storage tank, shall, however, be relabeled by such owner, manager or operator, whether under the provisions of this section or otherwise, without first removing from such container, receptacle, pump or storage tank connected thereto, or the inlet end of the fill-pipe thereof, any and all distinctive colors, brands, trade-marks or trade names thereon of any manufacturer, refiner, producer, distributor or marketer, indicative of any product not actually contained therein and sold therefrom.

Unlawful to
break seals

(c) It shall be unlawful for any person, firm, association or corporation, or any member, officer, agent or employee thereof, other than the division of weights and measures of the department of agriculture, or any of the officers mentioned in this act, to break, mutilate or destroy any seal or seals placed upon a container, receptacle, pump or storage tank connected thereto, or any other storage tank containing a petroleum product, when placed thereon as provided by this act, or to cover, deface or remove the notice of sealing hereinabove provided.

Penalties

SEC 17. Any person, firm, association or corporation, or any member, officer, agent or employee thereof, who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each such person, firm, association or corporation, or any member, officer, agent or employee thereof, shall be deemed guilty of a separate offense, for each day during any portion of which any violation of any provision of this act is committed, continued or

permitted by such person, firm, association or corporation, and shall be punishable therefor as provided in this act.

SEC. 18. (a) It shall be the duty of the division of weights and measures of the department of agriculture with the approval of the director of agriculture to enforce the provisions of this act, and to appoint and employ such state inspectors as may be necessary therefor.

Duty of the division of weights and measures, department of agriculture

(b) Each county sealer, each deputy county sealer, each city and county sealer and deputy thereof, and each sealer and deputy sealer of each incorporated city and town, in the State of California, and each person authorized and empowered by law to inspect the petroleum products herein referred to, at any place where the same are kept or stored for sale within the State of California, are each hereby also authorized and directed to enforce the provisions of this act.

Duty of county sealer, etc

(c) The chief of the division of weights and measures of the department of agriculture with the approval of the director of agriculture is authorized and empowered to employ and, with the approval of the director of finance, fix the compensation of such legal counsel as may be deemed necessary in the administration and enforcement of this act by the division of weights and measures.

Legal counsel

SEC. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality

SEC. 20. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repeal.

CHAPTER 610.

An act making an appropriation to pay the claim of Phil Rohan against the State of California.

[Approved by the Governor June 5, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand six hundred ninety-two dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Phil Rohan against the State of California.

Special appropriation

CHAPTER 611.

An act to amend section 4232a of the Political Code, relating to fees of grand jurors and trial jurors in counties of the third class.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1915,
p 63.

SECTION 1. Section 4232a of the Political Code is hereby amended to read as follows:

Jurors' fees
in counties
of the third
class.

4232a. The fees of the grand jurors and of trial jurors in the superior court of counties of the third class shall be three dollars and necessary common carrier fare for each day's attendance upon the court or a session of the grand jury, and shall be a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. Fees of said jurors for services rendered in any calendar month shall be payable on or about the first day of the following month, as certified to by the district attorney as to grand jurors and as certified to by the clerk of the superior court as to trial jurors.

CHAPTER 612.

Stats 1897,
p 106,
amended

An act to amend section 12 of an act entitled "An act to accept from the veterans' home association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the veterans' home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended.

[Approved by the Governor June 5, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1905,
p 474

SECTION 1. Section 12 of an act entitled "An act to accept from the veterans' home association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the veterans' home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended, is hereby amended to read as follows:

Qualifica-
tions for
residence

Sec. 12. No person shall be admitted to reside in said home with the exception of the families of officers and employees, who is not an honorably discharged United States soldier, sailor, or marine, and who has not been a bona fide resident of the State of California for a period of six years immediately preceding his application, except as is provided in section 16 of this act.

CHAPTER 613.

An act to add a new section to the Political Code to be known as section 595b, relating to the retirement of corporations from the title insurance business.

[Approved by the Governor June 5, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. There is hereby added to the Political Code New section.
a new section to be numbered 595b and to read as follows:

595b. Whenever a title insurance company upon retiring Retiring
title
insurance
company.
from the insurance business in this state shall desire to re-insure its outstanding policies with another title insurance company, the insurance commissioner, as a condition to granting his approval of any plan for such reinsurance, may require the reinsuring company, if its "title insurance surplus fund" is not fully made up to increase its "title insurance surplus fund" by the amount in the "title insurance surplus fund" of the retiring company; provided that, in no case shall the reinsuring company be required to increase its "title insurance surplus fund" to an amount which would exceed the maximum amount required by section 453u of the Civil Code.

CHAPTER 614.

An act to add a new section to the Civil Code, to be numbered 2178, limiting the liability of steam and electric railroad common carriers and sleeping car companies of property carried in trunks, valises, suit cases, traveling bags, boxes, bundles or packages, in the event of loss of or injury to the same.

[Approved by the Governor June 5, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code, New section
to be numbered 2178, to read as follows:

2178. A common carrier of property by steam or electric Railroad
baggage
liability
limited
railroad which accepts for transportation, storage, handling or safe-keeping, as a part of or in connection with passenger transportation, property carried in trunks, valises, suit cases, traveling bags, boxes, bundles or packages, shall not be liable, in the event of loss of or injury to the same, for more than one hundred dollars for each trunk and contents, nor more than fifty dollars for each valise and contents, or suit case and contents, or traveling bag and contents, nor more than ten dollars for each box, bundle or package and contents, unless the carrier shall have consented in writing to assume a greater liability. The term "common carrier" as used in this section shall include sleeping car companies.

CHAPTER 615.

An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys and other public places within municipalities or forming the exterior boundaries thereof, and for the lighting thereof by electric current or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Assessment
districts
for street
lighting
purposes

SECTION 1. Whenever in the opinion of the city council of any municipality in this state the public interest or convenience may require, said city council shall have full power and authority to order any street lighting system, systems, or appliances, including poles, posts, electroliers, transformers, lighting units, lamps, cables, wires, pipes, conduits, and/or other suitable or necessary works or appliances for street lighting purposes, or any thereof, to be maintained in or along the whole or any part of any one or more of the public streets, alleys, or other public places in such municipality, and/or to order electric current or energy, gas, or other illuminating agent, to be furnished for such street lighting service, and to determine and declare the property to be benefited by any such maintenance and/or service, and to assess, either partly or wholly, the costs and expenses (including all incidental expenses) of such improvement, or of any one or more of the items thereof, upon the lands benefited, all in the manner and under the proceedings hereinafter provided. Said maintenance and/or said furnishing of electric current or energy, gas, or other illuminating agent, shall be for a period to commence at a time to be fixed by the city council as hereinafter provided, but not exceeding five years from the date of commencement thereof. The provisions of this act shall not be limited to the maintenance of street lighting systems or appliances owned only by the municipality and/or to furnishing electric current or energy, gas or other illuminating agent for lighting systems or appliances so owned, but the city council shall also have full power and authority to order such street lighting service to be furnished with and by means of lighting systems or appliances provided and installed by, and remaining the property of, the public utility, public corporation, or other party with whom contract is entered into for such maintenance and such furnishing of illuminating agent, and to assess the costs and expenses of such service, all in accordance with the provisions of this act.

Limit on
maintenance
period

Lights along
boundaries.

Whenever, heretofore or hereafter, a street lighting system is installed along a boundary line, street, alley or public place of any municipality, then said city council may, by resolution, assess the property abutting upon such public street, alley or

public place for the estimated cost of maintaining and/or servicing said system or systems, even though said system may be partially or entirely without the boundaries of said municipality as hereinafter provided.

SEC. 2. Before ordering any improvement to be made which is authorized by section 1 of this act, the city council shall adopt a resolution declaring its intention so to do, briefly describing the proposed maintenance and/or service and referring to the public streets, alleys and public places by their lawful or official names, or the names by which they are commonly known, or when the maintenance and/or service is not upon a public street or alley and there is no lawful or common name thereof, then by briefly describing the property or right of way on which the same is to be performed, and referring to the report of the superintendent of streets on file in the office of the city clerk; provided, however, that the city council may, in its discretion, order by resolution that any part or amount of the next installment of the estimated cost and expense of any of the maintenance and/or services mentioned in this act, be paid out of the treasury of the municipality from such fund as the council may designate, in which case the liability and obligation to pay any sum so provided for shall accrue and become fixed upon the date of the levy of the installment assessment next succeeding the adoption of said resolution by the council. Whenever a part of such estimated cost and expense is so provided to be paid, the superintendent of streets, in making up the installment assessment as hereinafter provided for such cost and expense, shall first deduct from the whole estimated cost and expense that part or amount which has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, pieces or parcels of land liable to be assessed in the manner hereinafter provided.

Resolution
of intention

Payment of
installment
by municip-
ality

The city council shall, prior to the adoption of the resolution of intention, require the superintendent of streets to make and file with the clerk of the council a report in writing, presenting the following:

Report of
street super-
intendent

(a) An estimate of the cost of such maintenance, service and incidental expenses for the period of time specified in the resolution of intention.

(b) A diagram or map showing the public streets, alleys and public places affected by the proceedings and in which lighting systems have been installed and also each lot, piece or parcel of land abutting such public streets, alleys and public places which shall be given a separate number upon said diagram. The said diagram, as finally approved by the city council, shall govern for all details as to the lots, pieces or parcels of land benefited by said proceedings.

(c) A proposed assessment of the total amount of the costs and expenses of the proposed maintenance and/or service upon the several lots, pieces or parcels of land shown on the diagram or maps referred to in subdivision (b) above, in proportion to

the estimated benefits to be received by each such lot, piece or parcel of land, respectively, for the period set out in the resolution of intention. Said assessment shall refer to such lots, pieces or parcels of land upon said diagram or map by the respective number thereon.

(d) Plans and specifications shall set out, among other things, the general type of lighting system in each zone. The lighting system or systems in said proceedings shall be divided into zones and in each zone shall be grouped those systems of approximately the same general type. It shall be a sufficient description of the location of the lights to be maintained or serviced if such plans or specifications show or describe the approximate location of said lights.

Presentation
of report,
resolution,
and notice

SEC. 3. Upon the filing of said report, the clerk shall present the same to the council for consideration at its next regular meeting, and said council may correct or modify the same in any respect. In case of such correction or modification, the report as corrected or modified shall stand as the report for the purpose of all subsequent proceedings. Thereafter, the council shall adopt its resolution of intention and therein appoint a time and place for hearing protests in relation of said proceedings, which time shall be not less than fifteen nor more than sixty days from the date of passage of said resolution, and shall direct the clerk of the council to publish said resolution of intention by one insertion in a daily or weekly newspaper circulated and published in said municipality and designated by the council for that purpose.

Notice of
passage of
resolution

SEC. 4. After the adoption of the resolution of intention, the superintendent of streets shall cause to be conspicuously posted along the line of said proposed maintenance and/or service, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution, but no proceeding shall ever be held invalid for failure to post any public street, alley or other public place, if this provision has been substantially complied with. In every case all posting must be fully completed at least ten days before the day set for the hearing of protest as provided in section 3 hereof.

Form

Said notices shall be headed "Notice of street lighting assessment" in letters of not less than one inch in height, and shall, in legible characters, state the fact of the passage of the resolution of intention, its date, and briefly the maintenance and/or service proposed, and refer to the resolution of intention for further particulars. Said notices shall contain, also, a statement of the day, hour and place when and where any and all persons having any protests to the proposed maintenance and/or service may appear before the legislative body and show cause why said proposed maintenance and/or service should not be carried out in accordance with said resolution.

Protests

SEC. 5. At any time not later than the hour set for hearing protests in relation to said proceedings as provided in section 3 thereof, any owner of property liable to be assessed for said

maintenance and/or service may make written protest against the proposed maintenance and/or service or against the estimated amount of the assessment by filing said protest with the clerk of said council. No other protests shall be considered by said council, except as hereinafter provided.

The council shall hear and consider said protests, at the time appointed therefor, as above provided. or at any time to which the hearing thereof may be adjourned. and may confirm, correct or modify said proposed assessment. In case there is a majority protest by the property owners in any zone to the maintenance and/or service of the lights in such zone, or in case the street superintendent reports that it is practical to subdivide a zone and a majority of the property owners in such subdivided zone protest the maintenance and/or service of the lights in such subdivided zone, then the council must strike such zone or subdivided zone from the proceedings and correct the proposed assessment accordingly, unless the council shall, by a four-fifths affirmative vote of all the members of the council, find that the public interest and convenience requires that said street lights be maintained and/or serviced and the determination of the council shall be final and conclusive. In case a zone or subdivided zone is struck from the proceedings, as above provided, the council shall have jurisdiction to proceed the same as though said zone or subdivided zone were not a part of the original proceedings.

Hearing
and action
thereon

Immediately upon determination by the council of the above matters, the council shall be deemed to have acquired jurisdiction to confirm said report and assessment, and order said proposed maintenance and/or service to be contracted for or supplied as hereinafter provided.

The city council shall thereafter levy an assessment upon each lot, piece and parcel of land for the first contract year for the amount estimated to be necessary to maintain and/or service said lighting system for the ensuing contract year. Prior to the expiration of each contract year the council shall by resolution fix and levy the assessment for the amount estimated to be necessary to maintain and/or service said lighting system or systems for such ensuing contract year. Any surplus assessments collected under said proceedings shall be applied by the council to reduce the installment of the assessment to be levied either for the next ensuing contract year or such surplus may be permitted to accumulate in said assessment fund and be applied by the council to reduce the last installment of the assessment to be levied for the last contract year under said proceedings; such reductions shall be made as nearly as possible to the zones or subdivided zones from which such surplus assessments were collected. In case there is any surplus remaining at the close of the last contract year under any proceedings then such surplus shall be used as follows: (a) in case new proceedings are started within one year after the close of the last contract year referred to above, then such surplus shall be applied toward a reduction of the first

Levy of
assessment

Surplus

installment of the new assessment, such surplus as was collected from each zone or subdivided zone to be applied to reduce the installment levied against such zone or subdivided zone; (b) in case new proceedings are not started within said one-year period or in case one or more zones or subdivided zones are omitted for any reason from the new proceedings, then any such surplus shall become and remain a part of the general funds of the city.

Omission of
public prop-
erty from
assessment

Whenever any lot, piece or parcel of land belonging to the United States or to the State of California, or to any county, city, public agent, mandatory of the government, school board, education, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, abuts the public streets, alleys or public places in which street lighting systems are located and are to be maintained and/or serviced under said proceedings, said city council may, by resolution adopted prior to the levy of any installment assessment, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the installment assessments thereafter to be levied to cover the costs and expenses of said maintenance and/or service. In the event that said lots, pieces or parcels of land, or any of them, are so omitted from any installment assessment, then the total cost and expense of all such maintenance and/or service shall be assessed on the remaining lots lying within such zones or subdivisions of zones as the council shall direct in said resolution; without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in an installment assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against such lots, pieces or parcels of land so owned and used, and so included in the installment assessment by reason of the aforesaid declaration, or such lots, pieces or parcels so owned and used respecting which the resolution makes no declaration, which shall be payable by said city out of the general fund unless the council shall in the resolution designate another fund; provided, however, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Limitations
periods on
contests and
appeals

SEC. 6. The validity of any assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the council shall have acquired jurisdiction to confirm the report and assessment as provided in section 5 above; and any appeal from a final judgment in such an action or proceeding must

be perfected within thirty days after the entry of such judgment.

SEC. 7. Upon the levying of an installment assessment as provided in section 5 hereof, the city clerk shall transmit the diagram and assessment provided for in said section 5 hereof, and any modifications or corrections thereof made by the city council, to the tax collector.

Delivery of assessment list to tax collector

SEC. 8. Upon the receipt of said diagram and installment assessment referred to in section 7 above, the tax collector shall record the same in a suitable book to be kept for that purpose and append thereto his certificate of the date of such recording, and such record shall become a part of the assessment roll upon which other taxes of said city are entered and shall be collected at the same time, in the same manner and by the same officer as in the case of other city taxes.

Recording of list in tax collector's book

SEC. 9. All sums collected on account of such assessment shall be placed in the city treasury to the credit of a special fund, which shall be designated by the name of the proceedings. Said special fund shall be used only for paying the cost and expenses of the maintenance and/or service described in the resolution ordering the work, including the cost of all posting and publication herein provided for and any other incidental expenses connected with said proceedings. The city council may at any time advance to such special fund out of any available funds in the city treasury, sums in excess of the amount to be paid by the city toward the cost of such maintenance and/or service and may reimburse the city for such advances by repaying the same out of any money that may thereafter come into such special fund.

Special fund for assessment collections

SEC. 10. When the diagram and installment assessment are recorded, as provided in section 8 above, the several amounts assessed shall be a lien upon the lots, pieces or parcels of land assessed, respectively. Such lien shall continue and be enforced in the same manner and with the same penalties as other taxes of said city are continued and enforced.

Assessment lien.

SEC. 11. At any time after the installment assessment becomes delinquent, the superintendent of streets may call for bids for such maintenance and/or service and fix a date, not less than twenty nor more than thirty days after the publication of a notice inviting bids for such maintenance and/or service, for the receipt of such bids at his office at an hour not later than ten a.m. on such date; such notice shall be published once in a daily or weekly newspaper published and circulated in said city and designated by the council for that purpose. Every bid shall be accompanied by either a certified check or a satisfactory surety company bond amounting to ten per cent of the bid, payable to the order of the city clerk or securing said city, and said check or bond shall be forfeited to the city in case the bidder depositing the same does not, within ten days after the publication of a notice of award of contract to him, enter into the necessary contract with the city. Upon such publication of notice of award all other checks or bonds

Bids for service contract

shall be returned to the bidders depositing the same. Said contract shall specify a date certain when such said maintenance and/or service shall be started, said date to be not more than thirty days after the execution thereof, and that said contract shall continue in force for a period of one year from said effective date of said contract. The council shall have the power, by resolution passed prior to the notice inviting bids as above provided, to order such other reasonable conditions, including faithful performance bonds and materialmen's bonds, as may in its discretion appear to be necessary and proper.

Alternative
where
municipal
utility

SEC. 12. The procedure provided for in this section shall be an alternative procedure to that provided in the preceding section of this act, where there is a municipally owned and/or operated public utility capable of furnishing the maintenance and/or service provided for in this act. The council by resolution may direct the superintendent of streets, instead of calling for bids and entering into a contract as above provided, to issue an interdepartmental purchase order for the maintenance and/or service of said street lighting system or systems upon such terms as may be agreed upon between said street superintendent and said public utility board or commission; provided, however, such agreement must be approved by the city council. Said interdepartmental purchase order shall state the date on which such maintenance and/or service shall be started and that it shall continue in force for a period of one year from said effective date thereof.

District
partly out
of city

SEC. 13. Where property has been assessed pursuant to paragraph two of section 1 of this act, the council may proceed in all respects in connection therewith as though said street lighting system were entirely within the city limits as above provided; except that the city council shall have power to enter into a contract with the board or council having jurisdiction over the adjoining territory either to maintain and/or service such street lighting system, or any portion thereof, or to have said system, or any portion thereof, maintained and/or serviced by the governing body of the adjoining territory and the board or council agreeing by such contract to furnish such maintenance and/or service shall have power to enter into any contract or to issue any purchase order as otherwise provided in this act.

Consolidation
of
systems

SEC. 14. Where there is more than one system of street lights in any municipality, any two, or more, or all of such systems may be consolidated and maintained and/or serviced under one proceeding. In such case the consolidated system shall be zoned so that those systems of approximately the same general type, will be grouped together.

Definitions
"Proposed
assessment"

SEC. 15. The words "proposed assessment" as used in this act shall mean the probable or estimated cost of maintenance and/or service of adjacent street lights for the period set out in the resolution of intention.

The words "installment assessment" shall mean the amount levied by the council for the first or any subsequent contract year to create a fund with which to pay for such maintenance and/or service for such next contract year.

"Installment assessment"

The words "contract year" shall mean a period of twelve months.

"Contract year"

The word "maintenance" shall mean the repair, replacement, inspection, cleaning or painting of the posts and standards and such incidental expenses as may be necessary.

"Maintenance"

The word "service" shall mean the electrical current or energy or such other illuminating agent used to light the system.

"Service"

The word "council" or "city council" shall mean the legislative body of the municipality conducting the proceeding.

"Council"

The word "municipality" or "city" as used in this act shall mean any incorporated city, village or town or any other corporation organized for municipal purposes.

"Municipality"

SEC. 16. The provisions of this act are to be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Street lighting act of 1931." If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

Construction

Short title

Constitutionality

CHAPTER 616.

An act to amend chapter 880, statutes of 1929, entitled "An act providing for the organization, operation and maintenance of transportation districts, whether said district lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing state acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with

Stats. 1929,
p. 1949,
amended

the use of this act," approved June 19, 1929, by adding two new sections thereto to be known as sections 4a and 9a.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1949

SECTION 1. Chapter 880, statutes of 1929, entitled "An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing state acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act," approved June 19, 1929, is hereby amended by adding thereto, immediately after section 4 thereof, a new section to be known as section 4a, which shall read as follows:

New section

Protest of
land holders
of 50% of
district
area.

Sec. 4a. No legislative body having jurisdiction under the provisions of this act to create any transportation district, shall have such authority if, at any time prior to the adoption of its order creating such a district, there shall be filed with it any petition or protest, or petitions or protests, signed by the holders of title to land in the proposed transportation district holding title to land in said district which shall equal in area, fifty per cent or more of the area of the proposed transportation district, excluding in all such calculations, all land dedicated for street or other public purposes, or shall be equal in assessed value to fifty per cent or more of the assessed valuation of all land in the proposed transportation district, excluding in all such calculations, all land dedicated for street or other public purposes. In the event of the filing of any such petition or protest, or petitions or protests, containing the signatures sufficient under the provisions of this section to prevent the legislative body from proceeding with the formation of any transportation district under the provisions hereof, the legislative body receiving the same shall not proceed to create any such transportation district within one year after the filing of such petition or protest, or petitions or protests, and shall, during such year, be without jurisdiction to create any such transportation district unless during said year, a sufficient number of the holders of title to land protesting against the formation of said transporta-

tion district shall, in writing, withdraw their signatures from any such protest or protests so as to reduce the total number of holders of title to land protesting against the proposed transportation district, to the holders of less than forty per cent of the area of the proposed transportation district, or less than forty per cent in assessed valuation of all of the land in the proposed transportation district, excluding in both such calculations, land dedicated for street or other public purposes.

SEC. 2. Said act is hereby further amended by the addition thereto of a new section to be known as section 9a, immediately following section 9 thereof, which shall read as follows:

Sec. 9a. The legislative body of any county or city in which any transportation district, or any portion thereof, exists, is hereby authorized and empowered to pay out of the general fund of such county or municipality, or out of any other fund available for such purpose, including any fund available for the opening, widening, improvement or maintenance of streets and highways, or either of them, such sum or sums as such legislative body may from time to time deem it in the public interest to expend for the use and benefit of such transportation district, and may contribute from such funds, or any of them, from time to time, such sum or sums as in the discretion of such legislative body may be found by them to be for the public benefit, to any fund or funds of such transportation district. Any money so expended for the benefit of or contributed to the funds of any transportation district shall thereafter be deemed and used as the funds or the property of said transportation district and administered, used or expended as such.

New section

County or city may contribute to district.

CHAPTER 617.

An act to amend sections 1, 2, 3, 4 and 5 of chapter 276, statutes of 1913, entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the attorney general in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913.

Stats 1913, p. 508, amended

[Approved by the Governor June 5, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the above entitled act is hereby amended to read as follows:

Stats 1913, p. 508

Unlawful to discriminate between different locations in sale of commodities.

Section 1. It shall be unlawful for any person, firm or corporation, doing business in the State of California and engaged in the production, manufacture, distribution or sale of any commodity or product of general use or consumption, or the product or service of any public utility, with the intent to destroy the competition of any regular established dealer in such commodity, product or service, or to prevent the competition of any person, firm, private corporation, or municipal or other public corporation, who or which, in good faith, intends and attempts to become such dealer, to discriminate between different sections, communities or cities or portion thereof or between different locations in such sections, communities, cities or portions thereof in this state, by selling or furnishing such commodity, product or service at a lower rate in one section, community or city, or any portion thereof, or in one location in such section, community or city or any portion thereof, than in another after making allowance for difference, if any, in the grade or quality, quantity and in the actual cost of transportation from the point of production, if a raw product or commodity, or from the point of manufacture, if a manufactured product or commodity. Motion picture films when delivered under a lease to motion picture houses shall not be deemed to be a commodity or product of general use or consumption under this act. This act shall not be construed to prohibit the meeting in good faith of a competitive rate, or to prevent a reasonable classification of service by public utilities for the purpose of establishing rates. The inhibition hereof against locality discrimination shall embrace any scheme of special rebates, collateral contracts or any device of any nature whereby such discrimination is, in substance or fact, effected in violation of the spirit and intent of this act.

Exception

Construction

Any person who, either as director, officer or agent of any firm or corporation or as agent of any person, violating the provisions hereof, assists or aids, directly or indirectly, in such violation shall be responsible therefor equally with the person, firm or corporation for whom or which he acts.

In the prosecution of any person as officer, director or agent it shall be sufficient to allege and prove the unlawful intent of the person, firm or corporation for whom or which he acts.

Stats 1913,
p 508

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Duty of attorney general to prosecute

Sec. 2. Upon the third violation of any of the provisions of section 1 of this act by any corporation, it shall be the duty of the attorney general to institute proper suits or quo warranto proceedings in any court of competent jurisdiction for the forfeiture of its charter, rights, franchises or privileges and powers exercised by such corporation, and to permanently enjoin it from transacting business in this state; and if in such action the court shall find that such corporation is violating or has violated any of the provisions of section 1 of this act, it may enjoin said corporation from doing business in this state permanently or for such time as the court shall order,

or may annul the charter, or revoke the franchise of such corporations.

SEC. 3. Section 3 of said act is hereby amended to read as follows: Stats 1913,
p. 508

Sec. 3. Any contract, express or implied, made by any person, firm or corporation in violation of any of the provisions of section 1 of this act is declared to be an illegal contract, and no recovery thereon shall be had. Contract in violation of
Sec. 1
illegal

SEC. 4. Section 4 of said act is hereby amended to read as follows: Stats 1913,
p. 508

Sec. 4. Any person, firm, private corporation or municipal or other public corporation, may maintain an action to enjoin a continuance of any act or acts in violation of section 1 of this act and, if injured thereby, for the recovery of damages. If, in such action, the court shall find that the defendant is violating or has violated any of the provisions of section 1 of this act, it shall enjoin the defendant from a continuance thereof; it shall not be necessary that actual damage to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in said action shall be entitled to recover from the defendant three times the amount of the actual damages, if any, sustained. Person injured may
maintain
action

SEC. 5. Section 5 of said act is hereby amended to read as follows: Stats 1913,
p. 508

Sec. 5. Any person, whether as principal, agent, officer or director, for himself or for another person, or for any firm or corporation, or any corporation, who or which shall violate any of the provisions of section 1 of this act, is guilty of a misdemeanor for each single violation and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. Penalty for
violation

CHAPTER 618.

An act to amend sections 8 and 10 of chapter 323, statutes 1927, entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March Stats 1927,
p. 532,
amended

23, 1893, and all other acts and parts of acts in conflict herewith," approved May 5, 1927, relating to license fees.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 532

SECTION 1. Section 8 of chapter 323, statutes of 1927, entitled "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the State of California,' approved March 23, 1893." is hereby amended to read as follows:

Practitioners not affected

Sec. 8. That this act shall not affect the rights under the laws of the State of California, of veterinarians to practice veterinary medicine who have lawful rights to practice veterinary medicine at the time of the passage of this act, excepting as hereinafter provided, for the payment of an annual license fee; and provided further that this act shall not apply to veterinary surgeons in the employ of the United States army or United States bureau of animal industry, or veterinarians employed full time by the California department of agriculture nor to regularly licensed veterinarians in actual consultation from other states, nor to regularly licensed veterinarians actually called from other states to attend cases in the State of California, but who do not open an office or appoint a place to do business within said state.

Stats 1927,
p 532

SEC. 2. Section 10 of chapter 323, statutes of 1927, is hereby amended to read as follows:

License issued prior to July, 1927.

Sec. 10. Any license granted to any person to practice veterinary medicine, or any branch thereof, in the State of California, except as hereinbefore provided, issued prior to the first day of July, 1927, shall remain in force until that date, and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual fee and not otherwise, but notwithstanding the payment of such fee such license at any time may be forfeited, or revoked as provided in section 9 hereof. To provide a fund to be used to secure evidence against and prosecute violators of this act every person holding a license to practice veterinary medicine, or any branch thereof, in this state, shall between the first day of July and the first day of August of each year pay a license fee of five dollars to said board, for the year commencing with the first day of July, of such year,

Annual license fee

and failure to pay such license fee prior to the first day of August of each year, shall ipso facto work a forfeiture of the license held by such person not paying the fee, and the license of such person shall not be restored except upon written application therefor to the said board of veterinary examiners and the payment to said board of ten dollars. Provided, further, that the person applying for the reinstatement and to have license restored shall not be required to submit to any examination on account of the forfeiture of such license by reason of nonpayment of such license fee, but it shall be unlawful for any person, firm or corporation to practice veterinary medicine or any branch thereof during the period that said license is forfeited by reason of nonpayment of license fee.

Every person applying to said board of examiners for a license to practice veterinary medicine or any branch thereof, subsequent to July 1, 1927, shall pay to said board of veterinary examiners, in addition to the fee provided for in section 3 hereof, such license fee hereinbefore provided for in the current year within which such examination shall be taken and the board of examiners shall issue no license to any applicant unless such license fee be paid.

Forfeiture
of license

Applicant
to pay fees
for current
year.

CHAPTER 619.

An act to amend section 594c of the Political Code, relating to the sale and issuance of securities of companies organized for the purpose of transacting an insurance business.

[Approved by the Governor June 5, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 594c of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1357

594c. The word "security" as herein used shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings or any other instrument commonly known as a security; but shall not include:

"Security"
defined

(a) Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce;

(b) Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale;

(c) Mortgage participation certificates issued under and in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code; or any policies or contracts of insurance issued by an insurance company.

"Sale"
defined

"Sale" or "sell" as used in this section shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; provided, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; and provided, further, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this section.

"Broker"
defined

The word "broker" as used in this section includes every person, firm or corporation, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security as defined in this section, issued by others, or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public.

"Agent"
defined

The word "agent" as used in this section means and includes every person, firm or corporation employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security as defined in this section.

Permit
to sell
securities

No company organized for the purpose of transacting any insurance business shall sell in this state, except upon a sale for delinquent assessment made in accordance with the provisions of article two of title one of part four of division one of the Civil Code, or offer for sale, negotiate for the sale of, or take subscriptions for, any security or capital stock of its own issue until it shall have first applied for and secured from the insurance commissioner a permit authorizing it so to do.

Application

The application for the permit shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the applicant shall set forth the names and addresses of its officers, the location of its office, an itemized

account of its financial condition, the amount and character of its assets and liabilities, a detailed statement of the plan upon which it proposes to transact business, a copy of any security it proposes to issue, issue, a copy of any contract it proposes to make concerning the same, a copy of any prospectus or advertisement, or other description of such securities, then prepared by or for it for distribution or publication, and such additional information concerning the company, its condition and affairs as the commissioner may require. If the applicant is a partnership or an unincorporated association or joint stock company, it shall file with its application a copy of its articles of partnership or association, and all other papers pertaining to its organization. If the applicant is a corporation, it shall file with its application a copy of all minutes of any proceedings of its directors or stockholders or members relating to or affecting the issue of such securities, and also a copy of its articles of incorporation and of its by-laws and of any amendments thereto. If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall also file with its application a certificate, executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government; and also, in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its affairs. If he finds that the proposed plan of business of the applicant is not unfair, unjust, or inequitable, that it intends to fairly and honestly transact its business, and that the securities that it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be issued. The commissioner may impose conditions requiring the deposit in escrow

Examina-
tion of
application

Powers of
commis-
sioner

of securities, the impoundment of the proceeds from the sale thereof, limiting the expense in connection with the sale thereof and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds of such securities in the manner and for the purposes provided in such permit. The commissioner may, from time to time for cause, amend, alter or revoke any permit issued by him hereunder, or temporarily suspend the rights of the applicant under such permit. The commissioner shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this section.

Reports

Every company authorized by the commissioner to sell securities shall thereafter, at such times as it may be required by the commissioner, make and file in the office of the commissioner a report, setting forth, in such form as the commissioner may prescribe, the securities sold by it under the authority of any permit issued by him, the proceeds derived therefrom, the disposition of such proceeds, and such other information concerning its property, officers, or affairs, relating to or affecting the value of such securities, as the commissioner may require.

Broker's certificate

No person, firm or corporation shall act as an agent or broker unless he shall have first applied for and secured from the insurance commissioner a certificate, then in effect, authorizing him so to do.

Application

Every such certificate shall expire on the first day of July next after its issue, unless sooner suspended or revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

Contents

1. The name and address of the applicant, and if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant, and its managing officers and agents, if it be a corporation, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

Applicant's bond

At the time of filing an application for a broker's certificate, the applicant shall file with the commissioner a good and sufficient bond for five thousand dollars, payable to the people of the State of California, for the use and benefit of any interested person, executed by said applicant and by sufficient surety or sureties, and to be approved by the commissioner. Said bond shall be conditioned upon the strict compliance with the provisions of this section, and the honest and faithful application of all funds received and the faithful and honest

performance of all obligations and undertakings in the purchase or sale of securities, by said broker, his agents and employees. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded by reason of the violation of any of the provisions of this section, or by reason of any fraud connected with or growing out of any transaction contemplated by the provisions of this section. Any person who sustains an injury covered by such bond, may in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damages sustained by him. Upon such action being commenced the commissioner may in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such broker shall file a new bond, and upon failure to file the same within ten days in either case such failure shall constitute sufficient grounds for the suspension or revocation of such broker's certificate.

Recovery
on bond

If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall file with its application a copy of its articles of incorporation or association, together with a certificate executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government, and also in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the fraud of such applicant in the sale of securities within this state, or in any action upon any bond provided by this section, may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

Where
applicant
a foreign
corporation

The commissioner shall examine such application, and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If, from such examination, the commissioner, shall be satisfied of the good business reputation of the applicant and of its officers or members, if any, that the sale of the securities proposed to be sold by it would not be unfair, unjust or inequitable to the purchasers thereof, that neither it nor its officers or members have violated any of the provisions of this act and that neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction he shall issue such certificate. Otherwise, he shall refuse the same and deny the application and notify the applicant of his decision. The commissioner may at any time temporarily suspend or revoke any broker's or agent's certificate issued by him if he shall find that the holder thereof is of bad business repute, or has violated any provision of this act, or has engaged, or is about to engage in any fraudulent transaction

Examina-
tion of ap-
plication

Statement
by broker
on sale of
securities

Every broker shall, at such times as it may be required by the commissioner, make and file in the office of the commissioner a true and correct statement concerning any security sold or offered for sale by such broker, showing the name and location of the principal office of the issuer of such security; the names of its managing officers, if it is a corporation, or of its members, if it is a partnership; its assets, liabilities, and issued capital stock, at the close of its fiscal year then last ended, or at a later date; its gross income, expenses, and fixed charges for the year next preceding such date, or for such time as such issuer of such security has transacted business, if for less than one year, and the approximate price at which such broker has sold or proposes to sell such security, together with such other information, of which the broker may have knowledge, as the commissioner may require, nor shall any broker sell or offer for sale any security after notice in writing given to it by the commissioner that in his opinion, the sale thereof would be unfair, unjust, or inequitable to the purchaser thereof, unless the commissioner shall subsequently in writing withdraw such objection to the sale thereof.

Advertise-
ments
submitted
to commis-
sioner

No person, partnership, association, or corporation, other than a broker holding a broker's certificate, then in effect, shall issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security, to be issued by any company, that such person, partnership, association, or corporation desires or proposes to sell, until the company proposing to issue such security shall have first secured from the commissioner a permit authorizing it to issue or sell such security; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security sold or offered for sale by it, unless the name of the company, broker, agent, or person issuing, circulating, or publishing the same shall be subscribed thereto, and a true copy thereof shall have been first filed in the office of the commissioner at least one day prior thereto; provided, however, that the filing of a copy of such advertisement, pamphlet, prospectus or circular, as herein provided, shall not be required in any case in which the commissioner shall have authorized or consented to the issuance, circulation or publication thereof; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any such advertisement, pamphlet, prospectus, or circular after notice in writing given to it by the commissioner that, in his opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof.

Documents
open to
public
inspection
Exception

All papers, documents, reports, and other instruments in writing filed with the commissioner under this section shall be open to public inspection; provided, that if, in his judgment, the public welfare or the welfare of any company, demands that any portion of such information be not made public, he may, in his discretion, withhold such information

from public inspection for such time as in his judgment is necessary. The commissioner may at any time give, issue, or make public any information concerning any company or any contracts, stocks, bonds, or other securities, sold or offered for sale within this state, if in his judgment the giving, issuing, or publishing of the same will be of public interest or advantage or will tend to prevent the fraudulent sale of such securities.

Every order, decision, permit or other official act of the commissioner made, issued or done under the provisions of this section, shall be subject to review, in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, or permit.

Review of orders, etc., of commissioner.

Every security issued by any company, without a permit of the commissioner authorizing the same then in effect, shall be void, and every security issued by any company, with the authorization of the commissioner but not conforming in its provisions to the provisions, if any, which it is required by the permit of the commissioner to contain, shall be void.

Securities issued without permit void.

Every company which shall directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any security contrary to the provisions of this section, or of the constitution of this state, or in nonconformity with a permit of the commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars.

Penalty for violation

Every officer, agent, or employee of any company, and every other person, who knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this section, or of the constitution of this state, or who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning such company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or who, with knowledge of the falsity

Penalty for officers, etc.

of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security, without first informing the commissioner of the falsity of such statement in writing, or who, directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of such security, or to any purpose specified in such permit in excess of any amount limited in such permit to be issued for such purpose, or who, with knowledge that any security has been issued or executed, in violation of any of the provisions of this section, sells or offers the same for sale, or who, with knowledge that any advertisement, pamphlet, prospectus, or circular concerning any security contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, issues, circulates, or publishes the same, or shall cause the same to be issued, circulated, or published, or who, in any respect, wilfully violates or fails to comply with any of the provisions of this section, or who, in any other respect, wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any permit or order issued by the commissioner or any of the provisions of this act, is guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Fees The commissioner in the exercise of his powers and the performance of his duties in accordance with this section shall charge and collect the following fees:

For permit to issue securities 1. For filing an original or supplemental application for a permit to issue securities, ten dollars. plus—

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One-twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One-one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

For the purpose of determining the above fees:

Valuation of securities (a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor; provided, however, until a new value shall have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(d) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

2. For filing any application for a broker's certificate Other fees
twenty-five dollars.

3. For filing any application for an agent's certificate five dollars.

4. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

5. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities, ten dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution. Copies for public officers

CHAPTER 620.

An act to add a new section to be numbered 6½ to an act entitled "California canned fruit standardization act," approved May 23, 1925, as amended, providing for the use Stats 1925, p 907, amended
43—86258

*of United States department of agriculture markings on
canned products.*

[Approved by the Governor June 5, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. There is hereby added a new section to be numbered 6 $\frac{1}{2}$ to an act entitled "California canned fruit standardization act," approved May 23, 1925, to read as follows:

Standards
subject to
regulations
of United
States de-
partment of
agriculture

Sec. 6 $\frac{1}{2}$. Each and all of the provisions contained in the foregoing sections 1 to 6 inclusive shall be governed by and subject to such rules and regulations as the secretary of the United States department of agriculture may, from time to time promulgate, adopt or prescribe, or has heretofore promulgated, adopted or prescribed, as to the standard of quality, condition and/or fill of container and/or the required markings of the container for canned food.

CHAPTER 621.

*An act granting certain lands and salt marsh and tidelands
of the State of California to the city of Oakland, including
the management, use and control thereof.*

[Approved by the Governor June 5, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Grant of
state lands
to city of
Oakland.

SECTION 1. There is hereby granted to the city of Oakland, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all lands, tidelands and submerged lands, whether filled or unfilled, included within that portion of the city of Oakland described as follows:

Boundaries

Bounded on the north by the line of ordinary low tide as the location thereof may be hereafter fixed by agreement of the city of Oakland and the adjacent shore line owners, on the south by the southerly boundary line of said city; on the west by the southerly production of the western line of Pine street, as Pine street exists between Atlantic street and Goss street, and as shown upon that certain map entitled "Map of land on Oakland point (railroad ferry landing), city of Oakland tract 406," filed May 24, 1864, in book of maps 5, page 33, records of Alameda county; on the east by the westerly boundary line and the southerly production of same, of that certain piece or parcel of land heretofore conveyed to Moore Ship-building Company by The Western Pacific railroad company by deed dated September 15, 1919, and recorded in deed book 2833, page 119, records of Alameda county.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit: Conditions.

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever, provided: that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding fifty years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods, (but in no event exceeding fifty years), for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor.

(b) That said harbor shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purpose. Reservations

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

CHAPTER 622.

An act to amend section 475 of the Political Code, relating to clerks, phonographic reporter, service agent and stenographers of the attorney general's office.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 785

Appointees
of attorney
general

SECTION 1. Section 475 of the Political Code is hereby amended to read as follows:

475. The attorney general may appoint such clerks and stenographers as he may deem necessary, and one phonographic reporter and one service agent. The annual salary of such clerks, stenographers, phonographic reporter and service agent shall be such as is prescribed by the attorney general. The clerks, phonographic reporter, and service agent and the stenographers shall be civil executive officers and their salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The service agent, two clerks and eight of the stenographers shall be exempt from the provisions of the state civil service act, and all such officers shall hold their positions during the pleasure of the attorney general.

CHAPTER 623.

An act creating a tax research bureau in the office of the state board of equalization, under the joint supervision of the governor, director of finance and members of said board, for investigation of matters relating to revenue, taxation and public finance; prescribing the powers and duties of said officials in relation to such bureau, providing for reports and recommendations relating to revenue, taxation and public finance and making an appropriation therefor.

[Approved by the Governor June 5, 1931, with the reduction hereunder noted. In effect August 14, 1931.]

[I object to the amount of \$100,000 in section 5 of Senate Bill No. 738, and reduce the amount to \$90,000. With this reduction, I approve the bill Dated June 5, 1931 JAMES ROLPH, JR., Governor]

The people of the State of California do enact as follows:

Tax research
bureau
created

SECTION 1. A tax research bureau is hereby created in the office of the state board of equalization; said bureau shall be under the joint supervision of the governor, director of finance and members of the state board of equalization, who shall prescribe the activities of said bureau and employ all expert and clerical assistance necessary to carry out the provisions of this act. All persons employed hereunder shall be exempt from the provisions of the civil service act and shall serve

for such period and for such compensation and under such conditions as said bureau may prescribe. The governor shall be ex officio chairman of said bureau and the governor, director of finance, and the state board of equalization collectively shall each be entitled to one vote in matters requiring the decision of the bureau.

SEC. 2. Under the supervision for which provision is made in section 1 of this act, said tax research bureau is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the actual operation of the systems of revenue, taxation and public finance of this state, its political subdivisions, municipalities therein and of other states, their political subdivisions and municipalities therein, and to perform such other duties as the governor, director of finance and members of the state board of equalization may direct.

Powers

SEC. 3. It is hereby made the duty of any state, county and municipal officer and of any corporation or individual, to report promptly to said tax research bureau when requested to do so as to any matters not inconsistent with the purposes of this act. Failure to make such report shall constitute a misdemeanor.

Duty of officers, etc

SEC. 4. Upon the basis of information obtained by said tax research bureau under the provisions of this act, the governor, director of finance and members of the state board of equalization are hereby authorized and directed to report to the people and the Legislature of this state not later than December first of each year next preceding the regular session of the Legislature concerning matters of revenue, taxation and public finance and to make recommendations thereon.

Report to Legislature

Said bureau is hereby directed to give consideration, and report its findings and recommendations to the Legislature by December 1, 1932, as to the burden of taxation borne by homes, farms and all other real estate taxed locally, and ways and means to relieve any inequalities that may exist, and upon proper tax limitation methods.

Real estate taxation

SEC. 5. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used under the joint supervision of the governor, director of finance and the members of the state board of equalization for the purpose of carrying out the provisions of this act.

Appropriation

CHAPTER 624.

An act to create a fund to be known as the state highway general fund and providing for expenditures therefrom.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

State high-
way general
fund
created

SECTION 1. A fund to be known as the state highway general fund is hereby created. Any moneys contributed by any county or city and county for the construction or maintenance of highways, federal aid road moneys or other funds coming under the control of the division of highways of the state department of public works which are not otherwise specifically appropriated may be placed in said state highway general fund. Any money placed in said state highway general fund may be drawn therefrom for such purposes as the said division of highways may direct.

CHAPTER 625.

An act to appropriate the sum of one hundred seventy-three thousand five hundred dollars out of any money in the state treasury, not otherwise appropriated, to lease the necessary facilities and service for the establishment of a telephone typewriter system of communication between cities in California and the bureau of criminal identification and investigation at Sacramento; and for the operation and control of the system under the direction of the bureau of criminal identification and investigation, and declaring the same an urgency measure.

[Approved by the Governor June 5, 1931. In effect immediately.]

The people of the State of California do enact as follows:

Appropriation-
teletype
system

SECTION 1. The sum of one hundred seventy-three thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the expenses of leasing the necessary facilities and equipment and, maintaining and operating a telephone typewriter system of communication between the cities of Sacramento, Red Bluff, Yreka, Truckee, Oakland, San Francisco, San Rafael, Eureka, Salinas, San Luis Obispo, Fresno, Bakersfield, Los Angeles, Santa Barbara, San Bernardino, San Diego and El Centro, to be centered in and operated under the direction and control of the bureau of criminal identification and investigation in Sacramento, California.

Urgency.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of article four of the

constitution necessary for the preservation of the public peace, health and safety and shall take effect immediately.

The facts constituting such necessity are as follows: In the past few months many heinous crimes have been committed in the State of California and the perpetrators thereof are not as yet apprehended. It is essential to the preservation of the public peace, health and safety that every possible device be used to apprehend those who are at present fugitives from justice and to insure the swift capture of any persons who commit crimes in the future. The device for which the within appropriation is made will aid materially in accomplishing this necessary result.

CHAPTER 626.

An act to amend section 1394½ of the Political Code, relating to fees and rates of tuition of nonresident students of the University of California, and to add to said section a provision authorizing the attorney for the regents of the University of California, and other persons, to administer oaths in connection with the taking of testimony relative to the residence status of students and prospective students of the University of California.

[Approved by the Governor June 5, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1394½ of the Political Code is hereby amended to read as follows: Stats 1923,
p 617.

1394½. An admission fee and rate of tuition fixed by the regents of the University of California must be required of each nonresident student. The regents shall cause to be computed the actual cost to the university of maintaining one student in each of the respective courses of the several colleges for the period of one year. Each nonresident student shall be required to pay as the rate of tuition the sum provided for by the above computation for the particular course such student is following; provided, that the maximum sum to be paid shall not exceed five hundred dollars; and provided, further, that such sums may be remitted in whole or in part in the case of graduate students in other than professional colleges and schools. Tuition fees
for non-
resident
students.

The term "nonresident student" as used in this section shall be construed to mean any person who has not been a bona fide resident of the State of California for more than one year immediately preceding the opening day of a semester during which he proposes to attend the university. Definition
nonresident

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by the provisions of section 52 of this code: provided, however, that every alien student who has not made a valid declaration of intention to become a citizen of the United States Determina-
tion of
residence

as provided by the laws thereof, prior to the opening day of a semester during which he proposes to attend the university, shall be deemed to be a nonresident student; and further provided, that nothing herein or in section 52 of this code contained shall be construed to prevent the regents from causing to be classified as a resident student any citizen of the United States, or any person who prior to the opening day of a semester during which he proposes to attend the university has made a valid declaration of his intention to become a citizen of the United States, who has attained his majority according to the laws of the State of California, and who for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the university has been entirely self-supporting and actually present in the State of California, with the intention of acquiring a residence therein, nor from causing to be classified as a resident student any minor child, a citizen of the United States, or any minor child, who, prior to the opening day of a semester during which he proposes to attend the university, has made a valid declaration of his intention to become a citizen of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the university received, directly or indirectly, any support or financial assistance from his father, providing such minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of such semester actually present in the State of California with the intention of making her permanent home therein.

Powers of
attorney for
regents

The attorney for the regents of the University of California and any person appointed by him for the purpose of ascertaining the residence status of students and prospective students of the University of California shall have the power to administer oaths or affirmations in connection with the taking of testimony relative to such residence status.

CHAPTER 627.

An act granting to the city and county of San Francisco lands known as "Channel" or "Channel street" southwesterly from the northeasterly line of Seventh street in said city and county; and authorizing said city and county of San Francisco to dispose of portions of said street, or otherwise deal with or improve said portion of said street as said city and county may deem proper; and repealing all acts in conflict therewith.

[Approved by the Governor June 5, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

"Channel
street"
granted to
San Fran-
cisco

SECTION 1. All of the lands known as "Channel" or "Channel street" in said city and county of San Francisco,

southwesterly from the northeasterly line of Seventh street in said city and county are hereby granted to said city and county of San Francisco.

SEC. 2. The city and county of San Francisco is hereby authorized and empowered to improve, or in any other way deal in or with that portion of Channel or Channel street in the city and county of San Francisco, southwesterly from the northeasterly line of Seventh street, including the right to grant to the persons owning property adjoining upon said portion of Channel street such portions of said part of Channel street as the board of supervisors of said city and county of San Francisco may deem advisable, and to declare the remaining portion or portions of said part of Channel street a public street of said city and county, and to construct and improve the same as a street of said city and county.

Powers of
San Fran-
cisco

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repeal

CHAPTER 628.

An act to amend sections 1, 2, 5, 6, 9, 10 and 11 and to repeal section 7 of an act entitled "An act for the regulation and control of fraternal benefit societies," approved May 1, 1911, as amended, relating to the definitions of fraternal benefit society, lodge system, representative form of government, the maintenance and disbursement of funds and the payment of benefits.

Stats 1911,
p 1320
amended

[Approved by the Governor June 5, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act for the regulation and control of fraternal benefit societies," as amended, by chapter 645, statutes of 1915, is hereby amended to read as follows:

Stats 1915,
p 1273

Section 1. Any corporation, society, order, or voluntary association, without capital stock organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system and representative form of government, or which limits its membership to a secret fraternity having a lodge system and representative form of government, and which shall make provision for the payment of benefits in accordance with section 5 hereof, is hereby declared to be a fraternal benefit society.

Fraternal
benefit
society
defined

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Stats 1911,
p 1320

Sec. 2. Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known into which members shall be elected and admitted in accordance with its constitution, laws, rules and regulations, which subordinate lodges or branches shall be required

Lodge
system

by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

Stats 1911,
p. 1320.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Benefits.

Sec. 5. Subsection 1. Every society transacting business under this act shall provide for the payments of benefits upon the death of its members either within a term of years or at any time, and may provide for benefits payable upon its members reaching seventy years of age, and may also provide for the payment of benefits in case of total and permanent disability, and may provide also for the payment of benefits in the event of temporary disability and for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits.

Provision
for reserve

Subsection 2. Any society may also enter into contracts in such other forms and granting such benefits as its laws may authorize when it shall provide for the accumulation and maintenance of assets required for the payment of such benefits when valued upon an interest basis not exceeding four per centum per annum and mortality standards adopted by it within the limitations provided in the statutes relating to fraternal benefit societies, or at the option of the society in the statutes relating to life insurance companies.

Stats 1917,
p 785

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Membership

Sec. 6. Any person not less than sixteen and not more than sixty years of age may be admitted to beneficial or general or social membership in any society in such manner and upon such showing of eligibility as the laws of the society may provide. Payment of death benefits may be made only to the member's wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, children by legal adoption, parents by legal adoption, persons upon whom the member is dependent, persons dependent upon the member, members of the family of the insured, or to a trustee for the sole benefit of any such person or persons; provided, however, that if after issuance of the original certificate the member is dependent upon a charitable institution, such member shall have the privilege with the consent of the society, to designate such institution as beneficiary, either direct or in trust; provided, further, that if the member has no wife, husband or children, then such member may designate as beneficiary, direct or in trust, any person or persons, entity, or interest, or the member's estate as may be permitted by the laws of the society; provided, however, that no beneficiary shall have or obtain any vested interest in the benefits provided in the certificate until same have become due and payable in conformity with the provisions of the contract of membership and the member shall have full right to change the beneficiary or bene-

Benefici-
aries

ficiaries in accordance with the laws, rules and regulations of the society.

SEC. 5. Section 9 of said act is hereby amended to read as follows: Stats 1911,
p 1320

Sec. 9. Subsection 1. Any society may create, maintain, invest, disburse and apply an emergency, surplus or other similar fund, consistent with the purposes for which such society is organized, including hospital and help, sanitarium, home, thrift, pension for its employees, patriotic, educational and relief funds, in accordance with its laws. Any such society may own real estate and buildings within or without the state of incorporation for the purposes mentioned in this section, and may receive gifts and bequests for such purposes and may be named in certificates as beneficiary in trust for such purposes. Unless otherwise provided in the contract such funds shall be held, invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed shall be derived from periodical or other payments by the members of the society and accretions of said funds; provided, that all societies hereinafter incorporated or foreign societies admitted shall be one hundred per cent solvent according to the valuation requirements of sections 23, 23a, and 23b of this act; provided, further, that the legal reserves required by sections 23, 23a, and 23b of this act shall not be disbursed except in fulfillment of the terms of the certificate for the protection of which said reserves are maintained. Funds
Solvency

Subsection 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities. Deferred
payments,
etc.

SEC. 6. Section 10 of said act is hereby amended to read as follows: Stats 1911,
p 1320

Sec. 10. Every society shall invest its funds only in securities permitted by the laws of this state for the investment of the assets of life insurance companies, and such securities shall be valued according to the methods used in valuing similar securities held by life insurance companies; provided, that any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated, shall be held to meet the requirements of this act for the investment of funds. Any such society may also deposit securities in accordance with the laws of any state. Investment
of funds
Valuation

Stats 1911,
p 1320

SEC. 7. Section 11 of said act is hereby amended to read as follows:

Fiscal
scheme

Sec. 11. Subsection 1. Every society which is one hundred per cent solvent, according to the requirements of sections 23, 23a, and 23b of this act in respect of the whole society or of a class or section thereof shall collect sufficient periodical or other contributions from the members of the society, or of such class or section thereof, which, with interest accretions, are sufficient to pay the claims arising from the certificates of the whole society, or of such class or section thereof, and to pay for the expense or management of the society, and to maintain a fund sufficient to meet its accrued liabilities and the reserves required to maintain the said percentage of solvency in accordance with the said sections 23, 23a, and 23b of this act, or, in lieu thereof, shall comply with subsection 2 of this section.

Subsection 2. Every other society or other class or section thereof shall collect from the members of such society or other class or section thereof stated periodical or other contributions expressly collected or set aside for the mortuary or disability funds, and periodical or other contributions expressly collected or set aside for the expense or management funds, both of which may be included in the periodical contribution, and no part of the money in the mortuary or disability funds, or of the interest accretions thereon, shall be used for expense purposes.

Repeal

SEC. 8. Section 7 of said act is hereby repealed.

CHAPTER 629.

Stats 1917,
p 144,
amended

An act to amend section 1 of an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917, as amended, relating to the payment of death and annuity benefits upon the lives of children.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1929,
p 1368.

SECTION 1. Section 1 of an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917, is hereby amended to read as follows:

Children

Section 1. Any fraternal benefit society authorized to do business in this state may provide in its laws, in addition to other benefits provided for therein, for the payment of death and annuity benefits upon the lives of children between the ages of one and eighteen years at next birthday, upon the application of some adult person, as the laws of such society may provide, upon whom such child is dependent for support

and maintenance. Any such society may, at its option, organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The death benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: one, one hundred dollars; two, two hundred dollars; three, four hundred dollars; four, six hundred dollars; five, eight hundred dollars; and six to eighteen years, where not otherwise authorized by law, one thousand dollars.

Total bene-
fits payable

CHAPTER 630.

An act to amend section 737ss of the Political Code, relating to the salary of the judge of the superior court, Shasta county.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737ss of the Political Code is hereby amended to read as follows:

Stats 1927,
p 563

737ss. The annual salary of the judge of the superior court in and for the county of Shasta is six thousand dollars.

Superior
judge
Shasta
county

CHAPTER 631.

An act to amend section 737uu of the Political Code, relating to salary of superior court judge.

[Approved by the Governor June 5, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 737uu of the Political Code is hereby amended to read as follows:

Stats 1927,
p 563

737uu. The annual salary of the judge of the superior court in and for the county of Siskiyou is six thousand dollars.

Superior
judge
Siskiyou
county

CHAPTER 632.

An act to add a new section to the Political Code to be numbered 3236, relating to preference on public contracts and furnishing supplies.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 3236 and to read as follows:

Preference to goods made within state.

3236. It shall be discretionary with all county boards of supervisors, school boards, city councils, and all other public officers, boards and commissioners, charged or which may in the future be charged under the law with the letting of contracts for public work, or with the construction of public bridges, buildings and other structures, or with the purchase of materials and supplies for any public use, to give such contracts and to purchase such materials and supplies from persons and concerns, manufacturing same in the State of California; provided, that the bids of such persons or concerns, or the prices quoted by them, shall not exceed by more than five per cent the lowest bids or prices quoted by persons and concerns manufacturing the same elsewhere, and when in their opinion the public good will in any way be served thereby; provided, however, that no goods and material shall be entitled to above preference in which the major portion of the work of manufacturing same shall be done outside the State of California.

CHAPTER 633.

An act to amend section 3336 of the Civil Code relating to damages for the wrongful conversion of personal property.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Code
Amdts
1877-78,
p. 90
Damages for
conversion
of personal
property.

SECTION 1. Section 3336 of the Civil Code is hereby amended to read as follows:

3336. The detriment caused by the wrongful conversion of personal property is presumed to be:

First—The value of the property at the time of the conversion, with the interest from that time, or, an amount sufficient to indemnify the party injured for the loss which is the natural, reasonable and proximate result of the wrongful act complained of and which a proper degree of prudence on his part would not have averted; and

Second—A fair compensation for the time and money properly expended in pursuit of the property.

CHAPTER 634.

An act to amend section 817 of the Penal Code, relating to peace officers.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Penal Code is hereby amended to read as follows: Stats. 1927,
p 621.

817. A peace officer is a sheriff of a county, marshal of a municipal court, constable of a township, marshal, policeman of a city or town, inspectors of the California state board of pharmacy not exceeding ten in number, special agents not exceeding two in number and assistant special agents not exceeding two in number of the board of medical examiners of the State of California, the superintendent and the special criminal investigators of the bureau of criminal identification and investigation, and the chief and inspectors of the division of narcotic enforcement. Peace
officers.

CHAPTER 635.

An act authorizing and directing the California Olympiad commission to provide for holding winter sports in connection with the Olympic games in the State of California in 1932.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The California Olympiad commission is hereby authorized and directed to expend the sum of fifty-five thousand dollars, or so much thereof as may be necessary, out of any moneys in the California tenth Olympiad fund, in accordance with law under the provisions of the "California tenth Olympiad bond act of 1927" for the purpose of conducting, managing, supervising and staging in any place within the state deemed appropriate by said commission, winter sports in connection with the Olympic games in California in 1932. The Legislature hereby declares that the holding of any contest or the staging of any exhibit of winter sports engaged in by the participants of the Olympic games in 1932 is a part of the holding and staging of the said Olympic games and is necessary and desirable to make the holding of said Olympic games in California a success. Appropriation. winter
sports.

CHAPTER 636.

An act to amend section 2168 of the Political Code, relating to arrest and commitment of insane persons.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927, p 1829

Apprehension of insane persons

SECTION 1. Section 2168 of the Political Code is hereby amended to read as follows:

2168. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person therein is so far disordered in his mind as to endanger health, person, or property, he must issue and deliver to some peace officer, for service, a warrant directing that such person be apprehended and taken before a judge of the superior court of the county, for a hearing and examination of such charge. Such officer must thereupon apprehend and detain such person until a hearing and examination can be had, as hereinafter provided. Pending the examination and hearing, such order may be made relative to the care, custody or confinement of the alleged insane person as the judge shall see fit. At the time of the apprehension a copy of said affidavit and warrant of apprehension must be personally delivered to said person.

Such affidavit and warrant shall be in substantially the following form:

In the _____ Court,
Of _____,
_____ County of _____, State of California
Affidavit of Insanity

Affidavit of insanity

In the matter of _____, an alleged insane person.
State of California, }
County of _____ } ss.

_____, being duly sworn, deposes and says that there is now in said county, in the city or town of _____, a person named _____, who is insane, and in so far disordered in mind as to endanger the health, person, or the property of himself, or of others, and that he, at _____ in said county, on the _____ day of _____, 19____, threatened and attempted (state actions, etc.)

That by reason of such insanity, said person is dangerous to be at large:

Wherefore, affiant prays that such action may be had as the law requires in the cases of persons who are so far disordered in mind as to endanger health, person and property.

Subscribed and sworn to before me, this _____ day of _____, 19____.

Warrant of Apprehension

Warrant of apprehension.

In the ----- Court, ----- County of ----- State of California

In the matter of ----- } An alleged insane person.

The people of the State of California, to any sheriff, constable, marshal, policeman, or peace officer, in this state:

The affidavit of -----, having been presented this day to me, -----, county of -----, State of California, from which it appears that there is now in this county, at ----- a person by the name of -----, who is insane, and who is so disordered in mind as to endanger h--- own health, person and property (or the person, lives and property of others), and that it is dangerous for said person to be at large;

And it satisfactorily appearing to me that said ----- is insane, and so far disordered in h--- mind as to endanger health, person, and property;

Now, therefore, you are commanded forthwith to apprehend the above named person, and take h--- before a judge of the superior court of said ----- county of ----- for a hearing and examination on the said charge of insanity.

And I hereby direct that a copy of this warrant, together with a copy of said affidavit, be delivered to said ----- at the time of h--- apprehension; and I further direct that this warrant may be served at any hour of the night.

Witness my hand this ----- day of -----, 19----

I hereby certify that I received the above warrant of apprehension on the ----- day of -----, 19----, and served the said warrant by apprehending the said ----- alleged to be insane, and bringing h--- before -----, judge of the superior court of said ----- county of -----, on the ----- day of -----, 19----; and I further certify that I delivered a copy of said warrant of apprehension, together with a copy of the affidavit of insanity, as directed in said warrant, personally to said -----, at the time of the apprehension.

He must be taken before a judge of the superior court, to whom said affidavit and warrant of apprehension must be delivered to be filed with the clerk. The judge must then inform him that he is charged with being insane, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in

Arraign-ment.

open court as will give reasonable opportunity for the production and examination of witnesses; provided, however, that if the patient is too ill to appear in court, or if it would be detrimental to the mental or physical health of the patient, the judge may hold the necessary hearing at the bedside of the patient. Said order must be entered at length in the minute book of the court or must be signed by the judge and filed and a certified copy of the same served on such person. The judge must also order that notice of apprehension of such person and the hearing on such charge of insanity be served on such relatives of said person known to be residing in the county as the court may deem necessary or proper.

CHAPTER 637.

An act to add a new section to the Political Code to be numbered 2906a and relating to the granting of authority to a city, city and county, person or corporation to construct recreational wharves on certain state lands.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

Section 1. Section 2906a is hereby added to the Political Code to read as follows:

Pleasure piers, etc

2906a. The board of supervisors of any county may upon approval of the department of finance through the chief of the division of state lands, approve and/or grant authority to any city, city and county, person or corporation, to construct a wharf or pier, for recreational, pleasure and/or boating purposes, on any lands bordering the seashore other than lands referred to in section 2906 of this code, situated in or bounding the county, with a license to take tolls for the use of the same for a term of twenty years.

CHAPTER 638.

An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof.

[Approved by the Governor June 5, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Definition

SECTION 1. A motor carrier transportation agent within the meaning of this act is a person, firm or corporation who, for compensation, sells or offers for sale, or negotiates for, and/or

holds himself out as one who sells, furnishes or provides as principal or agent, transportation for persons over the public highways of this state, when such transportation is furnished, or is offered or proposed to be furnished by other than a carrier holding a valid certificate of public convenience and necessity issued by the railroad commission of the State of California permitting of such carrier transporting persons over such highways or any of them and between the points for which such transportation is sold, or, to the border line of the State of California when one of such points is without the state. This act shall not apply to movements of persons when no compensation is paid by or on behalf of the person or persons so transported; nor to movements of persons wholly within the corporate limits of a single municipality; nor to the transportation of school children to or from schools and institutions of learning, when such transportation of school children is conducted under contract or agreement with regularly constituted school boards or school districts; nor to transportation by ordinary taxicab service or over a route wholly or partly within a national park where such transportation is sold in conjunction with or as part of a rail trip; nor to the movements of persons over highways or parts of highways not served by certificated carriers, nor to the transportation of persons regularly to and from their fixed abode to their places of employment by a fellow employee over a highway route served only in part by a certificated carrier where the compensation paid for such service consists only in reimbursement or partial reimbursement for the cost of such transportation; provided, however, that the transportation of persons other than as above expressly excepted whereby there is paid by or on behalf of the person transported a portion of the expense incurred or to be incurred in the course of such transportation, shall be deemed to be transportation for compensation within the meaning of this act. One act, for compensation, of the nature herein set forth unless within the exceptions herein provided shall constitute a person, firm or corporation doing or committing such act a motor carrier transportation agent within the meaning of this act. Exceptions

SEC. 2. It shall be unlawful for any person, firm or corporation to engage in the business, or act in the capacity of a motor carrier transportation agent within the meaning of this act without first obtaining a license therefor. License required

SEC. 3. The railroad commission of the State of California is hereby vested with authority to administer this act, with full power to regulate and control the issuance and revocation of licenses to be issued under the provisions of this act and to perform all other acts and duties provided in this act and necessary for its enforcement. Enforcement

SEC. 4. All fees charged and collected under this act shall be accounted for, paid and disposed of in the same manner as is now, or may hereafter be, provided by law for the accounting and disposition of fees collected by the railroad commission. Fees

License

SEC. 5. Prior to the issuance of any license under the terms of this act the commission shall require written application therefor in such form and containing such information under oath, or otherwise, as the commission may from time to time require; provided, however, that no license may be issued unless the applicant shall first provide a good and sufficient bond, policy of insurance or indemnity in favor of the people of the State of California which, among other conditions that may be prescribed by the railroad commission, shall assure faithful performance of any contract or agreement of transportation negotiated by or entered into by the licensee.

Nontrans-
ferable

SEC. 6. No license shall give authority to do any act for which the license is issued to any person, firm or corporation other than the licensee mentioned in the license and such license shall not be transferable or assignable; provided, however, that when a license is issued to a firm or corporation, the officers thereof, except the president of the corporation, shall each be required to obtain a separate license before personally doing or committing any act as a motor carrier transportation agent.

Application
for license

SEC. 7. Application for license as a motor carrier transportation agent shall be made in writing to the railroad commission, which application shall be accompanied by the recommendation of two real estate owners of the county in which the applicant resides, or has his place of business, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant. If the applicant shall have resided or has engaged in business for less than one year in the county from which the application is made, the same shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business for such period of one year prior to the filing of said application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted to applicant. Where the applicant for a motor carrier transportation agent's license maintains more than one place of business within the state he shall be required to apply for and procure a license for each branch office maintained by him, such additional license to be issued without additional charge. No license shall be issued to an applicant who has no place of business and every such application shall state the name of the person, firm or corporation and as to firms and corporations, the principal officers or members and addresses thereof, and the location and place or places of business for which such license is desired.

The railroad commission may require such other proof as may be deemed advisable of the honesty, truthfulness or good reputation of any applicant for a license, or of an officer of any corporation, or of the members of any firm making such application before authorizing the issuance of a license.

Discretion of
commission

SEC. 8. No license shall be issued to an applicant when, with or without a hearing, the railroad commission shall determine

that the applicant is not a fit and proper person to receive the same.

SEC. 9. The fees for licenses and each renewal thereof shall be ten dollars per annum, provided that if the license shall be issued during the fourth, fifth or sixth months of any calendar year the license fee for the remainder of the year shall be seven dollars fifty cents; if the license shall be issued during the seventh, eighth or ninth months of any calendar year the license fee for the remainder of the year shall be five dollars; if the license shall be issued during the tenth, eleventh or twelfth months of any calendar year the license fee for the remainder of the year shall be two dollars and fifty cents.

All applications for license shall be accompanied by the fee as herein provided, and all licenses subject to the provisions for renewal that the railroad commission may prescribe, shall expire on December thirty-first of each year.

SEC. 10. The licenses of each motor carrier transportation agent shall be displayed in the office of such motor carrier transportation agent and no license issued hereunder shall authorize the licensee to do business except from the location stipulated in the license. Notice in writing shall be given the railroad commission of change of business location, whereupon the railroad commission shall issue a new license for the unexpired period applicable for the new location without additional charge. The change of business location without notification to the railroad commission and issuance by it of a new license shall automatically cancel the license heretofore issued.

SEC. 11. The commission may suspend or revoke any license theretofore issued, if it shall determine that the licensee is not a fit and proper person to hold the same, or if the commission shall determine that the licensee in acting as such motor carrier transportation agent has engaged in false advertising, false representations, violation of laws of this state or of any political subdivision thereof, or has sold, offered for sale or negotiated for sale transportation by any carrier that under the laws of this state is conducted in a manner contrary to public interest, or without proper authority, or in violation of the provisions of this act, or the general orders, rules and regulations of the railroad commission pertaining thereto.

SEC. 12. All powers heretofore, or hereafter to be, vested in the railroad commission as relates to hearing and determining matters presented are made applicable to proceedings under the provisions of this act.

SEC. 13. When any motor carrier transportation agent shall be discharged by his employer for violation of any of the provisions of this act, a written statement of the facts in relation thereto shall be filed forthwith with the railroad commission.

SEC. 14. The railroad commission may prefer a complaint for violation of this act before any court of competent

License fees

Display of licenses.

Suspension or revocation of licenses

Powers of railroad commission

Prosecution of violations.

jurisdiction and said commission and its counsel, or other official representatives, may assist in presenting facts at the trial. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the provisions of this act in their respective counties in which such violations occur either with or without request of said commission.

Penalties. SEC. 15. Any person, firm or corporation acting as a motor carrier transportation agent within the meaning of this act without a license as herein provided, shall, upon conviction thereof, if a person, be punished by a fine of not to exceed one thousand dollars, or by imprisonment in the county jail, or state prison, for a term not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; or if a corporation, may be punished by a fine of not to exceed two thousand five hundred dollars.

Penalties SEC. 16. Any person, firm or corporation duly licensed as a motor carrier transportation agent who shall violate any of the provisions of this act shall, upon conviction thereof, if a person, be punished by a fine not to exceed five hundred dollars, or by imprisonment in a county jail not to exceed six months, or by both such fine and imprisonment in the discretion of the court; or if a corporation, to be punished by a fine not to exceed one thousand dollars, and in addition thereto the license as motor carrier transportation agent theretofore issued may be revoked by the railroad commission in the manner herein provided.

Constitutionality SEC. 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 639.

An act appropriating money for the control and conservation of flood waters in the Los Angeles county flood control district.

[Approved by the Governor June 8, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Appropriation - Los Angeles county flood control

SECTION 1. The sum of six hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used by the Los Angeles county flood control district for the control and conservation of the flood waters therein, under the power vested in said

district by section 2 of the Los Angeles county flood control act, approved June 12, 1915.

SEC. 2. The controller of the State of California shall immediately upon the taking effect of this act draw his warrant in favor of the Los Angeles county flood control district for the sum of three hundred thousand dollars and he shall draw his warrant for a like sum upon the first day of July, 1932; and, provided, further, that until the flood control and conservation program of work of said district has been completed, authority is hereby given to insert in the budget for succeeding bienniums such amounts for annual expenditures for such purposes as the director of finance shall deem necessary to carry on such work to completion, and any sum so budgeted shall be expended as herein provided. The treasurer of the State of California is hereby directed to pay each of said warrants out of any moneys in the state treasury not otherwise appropriated.

Schedule of payments.

CHAPTER 640.

An act relating to and providing for the construction of flood control works on the Santa Ana river system and for the prevention of floods and conserving of the flood waters of said river and its tributaries and making an appropriation therefor.

[Approved by the Governor June 8, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. That for the purpose of controlling and conserving the flood waters of the Santa Ana river system, and preventing the seasonal damage caused by and resulting from such flood waters, there shall be constructed on the Santa Ana river and upon the tributaries thereof, at such point and places within the county of San Bernardino, as shall be determined by the governmental agency having control of the construction therefor, such dams, protection barriers and such incidental works as shall be necessary for such purpose.

Flood control - Santa Ana river system.

SEC. 2. Such dams, protection barriers and incidental works shall be of such nature, size and character, as may be recommended by the state engineer, or other engineers authorized so to do, and such dams, protection barriers and incidental works shall be constructed in general accordance with the report and recommendation of the state engineer, on the Santa Ana river and its tributaries as set out in the state engineer's bulletin number thirty-one, and as may be provided and shown on plans, profiles, and specifications for such work. All plans, profiles and specifications for dams, protection barriers and incidental works herein referred to shall be approved by the state engineer.

Dams, works, etc.

No dams or reservoirs for impounding water shall be constructed at any point or places under the provisions of this

Necessity of approval

act without the concurrence and approval of the boards of supervisors of the counties of Riverside, Orange and San Bernardino, and no work shall be done or moneys spent under this act on the main stream of the Santa Ana river or the debris cone at the mouth thereof, or on any of its tributaries or debris cones thereof, easterly of the line of Tippecanoe street in the city of San Bernardino, without the concurrence and approval of said three boards of supervisors, and no warrants drawn for any work done on said main stream of the Santa Ana river or its tributaries easterly of said Tippecanoe street shall be paid without the approval of said three boards of supervisors or the duly authorized representative of each of said boards.

Appropriation

SEC. 3. There is hereby appropriated, annually, for a period of two consecutive years, out of any money in the state treasury, not otherwise appropriated, the sum of two hundred thousand dollars, which sum shall be used exclusively for the purpose of building such dams, protection barriers and incidental works hereinbefore referred to, and the payment of the necessary incidental cost connected therewith; provided, however, that no part or portion of said sum shall be expended unless and until provision shall have been made by the interested county or counties or by the interested district or districts, or by any city or any other interested agency affected or benefited by such work or having charge of the construction thereof affected or benefited by such work, for the payment annually, of one-half of the cost of such part of the work as shall be programmed for construction during the then current fiscal year.

Payment to fund

SEC. 4. The amount hereby appropriated shall be available on and after the first day of July, 1931, and on or after the first day of July of each fiscal year thereafter, for a period of two consecutive years. The money hereby appropriated and made available and the money to be provided by the interested county or counties, or interested district or districts, shall be paid to and deposited with the county treasurer of San Bernardino county in a special fund to be known as "Santa Ana river flood control fund," and paid out only upon warrants duly authorized, drawn and signed by the agency having charge of the construction of such dams, protection barriers and incidental works.

The controller of the State of California shall, immediately after July 1, 1931, upon the taking effect of this act, draw his warrant in favor of the county treasurer of San Bernardino county for the sum of two hundred thousand dollars; and he shall draw his warrant in favor of said treasurer for a like sum upon the first day of July, 1932, and thereafter said controller shall draw his warrant for such sums in favor of the said county treasurer as shall be provided and authorized in the budget. The treasurer of the State of California is hereby directed to pay each of said warrants out of any moneys in the state treasury not otherwise appropriated. All

of said sums shall be applied, expended and used exclusively for the purposes and uses and in the manner provided by this act.

If the work of controlling and conserving the flood waters of the Santa Ana river system shall not have been completed with the appropriation hereinbefore made, authority is hereby given to insert in the budget for succeeding bienniums such amounts for annual expenditures for such purpose as the director of finance shall deem necessary to carry on such work to completion, and any such sums so budgeted shall be paid to the said county treasurer of San Bernardino county and expended as herein provided.

Annual ex-
penditures.

CHAPTER 641.

An act to provide for the organization, government, powers and functions of flood control and flood water conservation districts.

[Approved by the Governor June 8, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Whenever a condition exists in any county or counties requiring the control of floods and the conservation of flood waters, a flood control and flood water conservation district may be formed by filing with the board of supervisors in the county where the proposed work is to be done, a petition which shall describe the boundaries of the proposed district, and request that the territory within said boundaries be organized into a flood control and flood water conservation district. Said district shall be embraced entirely within the boundaries of one county and shall include all of the territory within which any of the proposed work is to be done; provided, however, that no district organized under the provisions of this act shall include lands which are within the boundaries of any other flood control district heretofore created or organized.

Formation
of districts.

Such petition shall be signed by owners of land representing at least twenty-five per cent of the total assessed valuation of all lands within the proposed district. Such signatures shall be at least ten in number. The petition shall assert that the signers thereof are interested in and will be benefited by the formation of the proposed district and in the work proposed to be done by such district. The signers of the petition shall set forth opposite their names their respective addresses. Any such petition shall set forth generally the nature of the work proposed to be done together with an estimate of the cost thereof, but such description of such proposed work and estimate of cost shall not be a limitation upon the district when the same shall have been formed.

Petition by
owners

Notice.

SEC. 2. When any such petition shall be filed the same shall be set for hearing by the clerk of such board and at least ten days notice of the time and place of hearing shall be given by mail to each of the signers of such petition and by posting copies of said notice in at least three public places in the county. Such notice shall be mailed to the address of such person as given in such petition. The affidavit of the clerk of the board of supervisors giving such notice shall be sufficient evidence of the mailing and posting of such notice.

Hearing

SEC. 3. At the time fixed for the hearing, the board of supervisors holding the same shall hear said petition and shall determine whether or not said petition complies with the requirements of this act and whether or not notice has been given as herein required. Said hearing may be adjourned from time to time, but may not be adjourned for a period to exceed two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures shall vitiate any proceeding thereof. A determination of the board shall be expressed by resolution.

Changes in boundaries

SEC. 4. If the board of supervisors determine that the petitioners have complied with the requirements herein set forth and that the notice required herein has been given as required, it shall thereupon proceed to a final hearing of the matter. The board shall make such changes in the boundaries of the proposed district as it may deem advisable and shall define and establish such boundaries. Any person residing or owning property within the proposed district may appear before the board of supervisors at the hearing, in person or by attorney or agent, and oppose the creation of the proposed district or request a change in the boundaries thereof and may produce evidence in support of his opposition or request.

Suit by attorney general

SEC. 5. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise. Upon conclusion of the hearing of said matter the board may, in its discretion, by an order on its minutes, approve said petition as originally presented, or in a modified form, and declare the territory embraced within the boundaries established by said board, as herein provided, duly organized as a flood control and flood water conservation district. Said board shall then cause such order to be immediately entered in its minutes.

Government

SEC. 6. Such districts shall be governed and managed by a board of five trustees, appointed by the board of supervisors from landowners residing in the district, who shall hold office for four years and until the appointment and qualification of their successors. They shall receive no compensation but shall

be allowed their necessary traveling and other expenses incurred in the performance of their duties.

SEC. 7. The flood control and flood water conservation district shall have power:

1. To adopt and use a common seal.
2. To sue and be sued.
3. To receive and disburse any moneys that may be made or may become available for the purposes of flood control and flood water conservation within the boundaries of the district including any money appropriated by the State of California and made available for such purposes.
4. To employ and appoint an attorney and such agents, officers and employees as may be required and to prescribe their duties.
5. To make and execute all necessary contracts to carry out the purposes of the district.
6. To construct such dams, protection barriers and incidental works as may be necessary to carry out the project of flood control and flood water conservation.
7. To cooperate, negotiate and contract with any other flood control and water conservation district for any of the purposes or powers of constructing or maintaining any works or other projects.
8. To acquire and receive by gift, purchase, lease, contract, or other legal means all lands, money and other property necessary or useful for the purposes of the district.
9. To negotiate and contract with the government of the United States, the State of California, or any other governmental agency or any private corporation, firm or individual for the construction or maintenance of the works of the district.
10. To do any and all other things incidental to the carrying out of the purposes of the district.

The board of trustees shall hold a regular meeting at least once each month. All meetings of the board must be public and three members of the board shall constitute a quorum for the transaction of business. Full and complete minutes shall be kept and shall be open to the inspection of the public at all reasonable hours. A full and complete record of all receipts of money and expenditures thereof shall be kept showing the source of the receipts, and to whom and for what purpose all disbursements are made.

SEC. 9. Trustees shall make proper rules and regulations for the management and control of the works and projects of the district and it shall be the duty of the trustees to adequately maintain all works and projects of the district after the same are started.

SEC. 10. The negligence of a trustee or trustees of a flood control and water conservation district shall be imputed to the district to the same extent as if the water conservation and flood control district were a private corporation, and such district shall have power and authority to levy assessments

Powers.

Duties of trustees.

Liability of district.

for the purpose of paying any damage so incurred as hereafter provided.

Powers of trustees

SEC. 11. In addition to the other powers listed in this act the board of trustees shall have power to levy assessments upon the lands contained within the boundaries of the district in accordance with the benefits accruing to said lands for the following purposes only:

1. To pay any indebtedness of the district for which no or insufficient funds are available.

2. To maintain works or projects of the district or to undertake and complete such work as may be necessary to adequately protect the works or projects which have already been undertaken or completed by the district.

Levy of assessments.

SEC. 12. The total amount of money to be raised shall be reported to the supervisors of the county, and assessments therefor shall be levied and collected in the same manner as is provided for the determination, levying and collection of assessments for and by reclamation districts. In the event that the trustees fail to cause said assessments to be levied, it shall be the duty of the board of supervisors to cause the same to be levied and collected.

Necessity of approval

SEC. 13. No dams or reservoirs for impounding water shall be constructed at any point or places under the provisions of this act without the concurrence and approval of the board of supervisors of each county which is or may be damaged or otherwise affected or which contains land or water rights which are or may be damaged, infringed or otherwise affected in any manner by the proposed work regardless of whether or not said county or any portion thereof is included within the district doing the work.

CHAPTER 642.

An act to limit the amount of special assessments for public improvements and acquisitions of property for public purposes; to provide for a preliminary investigation, report and hearing upon proposed public improvements and acquisitions of property for public purposes where the cost of such improvements or acquisitions is to be paid in whole or part by special assessments; to provide a basis for valuation of property for the purpose of establishing a special assessment limitation, and to authorize the payment of a part of the cost of such public improvements and acquisitions of property from any available public fund where a part of such cost is paid by special assessment on benefited

property, and to provide that a majority protest shall be a bar to any proceeding.

[Approved by the Governor June 8, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Before any ordinance or resolution of intention or other initial action prescribed by any law of this state may be taken by the legislative body of any county, city and county, or city in this state, for the construction of any public improvement and/or the acquisition of any property for public use, where the cost of such construction or acquisition is to be paid in whole or in part by special assessments or through special assessment taxes upon lands, proceedings shall be taken as required by this act.

Proceedings
in case of
public
improvements, etc

SEC. 2. Such legislative body shall determine the nature, location and extent of such proposed improvement and/or acquisition. It shall also generally define the boundaries of the district or lands to be specially assessed to pay the cost thereof or any part of such cost. It shall also determine the amount, if any, proposed to be paid toward the cost of such improvement and/or acquisition from any source other than special assessments upon benefited property, and shall determine the statute under which it is proposed to conduct the proposed proceedings.

Determina-
tion of
cost, etc

SEC. 3. Such legislative body shall prepare, or shall have prepared for it, a written report upon the proposed improvement and/or acquisition and such report shall contain, in addition to the matters mentioned in section 2 hereof, the following information:

Report.

(a) A map, plat or diagram showing the general nature, location and extent of the proposed improvement and/or acquisition and the lands to be assessed to pay any part of the cost thereof;

Map

(b) The total estimated cost (inclusive of incidental expenses of the proceeding, the total amount of which shall also be separately stated) of the proposed improvement, stating separately the estimated cost of each class of construction proposed (such as grading, paving, curb, etc.);

Estimated
cost.

(c) The total estimated cost (inclusive of incidental expenses of the proceeding, the total amount of which shall also be separately stated) of the proposed acquisition, and if more than one purpose for the acquisition of property be involved, and any such purpose will require the acquisition of property or rights in property for which compensation must be made, which property or rights would not be required if such purpose were omitted, the estimated cost of the property or rights required for such purpose shall be separately stated;

(d) The assessed value of each parcel of land to be specially assessed as shown on the last equalized county assessment roll,

Assessed
value.

and the total assessed value of said lands. If the assessed value of any such parcel of land is not separately shown upon said assessment roll, an estimated assessed value of such parcel shall be made by the county assessor and such estimate shall for the purposes of this act be considered the assessed value of such parcel;

(e) The total assessed value of the improvements on said lands as shown by said assessment roll;

True value

(f) The total true value of said lands;

(g) The true value of each parcel of said lands;

Special assessments
(1) Liens

(h) The amount of all unpaid special assessments (exclusive of interest and penalties on any such assessments) for any acquisition and/or improvement which, if the proceedings therefor were begun after this act becomes effective, would require an investigation and report under this act, which have been levied and are or will be a lien upon each parcel of the lands to be assessed, and the total amount of such unpaid assessments upon all lands proposed to be assessed;

(2) bonds

(i) The estimated amount of all special assessments for any acquisition and/or improvement which, if the proceedings therefor were begun after this act becomes effective, would require an investigation and report under this act, which will be levied upon each parcel of the land to be assessed to pay the principal on bonds theretofore issued and payable by assessments levied in proportion to the assessed value of lands for the purpose of general taxation. (Such estimate shall be proportioned, as nearly as may be, according to the assessed value of such lands as shown by the last equalized county assessment roll; and if such bonds were issued against a district which was divided into zones, such estimate shall also be proportioned, as nearly as may be, according to the zones and percentages thereof; provided that any part of the principal amount of any bond to pay which an assessment has been levied and which will be included in the amount reported under paragraph (h) of this section shall not be included in the amount of bonds upon which the estimate required by this paragraph shall be based, but the balance of the principal amount of any such bonds for which balance no assessment has been levied shall be included in the estimated amount reported under this paragraph.) The total estimated amount of such special assessments upon all of the lands to be assessed shall also be stated;

(3) general
taxation

(j) The estimated amount of special assessments for any acquisition and/or improvement which, if the proceedings therefor were begun after this act becomes effective, would require an investigation and report under this act, whether levied in one lump sum or levied annually in proportion to the assessed value of lands for the purpose of general taxation, which will be levied upon each parcel of the lands to be assessed for the payment of the cost of any improvement and/or acquisition for which a resolution or ordinance ordering the improvement and/or acquisition has been adopted

prior to the date of said report, but for which no assessment has been levied or bonds issued, and the total estimated amount of such assessments upon all lands to be assessed. Assessments levied in proportion to the assessed value of lands for the purpose of general taxation shall be computed in the manner provided in paragraph (i) hereof;

(k) The estimated amount of the assessment for the proposed acquisition and/or improvement to be levied upon each parcel of land to be assessed. If the assessment is to be made in proportion to the assessed value of lands for the purpose of general taxation, then the total estimated cost of the acquisition and/or improvement less the amount, if any, proposed to be paid toward the cost of such improvement and/or acquisition from any source other than special assessment upon benefited property and the assessed value of the lands to be assessed as shown on said last equalized assessment roll shall be the basis for the computation of the assessment of each parcel. If the district is to be divided into zones, such proposed zones and the percentages therefor shall be shown on the district map and such estimated assessment shall also be proportioned, as nearly as may be, according to such zones and percentages;

(4) as to each parcel.

(l) The number of years within which the bonds, if any, to be issued shall mature, and the number of installments of the principal of such bonds, and the interest rate or maximum interest rate at which such bonds shall be issued if no definite interest rate is to be fixed until such bonds are sold.

SEC. 4. The legislative body may by order or resolution abandon the proposed project during the course of the preparation of such report or at any time thereafter.

Abandonment of project

SEC. 5. When said report has been completed and approved by the legislative body, the fact and date of such approval shall be endorsed thereon, and said report shall be filed with the clerk of said legislative body. Said legislative body shall also fix a time and place of hearing on such report and may order such hearing to be held by such legislative body or by such other public officers or public board of the city or county governed by such legislative body as may be designated by it. Such public officers or public board shall serve without additional compensation.

Hearing on report.

SEC. 6. Notice of such hearing shall be given by notice mailed, postage prepaid, by the clerk of the legislative body to each person to whom land in the proposed assessment district is assessed on the last equalized county assessment roll at his address as shown upon such roll, and to any person, whether owner in fee or having a lien upon or legal or equitable interest in any land within said proposed district, who has filed his name and address and a designation of the lands in which he is interested with said clerk. Said notice shall be substantially in the following form: (filling blanks)

Notice of hearing

Notice is hereby given that land owned by you is proposed to be assessed for the proposed (here briefly state in general

terms what is proposed to be done, such as paving of X street between A street and B street). The estimated cost of the ----- (acquisition and/or improvement) above mentioned is \$-----; the assessed value of the lands within the district is \$-----; the estimated true value of lands within the district is \$-----; the estimated amount of assessments upon lands to be assessed for acquisitions and/or improvements done or heretofore ordered is \$-----; the estimated amount of the proposed assessment upon your lands for the proposed ----- (improvement and/or acquisition) mentioned above is \$----- The estimated amount of the proposed assessment is approximate only, is based upon the estimated cost above stated, and is not to be deemed the actual amount which will be assessed. The amount of money to be contributed towards the project by the (city or county of-----) is the sum of \$-----.

A hearing will be held in the (place of hearing) by (designation of body or officer) on the ---- day of -----, 19----, at which all protests and objections will be heard. The proceeding for said acquisition and/or improvement is proposed to be conducted under the (here by short title or otherwise designate act under which project will be undertaken).

A report on the proposed project is on file in the office of the clerk of the ----- (designate the legislative body) and is open to public inspection.

Clerk of (name of legislative body)

Said notice must be mailed at least 30 days prior to the date of said hearing. If any parcel of land is assessed as owner unknown on the county assessment roll, no notice need be sent for such parcel unless the name and address of a person claiming an interest in such property has been filed with said clerk, in which case notice shall be mailed to such person and address. In the absence of fraud no error or mistake in the sending of said notices, or any of them, and no failure on the part of any property owners to receive same shall in any way affect the validity of the proceedings, but the clerk must file his affidavit of mailing such notice.

Protests

SEC. 7 At the hearing protests may be made orally or in writing by any person who would be entitled to protest or object to the ordering of the things proposed to be done at a hearing on the resolution of intention; provided, however, that all written protests must be filed with the clerk of the legislative body at or before the time fixed for the hearing, and that any protest relating to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularity or defect to which objection is made. At such hearing the report, except as to the map, plat or diagram and the assessed valuations and true valuations of and assessments and estimated assessments upon individual parcels of lands

shall be read before protests are considered. Such hearing may be continued from time to time not exceeding thirty days.

SEC. 8. Within ten days after the conclusion of said hearing, the person or persons conducting said hearing shall file a report on said hearing, which report shall include a statement of the time and place of the hearing held, the approximate number of persons in attendance, the number and nature of protests made, and the recommendation of the person or persons holding said hearing (if the hearing was not held by the legislative body). Said report shall be filed with the clerk of said legislative body. Unless the project is abandoned, said reports shall be kept on file, open to public inspection, and any resolution of intention or ordinance of intention adopted in the proceeding shall state that such reports are on file with said clerk and that same may be examined at his office.

Report on hearing.

SEC. 9. Within thirty days after said report on the hearing has been filed, the two reports shall be considered and (except as to the map, plat or diagram and the assessed valuations and true valuations of and assessments and estimated assessments upon individual parcels of land) shall be read to said legislative body; provided, that if said legislative body conducted said hearing, the reports need not be read. If said legislative body determines that the public interest, convenience and necessity require the acquisition and/or improvement substantially as set forth in said report and that the said project is feasible, it may proceed in accordance with the statute stated in the report as the statute under which the acquisition and/or improvement shall be made or done, except as hereinafter provided. The acquisition and/or improvement shall be deemed substantially the same as set forth in the report if the things proposed to be done in the report are not changed or modified by additions thereto or omissions therefrom amounting in cost (as shown by the filed estimate hereinafter required) to more than one-tenth of the total estimated cost as stated in said report and no changes exceeding said one-tenth shall be made. The person who prepares the plans and specifications shall estimate separately the cost of each addition to or omission from the things proposed to be done as said things are set forth in said report, and file such estimate with the clerk of the legislative body. Such filed estimate shall be conclusive evidence of the cost of such changes. At the hearing on the ordinance or resolution of intention, said reports (except as to the map, plat or diagram and the assessed valuations and true valuations of and the assessments and estimated assessments upon individual parcels of land) shall be read to said legislative body prior to the consideration of protests and objections.

SEC. 10. If the report herein required to be prepared shall show that the estimated amount proposed to be assessed upon any lot or parcel of land for the proposed acquisition and/or improvement will exceed one-half of the true value of such lot or parcel, as set forth in said report, or shall show that the

Limitation upon cost.

total estimated cost of any proposed improvement and/or acquisition, less any amount to be paid towards such cost from any source other than special assessment upon the lands benefited by said acquisition and/or improvement, when added to the aggregate totals of all assessments and estimated assessments required to be stated in the report by paragraphs lettered (h), (i) and (j) of section 3 of this act, as such totals are stated in such report, will exceed in total amount one-half of the true value of all the lands proposed to be assessed, said proposed proceeding shall be abandoned or so modified that the amount to be specially assessed for the cost thereof will be less than the limits hereby established, unless the excess of said cost and indebtedness over one-half of said true value shall be paid from some source other than by special assessment on said lands. If the actual cost including incidental expenses of any improvement shall exceed the total estimated cost including incidental expenses thereof, as fixed by the total estimated cost stated in the report and the separate estimate for changes (if any) in the things to be done as filed with the clerk by more than one-tenth of such estimated cost, no part of the excess over said one-tenth shall be assessed upon the lands to be assessed in the proceeding; but such excess may be paid from other funds as hereinafter provided; and provided, also, that the limitation next herein mentioned shall not be exceeded. The word "improvement" in the last preceding sentence shall not be construed so as to include or relate to any acquisition of property for public use.

Payment
from other
funds

If the actual cost including incidental expenses of any acquisition and/or improvement, less any amount to be paid toward such cost from any source other than special assessment upon the lands benefited thereby, when added to the aggregate totals of all assessments and estimated assessments required to be stated in the report by paragraphs lettered (h), (i) and (j) of section 3 of this act, as stated in such report, and any other assessments or estimated assessments levied or to be levied upon such lands for any acquisition and/or improvement, (which if the proceedings therefor were begun after this act becomes effective, would require an investigation and report under this act), for which a resolution or ordinance ordering the improvement and/or acquisition has been adopted subsequent to the date of such report, exceeds in total amount one-half of the true value stated in the report of all the lands to be assessed to pay any part of the cost of such acquisition and/or improvement, no part of such excess shall be assessed upon such lands. Such estimated assessments not included in said report shall be computed in the manner provided by paragraphs lettered (i) and (j) of section 3 hereof.

Limitation
upon as-
sessments

In any case where the estimated or actual cost of any acquisition and/or improvement exceeds the amounts that may be specially assessed upon benefited property, the legislative body having jurisdiction over the proceeding may in its discretion provide for the payment of such excess cost from any proper

Payment of
excess cost

fund under its control and the balance shall then be specially assessed in accordance with the statute under which such proceeding is conducted. In case the property to be assessed is within the jurisdiction of more than one legislative body and consents to such proceeding have been given by all the legislative bodies within whose jurisdiction any portion of the land to be specially assessed is situated, any such legislative body whose consent has been given may appropriate all or any part of such excess cost from any proper fund under its control and may cause the amount so appropriated to be paid into the treasury of the county, city and county, or city whose legislative body has jurisdiction over the proceeding to be applied in payment of such excess cost. No public moneys appropriated to the payment of such excess cost as aforesaid shall be paid to the contractor, property owner, or other person otherwise entitled thereto unless valid appropriations of the remainder of such excess cost have been made by proper legislative bodies or the difference between the total amount of public money appropriated and such excess cost has been deposited in the treasury of the county, city and county, or city conducting such proceeding to be applied on the payment of such excess cost. Any partial appropriation made hereunder may be rescinded at any time before the total amount of such excess cost is appropriated and/or deposited as aforesaid.

Notwithstanding anything in this act contained, if the legislative body conducting the proceedings, after the two reports provided for herein have been filed and considered and prior to the adoption of any ordinance or resolution of intention in the proceeding, shall find by a four-fifths vote of all members thereof entered upon its minutes that the proposed project is feasible and that the lands to be assessed will be able to carry the burden of such proposed assessment, the limitations herein provided may be exceeded both with respect to the limitation named with reference to the district as a whole and as to the limitation respecting individual specific assessments; provided, however, that if at the hearing to be held under the provisions of this act, protests in writing are filed by the owners (as defined in the act under which the acquisition and/or improvement proceedings are to be taken) of a majority in area of the lands to be assessed, such limitations can not be exceeded.

Avoidance
of limita-
tions

SEC. 11. The true value of lands as said words are used in this act shall be determined as prescribed in this section. The state board of equalization shall biennially determine the average assessed value of property as assessed for taxation for general county purposes in each county and city and county in the state for each one hundred dollars of true value of such property as determined by said board of equalization in accordance with a uniform basis or standard. The determination of said board of equalization as to the ratio of assessed value to true value hereunder shall be final and conclusive. On or before the first Monday in December of each even

Determina-
tion of ratio
of assessed
value to
true value

numbered year, beginning with the year 1932, said board of equalization shall notify the county clerk of each county in the state and the city clerk of each incorporated municipality by mail of the ratio of assessed value to true value in such county or in the county in which such municipality is situated, as the case may be, and such ratio shall be used for the purposes of this act for the two years beginning on the first day of January following such notification. Failure of said board of equalization to mail such notice or of any such clerk to receive such notice shall not affect the validity of any proceeding, but the proper ratio as herein prescribed shall be ascertained from said board of equalization by the legislative body conducting any such proceeding and used therein.

Uniform
standard of
true value.

For the purpose of establishing a uniform basis or standard of true value of property throughout the state which shall be used for the purposes of this act until January 1, 1933, it is hereby found that the average amount of assessed value of property for the purpose of general county taxation for each one hundred dollars of true value of such property in the several counties of the state, such true value being fixed upon the same basis or standard throughout the state, is for each of said counties as follows:

Table of
ratio of
assessed
value to
true value.

Alameda county -----	\$41.48
Alpine county -----	\$58.00
Amador county -----	\$50.00
Butte county -----	\$47.87
Calaveras county -----	\$50.00
Colusa county -----	\$45.87
Contra Costa county -----	\$31.73
Del Norte county -----	\$40.00
El Dorado county -----	\$40.00
Fresno county -----	\$43.53
Glenn county -----	\$62.83
Humboldt county -----	\$46.62
Imperial county -----	\$49.20
Inyo county -----	\$40.00
Kern county -----	\$38.22
Kings county -----	\$40.56
Lake county -----	\$50.00
Lassen county -----	\$40.00
Los Angeles county -----	\$40.82
Madera county -----	\$50.23
Marin county -----	\$37.97
Mariposa county -----	\$50.00
Mendocino county -----	\$45.50
Merced county -----	\$27.69
Modoc county -----	\$40.00
Mono county -----	\$50.00
Monterey county -----	\$32.85
Napa county -----	\$43.94
Nevada county -----	\$50.00

Orange county -----	\$29.10
Placer county -----	\$53.17
Plumas county -----	\$65.00
Riverside county -----	\$27.91
Sacramento county -----	\$46.79
San Benito county -----	\$40.00
San Bernardino county -----	\$27.91
San Diego county -----	\$46.86
San Francisco county -----	\$44.88
San Joaquin county -----	\$43.24
San Luis Obispo county -----	\$30.86
San Mateo county -----	\$37.73
Santa Barbara county -----	\$31.80
Santa Clara county -----	\$37.30
Santa Cruz county -----	\$37.11
Shasta county -----	\$32.96
Sierra county -----	\$40.00
Siskiyou county -----	\$45.40
Solano county -----	\$41.75
Sonoma county -----	\$27.97
Stanislaus county -----	\$34.49
Sutter county -----	\$54.95
Tehama county -----	\$52.71
Trinity county -----	\$50.00
Tulare county -----	\$40.40
Tuolumne county -----	\$50.00
Ventura county -----	\$27.14
Yolo county -----	\$38.45
Yuba county -----	\$54.98

To determine the true value of property for the purpose of this act, the assessed value of such property as shown on the last equalized assessment roll of the county or city and county in which such property is situated shall be divided by the amount of assessed value for each one hundred dollars of true value in said county or city and county as herein fixed or as hereafter determined by said board of equalization, and the quotient so obtained carried to two decimal places, shall be multiplied by one hundred, and the result expressed in dollars shall be the true value of such property for the purposes hereof.

Rule for
determina-
tion of
true value.

SEC. 12. The legislative body of a county may require the county surveyor to procure and prepare the required information and report, and the legislative body of a city may require the city engineer or the superintendent of streets to procure and prepare the required information and report. In lieu of such county surveyor, city engineer or superintendent of streets, the legislative body of the city or county may employ any competent person to procure and prepare such information and report. This act shall not be construed as preventing the cost of any work done in the investigations and in the preparation of the reports required hereunder as may be actually used in the proceedings subsequently carried through

Preparation
of report.

under the action taken under special statutes where jurisdiction is regularly obtained, from being included in the incidental expenses chargeable under such statutes.

Proceedings
for Invest-
igation.

SEC. 13. This act shall not apply to any proceeding in which an ordinance or resolution of intention has been finally adopted before the date this act becomes effective; provided further, that after said act becomes effective, if the legislative body contemplating the passage of any ordinance or resolution of intention finds, after taking the steps provided by section 2 hereof, that the initial view of said legislative body is that the contemplated acquisition and/or improvement is one in which the probable assessments will not exceed the limitations set up by this act, then, it may in its discretion cause the clerk thereof to mail prepaid post cards, each with an addressed reply post card attached thereto with the return postage thereon guaranteed, giving notice of said contemplated action. Said cards shall be mailed to each person to whom land in the proposed assessment district is assessed on the last equalized county assessment roll at his address as shown upon such roll and to any person whether owner in fee or having a lien upon or legal or equitable interest in any land within said proposed district who has filed his name and address and the designation of the land in which he is interested with the said clerk. Said notice shall be substantially in the following form (filling blanks):

NOTICE OF PROPOSED ASSESSMENT.

Form of
notice

Notice is hereby given that the (name of the legislative body) proposes to adopt a resolution of intention under the (here mention statute under which it proposes to proceed) covering (here state in general terms what acquisitions and/or improvements are to be made). Your land will be assessed to pay a part of the cost thereof. This questionnaire is sent to the property owners interested to ascertain whether or not the owners of as much as fifteen per cent of the area of the proposed district demand proceeding under the "Special assessment investigation, limitation and majority protest act of 1931." Under said investigation act information will be obtained and a report thereon made, open to public inspection, and stating among other things (1) the estimated cost of the proposed project; (2) the estimated amount of existing assessments upon each parcel of land in the district; (3) the estimated assessment upon your lands for the proposed project. In the event that you desire the proceeding under said investigation act, so indicate on the attached card and return the same to the clerk within thirty days from (here set forth the date, not earlier than one day subsequent to the mailing of the cards). Sign your name legibly and describe or designate the property owned by you.

Clerk of (here designate legislative body).

The return post card as sent out shall be addressed to the clerk sending out the notice and shall have thereon a guarantee of the payment of the postage for the return thereof and on the reverse side shall contain the following:

Questionnaire to owners.

The undersigned { does } demand the making of the investigation provided for by the "Special assessment investigation, limitation and majority protest act of 1931" in connection with the (here set forth the same description of the project as is contained upon the notice post card).

(Signature) -----

(Description or designation of property) -----

If any parcel of land in the assessment district is assessed as owner unknown on the county assessment roll, no notice need be sent for such parcel unless the name and address of the person claiming an interest in said property shall be filed with said clerk, in which case notice shall be mailed to such person and address. In the absence of fraud no error or mistake in the sending of said notices, or any of them, and no failure on the part of any property owners to receive the same shall in any way affect the validity of the proceedings, but the clerk must file affidavit of mailing such notices and must include therein a list of the names and addresses of the persons to whom such notices were sent. If the owners (as defined in the act under which it is proposed to proceed) of fifteen per cent of the area of said assessment district do not so demand the making of the investigation provided by this act, then the said legislative body shall be at full liberty to proceed under the provisions of the statute under which it has declared its intention to carry through the contemplated proceedings without any further restrictions whatsoever by reason of the terms or provisions of this act except that the majority protest provisions hereof shall apply; if, however, the owners of fifteen per cent or more of the area of the proposed district so demand the making of such investigation, all the terms and provisions of this act shall apply to the proposed proceeding, if any further steps are taken therein by said legislative body. Said return post cards shall be kept on file in the office of the clerk of said legislative body and after the expiration of the aforesaid thirty days all such requests made to said legislative body shall be computed and said legislative body shall by order entered on its minutes determine whether or not the fifteen per cent hereinabove provided have demanded such investigation. Such determination shall be final and conclusive in the absence of actual fraud."

Affidavit of mailing, etc.

SEC. 13a. Notwithstanding anything in this act or in any statute, to proceedings under which this act is applicable, if at any time before the adoption of an ordinance or resolution of intention and/or within the time when protests may be filed

Postponement of proceedings after protest

under the provisions of any such statute there is a written protest filed with the clerk of the legislative body by the owners (as defined in the act under which it is proposed to proceed) of a majority of the frontage of the property fronting on said acquisition and/or improvement in those cases where the cost in whole or part of said acquisition and/or improvement is to be assessed upon the property fronting on said acquisition and/or improvement, or by the owners of more than one-half of the area of the property to be assessed for said acquisition and/or improvement in those cases where the cost in whole or part of said acquisition and/or improvement is to be assessed upon the property within a district, then said proposed proceedings shall be forthwith and immediately abandoned, and said legislative body shall be barred for a period of one year from and after the date of the filing of said protest as in this act provided, from instituting and/or causing to be instituted any proceedings for the construction of the improvement and/or acquisition. Provided, however, that if any majority protest be against a portion of the improvement and/or acquisition then all further proceedings to construct said portion of said improvement or to acquire said portion of said acquisition so protested against shall be barred for a period of one year, but the legislative body shall not be barred from instituting new proceedings not including said portion of said improvement and/or acquisition so protested against, or any part thereof.

Filing of protests.

SEC. 14. All objections to the form, contents, validity or sufficiency of the report filed under section 5 hereof and all objections to the form, contents, validity or sufficiency of the notice of hearing given under section 6 hereof must be made in writing filed with the clerk of the legislative body at or before the time fixed for the hearing on the report provided for herein, and if not so made at such time shall be waived and no objection thereto may be made thereafter except in case of actual fraud. Any such objections shall be heard and considered and at such hearing such report may be amended in accordance with the facts, and the hearing had upon such report as so amended.

Hearing of protests.

All objections or protests of every kind and nature relating to the validity of the proceedings had under this act, and not otherwise provided for herein, must be made in writing and filed in the manner and not later than the time at which protests or objections may be filed for the hearing designated in the resolution or ordinance of intention, and any protest or objection relating to the validity of the proceedings had under this act not made at such time and in such manner shall be waived and may not thereafter be urged, pleaded or raised in any action or proceeding, and the adoption of a resolution or ordinance finally ordering the acquisition or improvement shall be conclusive evidence that the proceedings prior thereto under this act are valid and sufficient.

SEC. 15. This act shall not apply to any flood control, irrigation, reclamation, sanitary, sanitation or other district organized or incorporated under the laws of the State of California where such district constitutes a public or municipal corporation, nor shall this act apply to any bonds issued or to be issued to provide money with which to construct or acquire any public improvement, work, or public utility, or to the acquisition, construction or completion of such public improvement, work, or public utility where such bonds have been voted by a majority or two-thirds vote (as may be required by the law under which said bonds are issued or to be issued) of the qualified electors of any district or other persons entitled to vote at the election upon the proposition of issuing such bonds, nor shall this act apply to any maintenance district proceedings or to any assessment levied for the maintenance of any improvements, but it shall apply to all other special assessment districts and proceedings within the scope of section 1 hereof, regardless of the particular statute under which any proceeding may be undertaken and of whether the special assessment made will be specific or a special assessment tax upon lands wholly or partially according to the assessed value of such lands. Exceptions.

SEC. 16. This act shall be known and may be cited and referred to as the "Special assessment investigation, limitation and majority protest act of 1931." Short title.

SEC. 17. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional. Constitutionality.

CHAPTER 643.

An act to amend section 1946 of the Civil Code, relating to the hiring of real property.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1946 of the Civil Code is hereby amended to read as follows: C. C. 1872.
Hiring of
real prop-
erty: notice
to quit.

1946. A hiring of real property, for a term not specified by the parties, is deemed to be renewed as stated in the last section, at the end of the term implied by law, unless one of the parties gives notice to the other of his intention to terminate the same, at least as long before the expiration thereof as the term of the hiring itself, not exceeding one month; pro-

vided that it shall be competent for the parties to provide by an agreement at the time such tenancy is created that a notice of the intention to terminate the same may be given at any time not less than seven days before the expiration of the term thereof.

CHAPTER 644.

An act to add section 189 to the Code of Civil Procedure, relating to justices' court records, papers, and exhibits.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section. SECTION 1. Section 189 is hereby added to the Code of Civil Procedure, to read as follows:

Justice
courts
destruction
of records.

Notice of
intention

189. All records, papers, and exhibits, except as hereinafter provided, in any civil case in a justice's court may be disposed of for the purpose of destruction or may be destroyed by the clerk of the court or by a judge thereof after the lapse of ten years from and after the date on which judgment in such case became final. Notice must be published once in a newspaper of general circulation, published in the county in which the court is situate, at least thirty days before the proposed disposal, giving the number of the case and the names of the parties as entered in the dockets of the court, and stating the intention to dispose of the records, papers, and exhibits of such case on a day specified unless a party to the case or his attorney appears in court and moves that such records, papers, and exhibits be not destroyed. Such records, papers, and exhibits may be destroyed only during the first week of July of any year, and the cost thereof, and the cost of publication of the notice, shall be a county charge. Minute book entries, dockets, and judgment dockets shall not be destroyed, and shall be and constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

CHAPTER 645.

An act to amend section 270b of the Penal Code, relating to security for payment of support of wife or minor child.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1909,
p 259

Surety for
support

SECTION 1. Section 270b of the Penal Code is hereby amended to read as follows:

270b. After arrest and before plea or trial, or after conviction or plea of guilty and before sentence under either

section 270 or 270a of this code, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of California in such penal sum as the court may fix, to be approved by the court, and conditioned that the defendant will pay to the person having custody of such child or to such wife, such sum per month as may be fixed by the court in order to thereby provide said minor child or said wife, as the case may be, with necessary food, shelter, clothing, medical attendance, or other remedial care, then the court may suspend proceedings or sentence therein; and said undertaking is valid and binding for two years, or such lesser time which the court shall fix; and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceedings should not be had in said action or why sentence should not be imposed, whereupon the court may proceed with said action, or pass sentence, or for good cause shown may modify the order and take a new undertaking and further suspend proceedings or sentence for a like period.

CHAPTER 646.

An act to add a new section to the Code of Civil Procedure, to be numbered 66b, relating to the number of judges of the superior court in the county of Merced.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure of California to be numbered 66b, to read as follows:

66b. In the county of Merced there shall be two judges of the superior court. Within ten days after this act becomes a law the governor shall appoint one judge of the superior court in the county of Merced in addition to the superior court judge already provided for by law in said county of Merced who shall hold office until the first Monday after the first day of January, 1933. At the general election to be held in November, 1932, one additional judge of the superior court of Merced county shall be elected in said county, who shall be the successor to the judge appointed hereunder and who shall hold office for the term prescribed by the constitution and by law.

The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judge of the superior court in Merced county now authorized by law.

New section.

Merced
county
superior
court
judges

CHAPTER 647.

An act authorizing certain improvements upon the grounds of the California schools for the Deaf and the Blind at Berkeley, California.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Removal
of wall.

Payment of
expense.

SECTION 1. The department of education of the State of California as successor to the directors of the California Schools for the Deaf and the Blind is hereby authorized to remove the stone fence or wall at the corner of Derby and Warring streets and at the corner of Dwight way and Warring street for a distance of fifty (50) feet easterly and also a distance of fifty (50) feet northerly from the point of intersection of the northerly line of Derby street and the easterly line of Warring street, and for a distance of fifty (50) feet southerly and fifty (50) feet easterly from the point of intersection of the southerly line of Dwight way and the easterly line of Warring street and to reconstruct said stone fence or wall on a curve having a radius of fifty (50) feet tangent with the said lines above mentioned so as to give greater visibility to the traffic on said streets; but the city of Berkeley shall pay the entire expense of making said improvement and shall reconstruct the stone fence or wall in a good and workmanlike manner in conformity with the existing stone fence or wall around said property and will pay the cost of constructing the sidewalk, curb and pavement in front of said reconstructed stone fence or wall so that the same may conform to the new line of said street corners; and provided that said city of Berkeley will undertake to do said work within six months from the date on which this act becomes a law; provided, further, that the area excluded from the present grounds of the California Schools for the Deaf and the Blind by such alteration shall be and remain the property of the State of California and that the use of the same as a public street or thoroughfare may be discontinued at any time when in the judgment of the department of education such steps are necessary in the interest of said schools.

CHAPTER 648.

Stats 1901,
p. 603,
amended.

An act to amend sections 1 and 2 of chapter 197, statutes of 1901, entitled "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, as amended,

relating to taking up estrays and to the description of the property where estrays are retained.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of chapter 197, statutes of 1901, entitled "An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," as amended by chapter 397, statutes of 1915, is hereby amended to read as follows: Stats. 1915.
p 636.

Section 1. Any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, or upon highways adjacent thereto, may take up the same and have a lien thereon for all expenses incurred and costs in keeping and caring for said animal or animals, as hereinafter provided; and no person shall remove them from the possession of the taker-up, or from the possession of the officer to whom they may have been delivered, except as hereinafter provided, however, in the counties of Trinity, Shasta, Siskiyou, Lassen, and Modoc, any person finding at any time any estray domestic animal or animals upon his premises, or upon premises to which he has the right of possession, shall not have the right to take up said domestic animal or animals, nor shall he have a lien thereon for all or any of the expenses incurred and costs in keeping and caring for said animal or animals unless said premises are entirely enclosed with a good and substantial fence. Estray
animals

SEC. 2. Section 2 of said act is hereby amended to read as follows: Stats 1915.
p 636

Sec. 2. Any person taking up an estray animal or animals shall confine the same in a secure place, and within five (5) days file with the county recorder or county poundkeeper of the county in which such estray is found, a notice containing a description of the animal or animals taken up, with the marks and brands, if they have any, together with the probable value of each animal, and a statement of the place where the taker-up found, and where he has confined the same. Said statement may contain a legal description of the place of confinement, and must contain the common name of the ranch upon which said place is located, together with its position relative to the nearest town, state highway, cross-roads, school house or other well known local landmark. The county recorder or county poundkeeper shall receive for filing said notice the sum of fifty cents. If the value of said animal or animals together exceeds ten dollars, said notice must also be published in a paper of general circulation within the county at least once a week for three successive weeks stating the time Notice of
taking-up

Publication

on which the animal or animals will be delivered to the constable, as provided in section 5 of this act, or if the finder knows the owner of said animal or the person having charge thereof, then, within five days after said animal is taken up, he shall notify the owner of said animal, or the person having charge thereof, which notice shall contain the same information as the notice to be recorded, and hereinbefore provided, describing said animal so taken up, the date when it was taken up, the place where found, and the place where kept, and no charge shall be made for preparing and serving this notice. This notice shall be in lieu of recording a notice for which notice he shall be entitled to the sum of fifty cents.

CHAPTER 649.

An act to appropriate money to pay the claim of J. M. Ocheltree against the State of California.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation.

SECTION 1. The sum of five hundred eleven dollars (\$511) is hereby appropriated out of any money in the state treasury in the highway maintenance fund to pay the claim of J. M. Ocheltree against the State of California.

CHAPTER 650.

An act to amend section 737rr of the Political Code, relating to the salary of the superior judge in and for the county of Santa Cruz.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p. 563.

SECTION 1. Section 737rr of the Political Code is hereby amended to read as follows:

Superior
judge Santa
Cruz county.

737rr. The annual salary of the judge of the superior court in and for the county of Santa Cruz is six thousand five hundred dollars.

CHAPTER 651.

An act to amend section 737ii of the Political Code, relating to the salary of the superior judge in and for the county of San Benito.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 737ii of the Political Code is hereby amended to read as follows: Stats 1929,
p 690.

737ii. The annual salary of the judge of the superior court in and for the county of San Benito is six thousand dollars. Superior
judge San
Benito
county.

CHAPTER 652.

An act making an appropriation to pay the claim of Samuel F. Miles against the State of California.

[Approved by the Governor June 9, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred dollars (\$500) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of Samuel F. Miles against the State of California. Special ap-
propriation

CHAPTER 653.

An act to amend section 1 of chapter 359, statutes of 1903, entitled "An act to provide for the payment by the state or counties, or school districts, or other special districts or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, as amended. Stats 1903,
p 476,
amended.

[Approved by the Governor June 9, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of chapter 359, statutes of 1903, entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," as amended by chapter 384, statutes of 1927, is hereby amended to read as follows: Stats 1927,
p 627

Section 1. The premium or charge for bonds given by surety companies for state officials, county officials, township Payment of
premium on
official
bonds

officials, school district officials, other special district officials, city officials, or city and county officials, or the deputies, clerks, assistants or subordinate officers of said officials shall be paid by the state, county, school district, other special district, city, or city and county, respectively; provided, that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond; and provided, further, that this act shall not apply to notaries public; and provided, further, that in cases of township officials the premium shall be paid by the county in which the township is situate and provided, further, that the payment of premiums for the official bonds of deputies, clerks, assistants or subordinate officers of county officers shall not be a county charge unless the amount fixed for such bond has been approved by the board of supervisors.

CHAPTER 654.

An act appropriating moneys to the use of the building and loan inspection fund, and providing for the return of said moneys to the general fund.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Appropriation:
"Building and loan inspection fund"

SECTION 1. The sum of eighty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be credited to the "Building and loan inspection fund" and to be used by the building and loan commissioner in the manner authorized by law for the use of said fund.

Reimbursement.

SEC. 2. The sum of eighty thousand dollars hereby appropriated shall be returned to the general fund from the building and loan inspection fund on February 1, 1932.

CHAPTER 655.

An act to amend section 602 of the Code of Civil Procedure, relating to challenges of jurors for cause.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 510.

SECTION 1. Section 602 of the Code of Civil Procedure is hereby amended to read as follows:

Challenges of jurors for cause:
Grounds of challenge.

602. Challenges for cause may be taken on one or more of the following grounds:

1. A want of any of the qualifications prescribed by this code to render a person competent as a juror;

2. Consanguinity or affinity within the fourth degree to any party or to an officer of a corporation which is a party;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, or debtor and creditor, to either party or to an officer of a corporation which is a party, or being a member of the family of either party; or a partner in business with either party; or surety on any bond or obligation for either party, or being the holder of bonds or shares of capital stock of a corporation which is a party; or having stood within one year previous to the filing of the complaint in the action in the relation of attorney and client with either party or with the attorney for either party.

4. Having served as a juror in a civil action or been a witness on a previous trial between the same parties, for the same cause of action; or having served as a juror within one year previously in any civil action or proceeding in which either party was plaintiff or defendant.

5. Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen or taxpayer of a county, city and county, incorporated city or town, or other political subdivision of a county, or municipal water district.

6. Having an unqualified opinion or belief as to the merits of the action founded upon knowledge of its material facts or of some of them.

7. The existence of a state of mind in the juror evincing enmity against or bias to either party.

8. That he is a party to an action pending in the court for which he is drawn and which action is set for trial before the panel of which he is a member.

CHAPTER 656.

An act to amend section 737kk of the Political Code, relating to the salaries of the superior judges of the superior court in and for the county of San Diego.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 737kk of the Political Code is hereby amended to read as follows:

737kk. The annual salary of each of the judges of the superior court in and for the county of San Diego is seven thousand five hundred dollars.

Stats 1927,
p 562.

Superior
judge:
San Diego
county.

CHAPTER 657.

An act to repeal article I, embracing sections 5.500 to 5.502, both inclusive, of chapter III of part III of division V of the School Code; to repeal article II, embracing sections 5.650 and 5.651, and article III, embracing sections 5.660 to 5.670, both inclusive, of chapter VII of part III of division V of the School Code; to repeal article VI, embracing sections 5.700 and 5.701, of chapter VII of part III of division V of the School Code; to add a new article to chapter III of part III of division V thereof to be known as article I embracing sections 5.500 to 5.504, both inclusive, and to add a new article to chapter VII of part III of division V thereof, to be known as article II, embracing sections 5.650 to 5.665, both inclusive; to add thereto a new section to be numbered 5.407; and to amend sections 5.520 and 5.681 thereof, all relating to the classification and dismissal of persons employed by school districts in positions requiring certification qualifications.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

- Repeal SECTION 1. Article I, embracing sections 5.500 to 5.502, both inclusive, of chapter III of part III of division V of the School Code is hereby repealed.
- Repeal. SEC. 2. Article II, embracing sections 5.650 and 5.651, both inclusive, of chapter VII of part III of division V of the School Code is hereby repealed.
- Repeal SEC. 3. Article III, embracing sections 5.660 to 5.670, both inclusive, of chapter VII of part III of division V of the School Code is hereby repealed.
- New article SEC. 4. A new article is hereby added to chapter III of part III of division V of the School Code, to be known as article I and to read as follows:

Article I—Permanent.

Permanent
employees
defined

5.500. Every employee of a school district of any type or class, who after having been employed by the district for three complete consecutive school years in a position, or positions, requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, except as hereinafter otherwise provided, at the commencement of said succeeding school year, be classified as and shall become a permanent employee of the district.

Where aver-
age daily
attendance
less than
850

5.501. Every employee of a school district of any type or class, having an average daily attendance of less than 850 pupils, who, after having been employed by the district for three complete consecutive school years in a position, or positions, requiring certification qualifications and is reelected for the next succeeding school year to a position requiring certi-

fication qualifications, may be classified by the governing board of the district as a permanent employee of the district. If said classification be not made the employee shall not attain permanent status and may be reelected from year to year thereafter without becoming a permanent employee until said classification is made.

5.502. No person employed in an administrative or supervisory position requiring certification qualifications shall be classified as a permanent employee other than as a classroom teacher. This section shall not apply to persons employed in administrative or supervisory positions in a district situated within, partly within, or conterminous with the boundaries of, a city or city and county where the charter, if any, of such city or city and county provides otherwise.

Permanent status applied to classroom only.

5.503. A probationary employee who in any one school year has served for at least seventy-five per cent of the number of days the schools of the district in which such employee is employed are maintained shall be deemed to have served a complete school year.

Probationary employee

5.504. Nothing in this article shall be construed as affecting any permanent employee classified as such at the time this section takes effect nor shall any decrease in the average daily attendance of any school district operate to deprive any permanent employee of the district of his classification as such.

Present employees not affected

SEC. 5. A new article is hereby added to chapter VII of part III of division V of the School Code to be known as article II and to read as follows:

New article

Article II—Dismissal of Permanent Employees.

5.650. No permanent employee shall be dismissed except for one or more of the following causes: immoral or unprofessional conduct, dishonesty, incompetency, evident unfitness for service, persistent violation of or refusal to obey the school laws of California, or reasonable regulations prescribed for the government of the public schools.

Causes for dismissal.

5.651. Upon the filing of written charges, duly signed and verified by the person filing the same, with the governing board of a school district charging that there exists a cause, or causes, other than immoral conduct, for the dismissal of a permanent employee of said district, the governing board may, except as hereinafter provided, if it deems such action necessary, give notice to the said permanent employee that he will be dismissed at the end of the then current school year, unless said employee demands a hearing as hereinafter provided. Said notice, which must be given not later than the fifteenth day of May in any school year, must be in writing and sent by United States registered mail to the said permanent employee at his last known address. A copy of the charges filed together with a copy of this article shall be enclosed with the notice. If the employee does not demand the hearing hereinafter provided for he shall be dismissed at the end of the then current school year.

Notice of dismissal

Notice of incompetency.

5.652. The board shall not act upon any charges of incompetency filed by a member of the board or by any employee of the district unless the employee against whom such charge is filed shall have had notice of his incompetency given him by the governing board or by an authorized representative thereof at least three months prior to the date of the filing of the charges.

Suspension and notice of dismissal

5.653. Upon the filing of written charges, duly signed and verified by the person filing the same, with the governing board of a school district charging a permanent employee of said district with immoral conduct, the said governing board may, if it deems such action necessary, immediately suspend said employee from his duties and give notice to the said employee of his suspension and that thirty days after the mailing of such notice he will be dismissed unless said employee demands a hearing as hereinafter provided. Said notice must be in writing and sent by United States registered mail to the said employee at his last known address. A copy of the charges filed, together with a copy of this article, shall be enclosed with the notice of suspension and dismissal. If the said employee does not demand the hearing hereinafter provided for he shall be dismissed thirty days after the mailing of the notice hereinabove provided.

Hearing demand for

5.654. Within thirty days from the date of mailing the proper notice to an employee against whom charges have been filed as hereinbefore provided, said employee may demand a hearing before the said governing board upon the charges filed against him. Said demand must be in writing and sent by registered mail to the clerk or secretary of the governing board.

Hearing notice of.

5.655. Upon the receipt of a demand in writing for a hearing upon the charges, the governing board shall fix a time for the hearing of said charges, said time to be within thirty days of the receipt by the board of the demand for such hearing. Notice of the time and place where the hearing is to be held together with a copy of the charges and of the rules and regulations prescribed by the board for the conduct of the hearing shall be sent by United States registered mail to the employee at his last known address at least two weeks before the time set for the hearing.

Counsel

5.656. The employee against whom the charges have been filed, the person preferring such charges, and the governing board shall have the right to be represented by counsel, to present testimony and evidence, to call witnesses and to examine and cross-examine such witnesses. The board shall have the power to subpoena all witnesses called and to compel them to attend and testify.

Witnesses

5.657. No witness shall be permitted to testify except upon oath or affirmation. No testimony shall be given or evidence introduced bearing on the guilt or innocence of the employee if such testimony or evidence relates to matters occurring more than three years prior to the date of the charges brought against the employee.

5.658. The governing board shall prescribe reasonable rules and regulations for the conduct of the hearing and shall select a person who need not be a member of the board to preside at the hearing. The board shall employ a competent reporter who shall make a literal record of the proceedings of the hearing and who shall, within ten days after the conclusion of the hearing, furnish the person who filed the charges against the employee and the governing board one copy each of his record. The reporter shall upon demand, furnish the employee heard, eight copies of his record. He shall certify each copy as correct.

Hearing report, etc

5.659. The hearing must be conducted with due diligence.

Hearing diligently conducted

5.660. The employee shall not be dismissed except upon the affirmative vote of a majority of the board and no member of the board shall be permitted to vote who has not been present during the entire hearing. The board shall vote and publicly announce the vote within ten days after the conclusion of the hearing.

Dismissal majority vote

5.661. Should an employee be dismissed under this article for immorality, the governing board shall transmit to the county board of education which issued the certificate or certificates under which the employee was serving at the time of his dismissal, a copy of the reporter's transcript of the hearing, accompanied by a request that any certificate or certificates issued by said county board of education to the employee dismissed be revoked in the event the employee is not reinstated upon review or appeal.

Dismissal immorality

5.662. Any permanent employee dismissed for cause under the provisions of this article may within twenty days thereafter appeal to the superintendent of public instruction for a review of the decision of the governing board. The appeal shall be accompanied by two copies of the reporter's record of the hearing before the governing board which must have been certified as correct by the reporter. The superintendent of public instruction shall, within sixty days after the receipt of the appeal by him, render a written decision affirming or reversing the action of the governing board, one copy of which shall be sent to the clerk of the governing board dismissing the employee and one copy to the employee. The superintendent of public instruction shall render his decision solely upon the certified copy of the record of the hearing before the governing board. If the decision of the superintendent of public instruction reverses the action of the governing board, the employee shall, within ten days after the receipt of a copy of the decision by the clerk of the governing board, be reinstated in the position from which he was dismissed, and shall be paid full salary by the governing board for the period between his suspension or dismissal, as the case may be, and his reinstatement.

Appeal to superintendent

5.663. No action arising from his dismissal shall be commenced in any court by any employee of a school district

Appeal to courts.

dismissed under the provisions of this article, unless commenced within sixty days after the superintendent of public instruction has rendered his decision on an appeal taken by the employee as hereinbefore provided.

Dismissal
salary.

5 664. No permanent employee of a school district shall without his consent be dismissed or deprived of his classification as a permanent employee of the district when the district shall not have sufficient funds to pay his salary.

Dismissal
retirement
as.

5 665. The retirement of any employee of a school district under the provisions of any retirement law now in effect or hereafter enacted shall automatically effect the dismissal of such employee from the employ of the district at the end of the then current school year.

New section

SEC. 6. A new section is hereby added to the School Code to be numbered 5.407, to read as follows:

Temporary
employment

5.407. Nothing in this code shall be construed as prohibiting the employment of persons in positions requiring certification qualifications for less than a full school year in temporary schools or classes.

Sch. C,
p. 240

SEC. 7. Section 5.520 of the School Code is hereby amended to read as follows:

Substitute
employees

5.520. Boards of school trustees, and city, and city and county boards of education shall have power and it shall be their duty to classify as substitute employees those persons employed in positions requiring certification qualifications from day to day for less than one school year, to fill positions of regularly employed persons absent from service or who are employed in positions requiring certification qualifications in emergency or temporary schools or classes.

Sch. C,
p. 248.

SEC. 8. Section 5.681 of the School Code is hereby amended to read as follows:

Probationary
employees
notice, etc

5.681. On or before the fifteenth day of May in any year the governing board may give notice in writing to a probationary employee that his services will not be required for the ensuing year.

Such notice shall be deemed sufficient and complete when delivered in person to such employee by the clerk or secretary of the governing board of the school district or deposited in the United States registered mail with postage prepaid, addressed to such employee at his last known place of address.

Repeal.

SEC. 9. Article VI, embracing sections 5.700 and 5.701, of chapter VII of part III of division V of the School Code is hereby repealed.

CHAPTER 658.

An act empowering the director of finance to accept title to lands and buildings for the San Francisco State Teachers College.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The director of finance is hereby authorized and empowered to purchase or acquire, under such conditions and terms as he may deem to be for the best interest of the state lands and buildings to be used in connection with the San Francisco State Teachers College.

San
Francisco
Teachers
College

CHAPTER 659.

An act to add a new section to the School Code to be numbered 5721 providing for the granting of leaves with compensation to certificated employees of school districts because of accident, illness, quarantine or temporary inability to perform duties.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code to be numbered 5.721 and to read as follows:

New section.

5.721. Governing boards of school districts of every type and class including junior college districts shall have the power to provide for the leave of absence from duty and to grant compensation during such leave of absence to any employee of the district who is employed in a position requiring certification qualifications and who is compelled to absent himself from his duties because of accident, illness or quarantine which results from his contact with other persons having a contagious disease while performing his duties or because of temporary inability to perform the services required of such employee because of such illness, accident or quarantine.

Leave of
absence

CHAPTER 660.

An act to amend section 1264 of the Political Code, relating to elections.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1264 of the Political Code is hereby amended to read as follows:

Stats 1929.
p 1426

Delivery of
package to
county
clerk, etc

1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the county clerk, registrar of voters, nearest postmaster or sworn express agent, who shall endorse on such packages the name of the parties delivering them and the date of such delivery. If delivered to a postmaster, or express agent, such postmaster, or express agent, shall forward the packages by the first mail or express to the county seat. In the city and county of San Francisco, such packages must be delivered to the registrar of voters within three hours from the time of adjournment of the board, which time of adjournment must be endorsed upon such packages, and upon each tally list in ink or indelible pencil, and signed by a majority of the members of such board. In the city and county of San Francisco the packages must be put up in the following manner by an inspector, and two other members of the board who shall sign their respective signatures across such packages in such a manner as to include a portion of each of said signature across the flap of each package.

One package to contain the voted ballots (if any); one package to contain the unused ballots if any. One package to contain the roster, list of assisted voters and list of voters challenged; one package to contain the tally-book; one package to contain the duplicate tally-book. Affidavits of registration, indexes, stationery and other supplies will be enclosed in supply cases provided for that purpose and returned to the registrar of voters at the same time the packages enumerated herein are returned.

CHAPTER 661.

An act to add a new section to the Political Code to be numbered 3881a, to authorize the county auditor to enter corrections on the county assessment book and the county tax collector to cancel payments made in error under certain conditions.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 3881a and to read as follows:

Corrections
in assess-
ment book.

3881a. Clerical omissions or clerical errors of the auditor, in any assessment book, may, with the written consent of the district attorney, or of the county counsel in counties employing a county counsel, be supplied or corrected by the auditor at any time after the delivery of the assessment book to the tax collector, prior to the transmission to the controller of the statement required by section 3772 of this code; provided, that where said change will decrease the amount of taxes charged against the taxpayer by reason of said assessment, the consent

of the board of supervisors shall also be necessary to said change; and provided, further, that where said change will increase the amount of taxes charged against the taxpayer by reason of said assessment, the person so charged shall be given at least five days notice of the time when the matter will be heard by the board of supervisors, and he may at such time present to the board of supervisors any objections he may have to such change and their decision in the matter shall be conclusive.

The date and nature of every such correction shall be entered on the assessment book opposite said assessment, and the written authority therefor shall be filed by the auditor and preserved by him as a public record, and he shall make the proper charges or credits in his account with the tax collector.

In any city and county, the written consent of the city attorney shall have the same force and effect as the written consent of the district attorney.

If a property owner by mistake pays the tax on other property than the one intended and by substantial evidence convinces the county or city and county tax collector that the payment was intended as payment of taxes on another property and if no guaranty or certificate of title has issued respecting the property since the payment was credited, a cancellation of the credit and transfer thereof to the property intended may be made by the tax collector; provided, that the owner of the property from which the credit is to be removed shall be notified by the tax collector by registered mail at his last known address respecting such change.

Tax pay-
ments
mistake

The notice shall state that such person may within ten days after the mailing thereof demand a hearing by the board of supervisors. Such demand shall be made in duplicate and one copy must be filed with the tax collector, whereupon such board shall set a time for such hearing and its decision shall be conclusive relative to such change.

Credit for the amount paid by applicant shall, if sufficient to pay the same, be transferred on the roll and credited as payment of the taxes against the property to which applicant intended his original payment applied; if not sufficient for such payment, such credit shall be transferred only upon payment by him of the balance necessary to make such payment in full. If such additional payment is not made by him, a transfer of such credit shall not be made hereunder. If the amount mistakenly paid exceeds the amount of the tax against the other property, the excess shall be refunded to applicant in the same manner as an overcollection of tax.

A cancellation voucher containing complete details of the transaction subscribed and sworn to by the person who made the payment shall be filed with the tax collector, and reference thereto entered on the tax roll opposite the property from which the credit was canceled and preserved as a public record.

CHAPTER 662.

An act to add a new section to the Penal Code, to be numbered 64a, relating to the filing of initiative or referendum petitions.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 64a and to read as follows:

Unlawful
use of ini-
tiative or
referendum
petition

64a. It shall be unlawful for any person to file in the office of the secretary of state, county clerk, or in the office of any other officer provided by law to receive such filing, a petition or any section of a petition relating to the constitution or the laws of the State of California, authorized by the constitution or laws of the State of California regulating the statewide initiative or referendum with the intention of thereby defeating that certain initiative or referendum measure which is embraced in said petition; provided, that nothing in this section shall apply to any person who, in good faith, files a petition embracing an initiative or referendum measure which may conflict with a similar measure already on file. Any petition, or any section of a petition, filed by any person or persons other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will shall be null and void. Any person, either as principal or agent, violating any of the provisions of this section is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both. For the purposes of this section the proponents of an initiative or referendum measure shall be deemed to be those persons who submit a draft of the petition proposing said measure to the attorney general with a request that he prepare a title, and summary of the chief purposes and points of said proposed measure, as provided in section 1197a of the Political Code.

 CHAPTER 663.

An act to amend sections 737z and 737n of the Political Code, relating to salary of the judge of the superior court in and for the counties of Mono and Inyo.

[Approved by the Governor June 9, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 561

SECTION 1. Section 737z of the Political Code is hereby amended to read as follows:

737z. The annual salary of the judge of the superior court in and for the county of Mono is six thousand dollars.

Mono
superior
judge

SEC. 2. Section 737n of the Political Code is hereby amended to read as follows:

Stats 1927
p 560

737n. The annual salary of the judge of the superior court in and for the county of Inyo is five thousand dollars.

Inyo supe-
rior judge

CHAPTER 664.

An act to increase the number of judges of the superior court of the State of California, in and for the county of San Diego; to provide for the appointment of one additional judge and the manner of payment of his compensation

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The number of judges of the superior court of the State of California, in and for the county of San Diego, is hereby increased from five to six.

Additional
superior
judge.
San Diego
county

SEC. 2. Within ten days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of San Diego, who shall hold office until the first Monday after the first day of January, A.D. 1933. At the general election to be held in November, A.D. 1932, one judge of the superior court of said county shall be elected in said county who shall be the successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of said additional judge shall be the same in amount and shall be paid at the same time and in the same manner as the salaries of the other judges of said superior court now or hereafter authorized by law.

Salary

CHAPTER 665.

An act to validate the organization and existence of municipal improvement districts.

[Approved by the Governor June 9, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the legislative body of any municipality has heretofore declared any portion of such municipality to be a municipal improvement district under the provisions of an act entitled, "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for

Municipal
improvement
districts
validation
of

Stats 1915,
p 99

the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under the provisions of such act as amended, and such district has existed as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such municipality and all acts of all public officers leading up to and including the formation of such district are hereby legalized, ratified and confirmed and declared valid for all intents and purposes, and any such district is hereby declared to be a legal municipal improvement district.

CHAPTER 666.

An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

School
districts
validation
of.

SECTION 1. All school districts, high school districts, and junior college districts, of any kind or class, which have acted and existed as such for more than one year prior to the taking effect of this act, are hereby declared to be legally and duly formed, organized, established, incorporated and existing, and as such school districts, high school districts and junior college districts shall have all the rights and privileges and be subjected to all the duties and obligations of duly formed, organized, established or incorporated school districts, high school districts, and junior college districts.

CHAPTER 667.

An act to amend section 737jj and section 737hh of the Political Code, fixing the salaries of judges of the superior courts of San Bernardino and Sacramento counties.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p 562 See
Ch. 1194,
infra

San Bernar-
dino superior
judges.

SECTION 1. Section 737jj of the Political Code is hereby amended to read as follows:

737jj. The annual salary of each of the judges of the superior court in and for the county of San Bernardino is seven thousand dollars.

SEC. 2. Section 737hh of the Political Code is hereby amended to read as follows: Stats 1927,
p 562

737hh. The annual salary of each of the judges of the superior court in and for the county of Sacramento shall be seven thousand five hundred dollars. Sacramento
superior
judges

CHAPTER 668.

*An act to amend sections 4130 and 4300c of the Political Code,
relating to recorders and fees.*

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1 Section 4130 of the Political Code is hereby amended to read as follows: Stats 1923,
p 144.

4130. The recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps and papers deposited in his office. Duties of
recorder.

Whenever a mortgage is filed in his office purporting to create a lien upon live stock, vehicles (other than motor vehicles) or any other migratory chattels, or when the partial or full discharge or the assignment of such a mortgage appears of record, then it shall be his duty to collect in addition to the recording fee an additional fee of seventy-five cents as provided in section 4300c, and thereupon make a certificate over his official signature upon the forms to be provided by the secretary of state as provided in section 408, and forthwith transmit the same to the secretary of state together with twenty-five cents of such additional fee so collected. Mortgages
on migratory
chattels

SEC. 2. Section 4300c of the Political Code is hereby amended to read as follows: Stats 1929,
p 305

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents. Recorder's
fees.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument, paper, or notice for record, and making the necessary entries thereon, twenty cents; provided, however, that the minimum fee for filing for record, recording, indexing and making the necessary entries on any written instrument, paper, or notice except as hereinafter or otherwise provided by law, shall be one dollar.

For each certificate under seal, fifty cents.

For any copy of any record or paper on file in the office of the county recorder, when such copy is made by him, per folio, ten cents.

For examining and certifying to a copy of any record or paper on file in the recorder's office when such copy is prepared by another, three cents per folio for comparing such copy with the original.

For every entry of discharge, credit, or release on the margin of record, and indexing same, fifty cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or encumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording or filing each map wherein land is subdivided in lots, tracts or parcels, five dollars.

For filing building contracts, plans and specifications, one dollar.

For figures or letters on maps or plats, per folio, ten cents; provided, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For filing notice of estray stock and all services in estray cases, fifty cents.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; provided, however, no charge or fee shall be made for recording or indexing any discharge of a soldier, sailor or marine discharged from the army or navy of the United States or for issuing certified copies thereof.

For preparing and transmitting to the secretary of state certificate of mortgage, assignment, or full or partial discharge of mortgage of live stock, vehicles (other than motor vehicles) or other migratory chattels as provided in section 4130; seventy-five cents, twenty-five cents of which shall be forthwith transmitted to the secretary of state with such certificate as provided in section 4130.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in article fifty-nine of this chapter.

CHAPTER 669

Stats 1917,
p 1391.
amended

An act to amend section 2 of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and

duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905, as amended," relating to the board of managers of the state bureau of criminal identification and investigation.

[Approved by the Governor June 9, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905, as amended," is hereby amended to read as follows:

Stats 1917,
p 1391.

Sec. 2 Within ten days after this act goes into effect, it will be the duty of the governor to appoint a board of managers of said bureau, consisting of three members; one of whom shall be a chief of police of an incorporated city within the State of California, and one to be a duly elected, qualified and acting sheriff of a county within said state, and one to be a duly elected, qualified and acting district attorney of a county within said state. All appointments shall be for the full term of four years; provided, however, that should the term of any such member of the said board expire as such chief of police, or such sheriff, or such district attorney, he shall cease to be a member of the said board; and provided, further, that the governor shall fill all vacancies created in said board by the appointment of the same kind of an officer as was his predecessor. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; one member, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order

Term of
members.

by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

CHAPTER 670.

An act to amend sections 737d, 737r, 737cc, 737ff, 737tt, 737yy, 737fff, 737t, 737v, and 737x of the Political Code, relating to salaries of judges of the superior court

[Approved by the Governor June 9, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

- Stats 1927, p 560 SECTION 1. Section 737r of the Political Code is hereby amended to read as follows:
- Superior judge Lassen. 737r. The annual salary of the judge of the superior court in and for the county of Lassen is six thousand dollars.
- Stats 1927, p 561. SEC. 2 Section 737cc of the Political Code is hereby amended to read as follows:
- Nevada 737cc. The annual salary of the judge of the superior court in and for the county of Nevada is six thousand dollars.
- Stats 1927, p 562 SEC 3 Section 737ff of the Political Code is hereby amended to read as follows:
- Plumas 737ff. The annual salary of the judge of the superior court in and for the county of Plumas is six thousand dollars.
- Stats 1927, p 563 SEC. 4. Section 737tt of the Political Code is hereby amended to read as follows:
- Sierra 737tt. The annual salary of the judge of the superior court in and for the county of Sierra is four thousand dollars.
- Stats 1927, p 563 Sec Ch 689, infra SEC. 5. Section 737yy of the Political Code is hereby amended to read as follows:
- Sutter 737yy. The annual salary of the judge of the superior court in and for the county of Sutter is six thousand five hundred dollars.
- Stats 1927, p 564 Sec Ch 689, infra SEC. 6. Section 737fff of the Political Code is hereby amended to read as follows:
- Yuba 737fff. The annual salary of the judge of the superior court in and for the county of Yuba is six thousand five hundred dollars.
- Stats 1927, p 561. SEC. 7. Section 737t of the Political Code is hereby amended to read as follows:
- Madera 737t. The annual salary of the judge of the superior court in and for the county of Madera is six thousand five hundred dollars.
- Stats 1927, p 561 SEC. 8. Section 737v of the Political Code is hereby amended to read as follows:
- Mariposa 737v. The annual salary of the judge of the superior court in and for the county of Mariposa is six thousand dollars.
- Stats 1927, p 561 SEC. 9. Section 737x of the Political Code is hereby amended to read as follows:

737x. The annual salary of the judge of the superior court in and for the county of Merced is seven thousand dollars. Merced.

SEC. 10. Section 737d of the Political Code is hereby amended to read as follows: Stats 1927, p 559.

737d. The annual salary of the judge of the superior court in and for the county of Butte is seven thousand dollars. Butte

CHAPTER 671.

An act to validate all orders appointing or conferring powers upon special administrators.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. All orders appointing or conferring powers upon special administrators heretofore made, with or without notice, are hereby ratified, confirmed and declared valid, and such orders shall be conclusive on all parties. This section shall not be construed to take away the power of any court to declare such orders invalid on any ground other than lack of notice. Special administrators' appointments validated

CHAPTER 672.

An act to amend sections 1, 2, 3, and 4 of and to add sections 5, 6, 7, 8, 9, 10, 11 and 12 to, chapter 389, statutes of 1915, entitled "An act providing for the sale of certain state lands," as approved May 19, 1915, relating to state lands. Stats 1915, p 605, amended

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of chapter 389, statutes of 1915, entitled "An act providing for the sale of certain state lands," as revised by chapter 595, statutes of 1929, is hereby amended to read as follows: Stats 1929, p 1003

Section 1. The unsold and unreserved portions of the sixteenth and thirty-sixth sections of school lands, the unsold portions of the five hundred thousand acres granted to the state for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant which are not suitable for cultivation shall be sold to citizens of the United States, or to a municipal corporation or to the state highway commission, state park commission, or other state bodies authorized to purchase and hold land, by the surveyor general under rules and regulations prescribed by him, at a price fixed by the Sale of school lands authorized

department of finance, payment to be made in cash to the department of finance, state capitol, Sacramento.

Stats 1929,
p 1003

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sale of
lands not
used as a
basis for
indemnity
selections

Sec. 2. From and after the date upon which this act takes effect, the surveyor general may sell in like manner for cash any of the lands reserved from sale by the provisions of section 3408b of the Political Code which have not been used as bases for indemnity selections, as provided in section 3406a of said code, or otherwise disposed of under any law of this state.

Exchange
for U S
lands

Whenever he shall deem it to the advantage of the state so to do, he may, with the concurrence of the department of finance, exchange for lands of the United States of equal area, pursuant to law, any of said reserved lands in place, and the lands so acquired in exchange may be thereafter sold in the same manner, and for cash as hereinbefore set forth. Nothing herein contained shall be construed to affect the right of the surveyor general to use as bases for indemnity scrip, as provided in sections 3406a, 3408b, 3408c, and 3408d of the Political Code, any of said reserve lands not otherwise disposed of under the provisions of this act.

Stats 1929,
p 1003.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Patents

Sec. 3. When payment has been made for the land, the purchaser shall be entitled to a patent.

Stats 1929,
p 1003.

SEC. 4. Section 4 of said act is hereby amended to read as follows:

Easements
and rights
of way.

Sec. 4. The division of state lands, department of finance, is hereby authorized to grant easements and rights of way to the department of public works to or over any of the lands mentioned in section 1 hereof for the purposes of rights of way for highways and for use in protecting highways from damage or destruction by natural forces.

New section

SEC. 5. A new section is hereby added to said act to be numbered 5, and to read as follows:

Payment of
purchase
price by
Jan 1,
1937

Sec. 5. Demand is hereby made upon any and all persons who are or may become liable for the payment of the purchase price or any part thereof of any portion of the sixteenth and thirty-sixth sections of school lands, or of the five hundred thousand acres granted to the state for school purposes, or of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections, or losses to the school grant which are not subject to cultivation, for the payment of the full amount of the principal of the purchase price of said lands within five years after the first day of January, 1932. Unless such payment is made to the department of finance, all or any portion of such lands upon which the purchase price is unpaid, shall revert to the State of California in the manner following:

New section

SEC. 6. A new section is hereby added to said act to be numbered 6 and to read as follows:

Sec. 6. Between the first day of January and the first day of February, 1937, or as soon thereafter as may be practicable, and not later than February 15, 1937, the department of finance shall prepare or cause to be prepared statements showing, by counties, and by proper legal descriptions, all lands in each of the several counties for which any part of the purchase price is then unpaid. Such statements shall also show the name and address of the purchaser, and the name and address of the assignee, grantee or successor in interest of such purchaser in those cases wherein notice of any assignment of the certificate of purchase or of any conveyance or other transfer of title or any part of the lands therein described shall have been filed in said office prior to the first day of January, 1937.

Statements of unpaid purchase price, etc

The statement shall also show the total amount of the purchase price, the amount paid thereon and the amount which is unpaid upon the first day of January, 1937.

SEC. 7. A new section is hereby added to said act to be numbered 7, and to read as follows:

New section

Sec. 7. Upon completing the statements, the department shall add thereto a demand that all amounts of the purchase price of said lands then unpaid, together with three dollars cost, shall be paid on or before the first day of July, 1937, to the department of finance, and further notice that unless the whole sum demanded be paid on or before said first day of July, 1937, that the lands in said statements described, together with all moneys previously paid on account of the purchase price, whether for principal or interest, will be forfeited to the state in accordance with the provisions hereof, and that all such certificates of purchase shall thereupon become null and void. Such statement, together with such demand and notice, shall be published once a week for four successive weeks in some newspaper of general circulation, published in the county wherein the lands described in the statement are situate, or if there be no newspaper published in such county, then in an adjoining county.

Publication of demand for payment and notice of possible forfeiture

SEC. 8. A new section is hereby added to said act to be numbered 8, and to read as follows:

New section

Sec. 8. In addition to such publication, the department of finance shall not later than February 15, 1937, forward, by registered mail to each person shown by the records of the department of finance to have any interest in any of such land, a copy of so much of said statements as pertains to the lands wherein such person may appear to have any interest, together with such demand and notice, addressed to such person at his last known residence or place of business as the same appears upon the records of the department of finance.

Mailing of demand and notice

SEC. 9. A new section is hereby added to said act to be numbered 9, and to read as follows:

New section

Sec. 9. The sum of three dollars to cover the costs of such publication and of such mailing, is hereby imposed upon the

Costs

owner or owners of each certificate of purchase, as well as upon each person who may have acquired by purchase, an interest in all or some portion of the lands described in the certificate, and such sum must be paid together with the amount of the purchase price which is due and unpaid.

New section **SEC. 10.** A new section is hereby added to said act to be numbered 10, and to read as follows:

Notice of forfeiture **Sec. 10.** Immediately following the first day of July, 1937, the department of finance shall note upon its records, the forfeitures of such lands and shall forward to the recorder of each county wherein any of said lands may be situate, a notice of such forfeiture. It shall be the duty of the recorder to receive and file such notice and to record the same in a book of deeds. Such notice from the time it is filed with the recorder is constructive notice of the condition thereof to subsequent purchasers and mortgagees, and to all other persons who may thereafter attempt to acquire any interest in, or lien upon, any of the lands described in the notice.

New section. **SEC. 11.** A new section is hereby added to said act to be numbered 11, and to read as follows:

Protection from forfeiture. **Sec. 11.** Any person having a conveyance of the whole, or a portion equal to at least forty acres of the lands described in any such statement, but to whom the certificate of purchase has never been surrendered, may protect his lands from forfeiture by paying the amount of the purchase price due to the department of finance. He shall first, however, file with the department of finance satisfactory evidence of his possessory right to the land. Upon such payment being made before the first day of July, 1937, such lands shall be and hereby are excepted from the forfeiture prescribed in this act. Said certificate of purchase shall become null and void only as to the remaining lands therein described, and if due compliance be made with all other provisions of law governing the issuance of patents, a patent shall issue in the name of the original purchaser of such excepted land, but shall be delivered to the person by whom such payment was made, and the title thereby granted shall inure to the benefit of such person, his heirs or assigns.

New section **SEC. 12.** A new section is hereby added to said act to be numbered 12, and to read as follows:

Annulment of forfeiture **Sec. 12.** In the event any lands shall be forfeited under the provisions hereof upon which the total purchase price has been actually paid prior to the forfeiture but for any reason not properly credited, the person or persons having a beneficial interest in said lands, may, within one year following the date of such forfeiture, commence an action in the superior court of the county of Sacramento against the department of finance for the purpose of having such forfeiture annulled and set aside.

And if it be proven to the satisfaction of the court, at the trial of such action, that such payment was in fact made prior to the forfeiture, the court shall render judgment annulling and setting aside the forfeiture, and thereupon the plaintiff

or plaintiffs in such action shall be restored to his or their former estate in said land.

SEC. 13. Those parts of all acts in conflict with this act are hereby repealed. Repeal.

CHAPTER 673.

An act to amend sections 4 and 6 of chapter 493, statutes of 1917, entitled "An act providing for the leasing of certain state lands and making an appropriation for the purposes of this act," approved May 17, 1917, relating to the termination of leases on state lands and to add new sections thereto to be known as 4a and 10 authorizing the correction of errors and the amendment of descriptions and applying the provisions hereof to certain lands. Stats 1917,
p 578,
amended.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of chapter 493, statutes of 1917, entitled "An act providing for the leasing of certain state lands and making an appropriation for the purposes of this act," is hereby amended to read as follows: Stats. 1917,
p. 578.

Sec. 4. No lease shall be for a period longer than ten years, and such lease shall terminate upon the sale of said lands, or any portion thereof, by the state and the lessee shall be notified by registered mail by the state surveyor general upon the sale of said land. The date of the termination of the lease shall be on the date the certificate of purchase is issued to the purchaser of the land from the State of California by the register of the state land office, except when a lease embraces land suitable for cultivation and an application from an actual settler to purchase said land is received and filed by the surveyor general, then the lease shall terminate on the date said application is filed of record in the surveyor general's office and the lessee is to be notified by registered mail of the filing of said application to purchase said land, or any portion thereof, from the state and of the termination of the lease. Possession under any lease hereby authorized shall not be held, deemed or construed to be adverse to that of any person who becomes an actual settler upon any portion of land in such lease described, with intent to purchase the same in the manner provided by law. Term of
lease

SEC. 2. A new section to be known as section 4a is hereby added to said act to read as follows: New section

Sec. 4a. Any error in the description of any lease may with the consent of the holder thereof be corrected or any description amended by the surveyor general or chief of the division of state lands when in his judgment it is to the best interests of the state so to do. Errors in
description,
correction
of.

Stats 1917,
p 576

SEC. 3. Section 6 of such act is hereby amended to read as follows:

Surrender
of lease

SEC. 6. If a lease is terminated by reason of the filing of an application to purchase land suitable for cultivation, or by the sale of land or by the designation of land as bases for indemnity selection or selections, the lessee shall surrender the lease to the surveyor general and receive in exchange therefor from the surveyor general a certificate showing the proportionate amount of the annual payment to be refunded to the lessee, for the tract or tracts of land that have been disposed of by the State of California, and the state controller, upon the surrender to him of the said surveyor general's certificate, with the approval of the board of control endorsed thereon, shall issue to the lessee a warrant for the said amount payable out of the state school land fund and the state treasurer shall pay the same. If all the tracts of land described in said surrendered lease have not been disposed of by the state, the lessee shall be entitled, without the payment of any additional fee, to a new lease for the remaining tracts of land for the balance of the unexpired term of the surrendered lease, at the same annual rental per acre.

New section.

SEC. 4. A new section to be known as section 10 is hereby added to said act to read as follows:

Application
of act

SEC. 10. The provisions hereof shall also apply to all lands of the state other than school lands and the term leases shall include permits or licenses but nothing herein contained shall authorize the granting of any permits or leases on the tide or submerged lands of the state or upon any river bed or lake bed belonging thereto.

CHAPTER 674.

An act to amend section 4190 of the Political Code, relating to establishment and government and the creation of a fund for a law library.

[Approved by the Governor June 9, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 95

SECTION 1. Section 4190 of the Political Code is hereby amended to read as follows:

Fee for law
library fund.

4190. On the commencement in, or removal to, the superior court, of any county, in this state of any civil action, proceeding, or appeal, or on the commencement in or removal to any justices' courts (excluding small claims courts), in cities, cities and counties, towns and judicial townships having a population of thirty thousand or more, of any civil action or proceeding, except, however, the filing of a petition for letters of adoption and the filing of a disclaimer, on filing the first papers therein, the party instituting such proceeding, or filing the first said papers, shall pay to the clerk of said court,

in addition to the fees fixed by law, one dollar as costs. Thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance in the superior court or any number of such defendants or respondents or adverse parties appearing jointly in the superior court shall pay to the clerk of said court in addition to fees fixed by law, the sum of one dollar as costs. Such costs shall be paid into a fund which shall be designated the "law library fund" to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereafter provided; provided, however, that the board of law library trustees shall have power in their discretion to establish and maintain a branch of the county law library in any city other than the county seat in the same county in which a session of the superior court or a session of the municipal court is now or shall hereafter be held, which branch shall be in all respects a part of the county law library and shall be established, managed, controlled, regulated and maintained as part of the county law library.

Use of fund

Branches.

CHAPTER 675.

An act to amend section 4041.13 of the Political Code, relating to powers of boards.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4041.13 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1456

4041.13. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to employ a purchasing agent, whose duty shall be to purchase for the county and the offices thereof all materials, supplies, furnishings, equipment, live stock and all other personal property; to rent, for the county and the offices thereof, furnishings, equipment and live stock; to engage independent contractors to perform sundry services for the county and the offices thereof, with or without furnishing material where the aggregate cost does not exceed one thousand dollars. Said purchasing agent shall make all such purchases, rentals and contracts only upon proper written requisition therefor. Whenever a board of supervisors shall employ a purchasing agent as herein provided for it shall not be necessary for them to advertise for bids for furnishing county sup-

Purchasing
agent and
assistants.

plies as required in section 4048 of this code, with the exception of advertising.

(2) To employ for such purchasing agent such assistants as may be necessary for him properly to fulfill his duties.

CHAPTER 676.

An act providing for the investigation, inspection, control and eradication of disease in poultry and live stock in counties, and for the appropriation and the expenditure of money therefor; and for agreements between counties and with the department of agriculture for such purposes, and declaring same an urgency measure.

[Approved by the Governor June 9, 1931. In effect immediately.]

The people of the State of California do enact as follows:

Money for
poultry and
live stock
control, etc

SECTION 1. Counties acting through their boards of supervisors shall have the jurisdiction and power to appropriate and expend money from the general fund of the county to carry on investigation, inspection, control and eradication of disease in poultry and live stock. And for such purposes may enter into agreements with the department of agriculture or with each other and the department of agriculture.

Agreements
between
counties.

SEC. 2. The counties which are parties to such agreement may provide that payments from their treasuries may be made for the purpose for which the agreement was entered into and these funds may be paid to and disbursed by the department of agriculture who shall hold such funds in trust to be expended by them in carrying on such investigation, inspection, control and eradication of disease in poultry and live stock within the respective counties parties to the agreement.

Such agreement may also provide that the department of agriculture shall have full control and supervision in carrying on the work provided for in such agreement.

Such agreement may be continued for a definite term or until rescinded or terminated and may provide for the method by which the same may be rescinded or terminated by any of the parties thereto.

Such agreement shall provide for the disposition, division or distribution of any property acquired as the result of such joint exercise of powers, and the return of any surplus moneys on hand after the purpose thereof shall be completed in proportion to the contributions made.

Urgency.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article four of the constitution of the State of California, and

shall take effect immediately. The following is a statement of the facts constituting such urgency:

It is necessary to the public health, safety and peace that counties act either jointly or severally to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation, and inasmuch as a unity of effort in such purpose is the most effective and benefits the greater number of people and the greater area of land it is important that this act have immediate application.

CHAPTER 677.

An act to amend section 737mm of the Political Code, relating to the salaries of the judges of the superior court in and for the county of San Joaquin.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737mm of the Political Code is hereby amended to read as follows: Stats 1927,
p 562

737mm. The annual salary of each of the judges of the superior court in and for the county of San Joaquin is seven thousand dollars. San Joaquin
superior
judges

CHAPTER 678.

An act to amend section 737ddd of the Political Code, relating to the salary of the judge of the superior court in and for the county of Ventura.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737ddd of the Political Code is hereby amended to read as follows: Stats 1927,
p 564

737ddd. The annual salary of the judge of the superior court in and for the county of Ventura is seven thousand five hundred dollars. Ventura
superior
judges

CHAPTER 679.

An act to amend section 1 of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with

Stats 1909,
p. 979,
amended.

this act," approved April 17, 1909, relating to county agricultural districts.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 966

SECTION 1. Section 1 of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended, is hereby amended to read as follows:

Agricultural
districts,
numbers of

Section 1. The several counties of this state are divided and classified into agricultural districts and numbered as follows, to wit:

District 1. The county of Alameda shall constitute agricultural district number one.

District 1a. The counties of San Francisco and San Mateo shall constitute agricultural district number one a.

District 2. The county of San Joaquin shall constitute agricultural district number two.

District 3. The county of Butte shall constitute agricultural district number three.

District 4. The counties of Sonoma and Marin shall constitute agricultural district number four.

District 5. The county of Santa Clara shall constitute agricultural district number five.

District 6. The county of Los Angeles shall constitute agricultural district number six.

District 7. The county of Monterey shall constitute agricultural district number seven.

District 8. The county of El Dorado shall constitute agricultural district number eight.

District 9. The county of Humboldt shall constitute agricultural district number nine.

District 10. The county of Siskiyou shall constitute agricultural district number ten.

District 11. The counties of Plumas and Sierra shall constitute agricultural district number eleven; provided, that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

District 12. The counties of Lake and Mendocino shall constitute agricultural district number twelve.

District 13. The counties of Sutter and Yuba shall constitute agricultural district number thirteen.

District 14. The county of Santa Cruz shall constitute agricultural district number fourteen.

District 15. The county of Kern shall constitute agricultural district number fifteen. Same.

District 16. The county of San Luis Obispo shall constitute agricultural district number sixteen.

District 17. The county of Nevada shall constitute agricultural district number seventeen.

District 18. The counties of Mono, Inyo, and Alpine shall constitute agricultural district number eighteen.

District 19. All that portion of Santa Barbara county lying east of Gaviota and south of the Santa Ynez mountains, shall constitute agricultural district number nineteen.

District 20. The county of Placer shall constitute agricultural district number twenty.

District 21. The counties of Fresno and Madera shall constitute agricultural district number twenty-one.

District 22. The county of San Diego shall constitute agricultural district number twenty-two.

District 23. The county of Contra Costa shall constitute agricultural district number twenty-three.

District 24. The counties of Tulare and Kings shall constitute agricultural district number twenty-four.

District 25. The county of Napa shall constitute agricultural district number twenty-five.

District 26. The county of Amador shall constitute agricultural district number twenty-six.

District 27. The county of Shasta shall constitute agricultural district number twenty-seven.

District 28. The county of San Bernardino shall constitute agricultural district number twenty-eight.

District 29. The county of Tuolumne shall constitute agricultural district number twenty-nine.

District 30. The county of Tehama shall constitute agricultural district number thirty.

District 31. The county of Ventura shall constitute agricultural district number thirty-one.

District 32. The county of Orange shall constitute agricultural district number thirty-two.

District 33. The county of San Benito shall constitute agricultural district number thirty-three.

District 34. The county of Modoc shall constitute agricultural district number thirty-four.

District 35. The counties of Merced and Mariposa shall constitute agricultural district number thirty-five.

District 36. The county of Solano shall constitute agricultural district number thirty-six.

District 37. All that portion of Santa Barbara county not included in agricultural district number nineteen shall constitute agricultural district number thirty-seven.

District 38. The county of Stanislaus shall constitute agricultural district number thirty-eight.

District 39. The county of Calaveras shall constitute agricultural district number thirty-nine.

District 40. The county of Yolo shall constitute agricultural district number forty.

District 41. The county of Del Norte shall constitute agricultural district number forty-one.

District 42. The county of Glenn shall constitute agricultural district number forty-two.

District 43. The county of Lassen shall constitute agricultural district number forty-three.

District 44. The county of Colusa shall constitute agricultural district number forty-four.

District 45. The county of Imperial shall constitute agricultural district number forty-five.

District 46. The county of Riverside shall constitute agricultural district number forty-six.

District 47. The county of Trinity shall constitute agricultural district number forty-seven.

CHAPTER 680.

An act to amend section 146a of the Penal Code, relating to falsely representing a public officer.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 377.

Impersona-
tion of
officers

SECTION 1. Section 146a of the Penal Code is hereby amended to read as follows:

146a. Any person who falsely represents himself to be a public officer, or investigator, inspector, deputy or clerk in any state department and in such assumed character arrests or detains or threatens to arrest or detain, or otherwise intimidates any person or searches the person, building, or other property of any person, or obtains money, or property, or other thing of value, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year or by both such fine and imprisonment.

CHAPTER 681.

An act to amend section 111 of the Penal Code, relating to trial of convicts and hearings of writs of habeas corpus.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1059

SECTION 1. Section 111 of the Penal Code is hereby amended to read as follows:

111. Whenever a trial is had of any person under any of the provisions of sections 105 and 106, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any convict in the state prison, whenever a convict in the state prison is tried for any crime committed therein, and whenever a trial or hearing is had on the question of the insanity of any convict, the county clerk of the county where such trial or hearing is had must make out a statement of all the costs incurred by the county for the investigation, and preparation of the trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such convict, and of the execution of the sentence of such convict, properly certified to by a judge of the superior court of such county, which statement must be sent to the state board of prison directors for their approval; and after such approval, said board must cause the amount of such costs to be paid out of the money appropriated for the support of the state prison, to the county treasury of the county where such trial or hearing was had.

Expense of
trial of
convicts.

CHAPTER 682.

An act to amend section 737f of the Political Code, relating to the salary of the superior judge in and for the county of Colusa.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737f of the Political Code is hereby amended to read as follows:

Stats 1927,
p 539

737f. The annual salary of the judge of the superior court in and for the county of Colusa is six thousand dollars.

Colusa
superior
judge

CHAPTER 683.

An act to add a new section to the Political Code, to be numbered 2524c, relating to the authority of the board of state harbor commissioners or its successor.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be numbered 2524c, and to read as follows:

New section

2524c. In the event that the city and county of San Francisco, or any person, corporation, or association, after a finding by the board of state harbor commissioners that the same is necessary to the protection of the harbor of San Francisco

San Fran-
cisco harbor
protection
of

Payment

and that the cost thereof will not be unreasonable in amount, shall offer to construct at his or its own cost and expense a section of harbor embankment or seawall in full accord with the specifications therefor approved by said board, said board is authorized to enter into an agreement to refund the cost thereof after the completion of such construction, to such city and county of San Francisco or any such person, corporation, or association but solely from revenues in the form of wharfage, dockage, tonnage tax, or rents that shall be derived from said section of harbor embankment or seawall so constructed; provided that the amount so agreed upon to be refunded, with interest, shall not exceed such sum as said board shall have found to be the reasonable cost of such construction. Any sums paid to those above mentioned who shall construct a seawall as hereinbefore described shall be paid by the treasurer of the State of California upon a voucher certified and approved by the state board of harbor commissioners from the fund known as harbor improvement fund.

Definitions

SEC. 2. Wherever the term "board of state harbor commissioners," "board," "commissioners," or any other term designating the board of state harbor commissioners is used in this act, it shall be deemed and construed to mean and include any successor to the board of state harbor commissioners.

CHAPTER 684.

An act making an appropriation for the purposes of section 690.10 of the Political Code, as added by the Legislature of 1931, defining the duties of the department of finance in connection with the construction of certain structures upon certain state lands.

[Approved by the Governor June 9, 1931, with reduction hereunder noted
In effect August 14, 1931]

[I object to the item of \$15,000 of appropriation in Assembly Bill No 1885 and reduce the amount thereof to \$10,000 With this reduction I approve the bill Dated June 9, 1931 JAMES ROLPH, JR., Governor]

The people of the State of California do enact as follows:

Appropriation
land im-
provements

SECTION 1. For the purposes of the section added to the Political Code by the Legislature of 1931, numbered 690.10, and relating to the construction of certain structures upon the swamp, overflowed, marsh, tide, or submerged lands of this state, and defining the duties of the department of finance in connection therewith, there is hereby appropriated out of the money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars for the support of the department of finance during the eighty-third and eighty-fourth fiscal years, in addition to any other moneys appropriated to said department.

CHAPTER 685.

An act authorizing and directing the director of education, with the approval of the director of finance, to grant to the Central Pacific Railway Company certain lands belonging to the State of California situated in Siskiyou county; and to repeal an act entitled, "An act authorizing the state department of education, with the approval of the state board of control, to grant to the California highway commission certain lands belonging to the State of California situated in Siskiyou county," approved June 3, 1927.

Stats 1927,
p 1943,
repealed

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The director of education, with the approval of the director of finance, is hereby authorized and directed to grant to the Central Pacific Railway Company the following described land or parts thereof:

Grant to
Central Pa-
cific Railway

All that part of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 9, township 40 north, range 4 west, Mount Diablo base and meridian, bounded and described as follows:

Description.

Beginning at a point on the westerly right of way line of the Central Pacific Railway Company near Mount Shasta, said point being opposite and one hundred feet at right angles southwesterly from the original located center line of the Central Pacific railway at engineer's station 8211+29.8 E. C. and from which point the quarter ($\frac{1}{4}$) section corner common to sections 8 and 9, township 40 north, range 4 west, Mount Diablo base and meridian, bears south 10° 02' 00" W., a distance of 602.75 feet; thence along the westerly right of way line of said Central Pacific Railway Company as follows: From a tangent which bears south 87° 12' east along a curve to the right with a radius of 2191.88 feet through an angle of 0° 45' an arc length of 28.69 feet to a point of compound curve; thence along a curve concave to the right with a radius of 1046.01 feet through an angle of 1° 30', an arc length of 27.38 feet to a point of compound curve, thence along a curve concave to the right with a radius of 664.08 feet through an angle of 2° 15', an arc length of 26.08 feet to a point of compound curve; thence along a curve concave to the right with a radius of 473.14 feet through an angle of 90° 00' 00", an arc length of 743.21 feet to a point of compound curve; thence on a curve concave to the right with a radius of 664.08 feet through an angle of 2° 15', an arc length of 26.08 feet to a point of compound curve; thence on a curve concave to the right with a radius of 1046.01 feet through an angle of 1° 05' 52", an arc length of 20.04 feet to a point, said point is distant one hundred feet radially northwesterly from the original located center line of the Central Pacific Railway

Company at engineer's station 8200+87 84 (tangent to the last mentioned curve at the last described point bears north $10^{\circ} 38' 52''$ east); thence along a curve concave to the left with a radius of 875.04 feet through an angle of $44^{\circ} 52' 57''$ (the tangent to said curve at the last mentioned point bears north $15^{\circ} 58' 02''$ west) an arc length of 685.46 feet to a point; thence from said point north $49^{\circ} 55' 30''$ west, a distance of 89.83 feet to the point of beginning, containing an area of 1.43 acres, more or less, all being land situated in Siskiyou county, and forming a part of that property of the State of California known as the Mount Shasta Summer School upon the execution and delivery to the State of California by the Central Pacific Railway Company of a grant of certain easements for state highway purposes upon and across certain lands of said railway company lying and being in the west half of section 9, and the southeast quarter of the northeast quarter of section 8, township 40 north, range 4 west, Mount Diablo base and meridian, county of Siskiyou, State of California.

Repeal

SEC. 2. An act entitled, "An act authorizing the department of education, with the approval of the state board of control, to grant to the California highway commission certain lands belonging to the State of California situated in Siskiyou county," approved June 3, 1927, is hereby repealed.

CHAPTER 686.

Stats. 1907,
p. 215,
amended

An act to add a new section to the Political Code, to be numbered 2521a, relating to the board of state harbor commissioners, and repealing section 12 of chapter 183, statutes of 1907.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section numbered 2521a is hereby added to the Political Code, to read as follows:

San Fran-
cisco harbor:
chief
engineer.

2521a. The board on entering on the duties of their office, must also appoint a chief engineer, who shall hold office at the pleasure of said board. The salary of said chief engineer shall be fixed by the board, with the approval of the director of finance and shall be paid monthly out of the San Francisco harbor improvement fund. He shall furnish the state with a bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of his duties, which bond must be approved by the governor of the State of California and filed in the office of the secretary of state. He shall prepare such plans and specifications as the board may direct, and if adopted, and the work ordered by the board to be done, must superintend its construction. He must give constant attention to the condition of the seawall and thoroughfare, of the sheds,

wharves, piers and landings, of the streets or parts thereof under the jurisdiction of the board, and when repairs are needed must forthwith report to the board their nature and extent, and if ordered by the board must have the same done at once. He must keep himself informed as to the depth of water in the various docks and slips, and report to the board from time to time what dredging is required and if ordered by the board must have the same done. He shall do all engineering work required by the said board of state harbor commissioners, and shall be subject at all times to its control, and devote his entire time to the service of the board.

SEC. 2. Section 12 of chapter 183, statutes of 1907, as amended, is hereby repealed. Stats 1915,
p 898

CHAPTER 687.

An act to enable counties to rent equipment for, or contract for the maintenance, construction or repair of, street and road work in incorporated cities and towns.

[Approved by the Governor June 9, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Whenever in its discretion the legislative body of an incorporated city or town determines that it is necessary for the more efficient maintenance, construction or repair of streets and roads within such city or town, such legislative body may contract with the board of supervisors of any county whereby such county shall rent its equipment to such incorporated city or town, for the maintenance, construction or repair of such streets and roads, or shall maintain, construct or repair such streets and roads. Street work
county
equipment

SEC. 2. The board of supervisors of any county is hereby authorized to enter into such contracts or agreements with the legislative body of any incorporated city or town. Contract.

CHAPTER 688.

An act to add a new section to the Political Code of the State of California to be numbered 3476a, relating to the cancellation by boards of supervisors of assessments or portions of assessments levied by reclamation districts on the lands within said districts.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered 3476a and to read as follows. New section

Unnecessary
assessments
cancellation

3476a Whenever heretofore or hereafter any reclamation district has caused to be levied on the lands of said district any assessment and whenever it appears from any report made to the trustees of the district by the commissioners appointed to levy said assessment that said assessment or a portion thereof was levied for any particular or specified purpose or project and whenever thereafter it appears to the trustees of said district that it is not necessary to collect said assessment, or some portion thereof, for the particular or specified purpose for which it was levied, and whenever it shall also appear to the trustees of said district that the said assessment or some part thereof is greater than required to meet all obligations incurred or to be incurred for the purposes for which such assessment or part thereof was levied, then the trustees of said district may by resolution regularly adopted and spread on its minutes request the board of supervisors of the county where the greater portion of said reclamation district is situated to cancel any portion of said assessment so levied for said specified purposes or project and which is not required to be collected, as aforesaid, together with any accrued interest thereon. The trustees in said resolution shall specify the portion of the assessment levied against each tract of land which is to be canceled describing each tract of land either as described in the assessment roll or by the number of the tract as used

Hearing

Upon filing said request with the said board of supervisors the said board of supervisors shall thereupon appoint a time when it will meet for the purpose of hearing objections, if any, to said request; said objections if any, must be in writing, verified and filed with the clerk of said board of supervisors. Notice of the said hearing shall be given in the same manner and for the same time as notice of hearing objections to an original assessment. At said hearing the board of supervisors shall hear such evidence as may be offered in support of said written objections and may approve, reject, modify or amend said request in any particular. No objections to granting said request shall be considered by the board of supervisors or allowed in any other action or proceeding unless said objections shall have been made in writing to the board of supervisors within thirty (30) days after the first publication of the notice of hearing objections, if any, to granting said request. Upon the making of an order approving, rejecting, modifying or amending said request a certified copy of said order shall be attached to said assessment roll by the county treasurer in whose office said assessment roll is on file, and thereupon the secretary of said board of trustees shall indorse upon the assessment roll after each tract of land assessed the amount of the assessment as to each particular tract which has been so canceled.

Refunds

Provided, however, that if and when the owner of land in any reclamation district, in which the board of supervisors may have canceled any total assessment or a portion thereof, shall have theretofore paid the whole of such assessment levied

against his land the board of trustees of said district shall issue a warrant of the district in favor of such landowner in an amount equal to that portion of his total assessment which was assessed against his lands for any particular or specified purpose or project so paid by said landowner, together with legal interest on said amount so paid by said landowner from date of such payment to date of said warrant, if the said assessment has been canceled in full; or if said assessment shall have been canceled in part only, then said board of trustees shall issue a warrant in favor of said landowner in an amount which bears the same proportion to said landowner's total assessment for such particular or specified purpose or project as the portion of the assessment for said particular or specified purpose or project so canceled in part bears to said total assessment, together with legal interest on said amount so paid by said landowner from date of such payment to date of said warrant. Any such warrant so issued shall be payable out of the general fund of said district.

The provisions of this act shall not apply to any assessment or part of an assessment for which any bonds have been issued and sold, in accordance with the provisions of section 3480 of the Political Code. Effect

All laws or acts in conflict with this section are hereby repealed.

CHAPTER 689.

An act to amend sections 737ee, 737yy and 737fff of the Political Code, relating to salary of superior court judges. See also
Ch 670,
Stats 1931

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 737ee of the Political Code is hereby amended to read as follows: Stats 1927,
p. 562.

737ee. The annual salary of the judge of the superior court in and for the county of Placer is six thousand five hundred dollars Superior
judge
Placer

SEC 2 Section 737yy of the Political Code is hereby amended to read as follows: Stats 1931,
Ch 670

737yy. The annual salary of the judge of the superior court in and for the county of Sutter is six thousand five hundred dollars Sutter

SEC 3 Section 737fff of the Political Code is hereby amended to read as follows: Stats 1931,
Ch 670

737fff. The annual salary of the judge of the superior court in and for the county of Yuba is six thousand five hundred dollars Yuba

CHAPTER 690.

An act granting to the city of Pacific Grove the title to the water front of said city, together with certain submerged lands in the bay of Monterey contiguous thereto.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Grant to
city of Pa-
cific Grove.

SECTION 1. The State of California does hereby cede, grant and relinquish, forever unto the city of Pacific Grove, a municipal corporation organized and existing under the laws of said state, all the right, title, interest, and estate, of said State of California, of, in, or to, all of the real estate, lands and property, contiguous to said city of Pacific Grove and bordering on or in the bay of Monterey, and bounded and described, as follows to wit:

Description.

Parcel 1: Beginning at the intersection of the southeasterly corporate limit line (produced) of said city of Pacific Grove with the mean high tide line of the bay of Monterey and running thence northwesterly along said mean high tide line to an intersection with the westerly line of Grand Avenue (produced) of said city, thence S. 80° E. 2000 feet, thence N. 69° E, to a point in the bay of Monterey where the depth of water in said bay is sixty (60) feet measured from mean low tide level, thence southeasterly along a line in said bay, which line shall be at a constant depth of sixty (60) feet of water measured from the mean low tide level of said bay to the intersection with said corporate limit line (produced); thence southwesterly along said produced line of said city limits to the place of beginning.

Parcel 2: Beginning at the point of intersection of the northerly property line of the lands of Mattie L. McDougall with the mean high tide line of the bay of Monterey, which said point bears N. 19° 23' 45" E. 665 feet and S. 70° 36' 15" E. 200 feet, more or less, from the southeast corner of Ocean View avenue and 17th street of the city of Pacific Grove; running thence from said point N. 69° E. to a point in the bay of Monterey where the depth of water in said bay is sixty (60) feet measured from mean low tide level; thence northwesterly along a line in said bay, which line shall be at a constant depth of sixty (60) feet measured from the mean low tide level of said bay to the intersection with the westerly city limit line (produced) of said city of Pacific Grove; thence S. 19° 22' W. on and along said city limits line (produced) to the point of intersection of said city limits line (produced) with the mean high tide line of the bay of Monterey; thence southeasterly along said mean high tide line to the point of beginning.

Provided, however, that the rights of any and all persons, if any exist, under any title derived from said State of California, in and to any part of said property and premises

hereby ceded and granted, be and the same are, hereby reserved from the operation of this act. Provided, however, that, except as hereinafter set forth, no part of said real property shall be used, employed, leased or disposed of in any manner whatsoever for commercial, industrial or revenue producing uses or purposes.

Provided, however, that all or any part of said real property may be used, employed, leased or disposed of except as hereinafter provided, solely for public amusement and pleasure purposes including the use thereof for boat and yacht harbors, boating and yachting, swimming tanks and other like or kindred purposes.

SEC. 2. The entire water front and lands hereby granted ^{Use.} shall be held by the city of Pacific Grove and its lawful successors forever, for the use and benefit of said city, and shall not be subject to execution upon any judgment against said city; provided, however, that the following described portion of the real property hereby granted to said city and hereinabove described, may from time to time be let or leased for a term not exceeding twenty-five years, or for such less period as said city or its successors may deem to be most advantageous to said municipality, to wit: That portion of the above described lands lying within the following limits: Beginning at the intersection of the southeasterly corporate limit line of the said city of Pacific Grove with the mean high tide line of the bay of Monterey and running thence northwesterly along said tide line five hundred feet, thence leaving said tide line, north sixty degrees east to an intersection with a line projected north from the point of beginning, thence south to the point of beginning. Any lease made at any time for a term in excess of said maximum term hereinbefore prescribed shall be wholly void; provided, however, that not more than three hundred of said five hundred feet frontage of said water front last above described may be leased to any one lessee; and provided, further, that any and all vessels shall have the right to dock, land and discharge passengers or merchandise in, at and upon any wharf or pier erected or built upon property so leased as last above described upon the payment to any such lessee or lessees of reasonable dockage and wharfage fees and charges. Such fees and charges shall be regulated and prescribed in each such lease as from time to time may be determined by ordinance of said city of Pacific Grove or by statute of the State of California.

SEC. 3. Except as in this act otherwise prescribed, all valid ^{Vested rights.} rights of any and all persons, if such exist, in or to any part of said real property hereby ceded and granted to said city of Pacific Grove shall be and the same are hereby excepted and omitted from the provisions hereof.

SEC. 4. All acts and portions of acts in conflict herewith are hereby repealed.

CHAPTER 691.

Stats 1923,
p 498,
amended

An act to amend sections 5 and 10 of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended, by providing for the sale and disposition by such districts of water, sewage effluent, fertilizer and other by-products resulting from the operation of sewage plants, and for the conservation of water, and for distributing the proceeds of the sales of bonds.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 416.

SECTION 1. Section 5 of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended, is hereby amended to read as follows:

Board of
directors

Sec. 5. Such sanitation district shall be governed by a board of directors of not less than three members. The presiding officer of the governing body of each incorporated city, the whole or part of which is included in such district, shall automatically become a member of such board of directors. If unincorporated territory and but one incorporated city or part thereof be included in such district, the presiding officer and one other member of the board of supervisors of the county in which said district is organized shall be members of the board of directors, unless the population of such city or part thereof exceed that of the unincorporated territory included within such district, in which event the presiding officer of such board of supervisors and the presiding officer of the governing body of such city and one other member of such governing body shall constitute such board of directors; but whenever unincorporated territory and two or more cities or parts thereof are included in such district the presiding officer of the board of supervisors of the county in which such district is located shall be a member of such board of directors. In the event such district contains no unincorporated territory, the board of directors thereof shall consist of the presiding officers of the governing bodies of the cities wholly or in part within said district; and in event there be but two cities or parts thereof in such district, one additional member shall be selected from the governing body of each such city. In the event the whole of such district shall be unincorporated territory, the board of supervisors of the county in which the district is organized shall be and constitute such board of directors.

Whenever additional territory becomes annexed to such sanitation district under the provisions of section 4½ of this act as well as whenever any change takes place in the character of the territory within any sanitation district by the incorporation of a municipality therein or otherwise resulting in a condition which makes it necessary for a change to be made in the membership of the board of directors as hereinbefore specified, then and thereupon such change in the membership of the board of directors shall take place and become effective immediately thereafter.

The county auditor of the county in which such district is located shall be and is hereby designated as, and empowered to act as, *ex officio* the auditor of the district. In governing the district such board of directors shall have the following powers:

(a) To employ such sanitation experts, surveyors, counsel and other persons as may be needed to carry into effect any of the powers hereinafter given.

(b) To acquire by gift, purchase, condemnation or otherwise, in the name of the district, and to own, control, manage and dispose of any real or personal property or interest therein necessary or convenient for the construction and maintenance of, and to construct, maintain and operate within or without the district a sewerage system and sewage disposal or treatment plant, and/or to join with any other district, municipality, or other governmental agency in the construction, maintenance and/or operation of a sewerage system and/or sewage disposal or treatment plant, either within or without said district; provided, however, that no such sewage disposal or treatment plant shall be constructed or maintained in any city not within the district, except by consent granted by the unanimous vote of the governing body of such city.

(c) To sell, lease or otherwise dispose of any property of the district or any interest therein whenever the same is no longer required for the purposes of the district or the use of which may be permitted without interfering with the use thereof by the district, and to sell, or otherwise dispose of, any water, sewage effluent, fertilizer or other by-product resulting from the operation of a sewerage system or sewage disposal plant or treatment plant, and to construct, maintain and operate such pipe lines and other works as may be necessary for such purpose.

(d) To construct, maintain and operate pipe lines or other works as may be necessary to conserve and put to beneficial use any water or sewage effluent recovered from the operation of such sewerage system, plant or works by sale or disposition thereof for agricultural or industrial purposes, or by discharging or spreading such water or sewage effluent in such a manner as to percolate into the underground gravels and replenish the natural water resources.

(e) To issue bonds of the district in the manner hereinafter set forth.

(f) To cause to be levied and collected in the manner hereinafter provided an assessment upon all the taxable real property within the district sufficient to meet the obligations evidenced by the bonds and to maintain the works of the district, and to defray all other expenses incidental to the exercise of the powers herein granted.

Stats 1925,
p. 6.

SEC. 2. Section 10 of said act is hereby amended to read as follows:

Bonds
disposition
of proceeds
from sale

Sec. 10. The said board of directors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county. All premium and accrued interest received shall be paid into the fund to be used for the payment of principal of and interest on said bonds and the remainder of the proceeds of such sale shall be paid into the construction fund of said district, and the proper record of such transactions shall be placed upon the books of the treasurer. Said construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said fund shall be made upon demands allowed by the board of directors of said district, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

CHAPTER 692.

An act making an appropriation to pay the claim of W. H. Carlson against the State of California.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of six thousand two hundred seventy-four dollars and thirty-five cents is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of W. H. Carlson against the State of California.

CHAPTER 693.

An act to amend section 602 of the Penal Code, relating to trespass.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1179.

SECTION 1. Section 602 of the Penal Code is hereby amended to read as follows:

Trespass
defined

602. Every person who wilfully commits any trespass by either:

- (a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another; ^{Same.}
- (b) Carrying away any kind of wood or timber lying on such lands;
- (c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;
- (d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;
- (e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone;
- (f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;
- (g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;
- (h) Wilfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or
- (i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one-third mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another; or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, for the purpose of hunting, shooting, killing, or destroying any animal, or bird on such lands, without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof; is guilty of a misdemeanor.

Penalty

CHAPTER 694.

An act to amend sections 3692 and 3693, and to repeal section 3700a of the Political Code, relating to powers and duties of the state board of equalization, and the salary of the secretary of said board.

[Approved by the Governor June 9, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1915,
p. 1167.

SECTION 1. Section 3692 of the Political Code is hereby amended to read as follows:

Powers of
board of
equalization

3692. The powers and duties of the state board of equalization are as follows:

Rules.

1. To prescribe rules for its own government and for the transaction of its business.

Rules and
regulations

2. To prescribe rules and regulations, not in conflict with the constitution and laws of the state, to govern supervisors when equalizing, and assessors when assessing.

Forms

3. To prescribe and enforce the use of all forms for the assessment of property for taxation, and the collection of taxes thereon, in this state and the counties thereof.

Instructions
to assessors

4. To prepare and issue instructions to assessors designed to promote uniformity throughout the state and the counties thereof in the assessment of property for the purposes of taxation; to adapt such instructions to varying local circumstances and to differences in the character and conditions of property subject to taxation as in the judgment of the board shall be deemed necessary to attain such uniformity.

Meetings
with
assessors

5 To summon assessors to meet with the board or its duly authorized representatives at least once each year, at such place or places within the state as may be designated by the board, for the purpose of the discussion of the problems of administration of assessment and taxation laws and to promote uniformity of procedure in tax matters throughout the state. The expenses of any county assessor attending such sessions shall be a charge against the funds of his county to be paid in the same manner as other county charges are paid.

6. To instruct, advise and direct assessors and tax collectors as to their duties under the laws of the state and, in such cases as the board may deem necessary, to obtain the opinion of the attorney general upon any questions of law relating to such duties Assessors instruction as to duties.

7. To hold regular meetings at the state capital on the second Monday in each month, and such special meetings at any place within the state as the chairman may direct. At such special meetings the board may transact any and all business and perform all duties imposed upon it by law and give and enter any and all orders and decrees within its jurisdiction; provided, that the final action of the board in increasing or lowering a county assessment roll, or the final act in making the assessment of a railroad, shall be performed only at the state capital. Meetings.

8. To meet at the state capital on the first Monday in August and to remain in session from day to day, holidays excepted, up to and including the third Monday in August; during such session, after notification to the clerk of the board of supervisors of the county affected, under such rules of notice as the state board of equalization may prescribe, to increase or lower the entire assessment roll of any county so as to equalize the assessment of property within the state. Equalization of county taxes

9. Whenever deemed necessary, to visit as a board, or by the individual members thereof, or to send its secretary or duly appointed representative to, the several counties and cities for the purpose of inspecting property and learning the value thereof, and of collecting information to enable the state board of equalization to equalize assessments and levy the taxes as provided by law. Inspection property.

10. To inspect either as a board, individually or by its duly appointed representative or representatives, the work of any county officers whose duties relate to the assessment of property for taxation and the collection of taxes; to require such officers to produce any public records in their custody, and to give testimony with reference to such matters of assessment and tax collecting as may be deemed useful to the board in its investigations. Inspection officers

11. To issue subpoenas for the attendance of witnesses or the production of books before the board, or any member thereof; which subpoenas must be signed by a member of the board, and may be served by any person. Witnesses

12. To appoint a secretary, prescribe and enforce his duties. The secretary shall hold his office during the pleasure of the board and shall receive such compensation as may be prescribed by the board with the approval of the department of finance. Secretary

13. To report to the governor, biennially, a statement showing: Report to governor.

First—The acreage of each county in the state that is assessed.

Second—The amount assessed per acre.

Third—The aggregate value of all real estate within an incorporated city or town.

Fourth—The aggregate value of all real estate in the state.

Fifth—The kinds of personal property in each county, and the value of each kind.

Sixth—The aggregate value of all personal property in the state.

Seventh—Any information relative to the assessment of property and the collection of revenue.

Eighth—Such further suggestions as it shall deem proper.

Records.

14. To keep a record of all its proceedings.

Production
of books,
etc.

15. To require any person having knowledge of the business of any person, firm, association or corporation subject to assessment by the board, or having the custody of the books, accounts, and papers of such person, firm, association or corporation, to attend before the board, or any member thereof, and bring with him for inspection any books, accounts, or papers, of such person, firm, association or corporation in his possession and under his control, and to testify under oath touching any matter relating to the organization or business of such person, firm, association or corporation.

Examination
of books,
etc.

16. To examine the books, accounts, and papers of all persons, firms, associations or corporations required by law to report to the board, and to employ an expert accountant or accountants to assist in the examination of the books, accounts, and papers of any company when in the judgment of said board the exigencies of the case may so require.

Failure of
witnesses to
appear:
penalty

17. Any officer, employee, or agent of a person, firm, association or corporation required to report to the board, or any county officer, or witness, duly subpoenaed, who shall refuse or neglect to attend before the board, or any member thereof, or shall refuse to bring with him and submit for inspection any books, accounts or papers in his possession, custody, or control, or shall refuse to answer any questions put to him by any member of the board, touching the matters under investigation by the board, shall be deemed guilty of contempt, and may be punished by a court of competent jurisdiction, by imprisonment in the county jail, not to exceed five days, or by a fine of not to exceed five hundred dollars, or by both such fine and imprisonment.

Stats 1895,
p 321

SEC. 2. Section 3693 of the Political Code is hereby amended to read as follows:

Equalization
reappraisal

3693. Whenever the board of supervisors and assessor of any county or city and county shall determine that, in order to equalize the assessment of taxable property within the county or city and county, an appraisal or reappraisal of such property, or any class thereof, is required, such determination shall be certified by the clerk of the board of supervisors and the assessor of said county or city and county to the state board of equalization. Thereupon the county assessor, the chairman of the board of supervisors and the member of the state

Proceedings

board of equalization from the district within which the county or city and county is situate, shall constitute a commission to conduct the work of appraising or reappraising the taxable property, or any class thereof, within the county or city and county. Save as assessments of property may be made by an assessor or his duly constituted deputy or deputies or as valuations may be made of individual parcels of property by a county board of equalization during its regular session in the month of July or extensions thereof as authorized by the state board of equalization, no property shall be valued or appraised for the purposes of taxation under authority of any county or city and county except in the manner prescribed by this section.

To carry out the purposes of this section the commission composed of the county assessor, the chairman of the board of supervisors and the member of the state board of equalization shall be empowered to employ, subject to the approval of the board of supervisors, such technical assistants as said commission shall deem necessary, but no contract shall be made with any person, firm, association or corporation by which the duty of conducting such work of appraisal or reappraisal shall be delegated to any private interests. No person employed hereunder shall be or shall be considered to be an additional deputy or assistant of any county assessor, but all work done hereunder shall be in furtherance of the power of the county board of equalization to equalize assessments. The expenses of the work of the appraisal or reappraisal of the taxable property, or any class thereof, within the county or city and county, shall be a charge against the funds of said county, or city and county, and the board of supervisors of any county or city and county in which such a commission shall function are hereby authorized and empowered to make such appropriation or appropriations of the funds of said county or city and county as may be necessary to meet the expenses of said work.

SEC. 3. Section 3700a of the Political Code is hereby repealed.

CHAPTER 695.

An act to amend section 1329 of the Penal Code, relating to fees of witnesses when from without the county, or without the State of California.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1329 of the Penal Code is hereby amended to read as follows:

1329. When a person attends before a magistrate, grand jury, or court, as a witness in a criminal case, whether upon

Technical
assistants.

Expenses of
reappraisal.

Repeal.

Code
Amdts
1875-6,
p 117

Fees of
witnesses
from with-
out county

a subpoena or in pursuance of an undertaking, or voluntarily, and it appears that he came from a place outside of the county or outside of the State of California, or that he is poor and unable to pay the expenses of such attendance, the court, at its discretion, if the attendance of the witness be upon a trial may by an order upon its minutes, or in any criminal proceeding, by a written order, direct the county auditor to draw his warrant upon the county treasurer in favor of such witness for a reasonable sum to be specified in the order, for the necessary expenses of said witness, and said sum shall be a legal charge against the county.

CHAPTER 696.

An act to amend section 270 of the Penal Code, relative to omitting to provide child with necessaries.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1925,
p 544

SECTION 1. Section 270 of the Penal Code is hereby amended to read as follows:

Omitting
to provide
child with
necessaries

270. A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding two years or by a fine not exceeding one thousand dollars, or by both. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Evidence.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is wilful and without lawful excuse.

Dead or
incapaci-
tated
father.

In the event that the father of either a legitimate or illegitimate minor child is dead or unable by reason of physical or mental infirmity to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of inability on the

part of the father to the same extent and in the same manner as the father would have been had it not been for his physical or mental infirmity.

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person in so far as this section is concerned.

Operation
of section

CHAPTER 697.

An act to amend section 197 of the Penal Code, defining justifiable homicide.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 197 of the Penal Code is hereby amended to read as follows: Pen C
1872

Sec. 197. Homicide is also justifiable when committed by any person in either of the following cases: Justifiable
homicide
by other
persons.

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,

2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,

4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

CHAPTER 698.

An act to amend section 737h of the Political Code, relating to the salaries of the judges of the superior court

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p. 559.

SECTION 1. Section 737h of the Political Code is hereby amended to read as follows:

Superior
judge Del
Norte
county.

737h. The annual salary of the judge of the superior court in and for the county of Del Norte is five thousand dollars.

CHAPTER 699.

An act to create a state medical library under the direction of the regents of the University of California, providing for the establishment of branches of said library and for the administration, maintenance, and support of the same, and making an appropriation therefor.

[Approved by the Governor June 9, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

State medi-
cal library
created

SECTION 1. A state medical library is hereby created in and as a part of the library of the University of California and shall be known as the state medical library, said state medical library shall have its administrative headquarters in such place as the regents of the University of California may select, and shall have two branches, one in the city and county of San Francisco and one in the city of Los Angeles. Said state medical library shall be under the supervision and control of the regents of the University of California and shall be administered and conducted by said the regents of the University of California in conjunction with the medical school of said University of California.

Organiza-
tion and
conduct of
library

SEC. 2 The regents of the University of California are authorized to provide suitable and necessary facilities for the storage and care of books, journals, manuscripts and exhibits, and to prepare, print and distribute suitable catalogs and other printed information of said state medical library and to appoint one or more assistant librarians to have direct supervision and control over the state medical library and its branches, and to fix the compensation of such assistant librarians. Said state medical library and its branches shall be available for the use of all legally registered physicians and surgeons resident in the State of California. The regents of the University of California are further empowered to establish and conduct, subject to such rules or regulations as the

said regents may fix and adopt, a book package service in connection with said state medical library, by means of which, on request, any legally registered physician or surgeon resident in the State of California, or the librarian of any medical college approved by the state board of medical examiners, may borrow for temporary use books or periodicals in said library.

SEC. 3. The regents of the University of California are authorized to purchase scientific medical books and other publications, manuscripts and exhibits, to comprise the state medical library, with the advice of the state medical advisory board, which is hereby created.

State medical advisory board.

The state medical library advisory board shall consist of the president of the University of California, the president of the state board of health, the president of the state board of medical examiners, the dean of the medical school of the University of California at San Francisco and the dean of the Los Angeles medical department of the University of California at Los Angeles, all acting ex officio. The board shall select its own chairman, vice chairman, and secretary. The state medical library advisory board shall have authority to propose rules and regulations for the management and operation of the state medical library, but the same shall become effective only upon the approval of the regents of the University of California. The members of such board shall receive no compensation, but shall receive their actual and necessary expenses incurred in performance of their duties.

SEC. 4. The branch libraries to be established in the city and county of San Francisco and in the city of Los Angeles shall be established at the medical school of the University of California, in San Francisco, and at the Los Angeles medical department of the University of California. In expending funds received for the support of the state medical library the regents of the University of California shall expend an equal amount for the support of each of said two branches. The regents of the University of California shall not be obliged to provide for the support of said state medical library or expend moneys therefor except to the extent of such appropriations as may be directly provided therefor by this act or from time to time by action of the Legislature of the State of California, and to the extent that there are available other funds constituting or arising from gifts made in support and aid of said state medical library and accepted by the said regents.

Branch libraries

SEC. 5. There is hereby appropriated and at the time this act takes effect and on the thirty-first day of July of each year thereafter, the state controller, shall transfer from the board of medical examiners' contingent fund to the regents of the University of California for the support and maintenance of said state medical library, all unencumbered moneys in the board of medical examiners' contingent fund in excess of one hundred thirty thousand dollars. The moneys hereby appropriated shall be expended by the regents of the University

Appropriation

of California with the advice of the state medical library advisory board for the purchase of books and other publications, exhibits, and supplies for the state medical library and for the payment of expenses of the members of the state medical library advisory board, the salaries of assistant librarians, and operating expenses. Nothing in this act contained shall be deemed to prevent the regents of the University of California from charging to persons who may draw books from said state medical library through its package service the actual costs of shipment, including costs of transportation.

CHAPTER 700.

An act to establish a retirement system to provide for the retirement of employees of the State of California, and make an appropriation therefor.

[Approved by the Governor June 9, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Purpose
of act.

SECTION 1. The purpose of this act is to effect economy and efficiency in the public service by providing a means whereby employees who become superannuated or otherwise incapacitated may, without hardship or prejudice, be replaced by more capable employees, and to that end providing a retirement system consisting of retirement compensation and death benefits.

Definitions

SEC. 2. The following words and phrases used in this act, unless a different meaning is plainly indicated by context, shall have the following meanings:

SEC. 3. "Retirement system" shall mean the "state employees' retirement system" created by section 25 of this act;

SEC. 4. "Employee" shall mean any person in the employ of the State of California at least fifty per cent of whose compensation is paid out of funds directly controlled by the state, excluding all political subdivisions, municipal, public and quasi public corporations;

SEC. 5. "Member" shall mean any person included in the membership of the retirement system set forth in sections 26, 27 and 28, and not excluded in sections 29 to 40, inclusive, of this act;

SEC. 6. "Board" shall mean the "board of administration" created in this act;

SEC. 7. "Retirement fund" shall mean the "state employees' retirement fund" created and established in section 41 of this act;

SEC. 8. "State service" shall mean service rendered as an employee or officer, appointed or elected, of the state for compensation, and, for the purposes of this act, a member shall

be considered as being in the "state service" only while he ^{Definitions.} is receiving compensation from the state for such service;

SEC. 9. "Prior service" shall mean the state service, as defined herein, rendered before the first day of January, 1932, certified by a prior service certificate and allowable as provided in section 49 of this act;

SEC. 10. "Continuous service" as applied to "prior service" shall mean all prior service, regardless of interruptions in such service, and as applied to service as a member shall mean uninterrupted employment by the state, except that when, for any cause whatever, a member discontinues state service but subsequently reenters such service within three years from the date of the discontinuance, such interruption shall not be deemed to break the continuity of service;

SEC. 11. "Beneficiary" shall mean any person in receipt of a pension, annuity, retirement allowance, death benefit or any other benefit provided by this act;

SEC. 12. "Compensation" shall mean the remuneration paid in cash out of funds controlled by the state plus the monetary value, as determined by the board of administration, of board, lodging, fuel, laundry and other advantages of any nature furnished by the state to a member in payment for his services;

SEC. 13. "Compensation earnable" by a member shall mean the average compensation as determined by the board upon the basis of the average period of employment of members in the same class of employment and at the same rate of pay, but such "compensation earnable" shall not exceed four hundred sixteen dollars and sixty-six cents per month;

SEC. 14. "Final compensation" shall mean the average annual compensation earnable by a member during the five years immediately preceding his retirement;

SEC. 15. "Regular interest" shall mean interest at four per centum per annum, compounded annually, plus such additional interest as the board may credit from year to year in accordance with the provisions of this act;

SEC. 16. "Normal contributions" shall mean contributions by members under the provisions of sections 65, 66 and 67 of this act;

SEC. 17. "Additional contributions" shall mean contributions by members under the provisions of section 68 of this act;

SEC. 18. "Accumulated normal contributions" shall mean the sum of all the normal contributions standing to the credit of a member's individual account, together with the regular interest thereon;

SEC. 19. "Accumulated additional contributions" shall mean the sum of all the additional contributions standing to the credit of a member's individual account, together with regular interest thereon;

SEC. 20. "Accumulated contributions" shall mean accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account;

SEC. 21. "Pension" shall mean payments for life derived from contributions made from state controlled funds as provided in this act;

SEC. 22. "Annuity" shall mean payments for life derived from contributions made by a member as provided in this act;

SEC. 23. "Retirement allowance" shall mean the pension plus the annuity; and

SEC. 24. "Fiscal year" shall mean any year commencing with July first and ending with June thirtieth next following.

SEC. 25. A retirement system is hereby created and established to become effective January 1, 1932, and to be known as the "state employees' retirement system."

Who are
members

SEC. 26. Except as herein expressly excluded from membership all employees shall become members of the retirement system as follows:

SEC. 27. From and after the date this system becomes effective, every employee who has rendered one-half year of continuous service is a member of the retirement system, and every other employee shall become a member after the completion of one-half year of continuous service;

SEC. 28. Every employee who reenters state service after the date this system becomes effective, and who, prior to such reentry has completed six months of continuous state service, shall become a member of the retirement system upon such reentry.

Persons
excluded

SEC. 29. The following employees shall not become members of the retirement system:

SEC. 30. Elective officers;

SEC. 31. Inmates of state institutions who are allowed compensation for such service as they are able to perform;

SEC. 32. Persons in state institutions principally for the purpose of training, but who receive compensation;

SEC. 33. Persons employed under contract for a definite period and for the performance of specific duties requiring professional or high technical skill;

SEC. 34. Employees serving on a part-time basis;

SEC. 35. Persons in state service on January 1, 1932, or thereafter, whose compensation equals or exceeds four hundred sixteen dollars and sixty-six cents per month, and who file with the board of administration an election not to become members;

SEC. 36. Persons directly appointed, without the nomination of any officer or board, by the governor, and who do not file with the board of administration an election in writing to become members;

SEC. 37. All public school teachers who fall within the provisions of any teachers' retirement system, except teachers in schools entirely or partially supported by state controlled funds, and whose entire compensation for full time teaching is paid directly to them by the state, at least fifty per cent of such compensation coming out of state appropriations;

SEC. 38 Teachers in schools entirely or partially supported by state controlled funds, and whose entire compensation for full time teaching is paid directly to them by the state, at least fifty per cent of such compensation coming out of state appropriations and who file requests for exemption with the board before January 1, 1932; and all state employees coming within the meaning of this act, who are beneficiaries under the pension and retirement annuities system of the University of California:

SEC. 38a Persons otherwise entitled to become members of the retirement system, but who receive some part of their compensation from the United States government and who are beneficiaries under and are contributing to the fund created by an act of congress entitled "An act for the retirement of employees in the classified civil service and for other purposes," approved May 22, 1920, and acts in amendment thereof.

SEC. 39. It shall be the duty of the head of each office or department to give immediate notice in writing to the board of administration of the change in status of any member in his office or department resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal or death. The head of each office or department shall furnish such other information concerning any member as the board may require

Notice of
changes in
personnel

SEC. 40. Each member and each person retired shall be subject to all the provisions of this act and to the rules and regulations adopted by the board of administration. Any person who renders less than five years of service in any period of ten consecutive years, who withdraws more than one-fourth of his normal contributions, or who is retired, ceases to be a member. No member of the retirement system created by this act shall be a member of any other retirement system that is in any part supported by public funds.

Cessation of
membership

SEC. 41. A fund is hereby created and established to be known as the "state employees' retirement fund" and shall consist of all the cash, securities or other assets paid into it in accordance with the provisions of this act.

"State
employees'
retirement
fund"
created

SEC. 42. A board of administration of said retirement system is hereby created, consisting of the president of the civil service commission, the director of finance, three members elected from the active members of the retirement system, an official of a life insurance company and an officer of a bank who shall be appointed by the governor within thirty days of the taking effect of this act. Within thirty days after this act takes effect, the governor shall appoint the three members to represent the active members of the retirement system from a list of nominees presented by the employees who will be affected by the system. The first members of the board, other than ex officio members, shall so classify themselves by lot, that their terms will expire as follows: (1) one member January 15, 1933, (2) two members January 15, 1934, (3) two

Board of ad-
ministration
created Ap-
pointment
and terms of
members

members January 15, 1935. Except in the case of ex officio members and the first members of the board, the term of office of members of the board shall be four years. Vacancies shall be filled for the unexpired term by appointment by the governor from the class in which the vacancy occurs.

Administra-
tion of act

SEC. 43. The board may establish such rules and regulations as it deems proper; shall elect one of its members president, and shall appoint and fix the compensation of a secretary and other necessary employees in accordance with the classifications made by the civil service commission. It shall maintain its office in the city of Sacramento. All expenses of the administration of this act shall be a charge on the general fund of the state. The members of the board shall serve without compensation, but they shall be reimbursed for actual and necessary expenses incurred through service on the board out of the appropriation for the administration of this act.

Control of
fund

SEC. 44. The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to benefits under the retirement system and shall have exclusive control of the administration and investment of the retirement fund except as herein expressly provided. As soon as practicable after the close of each fiscal year it shall file with the governor a report of its work for such fiscal year.

Report

Retirement
allowances

SEC. 45. Subject to the following and to all other provisions of this act, and such rules and regulations as it may adopt in pursuance thereof, the board shall determine and may modify allowances for service and disability.

Service
credits

SEC. 46. It shall fix and determine how much service rendered in any fiscal year shall be the equivalent of a year of service and parts thereof, but shall credit one year for two hundred fifty or more days of service rendered by employees on a per diem basis and one year for ten months or more of service rendered by employees on a monthly basis, but not more than one year for all service in any fiscal year.

Absentees

SEC. 47. Time during which a member was absent from service without pay shall not be allowed in computing service.

Information
from
employee

SEC. 48. Each employee shall file with the board of administration such information affecting his status as a member of the retirement system as the board may require.

Prior service
certificate

SEC. 49. The board of administration shall issue a prior service certificate to each member entering the retirement system on January 1, 1932, and to each member entering the retirement system after that date if such entry is within three years after rendering state service prior to January 1, 1932, and shall certify thereon service rendered prior to January 1, 1932, excluding therefrom the first half-year of service rendered. Service certified on a prior service certificate shall be a part of the basis for the retirement allowance or benefit as provided in this act only if membership continues

until retirement on a retirement allowance or until the granting of such other benefit. Such certificate shall become void and not renewable, except as provided herein, if membership is discontinued in any manner except by retirement on a retirement allowance.

SEC. 50. The management and control of the retirement system shall be vested in the board of administration, and it shall exercise the following powers and perform the following duties:

Duties of board

SEC. 51. It shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. On July 1, 1932, and at the end of every four-year period thereafter, it shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries under the provisions of this act, and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund herein created, and upon the basis of such investigation and valuation shall recommend to the succeeding state Legislature such revision or change of the rates of contribution, the periods and conditions of state service and amounts of retirement allowances as may be deemed necessary.

Actuarial valuation

SEC. 52. At the end of each fiscal year, beginning with the second fiscal year of the operation of the retirement system, it may credit to all contributions held in the retirement fund at June thirtieth of the then current fiscal year, such interest in excess of the four per centum provided herein as it may deem proper in the light of the earnings on the retirement fund during such fiscal year. But the total interest credited to contributions during any fiscal year shall not exceed the earnings on the retirement fund during that year; and interest at the rate of four per centum per annum, compounded annually, shall be used in the calculation of benefits under any mortality table adopted by the board, regardless of any additional interest allowed on contributions under this paragraph.

Interest

SEC. 53. In addition to other records and accounts, it shall keep such records and accounts as may be necessary to show at any time:

Records and accounts

SEC. 54. The total accumulated contributions of members;

SEC. 55. The total accumulated contributions of retired members less the annuity payments made to such members;

SEC. 56. The accumulated contributions of the state held for the benefit of members on account of service rendered as members of the retirement system;

SEC. 57. All other accumulated contributions of the state, which shall include the amounts available to meet the obligation of the state on account of benefits that have been granted to retired employees and on account of prior service of members;

SEC. 58. In addition to rendering the annual report to the governor required by section 44 of this act, it shall cause to

Financial statement

be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the state controller.

Management
of fund
Control

SEC. 59. The retirement fund shall be managed as follows:

Restrictions

SEC. 60. The board of administration shall have exclusive control of the administration and investment of said fund, subject to the restriction that no investment shall be made except upon the affirmative vote of the director of the department of finance and at least three other members of the board of administration, and subject also to the terms, conditions, limitations and restrictions imposed by the laws of the State of California upon savings banks in the making of investments by savings banks.

Deposit.

SEC. 61. The board of administration shall deposit monthly in the state treasury all amounts received by it as provided in section 67.

Custody

SEC. 62. The state treasurer shall be the custodian of the retirement fund, subject to the exclusive control of the board of administration as to the administration and investment thereof. All payments from said fund shall be drawn from the fund upon warrants drawn by the controller of the state, upon demands made by the board of administration.

Interest.

SEC. 63. Interest earned on any cash deposited in a bank by the state treasurer and income on other assets constituting a part of the said fund shall be paid into said fund as received.

Borrowing,
etc., by
board
forbidden

SEC. 64. Except as herein provided, no member and no employee of the board of administration shall have any interest, direct, or indirect, in the making of any investment, or in the gains or profits accruing therefrom. And no member or employee of the said board directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits, nor shall any such member or employee in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an indorser or surety as to, or in any manner an obligor for investments by the board.

Normal rates
of contribu-
tion

SEC. 65. The normal rates of contribution of members shall be based on sex and age at the nearest birthday at the time of entry into the retirement system. The normal rates of contribution shall be such as will provide an average annuity at age sixty-five equal to one one-hundred-fortieth of the final compensation of members according to the tables adopted by the board, for each year of service rendered after entering the system. The actual amount of annuity receivable by any member upon retirement shall be the actuarial equivalent of his accumulated contributions, as provided in section 81. Until revised as a result of the actuarial valuation provided for in section 51, the rate of contribution of each member shall be that percentage of his compensation shown in the following

table according to age and sex at the time of entry into the retirement system:

Age at entry into system	Percentage of contribution, male	Percentage of contribution, female
16	2.62	2.77
17	2.63	2.79
18	2.64	2.81
19	2.66	2.84
20	2.68	2.88
21	2.70	2.92
22	2.73	2.97
23	2.77	3.02
24	2.81	3.08
25	2.85	3.14
26	2.89	3.20
27	2.93	3.26
28	2.98	3.33
29	3.03	3.40
30	3.09	3.47
31	3.14	3.54
32	3.20	3.61
33	3.26	3.69
34	3.32	3.77
35	3.39	3.85
36	3.46	3.94
37	3.53	4.02
38	3.60	4.11
39	3.68	4.20
40	3.75	4.29
41	3.83	4.38
42	3.91	4.48
43	3.99	4.57
44	4.08	4.67
45	4.17	4.77
46	4.26	4.87
47	4.35	4.98
48	4.44	5.08
49	4.53	5.19
50	4.63	5.30
51	4.73	5.41
52	4.83	5.52
53	4.93	5.64
54	5.04	5.75
55	5.14	5.87
56	5.25	5.99
57	5.36	6.11
58	5.47	6.24
59	5.58	6.36
60	5.69	6.49
61	5.80	6.62
62	5.92	6.75
63	6.04	6.89
64	6.16	7.02

Ages 64
and 16

SEC. 66. The normal rate of contribution established for age sixty-four shall be the rate for any member who has attained a greater age before entrance into the retirement system. In like manner the normal rate of contribution established for age sixteen shall be the rate for any member who enters the retirement system at a lesser age.

Deduction
of rate from
salary

SEC. 67. The board of administration shall certify to the head of each office or department the normal rate of contribution for each member provided for in section 65 of this act. The head of each office or department shall apply such rate of contribution to so much of the compensation of each member as does not exceed four hundred sixteen dollars and sixty-six cents per month and shall certify to the state controller on each and every pay roll the amount to be contributed and shall furnish immediately to the board of administration a copy of each and every such pay roll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the board, and shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by members during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

Additional
benefits con-
tributions

SEC. 68. Subject to the rules and regulations to be established and promulgated by the board of administration, any member may elect to contribute at rates in excess of those provided for in section 65 of this act, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the state any additional financial obligation. The board, upon application, shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contributions.

Contribu-
tion of
state

SEC. 69. At the end of each month the board shall determine the aggregate amounts of the compensation of all members payable (a) from the general fund of the state and (b) from all other funds out of which compensation is paid to members, on which the normal contribution for such month is calculated. There shall be paid to the retirement fund by the state from the general fund and from every other fund out of which compensation is paid to members, as its contribution to the retirement fund, the following:

"Normal
service and
disability
contribution"

SEC. 70. A certain percentage of such aggregate amounts of compensation paid out of such fund to members each month, to be known as the "normal service and disability contribution." Until the second actuarial valuation of the liabilities of the retirement system as provided in section 51, the amount of the "normal service and disability contribution" shall be three and eight one-hundredths per centum of

such aggregate amounts of compensation. Subsequent normal service and disability contributions shall be at that rate per centum of such aggregate compensation which is adopted by the Legislature on the basis of the liabilities of the retirement fund as shown by the actuarial valuations on account of the pensions provided for in section 82, and section 86 to 89, inclusive, of this act.

SEC. 71. Nine one-hundredths of one per centum of such aggregate amounts of compensation each month to be known as the "accrued liability contribution," to provide for the liabilities of the retirement fund on account of prior service granted under sections 83 and 86 to 89, inclusive, of this act. The accrued liability contributions shall be discontinued at such time as the accumulations of such contributions, less payments on account of prior service, shall equal the present value of the liabilities of the fund on account of prior service, as determined by the board from the actuarial investigation and valuation provided for in section 51.

"Accrued liability contribution"

SEC. 72. Four one-hundredths of one per centum of such aggregate amounts of compensation each month to be known as the "minimum service pension liability contribution," to provide for the liabilities of the retirement fund on account of minimum service pensions granted under section 84. The minimum service pension liability contribution shall be discontinued as soon as the accumulation of such contribution, less payments on account of minimum service pensions shall equal the present value of the liabilities of the fund on account of minimum service pensions as determined by the board as a result of the actuarial investigation and valuation provided for in section 51.

"Minimum service pension liability contribution"

SEC. 73. Four one-hundredths of one per centum of such aggregate amount of compensation each month to be known as the "death benefit liability contribution" to provide for the liabilities of the retirement fund on account of death benefits to the estates and beneficiaries of deceased members granted under section 100.

"Death benefit liability contribution"

SEC. 74. The payments of the state into the "state employees' retirement fund," as provided in sections 65 to 73, inclusive, of this act, are hereby made obligations of the state.

Obligations of state

SEC. 75. Should the state service of a member be discontinued otherwise than by death or retirement, he shall be paid six months after the date of discontinuance, such part of his accumulated contributions as he shall demand. But if, in the opinion of the board of administration, said member is permanently separated from state service by reason of such discontinuance, he shall be paid forthwith all of his accumulated contributions. The board may, in its discretion, withhold for not more than one year after a member last rendered state service all or part of his accumulated normal contributions if after a previous discontinuance of state service he withdrew all or a part of his accumulated normal contributions

Refund on leaving state service

and failed to redeposit such withdrawn amount in the retirement fund as provided in section 76.

Redeposit
of refund

SEC. 76. Any member may redeposit in the retirement fund, in one sum or in not to exceed six monthly or twelve semimonthly payments, an amount equal to that which he withdrew therefrom at the last termination of his membership. If a member, upon reentering the retirement system after a termination of his membership, does not make such redeposit, he shall reenter as a new member without credit for any service and the rate of his contribution for future years shall be the normal rate provided for in section 65, of this act at his age of reentrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the last termination of his membership, and his membership shall be the same as if unbroken by such last termination.

Retirement
for service

SEC. 77. Retirement of a member for service shall be made by the board of administration as follows:

Ages

SEC. 78. On or after January 1, 1933, every member who at that time has attained the age of seventy-five years shall be retired forthwith. From and after January 1, 1933, until January 1, 1937, every member shall be retired on the first day of the calendar month next succeeding that in which he attains the age of seventy-five years. On or after January 1, 1937, every member who at that time has attained the age of seventy years shall be retired forthwith, and thereafter every member must be retired on the first day of the calendar month next succeeding that in which he attains the age of seventy years.

Twenty
years
service

SEC. 79. Upon attaining the age of sixty or more years and completing twenty years of continuous service under this act, among which must be included one year of service after becoming a member of the retirement system, any member may be retired upon written application to the board; and if such member selects one of the options set forth in sections 95 and 99, inclusive, of this act, the application must name a date within thirty days of the filing thereof, on which he desires to be retired.

Allowance

SEC. 80. A member upon retirement from service, is entitled to receive a service retirement allowance which shall consist of:

Annuity

SEC. 81. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

Pension

SEC. 82. A pension, purchased by the contributions of the state, equal to that portion of the annuity purchased by the accumulated normal contributions of the member; and

Additional
pension

SEC. 83. An additional pension, purchased by the contributions of the state, which shall be equal to one-seventieth of his average annual compensation earnable during the last three years of prior service credited to him, multiplied by the number of years of such prior service, except that if a member retires before attaining the age of sixty-five years, the additional pension shall be reduced to that amount which the value

of the pension computed as provided in this paragraph as deferred to age sixty-five, will purchase at the actual age of retirement.

SEC. 84. When a member enters the retirement system with credit for prior service, and retires after attaining the age of seventy years, if his final compensation was such that one-half thereof is in excess of the total of his pension, annuity, and additional pension for prior service, a second additional pension for prior service sufficient to cause his retirement allowance to amount to one-half of such final compensation shall be paid him on account of prior service, but in no event shall a greater second additional pension be paid than will cause the total retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, to amount to the sum of four hundred eighty dollars per year.

SEC. 85. On and after January 1, 1932, a member shall be retired for disability in the following manner: Any member having to his credit ten or more years of continuous service, upon his application or upon the application of the head of the office or department in which such member is or was last employed, or any other person on behalf of such member, while such member is in state service, within four months after such member's discontinuance of state service, or while such member continuously, from the date of discontinuance of state service to the time of the application or motion, is physically or mentally incapacitated to perform his duties, may apply for, or the board upon its own motion may order, a medical examination to determine the existence of such incapacity. Upon the receipt of such application, the board shall order such medical examination. If the medical examination shows to the satisfaction of the board, that the member is permanently incapacitated physically or mentally for the performance of his duties in the state service, the board shall forthwith retire the member for disability. The board shall secure such medical service and advice as may be necessary to carry out the purpose of this section and of sections 90 to 94, inclusive, of this act, and shall pay for such medical services and advice such compensation as the board shall deem reasonable.

SEC. 86. Upon retirement for disability a member who has attained the age of sixty years shall receive a service retirement allowance as provided in sections 81 to 83, inclusive, of this act. Every other member thus retired shall receive a disability retirement allowance which shall consist of:

SEC. 87. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

SEC. 88. If, in the opinion of the board of administration, such disability is not due to intemperance, wilful misconduct or violation of law on the part of the member, a pension purchased by the contributions of the state, which, together with his annuity provided by his accumulated normal contributions,

shall make the retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal to (a) ninety per cent of one-seventieth of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceed one-fourth of his final compensation; otherwise, (b) ninety per cent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age sixty-five, but in such case the retirement allowance shall not exceed one-fourth of such final compensation. In no event, however, shall the pension purchased by the contributions of the state be more than sufficient to make the disability retirement allowance, exclusive of the annuity provided by accumulated additional contributions, amount to ninety per cent of the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at the lowest age at which he would be eligible for service retirement.

Intemper-
ance, etc

SEC. 89. If, in the opinion of the board, the disability is due to intemperance, wilful misconduct or violation of law, on the part of the member, and the annuity to which said member is entitled under sections 86 to 88, inclusive, of this act, is less than two hundred forty dollars per year, the board of administration, in its discretion, may pay to said member, in one lump sum and in lieu of said annuity, his accumulated contributions.

Medical ex-
amination

SEC. 90. The board of administration, may, at its pleasure, require any disability beneficiary, under the age of sixty, to undergo medical examination. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of said beneficiary or other place mutually agreed upon. Upon the basis of such examination the board shall determine whether said disability beneficiary is still incapacitated, physically or mentally, for service in the office or department of the state where he was employed and in the position held by him when retired for disability. If the board of administration determines that said beneficiary is not so incapacitated, his retirement allowance shall be canceled forthwith, and he shall be reinstated to the position held by him when retired for disability.

Reentry into
state
service

SEC. 91. Should a disability beneficiary reenter the state service and be eligible for membership in the retirement system in accordance with section 26 of this act, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

SEC. 92. Should a disability beneficiary, prior to attaining age sixty, engage in a gainful occupation not in the state service or should he reenter the state service in a capacity ineligible for membership in the retirement system, the board of administration shall reduce the amount of his retirement allowance to an amount which, when added to the compensation earned by him in such occupation, shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance to an amount which shall not exceed the amount upon which he was originally retired, but which, subject to such limitation, shall equal, when added to the compensation earned by him, the amount of his final compensation on the basis of which his retirement allowance was determined. When such a disability beneficiary reaches age sixty, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause.

Gainful occupation, etc

SEC. 93. Should any disability beneficiary under age sixty refuse to submit to medical examination his pension may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year his retirement allowance may be canceled.

Refusal of medical examination

SEC. 94. Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance of the state service he shall be paid his accumulated contributions, less the annuity payments made to him.

Other cancellation

SEC. 95. Until the first payment on account of any retirement allowance is made, the beneficiary may elect to receive the actuarial equivalent at that time of his retirement allowance in a lesser retirement allowance, payable throughout life with one of the following options.

Options on retirement allowance

SEC. 96. Option 1. If he dies before he receives in annuity payments provided for in section 81 and section 87 of this act, the amount of his accumulated contributions as it stood at his retirement, the balance of such accumulated contributions shall be paid to his estate or to such person, having an insurable interest in his life, as he shall nominate by written designation duly executed and filed with the board of administration;

SEC. 97. Option 2. Upon his death, his lesser retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the board of administration at the time of his retirement;

SEC. 98. Option 3. Upon his death, one-half of his lesser retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he nominates by written designation duly executed and filed with the board of administration at the time of his retirement.

SEC. 99. Option 4. Such other benefit or benefits shall be paid, either to the beneficiary or to such other person or persons as he nominates, as, together with such lesser retirement allowance, are the actuarial equivalent of his retirement allowance, and shall be approved by the board of administration.

Death in
service, etc

SEC. 100. Upon the death of a member either while in the state service, or within four months after such member's discontinuance of state service, or while such member continuously, from the date of discontinuance of state service to death, is physically or mentally incapacitated to perform his duties, there shall be paid to his estate, or to such person having an insurable interest in his life as he nominates by written designation duly executed and filed with the board of administration, his accumulated contributions; and in addition, if the deceased has been a member of the retirement system for at least one year prior to death, and if, also, death was not due, in the opinion of the board of administration, to wilful misconduct or violation of law on the part of the member, there shall be so paid an amount, provided from contributions made by the state, which shall be equal to one-twelfth of the annual compensation earnable by the deceased while a member during the twelve months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed fifty per centum of such compensation.

Effect of
workmen's
compensa-
tion, etc.,
laws

SEC. 101. No modification of the benefits provided in this act shall be made on account of any amount or amounts payable to a beneficiary under this act by reason of the provisions of the workmen's compensation, insurance and safety laws of California.

Mode of
payment of
allowance

SEC. 102. A pension, an annuity or retirement allowance granted under the provisions of this act shall be payable in equal monthly installments but a smaller pro rata amount may be paid for part of a month when the pension, annuity or retirement allowance begins after the first day of the month or ends before the last day of the month.

Allowance
exempt from
execution,
etc

SEC. 103. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this act and the moneys in the fund created under this act shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this act specifically provided.

Power of
board

SEC. 104. If it shall be impracticable for the board of administration to determine from the records the length of service, the compensation or the age of any member, the said board may estimate, for the purposes of this act, such length of service, compensation or age.

SEC. 105. No person who has been retired for service or disability and who receives a retirement allowance under the retirement system shall be paid for any service rendered by him to the state after the date of his retirement.

No payment
for state
service after
retirement

SEC. 106. If any section, subsection, sentence, clause or phrase of this act, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses, or phrases be declared unconstitutional.

Constitu-
tionality

SEC. 107. All acts and parts of acts in so far as they conflict with this act are hereby repealed.

Repeal of
conflicting
acts.

SEC. 108. From and after the date the system created by this act takes effect, out of any moneys in the state treasury not otherwise appropriated, there shall be paid monthly into the "state employees' retirement fund" a sum equal to three and twenty-five one-hundredths per centum of the total compensation paid members of the retirement system whose compensation is paid from the general fund of the state. The board of administration shall certify to the state controller at the end of each month the total amount of compensation paid such members of the retirement system, and the state controller shall thereupon transfer three and twenty-five one-hundredths per centum of this amount from the general fund of the state to the "state employees' retirement fund."

Appropriation
from
general fund

SEC. 109. In addition to such payments out of the general fund, there shall be paid monthly, from and after the date the system created by this act takes effect, into the "state employees' retirement fund" out of every other fund in the state treasury out of which the compensation of members is paid, a sum equal to three and twenty-five one-hundredths per centum of the total compensation paid members of the retirement system from the aforesaid fund. The board of administration shall certify to the state controller at the end of each month the total amount of compensation paid such members of the retirement system from each such fund and the state controller shall thereupon transfer three and twenty-five one-hundredths per centum of this amount from each such fund, respectively, to the "state employees' retirement fund."

Same from
special fund

SEC. 110. For the purpose of computing the total amounts of compensation of members under the provisions of sections 108 and 109 of this act, the compensation of every member who receives in excess of \$416.66 per month shall be computed as \$416.66 per month.

Rule of
computation

SEC. 111. With the approval of the department of finance, any fund out of which payments are made under the provisions of section 109 of this act may be reimbursed to the extent of such payments by transfer of a sufficient sum for such reimbursement from another fund or funds under the control of the same disbursing officer. The disbursing officer

Reimburse-
ment of
fund

shall certify to the state controller the amount or amounts to be thus transferred, the fund or funds from which and to which the transfer is to be made, and if such certificate is approved by the department of finance the controller shall thereupon make the transfer as directed in the certificate.

Support ap-
propriation

SEC. 112. Out of any moneys in the state treasury not otherwise appropriated, the sum of thirty-five thousand dollars is hereby appropriated for the support of the board of administration. The board may withdraw without at the time furnishing vouchers and itemized statements, a sum not to exceed five hundred dollars to be used as a revolving fund. At the close of the biennium or at any other time upon the demand of the department of finance, such sum must be returned to the state treasury.

CHAPTER 701.

An act making an appropriation for the construction and completion of an exposition building for the use of number one-a agricultural district association.

[Approved by the Governor June 9, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Appropriation San
Francisco-San Mateo
agricultural
building

SECTION 1. The sum of two hundred fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for use in the construction and completion of an agricultural exposition building for the use of number one-a agricultural district association.

Condition

SEC. 2. The money hereby appropriated shall not become available for expenditure until the sum of two hundred fifty thousand dollars shall have been paid to and deposited with number one-a agricultural district association, by the city and county of San Francisco or other public or private corporation or agency other than the state, for expenditure for the same purpose as that for which this appropriation is made, nor until a suitable site is deeded to the said district for the same purpose.

CHAPTER 702.

An act relating to the judges of the superior court in and for the county of Santa Barbara, increasing the number and prescribing the salaries thereof.

[Approved by the Governor June 9, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Santa
Barbara
additional
superior
judge

SECTION 1. The number of judges of the superior court in and for the county of Santa Barbara, State of California, is hereby increased from one to two.

SEC. 2. Within thirty days after this act becomes effective the governor shall appoint one additional judge of the superior court in and for the county of Santa Barbara, who shall hold office until the first Monday after the first day of January, 1933. At the next general election, to be held in November, 1932, one additional judge of said superior court shall be elected in said county who shall be the successor to the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

SEC. 3. The annual salary of each judge of said superior court shall be six thousand five hundred dollars. Salaries.

CHAPTER 703.

An act to prevent fraud and deception and to protect the general welfare by establishing standards and standard containers for certain fruits, nuts and vegetables; and to that end regulating the sale, offer for sale, shipment, transportation, loading, packing, marking and disposal of fruits, nuts and vegetables; and repealing certain acts therein named.

[Approved by the Governor June 10, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may for all purposes be cited as the "California fruit, nut and vegetable standardization act of 1931." Short title

SEC. 2. When used in this act the words hereinafter mentioned shall be defined as follows: "containers" shall mean any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other receptacle containing fresh or dried fruits, nuts or vegetables. "Subcontainers" shall mean any basket or other receptacle used within a container. "Closed container" shall mean any containers the contents of which are hidden or partially hidden from view by a cover or wrapping of any kind. "Pack, packing or packed" shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer. "Deceptive pack" shall mean any container or subcontainer of fresh or dried fruits, nuts or vegetables which has in the outer layer or any exposed surface fruits, nuts or vegetables which are so superior in quality, size, condition, or in any other respect to those in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents. The pack shall be considered deceptive even though the fruits, nuts or vegetables in a container are virtually uniform in size as defined in this act, when the outer or exposed surface is composed of products whose size is not an accurate representation of the variation of size of the products in the entire container. "Deceptive" Definitions

arrangement" or "deceptive display" of fresh or dried fruits, nuts or vegetables shall mean any bulk lot or load, arrangement or display of such products which has in any exposed surface, fresh or dried fruits, nuts or vegetables which are so superior in quality, size, condition, or in any other respect to any of those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk lot or load. "Fruits, nuts or vegetables" shall mean the food product of any tree, vine or plant which produces edible fruits, nuts or vegetables. "Mature," excepting when otherwise specifically defined, shall mean having reached that stage of ripeness which will insure the proper completion of the ripening process after the removal of the product from the tree, plant or vine. "Overripe" shall mean having reached an advanced state of maturity which causes the product to be undesirable or unedible in a fresh state. "By-products" shall mean any product commercially processed or manufactured from fruits, nuts or vegetables, or their juices. "County" shall include in its meaning a consolidated city and county. "Mislabel" shall mean the placing or presence of any false or misleading statement, design, or device upon any container of fresh or dried fruits, nuts or vegetables, or upon the label or lining of any such container, or upon the wrapper of any fresh or dried fruit, nut or vegetable, or upon any fresh or dried fruit, nut or vegetable, or upon any placard used in connection therewith and having reference to such fresh or dried fruits, nuts or vegetables. A statement, design or device is false and misleading, when the fresh or dried fruit, nut or vegetable, or container to which it apparently or actually refers, does not conform in every respect to such statement. A "bulk lot" or "bulk load" of any fresh or dried fruit, nut or vegetable is any one group of specimens of such product which is not in a container and which is set apart or is separate from any other group or groups. A "placard" is any sign, label, or designation other than an oral designation used in connection with any fresh or dried fruit, nut or vegetable as a description or identification thereof. "Cross section" shall mean the section of the fruit or vegetable taken at a right angle to a straight line drawn from the stem end to the distal end thereof.

Enforcement
of act.

SEC. 3. The director of agriculture is hereby empowered, through his duly authorized agents, and the county agricultural commissioners of each county of the state, their deputies and inspectors, to enforce all provisions of this act, and shall have supervision and control over all enforcing officers of this act. The refusal of any officer duly authorized under this act to carry out the orders and directions of the director of agriculture in the enforcement of this act shall be deemed neglect of duty.

The agricultural commissioner of each county, and his deputies and inspectors, shall be, by virtue of their office, enforcing officers of this act.

SEC. 4. The director of agriculture is hereby empowered to define, promulgate and enforce such rules and regulations as he may deem necessary to secure uniformity in the enforcement of this act which shall not conflict with any of the provisions of this act.

Rules and
regulations.

SEC. 5. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place, vehicle, or any conveyance within the county or district for which they have been appointed, where any fresh or dried fruits, nuts or vegetables are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, offered for sale or sold, and to inspect all such fresh or dried fruits, nuts and vegetables and the containers thereof and equipment found in any such places, in vehicles, or conveyances when being transported, and to take for inspection, such representative samples of the produce and such containers, as may be necessary to determine whether or not this act has been violated.

Inspection

It shall be the duty of all enforcing officers mentioned in this act to carry out the provisions of this act in the territory over which they have jurisdiction and to cause the prosecution of any person, firm or corporation whom they know or have reason to believe to be guilty of violating any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by peace officers of the city, county, or state, and shall have the right, while enforcing the provisions of this act, to seize and hold as evidence all or any part of any pack, load, bulk lot, consignment or shipment of fresh or dried fruits, nuts or vegetables packed, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of this act, or any container of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act.

Powers and
duties of
enforcing
officers

SEC. 6. It shall be the duty of the district attorney and any prosecuting officer of the county, city and county, or city, in which any violation of this act may occur, to prosecute the person, firm, or corporation accused of such violation, and also, at the request of the director of agriculture or his duly authorized agents, to institute and prosecute such action as may be authorized under the provisions of this act.

District
attorney to
prosecute

SEC. 7. All fruits, nuts and vegetables when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in bulk, or in any container or subcontainer, shall conform with the provisions of this act.

Fruit, etc.
to conform

SEC. 8. Any fruits, nuts or vegetables packed, stored, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of any of the provisions of this act, and their containers, shall be deemed to be a public nuisance, and shall not be moved from the place where they may be, excepting under the specific direction of a proper

Nonconform-
ing fruit,
etc., a
nuisance

Seizure

enforcing officer. If, after due and proper written notice of such violation is given to the packer or owner of such fruits, nuts or vegetables, such packer or owner shall refuse, or shall fail within twenty-four hours, to recondition or remark the same so as to comply with all requirements of this act, such fruits, nuts or vegetables and their containers may be seized by the director of agriculture, his deputies or any enforcing officer as herein provided, and by order of the justice, municipal or superior court of the county, city and county, or city within which the same may be, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that they will not be packed, delivered for shipment, shipped, transported, offered for sale or sold in violation of any of the provisions of this act.

Violations
arrest,
trial, etc

SEC. 9. Whenever any person is arrested for the transportation of fruits, nuts or vegetables in violation of the provisions of this act, unless such person demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take the name and address of such person, the number of his motor vehicle or such other information as may be necessary, and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the township in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody. However, in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein may specify the appearance of the person arrested before any magistrate in the county.

Whenever any such person refuses to give his written promise to appear as herein provided for or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial but he shall not be required to plead or be tried within five days unless he waives such time in writing or in open court and gives his written promise to appear at such time and place as the court may fix for his further appearance or, upon his refusal to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was

originally arrested. A promise to appear may be complied with by an appearance by counsel.

SEC. 10. When any markings are used on any container of any fruits, nuts and vegetables to describe the contents thereof, such markings must be plainly and conspicuously marked, stamped, stenciled, printed, labeled or branded on such container. If the marking is on a placard the placard must be placed or posted in such a position that there is no doubt as to the product it is to identify.

Containers.
marking.

SEC. 11. It is unlawful to prepare, deliver for shipment, load, ship, transport, offer for sale or sell a deceptive pack, bulk lot, bulk load, load, arrangement or display of fresh or dried fruits, nuts or vegetables, or to mislabel any container of fresh or dried fruits, nuts or vegetables, or the label or lining of any such container, or the wrapper of any fruit, nut or vegetable, or any fruit, nut or vegetable, or any placard used in connection therewith having reference to such fresh or dried fruits, nuts or vegetables. This provision shall be construed to prohibit the repeated use of any container or subcontainer of fruits, nuts or vegetables, bearing any markings, or any designations of brand, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced therein shall first be completely removed, erased or obliterated. Nothing in this act shall be construed to conflict with any California or federal laws or regulations regarding net weight or other markings on containers or subcontainers. Unless otherwise provided in this act, whenever any fruits, nuts or vegetables are packed in layers, there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. All fruits, nuts and vegetables, when packed, must be tightly packed which shall mean that the fruit, nut or vegetable is compacted with sufficient solidity so that it will not move in the container.

Deceptive
pack.
mislabels

SEC. 12. It is lawful for any forwarding company, person, firm or corporation, and for any common carrier to decline to ship or transport any fruits, nuts or vegetables when notified by any enforcing officer of this act that such products are found to be delivered for shipment in violation of any of the provisions of this act, and any such forwarding company, person, firm, corporation, or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor or hold at the expense and risk of the latter all fruits, nuts or vegetables which upon inspection are found to be delivered for shipment in violation of any of the provisions of this act.

Nonconform-
ing fruit,
etc.
shipment
forbidden

SEC. 13. There are hereby established standards for apricots, avocados, berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "wonderful" pomegranates, quinces, walnuts, artichokes, cantaloupes, carrots, cauliflower, head lettuce, melons, onions, peas,

Standards.

potatoes, sweet potatoes and tomatoes. It is unlawful for any person, firm, or corporation to pack, sell, offer for sale, deliver for shipment, load, ship, or transport any such products in bulk or in any container, unless they at least conform to the standard specified for such product in this act.

Apricots

SEC. 14. Standard for fresh apricots. Fresh apricots shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, mold, brown rot, and decay; and free from serious damage, as defined in this section, caused by cuts, bruises, cracks, shot hole fungus, growth cracks, scab, hail, or other means. With the exception of shot hole fungus, damage to any one apricot shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual apricot. Damage to any one apricot caused by shot hole fungus shall not be considered serious unless the spots cover an aggregate area of more than one-half of an inch in diameter.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the apricots in any one container or bulk lot may be below these requirements but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed apricots shall be virtually uniform in size which shall mean a variation in size, between the fruits in any one container, of not more than one-fourth of an inch in diameter, when measured through the widest portion of cross section.

Avocados

SEC. 15. Standard for avocados. Avocados shall be mature but not overripe or rancid, free from insect injury which has penetrated or damaged the flesh, mold, and decay; and free from serious damage as defined in this section, caused by cuts, bruises, growth cracks, freezing, sunburn, disease, or other means. Damage to any one avocado shall not be considered serious unless it causes a waste of twenty per cent, by weight, of the individual avocado.

In order to allow for variation incident to proper grading and handling, not more than five per cent, by count, of the avocados in any one container or bulk lot may be below these requirements.

In addition to the other requirements specified in this section, packed avocados shall be virtually uniform in size.

Avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent by weight.

Berries

SEC. 16. Standard for fresh berries. Strawberries, red and black cap raspberries, blackberries, dewberries, and loganberries, shall be mature but not overripe, shall be free from mold, decay, and insect injury which has penetrated or damaged the flesh and free from damage caused by sun, frost, bruises, disease, or other means.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by weight, of the

berries of the kind above mentioned, in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Any strawberry which has not less than two-thirds of the surface showing a pink or red color, shall be considered mature.

All strawberries shall be in the dry pint basket containing an interior capacity of approximately thirty-three and six-tenths cubic inches, section 38 to the contrary notwithstanding, and all other berries shall be in the dry pint basket as above described or in the dry one-half pint basket containing an interior capacity of approximately sixteen and eight-tenths cubic inches.

SEC. 17. Standard for cherries. Cherries shall be mature ^{Cherries} but not overripe, free from insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, decay; and free from serious damage, as defined in this section, caused by sunburn, growth cracks or splits, wrinkling, shriveling, sponginess, abnormal softening, rain, or other means. Damage to any one cherry shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual cherry.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the cherries in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed cherries shall be virtually uniform in size, which shall mean that the average size of the cherries used in the fill shall not be smaller than would pack one row more in each direction than the cherries in the packed face. However, bunched faced or drop faced cherries shall not be considered packed.

SEC. 18. Standard for citrus fruits. Citrus fruits shall ^{Citrus fruits} be mature and free from decay; and free from serious damage, as defined in this section, caused by freezing, drying at the stem or blossom end (resulting from causes other than freezing), splits, bruises, and punctures, and in case of packed citrus fruits shall be virtually uniform in size. Damage by drying at the stem or blossom end resulting from causes other than freezing shall not be considered serious unless twenty per cent or more of the pulp shows a marked drying or desiccation. Damage from freezing to any one fruit shall not be considered serious unless it causes a drying or desiccation in twenty per cent or more of the exposed pulp as shown on a transverse cut through the center, or causes before the drying process develops a water soaked appearance, or evidence of previous water soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of

two or more segments, as shown on the separation of the segments one from another, of a section, not less than one inch or more than one and one-half inches in thickness, of the central portion of the fruit, obtained by cutting off a portion of each end—the evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes.

The percentage of serious damage by freezing injury or other defects in any lot of citrus fruits, packed, loose, in containers, or in bulk, may be established by inspection of a representative sample which shall consist of not less than one hundred fruits. Damage caused by splits, bruises, or punctures in any citrus fruit shall not be considered serious if the injury is well healed and free from mold or decay.

With the exception of serious damage caused by freezing or drying at the stem or blossom end resulting from causes other than freezing, not more than ten per cent, by count, of the citrus fruit in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause. In the case of serious damage by freezing injury or by drying at the stem or blossom end resulting from causes other than freezing, not more than fifteen per cent, by count, of the citrus fruit in any one container or bulk lot may be below these requirements.

It is further provided that any packed, wrapped citrus fruit which has been in storage or shipped by rail and which fails to meet the requirements of this standard only by reason of brown rot, blue mold, or green mold which has occurred after packing, shall not be held for violation of the provisions of this act on account of such deterioration.

Oranges.

Oranges shall not be deemed mature under the provisions of this act unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization, and have attained at least twenty-five per cent of characteristic color before picking; provided, however, that oranges which are at least seventy per cent colored at the time of picking shall be deemed mature if the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of six and one-half parts to every part of acid contained in the juice, provided, further, that no oranges may be accelerated in color unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization.

“Twenty-five per cent of characteristic color” in the case of oranges is defined as that color designated by the Munsell color notation as hue four green-yellow, value four, chroma three, ($\frac{4}{4}$ GY4/3), and “seventy per cent colored” as hue

three yellow, value six, chroma five, (3Y6/5). Oranges shall be considered as having exceeded twenty-five or seventy per cent color if the average hue of the surface of each fruit is numerically less than four green-yellow or three yellow respectively, regardless of the other components of the color.

Grapefruit shall not be deemed mature under the provisions of this act unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization, and have attained at least twenty-five per cent of characteristic color before picking; provided, however, that grapefruit which are at least seventy per cent colored at the time of picking shall be deemed mature if the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five parts to every part of acid contained in the juice; provided, further, that no grapefruit may be accelerated in color unless the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; provided, further, that in view of differences in climatic conditions prevailing south and east of San Gorgonio pass, which results in the grapefruit grown in that area having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit grown in the area north and west of said San Gorgonio pass, grapefruit produced in the area south and east of San Gorgonio pass shall not be deemed mature unless the juice contains soluble solids equal to or in excess of six parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization and has attained at least twenty-five per cent of characteristic yellow color before picking; provided, further, that in the event that the maturity standard fixed for that area south and east of the San Gorgonio pass should be declared void it is the intent of the Legislature that the other maturity standards prescribed in this section shall prevail; provided, further, that grapefruit produced outside of this state under climatic conditions similar to those prevailing in the area south and east of San Gorgonio pass and offered for sale in this state shall meet the same maturity standards as those prescribed for grapefruit produced south and east of said San Gorgonio pass.

“Twenty-five per cent characteristic yellow color” in the case of grapefruit is defined as that color designated by the Munsell color notation as hue ten yellow, value five, chroma three, (10Y5/3), and “seventy per cent colored” as hue seven yellow, value seven, chroma six, (7Y7/6). Grapefruit shall be considered as having exceeded twenty-five or seventy per cent color if the average hue of the surface of each fruit

is numerically less than ten yellow and seven yellow respectively, regardless of the other components of the color.

Dates

SEC. 19. Standard for dates. Dates shall be free from mold, decay, worms, fermentation, and sourness.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the dates in any one container or bulk lot may be below these requirements.

All containers and subcontainers of dates or date by-products shall bear upon them in plain sight on the outside thereof in the English language the net weight, and in letters not less than one-half of an inch in height, the name of the state or the foreign country where the dates were produced, directly preceded by the words in like size type "grown in." In the case of any containers or subcontainers of contents of not more than three pounds net weight, this marking may be in letters of not less than one-eighth of an inch in height.

Grapes

SEC. 20. Standards for grapes. There shall be two standards for grapes. All grapes of the varieties in group A shall be considered in this act as table grapes and all other varieties juice grapes; however, grapes of all varieties must at least meet the standard for juice grapes.

GROUP A.

(White)

Almeria	Lady Finger
Aspiran Blanc	Malaga
Bicane	Ohanez
Chasselas de Fontainebleau	Olivette Blanche
Chasselas Napoleon	Olivette de Vendemian
Cornichon Blanc	Persian 23
Dattier de Beyrouth	Pizzutello di Roma
Dizmar	Rish Baba
Golden Queen	Rosaki
Khalili	Thompson Seedless
Khandahar	

(Red)

Angelino	Chasselas Rose
Catawba	Emperor
Flame Tokay	Red Malaga
Hunisa	Rose de Falloux
Maraville de Malaga	Sultanina Rose
Molinera Gorda	Tokay
Pink Thompson Seedless	Zabalkanski
Piment	Zabalkanskoi

(Black)

Black Corinth	Gros Guillaume
Black Ferrara	Isabella
Black Hamburg	Isabella Regia
Black Monukka	Muscat Albardiens
Black Morocco	Muscat Hamburg
Black Prince	Olivette Noir
Black Zante	Panariti
Bleu Grau	Pierce
California Concord	Pierce Isabella
Concord	Pizzutello Nero
Corinthe Noir	Prune de Cazouls
Cornichon	Purple Damascus
Danugue	Rose of Peru
Drodelabi	Ribier
Frankenthal	Servian Blue
Fresno Beauty	Snow's Muscat Hamburg
Gros Colman	Zante Currant

and other similar varieties.

Standard for table grapes. Table grapes shall consist of ^{Table grapes} bunches of grapes which are mature; and free from serious damage, as defined in this section, caused by any or all of the following defects: mildew and insect injury which has penetrated or damaged the flesh of the berry, mold, decay, severe freezing injury, raisined berries, sunburned or dried berries and waterberry or redberry. Damage to any one bunch shall not be considered serious unless more than five per cent, by count, of the berries on any one bunch are affected by any or all of the above defects.

In order to allow for variation incident to proper grading and handling, not more than ten per cent by weight, of the bunches in any one container or bulk lot may be below these requirements

Standard for juice grapes. Juice grapes shall be mature ^{Juice grapes} and free from mold, decay, waterberry, redberry and severe freezing injury.

In order to allow for variation incident to proper grading and handling, not more than fifteen per cent, by weight, of the berries in any one container or bulk lot may be below these requirements.

If grapes meet the requirements of the standard for table grapes the containers of such grapes may be marked with the term "table grade" or "table grapes."

Any grapes which fail to meet the standard for juice grapes may be disposed of only as provided in section 39 of this act, excepting that nothing in this act shall prevent a grower of grapes from selling part or all of his crop, which may fail to meet the standard for juice grapes, to a purchaser for the sole and express purpose of being used by such purchaser for the manufacture of a by-product in the State of California; but each such sale shall be made only under written permit of an

enforcing officer of this act, who may require from the grower and/or purchaser of such grapes such proof as he may deem necessary that they will be used only as herein provided.

“Mature,” in the standards for grapes shall mean that each bunch of the varieties classified above in group A shall test not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, the varieties Emperor, Gros Colman, (Bleu Grau, Drodolabi, Fresno Beauty, Servian Blue), Pierce Isabella (Pierce, Isabella Regia, California Concord), Concord, Olivette Blanche, Ladyfinger, Rish Baba, Khandahar, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23 (Dizmar) and Ribier shall test not less than sixteen per cent. “Mature” in the case of all other varieties shall mean that the average or composite test of all the grapes in any container or bulk lot shall be not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, white varieties of the Muscat type shall test not less than eighteen per cent and the variety Burger shall test not less than sixteen per cent.

No provision of this section shall be construed to prevent placing any varieties included in group A in the standard for juice grapes nor to prevent placing any other varieties in the standard established for table grapes, but regardless of standard, any varieties included in group A shall always be tested for maturity on a bunch unit basis and all other varieties on an average or composite test of all the grapes in the container or bulk lot.

“Waterberry” means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

“Redberry” means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

“Raisined berries” means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

“Sunburned or dried berries” means grapes which show complete drying out from any cause, of part or all of any individual berries.

“Severe freezing injury” means damage affecting the pulp of the berries.

Peaches

SEC. 21 Standard for fresh peaches. Fresh peaches shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end, mold, brown rot, and decay; and free from serious damage, as defined in this section, caused by cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other means. Damage to any one

peach shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual peach.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the peaches in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed peaches shall be virtually uniform in size which shall mean a variation in size between the fruits in any one container of not more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

SEC. 22. Standard for fresh pears. Fresh pears shall be ^{Pears} mature but not overripe, free from codlin moth larvae, mold, decay, black end, unsealed cuts and skin breaks; and free from serious damage, as defined in this section, caused by hail, scab or other diseases, hard end, bruises, limb rubs, frost, codlin moth larvae or other insects.

Damage to any one pear shall not be considered serious when it is caused by: (1) scab, unless the spots cover an aggregate area of more than one-half of an inch in diameter; (2) hail damage, unless it affects an aggregate area of more than one-half inch in diameter or is more than one-fourth of an inch in depth; (3) codlin moth larvae, unless it causes unhealed stings or holes, however, superficial well healed codlin moth stings shall not be considered serious; (4) thrip mark, blister mite or other superficial blemishes caused by insects, unless more than ten per cent of the surface of the fruit is affected or they cause a depression of more than one-fourth of an inch in depth; (5) other diseases, limb rubs, frost, bruises or hard end, unless such defects cause a waste of more than ten per cent, by weight, of the individual pear.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the pears in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; however, pears which fail to meet these requirements only because of serious damage caused by hail, shall be considered as complying with this standard, if the container in which they are packed or placed is plainly and conspicuously marked, on the outside of one end thereof, in letters not less than one-half inch in height, with the words "hail marked."

In addition to the other requirements specified in this section, packed pears shall be virtually uniform in size which shall mean a variation in size, between the fruits in any one container, of not more than three-eighths of an inch in diameter, when measured through the widest portion of cross section.

Bartlett pears shall not be considered mature unless at the time of picking the average pressure test of not less than ten representative pears of the lot does not exceed twenty-three

pounds. However, pears which show a yellowish green color as indicated by the color chart prepared by the state department of agriculture, at the time of picking shall be considered mature regardless of the pressure test. The pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger five-sixteenths of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch. The skin from the areas tested, but little of the underlying flesh, shall previously be removed. Two such determinations are to be made on each specimen selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

Persimmons

SEC. 23. Standard for oriental persimmons. Oriental persimmons shall be mature but not overripe, shall be free from mold, and decay; and free from serious damage, as defined in this section, caused by cuts, bruises, breaking of the skin, growth cracks, hail, or other means. Damage to any one persimmon shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual persimmon.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the oriental persimmons in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed oriental persimmons shall be virtually uniform in size which shall mean a variation in size between the oriental persimmons in any one container of not more than one-half of an inch in diameter, when measured through the widest portion of the cross section.

No oriental persimmon shall be considered mature unless the entire surface has attained an orange or reddish color.

Plums and
prunes.

SEC. 24. Standard for plums and fresh prunes. Plums and fresh prunes shall be mature but not overripe, shall be free from unsealed skin breaks or cuts, mold, brown rot, decay, and insect injury which has penetrated or damaged the flesh; and free from serious damage, as defined in this section, caused by cuts, bruises, growth cracks, sunburn, hail, or other means. Damage to any one plum or fresh prune shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual plum or fresh prune.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of

this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed plums and fresh prunes shall be virtually uniform in size, which shall mean a variation of size, between the fruits in any one container, of not more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

SEC. 25. Standard for "Wonderful" pomegranates. Pomegranates.
 "Wonderful" pomegranates shall be mature, free from rot, and decay; and free from serious damage, as defined in this section, caused by sunburn, growth cracks, cuts or bruises, or other means. Damage to any one "Wonderful" pomegranate, except damage caused by sunburn, shall not be considered serious unless it causes a waste of ten per cent, by weight, of the fruit. Damage caused to any "Wonderful" pomegranate by sunburn shall not be considered serious unless twenty per cent of the seed arils of the fruit fail to show the characteristic reddish color of normal matured fruit.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the "Wonderful" pomegranates in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed "Wonderful" pomegranates shall be virtually uniform in size which shall mean a variation in size, between the "Wonderful" pomegranates in any one container, of not more than one-half of an inch in diameter, when measured through the widest portion of the cross section.

Any "Wonderful" pomegranate shall not be considered mature unless the juice is at least as dark in color as the shade of red shown by the Lovibond tintometer scale, red twenty plus yellow one, when measured in a one-fourth inch cell, in addition to which the juice shall contain not to exceed one and eighty-five one hundredths per cent of acid.

SEC. 26 Standard for quinces. Quinces
 Quinces shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, mold, and decay; and free from serious damage, as defined in this section, caused by cuts or skin breaks, bruises, cracks, scab, disease, hail, or other means. Damage to any one quince shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual quince.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the quinces in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed quinces shall be virtually uniform in size which

shall mean a variation in size, between the fruits in any one container, of not more than one-half of an inch in diameter when measured through the widest portion of the cross section.

Walnuts.

SEC. 27. Standard for walnuts. Walnuts shall be mature, free from blanks, insect larvae, insect injury which has penetrated or damaged the meat of the nut, and free from kernels which are rancid or affected by green mold; and free from serious damage, as defined in this section, caused by white mold, gray mold, shriveling, or other means. Damage to the kernel of any one walnut, when resulting from white mold, gray mold, or other means except shriveling, shall not be considered serious unless such defects cover more than twenty-five per cent of the surface of the kernel of a particular nut. Damage caused to the meat of any walnut by shriveling shall not be considered serious unless more than twenty-five per cent of the kernel of the nut is shriveled so that the meat is leathery, tough, unpalatable or decidedly shrunken.

In order to allow for variation incident to proper grading and handling, not more than twenty per cent, by count, of the walnuts in any one container or bulk lot may be below these requirements.

All containers of walnuts shall bear upon them in plain sight and in plain letters, in the English language, not less than one and one-half inches in height on the outside thereof, the name of the state or of the foreign country where the nuts were produced.

Artichokes.

SEC. 28. Standard for Globe artichokes. Globe artichokes shall be free from mold, decay, and insect injury or insect larvae; and free from serious damage, as defined in this section, caused by freezing or other means. Damage to any one artichoke from freezing shall not be considered serious unless the heart of the artichoke or that portion of the stem extending one and one-half inches or less, below the bottom of the artichoke, is discolored due to this cause. Damage from other means shall not be considered serious unless it causes a waste of ten per cent, by weight, of the edible portion of the individual artichoke.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the Globe artichokes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, Globe artichokes, when packed, shall be virtually uniform in size which shall mean a variation in size, between the artichokes in any one container, of not more than three-fourths of an inch in diameter when measured through the widest portion of cross section.

Cantaloupes.

SEC. 29. Standard for cantaloupes. Cantaloupes shall be mature but not overripe, not poorly netted, and free from mold, decay, and insect injury which has penetrated or dam-

aged the edible portion of the cantaloupe; and free from serious damage, as defined in this section, caused by bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, wilting, or other means. Damage to any one cantaloupe shall not be considered serious unless it affects the edible portion of the individual cantaloupe.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the cantaloupes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, cantaloupes when packed, shall be virtually uniform in size which shall mean that there shall be the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

Mature in the case of cantaloupes shall mean that the appearance of the outside indicates maturity and the arils which surround the seed during the development of maturity have been absorbed and, in addition, that the juice of the edible portion shall contain not less than eight per cent soluble solids as determined by the Balling or Brix scale hydrometer.

SEC. 30. Standard for carrots. Carrots shall be free from decay and insect injury which has penetrated or damaged the flesh; and free from serious damage, as defined in this section, caused by growth cracks, doubles, disease, green discoloration, or other means. Damage to any one carrot shall not be considered serious unless it causes a waste of twenty per cent, by weight, of the individual carrot.

In order to allow for variation incident to proper grading and handling, not more than five per cent, by weight, of the carrots in any one container or bulk lot may be below these requirements.

SEC. 31. Standard for cauliflower and broccoli. Cauliflower and broccoli shall be free from rots and worm or other insect injury which has penetrated or damaged the curd; and free from serious damage, as defined in this section, caused by freezing, sunburn, or other means. Damage to the head of any one cauliflower or broccoli shall not be considered serious unless it causes a waste of twenty per cent of the edible portion of the individual cauliflower or broccoli.

In order to allow for variation incident to proper grading and handling, not more than five per cent, by count, of the heads in any one lot of containers or bulk lot may be below these requirements but no container or bulk lot of less than ten heads shall have more than twenty per cent, by count, of heads which are below these requirements.

In addition to the other requirements specified in this section, cauliflower and broccoli, when packed in any container, shall be properly trimmed. Properly trimmed shall mean that the number of jacket leaves shall be limited to those necessary to protect the head.

Lettuce.

SEC. 32. Standard for head lettuce. Head lettuce shall not be leafy without head formation and shall be free from slime, decay or rot affecting leaves within the head, internal insect injury, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage, as defined in this section, caused by bursting or freezing. Damage caused by bursting shall not be considered serious unless the head is burst open or is materially misshapen from this cause. Damage caused by freezing shall not be considered serious unless it affects any portion of the head inside of the six outer head leaves.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section head lettuce, when packed, shall be virtually uniform in size which shall mean a variation in any container of not more than ten per cent of heads which would pack a size, larger or smaller, than the size marked, and they shall be tightly packed which shall mean that it is not possible without damaging or injuring the lettuce, to place additional heads in any of the layers of heads in the container.

Head lettuce packed in ice shall be in standard container number 45, section 38 to the contrary notwithstanding; however, other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters and numbers not less than one-half of an inch in height with the inside width in inches directly preceded by the word "width" and the inside length in inches, directly preceded by the word "length."

Melons

SEC. 33. Standard for Persian melons, casabas, honeydew melons, and watermelons. Persian melons, casabas, honeydew melons and watermelons shall be mature but not over-ripe, shall be free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the melon; and free from serious damage, as defined in this section, caused by growth cracks, cuts, bruises, sunburn, softness, or other means. Damage to any one of the melons mentioned herein shall not be considered serious unless it affects the edible portion of the melon.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by count, of the melons in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

"Mature" in the case of casabas, honeydew melons, and watermelons shall mean that the appearance from the outside indicates maturity and that the arils which surround the seeds have been absorbed and also, in the case of watermelons, that

the flesh of the watermelons has not less than seventy-five per cent red color.

SEC. 34. Standard for onions. Onions shall be free from mold, decay, and insect injury which has penetrated or damaged the edible portion of the onion: and free from serious damage, as defined in this section, caused by sun scald, heat, freezing, or other means. Damage to any one onion shall not be considered serious unless it causes a waste of twenty per cent, by weight, of the individual onion. Onions.

In order to allow for variation incident to proper grading and handling, not more than five per cent, by weight, of the onions in any one container or bulk lot may be below these requirements.

SEC. 34½. Standard for fresh peas. Pods of peas shall not be poorly filled or over-mature; and shall be free from insect larvae and serious damage, as defined in this section, caused by insects, freezing, mildew or decay. Peas.

Damage to any one pod shall not be considered serious unless twenty per cent or more of the peas in the pod are affected.

In order to allow for variation incident to proper grading and handling, not more than ten per cent of the pods in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Pods of peas shall not be considered "poorly filled" if one-half or more of the pod is filled with fairly well developed peas.

"Over-mature" shall mean that more than one-third of the surface of the pod is wrinkled, shriveled, or yellow.

SEC. 35. Standard for potatoes. Potatoes shall be free from mold, decay, soft and wet rots, black heart, and hollow heart; and free from serious damage, as defined in this section, caused by insect injury, freezing, sun scald, dry rots, scab, growth cracks, sunburn, second growth, cuts, bruises, grass roots, nematodes, or other means. Damage to any one potato shall not be considered serious unless it causes a waste of twenty per cent, by weight, of the individual potato. Potatoes.

In order to allow for variation incident to proper grading and handling, not more than five per cent, by weight, of the potatoes in any one container or bulk lot may be below these requirements.

SEC. 36. Standard for sweet potatoes. Sweet potatoes shall be free from mold, decay, and soft and wet rots; and free from serious damage, as defined in this section, caused by insect injury, bruises, growth cracks, or other disease, freezing, grass roots, or other means. Damage to any one sweet potato shall not be considered serious unless it causes a waste of ten per cent, by weight, of the individual potato. Sweet potatoes.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by weight, of the sweet potatoes in any one container or bulk lot may be below

these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Tomatoes.

SEC. 37. Standard for tomatoes. Tomatoes shall be mature but not overripe, shall be free from pin worm damage which has penetrated beyond the tissue making up the base of the core of the tomato, and other insect injury which has penetrated or damaged the flesh, mold, decay, and wet or soft rots; and from serious damage, as defined in this section, caused by freezing, blossom end rot, mosaic, alkali spot, sun scald, bruises, cat faces, growth cracks, or other means. Damage to any one tomato shall not be considered serious unless it cause a waste of twenty per cent, by weight, of the individual tomato.

In order to allow for variation incident to proper grading and handling, not more than ten per cent, by weight, of the tomatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition to the other requirements specified in this section, packed and wrapped tomatoes shall be virtually uniform in size which shall mean a variation in size, between the tomatoes in any one container, of not more than one-half of an inch in diameter when measured through the widest portion of cross section.

Anything in this act to the contrary notwithstanding, tomatoes when packed, in standard California lug boxes, the center and bottom layer shall have the same count, which in case wide cleats are used, and such cleats interfere with the packing of the top layer, may be not to exceed one row more in length than the top layer, and if packed on edge, one row more in width than the top layer, but which shall not be less than the count in the top layer.

Standard containers.

SEC. 38. There are hereby established permissive standard containers and standard packs for the fruits, nuts and vegetables mentioned in this section, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container. The words "standard" or "standard container" shall not be placed on any container unless such container conforms to the requirements specified for the standard containers of such fruit, nut or vegetable. When the fruit, nut or vegetable is packed in a standard container and in conformity to the standard pack established in this section for such product, and then only, may the container be marked with the words "standard pack" or "standard container and pack."

The following are the numbers, names and dimensions of the standard containers referred to:

(1) Standard basket, approximately eight inches square on top, six and one-half inches square on bottom and four inches deep, inside measurements.

(2) Standard four quart climax basket with following dimension: length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurements; top of basket, length fourteen inches, width six and one-fourth inches, outside measurements. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used. Same.

(3) Standard berry baskets: (a) Dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches. (b) Dry one-half pint containing an interior capacity of approximately sixteen and eight-tenths cubic inches.

Number	Name	Dimensions		
		Depth inside in inches	Width inside in inches	Length inside in inches
4	Standard twelve basket crate-----	2½	13½	18
5	Standard crate-----	4	16	16½
6	Standard create-----	4½	16	16½
7	Standard crate-----	4½	16	16½
8	Standard crate-----	4½	16	16½
9	Standard crate-----	5	16	16½
10	Standard cherry box-----	2½	9	18½
11	Special cherry box-----	3	9½	18½
12	Standard cherry lug-----	4½	9	18
13	Standard fruit box-----	3	11½	18
14	Standard fruit box-----	3½	11½	18
15	Standard fruit box-----	4	11½	18
16	Standard fruit box-----	4½	11½	18
17	Standard fruit box-----	4½	11½	18
18	Standard fruit box-----	4½	11½	18
19	Special pear box-----	5½	11½	18
20	Standard pear box-----	8½	11½	18
21	Standard artichoke box-----	9½	11	20½
22	Half artichoke box-----	4½	11	20½
23	Standard lug box-----	4	13½	16½
24	Standard lug box-----	4½	13½	16½
25	Standard lug box-----	4½	13½	16½
26	Standard lug box-----	5 1/16	13½	16½
27	Standard lug box-----	5½	13½	16½
28	Special sawdust pack lug-----	11	13½	16½
29	Special sawdust pack lug-----	7½	13½	16½
30	Standard artichoke lug-----	8½	14	22½
31	Standard orange box-----	11½	11½	24½
32	Standard persimmon box-----	3½	11½	24½
33	Half orange box-----	5½	11½	24½
34	Standard pomegranate box-----	6½	11½	24½
35	Standard lemon box-----	10	13	25½
36	Half lemon box-----	5	13	25½
37	Jumbo lemon box-----	11½	13½	25½
38	Half jumbo lemon box-----	5 9/16	13½	25½
39	Standard cantaloupe crate-----	12	12	22½

Same.	Number	Name	Dimensions		
			Depth inside in inches	Width inside in inches	Length inside in inches
	40	Pony cantaloupe crate-----	11	11	22½
	41	Jumbo cantaloupe crate-----	13	13	22½
	42	Standard cantaloupe flat-----	4	12	22½
	43	Special cantaloupe flat-----	4½	13½	22½
	44	Special cantaloupe flat-----	5	14½	22½
	45	Standard lettuce crate-----	13	18	21½
	46	Standard cauliflower crate-----	8½	18	21½
	47	Half sweet potato crate-----	7½	11½	22½
	48	Three-fourths sweet potato crate-----	9½	14	22½

The inside length shown hereinabove for the half and three-quarters sweet potato crates, numbers 47 and 48, shall be a minimum length, with maximum outside length of these containers of twenty-four inches.

The inside length shown hereinabove for the standard containers numbers 45 and 46, shall be a minimum length, with maximum outside length of this container of twenty-four and one-half inches; and the inside lengths of these containers shall be measured between the end slats, except that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

49. Standard grape drum, containing two thousand six hundred forty-two cubic inches, fourteen inches deep, fifteen and one-half inches wide, inside.

50. Standard grape keg containing two thousand six hundred forty-two cubic inches minimum.

In standard containers numbers 31, 32, 33 and 34 the average inside length of the two compartments, between center and end pieces, shall be not less than eleven and fifteen-sixteenths inches. In standard containers numbers 35, 36, 37, and 38 the average inside length of the two compartments, between center and end pieces, shall be not less than twelve and seven-sixteenths inches.

These standard containers are hereinafter referred to by their respective numbers.

The standard containers and packs for the following fruits, nuts and vegetables hereinafter specified shall be as follows:

1. Fresh apricots, standard containers numbers 5, 6, 7, 8, 24, or 27.

2. Strawberries, standard container number 3a.

3. Red and blackcap raspberries, blackberries, dewberries and loganberries, standard containers numbers 3a or 3b.

4. Cherries, standard containers numbers 4, 10, 11, 15, 23, or 27.

5. Oranges, grapefruit and tangerines, standard containers numbers 31 or 33; lemons, standard containers numbers 35, 36, 37, or 38.

6. Standard containers for grapes when packed in sawdust, cork or similar packing material, shall be numbers 28, 29, 49, or

50. All other grapes, standard containers numbers 1, 2, 5, 6, 7, 8, 26, or 27. The above standard containers are subject to the following restrictions and additions: (a) Container number 27 shall be standard for grapes only when used without cleats or when used with cleats eleven-sixteenths of an inch in depth. (b) Standard display lugs shall have a total inside depth of five and three-fourths inches, including one or more cleats on each end, which shall total one and one-fourth inches in depth with inside width of thirteen and one-half inches, and inside length of sixteen and one-eighth inches. (c) Container number 26 shall be standard for grapes only when used with a cleat on each end eleven-sixteenths of an inch in depth.

7. Fresh peaches, standard containers numbers 1, 6, 7, 8, 15, 16, 17, 18, or 27.

8. Fresh pears, standard containers numbers 6, 7, 8, 17, 19, 20, or 27. Container number 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, standard containers numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 27, or 32.

10. Plums or fresh prunes, standard containers numbers 5, 6, 7, 8, 9, 14, 15, 16, 17, 24, 25, 26, or 27.

11. "Wonderful" pomegranates, standard containers numbers 33 or 34.

12. Globe artichokes, standard containers numbers 21, 22, or 30. Globe artichokes when packed as a standard pack in standard containers shall be tightly packed with a bulge and shall have a minimum net weight of 35 pounds to the standard container number 21. The following sizes may be put up as standard packs in the standard container number 21.

Size 1. Packed with not more than sixty artichokes.

Size 2. More than sixty but not more than seventy-five artichokes.

Size 3. More than seventy-five but not more than ninety-six artichokes.

Size 4. More than ninety-six but not more than one hundred twenty-five artichokes.

Size 5. Shall constitute a standard pack in the standard container number 22 and shall pack not more than one hundred twenty-five artichokes in this container.

13. Cantaloupes, standard containers numbers 39, 40, 41, 42, 43, or 44. The following counts of cantaloupes when packed, are hereby established as standard packs for the respective standard containers as follows:

Standard pack counts	Container number	Standard container name
27, 36, or 45	39	Standard cantaloupe crate
45 or 54	40	Pony cantaloupe crate
27, 36, or 45	41	Jumbo cantaloupe crate
9, 12, or 15	42	Standard cantaloupe flat
9, 12, or 15	43	Special cantaloupe flat
8, 9, 11, or 12	44	Special cantaloupe flat

14. Carrots, standard container number 45.

15. Cauliflower, standard container number 46.

16. Lettuce, standard container number 45. Head lettuce, when packed as a standard pack and so marked must, in addition to other packing requirements in this act, contain either two dozen, two and one-half dozen, three dozen, three and one-half dozen, four dozen, five dozen, seventy-five or ninety heads of lettuce per standard container number 45, with a slight bulge of crates when lidded. Each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, and four and three heads. In the case of sizes seventy-five and smaller per crate, a bridge of from three to six heads shall be permitted and in the five dozen size a bridge of four heads shall be permitted.

17. Sweet potatoes, standard containers number 27, 47, or 48.

18. Tomatoes, standard container number 27.

Fruits, etc.,
exempt.

SEC. 39. All fruits, nuts or vegetables, with the exception of dates which are provided for in section 19, of a kind specified in this act which are not wrapped or packed, and which are intended for use in the State of California in commercial processing, preserving or manufacture of by-products for resale or which are being delivered to any person, firm, or corporation in the State of California for grading, packing or reconditioning are exempt from the provisions of this act. The containers of such fruits, nuts and vegetables must not bear any false or misleading statements and such fruits, nuts or vegetables must not be deceptively packed.

Affidavit.

The owner or anyone in possession of fruits, nuts or vegetables, which are to be used or disposed of as provided in this section, must, upon the demand of any enforcing officer under this act, give to such officer a sworn statement in writing, made before a notary public, specifying that the fruit, nut or vegetable will be disposed of as provided in this section, and the name and address of the person, firm, or corporation to whom such fruit, nut or vegetable is to be delivered, and an accurate identification of such product. Within a reasonable time after the demand and receipt of such statement by the officer a written receipt must be presented to the agricultural commissioner of the county specified in the above statement as the destination of the fruit, nut or vegetable, by the person making the above mentioned statement. This receipt must contain a signed statement by the person, firm, or corporation receiving such fruit, nut or vegetable, that such fruit, nut or vegetable, giving an accurate description of it, has been received.

Violations:
penalty.

SEC. 40. Any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SEC 41. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 42. The following acts are hereby repealed: Repeals.
 chapter 865, statutes of 1927, entitled the "California fruit, nut and vegetable standardization act of 1927," approved June 2, 1927, as amended; chapter 224, statutes of 1901, entitled "An act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions," approved March 23, 1901, as amended; chapter 251, statutes of 1903, entitled "An act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903, as amended; chapter 159, statutes of 1915, entitled "An act regulating the sale and shipment of citrus fruits damaged by frost, and prescribing penalties for the violation of the provisions thereof," approved May 3, 1915, as amended; chapter 659, statutes of 1915, entitled "An act to establish a standard for the packing in the State of California of the kinds of fresh fruits specified in this act, for sale or for transportation for shipment, and to prevent deception in the packing; also to establish a system of inspection for the same," approved June 8, 1915, as amended; chapter 595, statutes of 1917, entitled "An act to promote the development of the California fresh fruit industry in state and interstate markets, and to protect the state's reputation in these markets by establishing a standard for the packing of certain fresh fruits specified therein, and to prevent deception in the packing, prescribing penalties for violation of the provisions hereof, and repealing all acts inconsistent herewith," approved May 24, 1917, as amended.

CHAPTER 704.

An act providing for the formation, government and operation of harbor districts, the calling and conducting of elections in such districts of harbor commissioners, defining their powers and duties, and providing for the issuance and disposal of bonds of such harbor districts, and providing for the assessment, levy and collection of taxes for

the payment of such bonds and for the ordinary annual expenses of such harbor districts.

[Approved by the Governor June 10, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Harbor district.

SECTION 1. Any county or portion of a county or city or portion of a city or more than one city with or without a portion of the unincorporated territory of a county in this state, the exterior boundary of which include a bay, harbor, inlet river, channel, slough, or arm of the sea, in which the tides of the Pacific ocean ebb and flow or in which tides are affected by the Pacific ocean, may be formed into a harbor district for the improvement or development of such harbor upon proceedings being had and taken, as provided for in this act.

Definitions.

SEC. 2. The use in this act of the following words are intended to mean, do mean and shall at all times and places be held and construed to have the meaning herein defined.

"Harbor."

The word "harbor" means any bay, harbor, inlet, river, channel, slough, or arm of the sea, in which the tides of the Pacific ocean ebb and flow or in which tides are affected by the Pacific ocean, may be formed. The words "harbor commission" shall

"Harbor commission."

mean the commission or board having the management or control of the improvements, development, protection and maintenance of any harbor district established or formed under this act.

Formation of harbor district.

SEC. 3. Whenever fifty (50) or more persons in any county or portion of a county or city or portion of a city or more than one city with or without a portion of unincorporated territory of a county in this state, the exterior boundary of which include a harbor, desire the formation of a harbor district for the improvement or development of such harbor, they may present to the board of supervisors of the county in

Petition.

which such harbor is situated, a petition in writing, signed by them, which petition shall state the name of the proposed harbor district, the official name or names by which such harbor is commonly known, and set forth the exterior boundaries

Boundaries.

of the proposed harbor district which may include all of a county or portion thereof, or all of a city or a portion thereof or all of one or more cities or all of one or more cities and unincorporated territory situated in any county of this state; said exterior boundary of the proposed harbor district must also include the whole or a portion of the harbor proposed to be improved or developed; said petition shall generally describe the improvement and development work proposed to be done in such harbor, which may include the dredging of channels, shipways, berths, anchorage places and turning basins, the construction of jetties, breakwaters, bulk heads, sea walls, wharves, ferry slips, warehouses, roads and spur tracks or belt line railways, together with any other work necessary for the proposed development and improvement of such har-

Work proposed to be done.

bor, and shall ask that the territory included within such boundaries be formed into a harbor district for the purpose of the improvement and development of said harbor.

SEC. 4. Each signer of the petition must be a registered voter, resident and freeholder within the proposed harbor district

Qualifications of petition signers.

SEC. 5. The petition must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation printed in said proposed harbor district, if there be such newspaper so printed. If not, said petition shall be published in a newspaper in said county. With such publication there shall be published a notice signed by not exceeding three of the petitioners, setting forth the day, hour and place when and where the petition will be presented to the board of supervisors of the county for hearing, which date shall not be less than twenty (20) days nor more than forty (40) days from the first publication of the same, and all persons interested therein may appear at said time and place before said board of supervisors and be heard

Publication.

Evidence:

SEC. 6. At the time and place specified in the notice, the board of supervisors shall consider the petition and may continue the hearing thereof from time to time, not exceeding however, a period of ninety (90) days. At the hearing by the board of supervisors a certificate issued by the assessor of the county and filed with the clerk of said board of supervisors in the proceedings stating that the name of any signer or signers of the petition appear upon the last equalized assessment roll of the county for land assessed to any such signer or signers and located within the boundaries of the proposed harbor district shall be prima facie evidence that such signer or signers is a freeholder within said proposed harbor district and a certificate signed by the county clerk that the name of any signer or signers of the petition is a registered and unexcused elector of the county, residing within the boundaries of the proposed harbor district, shall be prima facie evidence that such signer or signers are registered voters within the boundaries of said proposed harbor district.

Conduct of hearing

Evidence:

That signer is freeholder.

That signer is elector.

SEC. 7. The board of supervisors, at the hearing shall have the right, power and authority to change the exterior boundaries of the proposed harbor district, as set forth in the petition, by excluding therefrom such lands as in the judgment of the board of supervisors would not be benefited by the improvement or development of the harbor. The board of supervisors shall also have the right, power and authority to change the exterior boundaries of the proposed harbor district as set forth in the petition by adding to the proposed harbor district and including therein such other contiguous lands as in the judgment of the board of supervisors will be benefited by the improvement or development of the harbor; provided, however, that no land shall be added to or included in the proposed harbor district until notice is

Change of boundaries.

Notice.

served upon the owner or owners of the lands proposed to be added to or included in the harbor district; said notice may be served personally upon the owner or owners of such land or be published for the same period of time and in the same newspaper as the original petition and notice of hearing. Said notice shall state the day, hour and place at which any objections of said owner or owners will be heard and shall generally describe the lands proposed to be added to and included in said proposed harbor district.

Feasibility
of work.

SEC. 8. The board of supervisors shall also investigate and determine whether or not the improvement and development work generally described in the petition is feasible and when completed will result in the improvement and development of the harbor and become a benefit to the property within such harbor district. If it shall appear and the board of supervisors shall find that it is necessary in order to make sufficient and adequate investigation upon which to determine such questions to continue the hearing beyond ninety (90) days, said board of supervisors shall have authority so to continue such hearing; provided, however, that said hearing shall be completed within six (6) months from the date of the presentation of said petition.

Findings
upon final
hearing.

SEC. 9. Upon final hearing, if it shall appear to the board of supervisors that the petition and notice of hearing have been duly published and that the petition is signed by a sufficient number of persons who possess the qualifications in this act required and that a harbor exists within the said proposed harbor district and can be improved and developed as generally described in the petition, then the board of supervisors shall cause to be entered upon the minutes of such meeting a finding of all such facts setting forth the name of the proposed harbor district as set forth in the petition, the official name or name by which such harbor is commonly known and describing the exterior boundaries of the territory to be included within said proposed harbor district. Said finding shall be conclusive evidence of the existence of every fact so found by the board of supervisors and of the due signing and publication of the petition and of the publication or personal service of all notices and shall vest the board of supervisors with authority to proceed under this act.

Resolution of
supervisors.

Boundaries.

Election.

SEC. 10. The board of supervisors shall thereupon make and cause to be entered in its minutes an order finally determining and establishing the exterior boundaries of the proposed harbor district, and shall pass a resolution calling an election within said district for the purpose of submitting to the qualified voters thereof the proposition of the formation of the harbor district. The board of supervisors shall by said resolution fix a date of the election, which shall not be less than thirty (30) nor more than sixty (60) days from the date of the passage of the resolution and shall divide the proposed harbor district into one or more voting precincts and generally describe or otherwise designate the boundaries of each

voting precinct and shall designate a place within each voting precinct at which the polls will be opened for the purpose of the election on the day of the election and shall also appoint a board of election for each voting precinct, consisting of one inspector, one judge and one clerk. Every member of the board of election must be a registered elector of and residing within the voting precinct for which he or she is appointed. The resolution shall also prescribe the manner of voting for or against the formation of such harbor district, and in all particulars not recited in the resolution or otherwise provided for in this act, the election shall be held in accordance with the general election laws of the State of California, so far as the same are applicable; provided, that it shall not be necessary to mail or send out sample ballots or precinct polling cards.

Every harbor district formed under the provisions of this act shall be governed by a board of three (3) harbor commissioners, who shall hold office for the term of four (4) years from and after the first Monday following their election; provided, however, that the first board of harbor commissioners shall be elected at the same election provided for herein for the formation of said district and the commissioner receiving the highest number of votes shall hold office for the term of four (4) years from and after the third Monday in April next succeeding the formation of said harbor district, and the commissioners receiving the second and third highest number of votes shall hold office for two (2) years from the third Monday in April next succeeding their election. There shall be an election for harbor commissioners within said proposed harbor district on the second Monday in April, after the expiration of two (2) years from the formation of said harbor district and thereafter upon the same day on each succeeding second year. All candidates for harbor commissioners must be residents of the proposed harbor district and qualified electors therein and shall qualify for such election by securing a nomination paper signed by not less than twenty-five (25) nor more than fifty (50) qualified electors of said proposed harbor district, proposing such candidate for the office of harbor commissioner. Any qualified voter in such proposed harbor district may sign as many nomination papers as there are harbor commissioners to be elected at any election. At the first election herein provided for harbor commissioners, all candidates for harbor commissioners must file their nomination papers with the county clerk of the county, at least twenty (20) days before the day of said election, and all candidates for harbor commissioners at any subsequent election must file their nomination papers with the board of harbor commissioners at least twenty (20) days before the day of the election.

SEC. 11. The resolution of the board of supervisors shall invite the qualified voters residing in the harbor district to vote upon the proposition of the formation of the harbor district and the election of a board of harbor commissioners.

Ballot

The ballot to be used at the election shall be substantially in the following form:

(Name) Harbor District Official Ballot.

Instructions to voters: To vote in favor of the formation of the harbor district, stamp a cross (X) in the voting square at the right of the words "For the harbor district." To vote against the formation of the harbor district stamp a cross (X) in the voting square at the right of the words "Against the harbor district." To vote for a candidate for harbor commissioner stamp a cross (X) after the name of such candidate; provided, however, that no more persons shall be voted for than there are offices of harbor commissioner to be filled at such election.

All erasures and distinguishing marks are forbidden and make the ballot void. If you wrongfully stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

"For the harbor district."

"Against the harbor district."

"For harbor commissioners"

The official ballot at the first election in said harbor district shall provide voting squares after the words "For the harbor district" and after the words "Against the harbor district" and shall also have printed thereon the names of all candidates for harbor commissioner, together with three blank spaces thereunder for the purpose of permitting an elector to write in the name of a candidate, with voting squares after the name of each candidate and after said three blank spaces

Subsequent elections.

All official ballots used at any subsequent election in the harbor district shall conform, as near as practicable, to the above ballot, excepting that all reference to voting for or against the formation of said harbor district shall be eliminated therefrom; and also provided that any question or proposition authorized to be submitted to the voters of said harbor district will be placed on said ballot in addition to the names of any candidate or candidates for harbor commissioner.

Publication of resolution

SEC. 12. The resolution of the board of supervisors calling the first election herein provided for and the resolution of the board of harbor commissioners calling any subsequent election shall be published at least once a week for four (4) successive weeks in a newspaper published, printed and circulated in said proposed harbor district and one publication each week for four (4) weeks shall be a sufficient publication hereunder. The passage and publication of the resolution of the board of supervisors calling the first election and the passage and publication of the resolution of the board of harbor commissioners calling any subsequent election and the publication thereof, as provided for in this act, shall be and constitute the notice of election and no other or additional notice thereof need be given.

Notice of election, what constitutes.

SEC. 13. On the day of said election, or any election held ^{Polls} under the provisions of this act, the polls at each of the polling places designated, shall be open at the hour of six o'clock a.m. and must be kept open until the hour of seven o'clock p.m. of the same day, when the polls shall be closed, provided, that any elector within the polling place or standing in line thereat and who has not had an opportunity to vote and desires to vote, shall be permitted to vote after the hour of seven o'clock p.m. of the day of the election. When the polls are closed the board ^{Canvass.} of election in every precinct at the election to be held for the formation of said harbor district, shall canvass the votes and shall make up and certify the returns thereof as near as practicable, in accordance with the general election laws of the State of California, governing said election, and deposit the same with the county clerk in the county in which the election is held. At all subsequent elections the returns shall be deposited with the harbor commissioners.

SEC. 14. The board of supervisors at their first regular ^{Returns of election} meeting after the date of the first election herein provided for, shall canvass all of the returns of said election and shall cause to be entered in the minutes of said meeting a finding showing the number of votes cast in each precinct for the harbor district and against the harbor district and the total number of votes cast and the names of the harbor commissioners for which the votes were so cast. If from said canvass it shall appear and the board of supervisors find that a majority of the votes were cast in favor of said harbor district it shall enter that fact upon its minutes, together with a description of the boundaries of the harbor district, the name of the harbor district, the official name or names by which said harbor district is commonly known and enter an order of the board of supervisors declaring such harbor district to be duly formed ^{Order showing district's existence.} and to exist in said county in which the proceedings were had, and also make an order declaring the three (3) candidates for harbor commissioner receiving the highest number of votes to have been elected to such office and shall also cause a certificate of election to be issued to such harbor commission in accordance with such resolution. Such harbor commissioners ^{Harbor commissioners.} so elected must within ten (10) days from the date of the canvass of the returns of such election take the constitutional oath of office and enter upon the duties of his office. They shall elect one of their number as president of such harbor commission and one of their number as secretary, which president and secretary respectively, shall serve during the pleasure of said commissioners. Each of said harbor commissioners upon ^{Bond.} taking the oath of office at the first election held under this act, or at any subsequent election, shall file with the county clerk of the county in which such harbor district is situated, a bond in the sum of five thousand dollars (\$5,000), made payable to said harbor district and conditioned on the faithful performance of their duties; said bonds to be subject to approval by the board of supervisors of such county. Said harbor

Salary	commissioners shall serve without salary until the net yearly income of said harbor district shall exceed twenty thousand dollars (\$20,000) per year, when said harbor commissioners may by ordinance, fix their salary which shall not exceed the sum of two hundred dollars (\$200) per month each. The
Employees' compensation.	board of harbor commissioners shall fix the compensation or salary of all subordinate officers or employees of said harbor
Audit.	district. Said board of harbor commissioners shall also provide for an audit of their books yearly by a certified public accountant and shall compile a statement of their finances, which statement shall be open to the inspection of any and all qualified electors of said harbor district. Said board of harbor commissioners shall hold at least one meeting per month, at such time as may be fixed by ordinance of said commissioners, and which meeting shall be held within said harbor district and shall be open to the public.
Copy of minutes to secretary of state	SEC. 15. The clerk of the board of supervisors shall thereupon immediately make up and certify a copy of said minutes and order and transmit the same to the secretary of state of the State of California.
Certificate of existence.	It is hereby made the official duty of the secretary of state to file said certificate in his office and within five days thereafter to execute under the great seal of the State of California and transmit to the clerk of the county in which the proceedings were had, his certificate that a harbor district under the name set forth in the petition has been formed and exists in said county. The clerk of the county shall file such certificate in his office and from the filing of such certificate of the secretary of state in the office of the county clerk, the formation of said harbor district shall be complete and no action or proceedings of any character shall be thereafter maintained or prosecuted in any court whatever to test or to invalidate the formation of the district unless the same shall be commenced in a court of competent jurisdiction within sixty (60) days after the date of the filing of the certificate of the secretary of state in the office of the county clerk.
Limitation on actions testing district's validity	
Powers of harbor commissioners. Ordinances.	SEC. 16. The board of harbor commissioners of any harbor district formed under this act shall have power:
Employees	1. To pass all necessary ordinances for the regulation of said harbor district and provide that the violation of said ordinances shall be a misdemeanor;
Court actions.	2. To employ engineers, attorneys and such other officers and employees as is necessary in the work of said harbor district;
Seal.	3. To sue and be sued in the name of said harbor district in all courts and tribunals of competent jurisdiction;
Receipt and disposal of property.	4. To adopt a seal and alter it at pleasure;
	5. To take by grant, purchase, gift, devise, lease or otherwise acquire, hold and enjoy and lease and dispose of real estate and personal property of every kind, within or without said harbor district, necessary to the full or convenient exercise of their power;

6 To acquire, construct, own, operate, control or use any or all of the works or facilities mentioned and described in section 3 of this act;

Control of
property

7. To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use; to take any property necessary or convenient to the exercise of the powers herein granted. In the proceedings relative to the exercise of such right the harbor district shall have the same rights, powers and privileges as a municipal corporation.

Eminent
domain

8 To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; all bond elections called by said harbor commissioners shall be conducted and held under the provisions of that certain act of the Legislature of the State of California entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements and regulating the acquisition, construction or completion thereof," in effect February 25, 1901, together with amendments thereto. Provided that when in said act last referred to, the words "cities, towns or municipal corporation" are used it shall mean the harbor district and whenever the words "legislative branch of said cities, towns or municipal corporation" is used in said act, it shall mean the board of harbor commissioners of said district; and provided further that the purposes for which said bonded indebtedness may be incurred by said harbor district shall be such as are provided for in section 3 of this act; provided further that all bonds issued hereunder shall be signed by the board of harbor commissioners, and provided further that no harbor district shall incur a bonded indebtedness which shall in the aggregate exceed fifteen per cent of the assessed value of all the real and personal property in such harbor district.

Bonds

Stats. 1901,
p. 27.

9. And do all acts necessary and convenient for the full exercise of the powers herein in this act granted

Other acts

SEC. 17. All work authorized to be done under this act, exceeding in cost the sum of five hundred dollars (\$500), shall be awarded to the lowest, regular responsible bidder, after advertisement in some newspaper of general circulation, published, printed and circulated in said harbor district for a period of two (2) weeks; provided, however, that said board of harbor commissioners shall have authority to negotiate with the government of the United States for the purpose of assisting said harbor commission in the performance of any of the work authorized by this act, and said harbor commission may contribute to the government of the United States all or any portion of the estimated cost of any work authorized by this act which is to be done by or under contract with the government of the United States.

Bidding for
contracts.

SEC. 18. Said board of harbor commissioners shall also by ordinance fix the rate of wharfage charges and such other

Charges for
use of harbor
facilities

charges as may be appropriate for the use of any of the facilities owned and constructed by such harbor district.

Recall.

SEC. 19. The harbor commissioners shall be subject to recall, as provided by the provisions of that certain act of the Legislature of the State of California entitled "An act to provide for the recall of elective officers of incorporated cities and towns," approved January 2, 1912, and amendments thereto.

Obligations of district

SEC. 20 All bonds issued under the provisions of this act and the "Bond act of 1901," referred to herem, shall be obligations of said harbor district and so long as said bonds shall be outstanding and unpaid the board of supervisors of the county shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of said harbor district set apart for that purpose, sufficient to meet all sums coming due for such principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; all taxes collected hereunder for the purpose of the payment of such bonds, principal and interest, shall when collected by the county tax collector, be paid to the board of harbor commissioners of said harbor district. It is hereby made the duty of the board of commissioners of said harbor district, at least thirty (30) days before the meeting of the board of supervisors at which the general tax levy is fixed, to notify said board in writing of the amount of money necessary to be raised by taxation to meet the payment of principal and interest on outstanding harbor bonds during the next fiscal year. The taxes herein required shall be levied upon all of the taxable property within the harbor district and therein taxable for county purposes and shall be in addition to all other taxes levied for all other county purposes and shall be collected at the same time and in the same manner as other county taxes are collected and be used for no other purpose than for the payment of said bonds and accrued interest. The board of harbor commissioners shall within thirty (30) days prior to the meeting of the board of supervisors of the county, at which the general tax levy must be made, notify said board in writing of the estimated amount of money necessary to pay the ordinary annual expenses of said harbor district for the following fiscal year and the board of supervisors shall, at the time of making said general tax levy, levy upon all of the property in the harbor district a tax sufficient to raise said amount of money necessary to pay the ordinary annual expenses of the harbor district and said money when collected by the tax collector of said county, shall be paid to the harbor commissioners of said district.

Taxes to pay bonds and interest thereon

CHAPTER 705.

An act to amend section 1980 of the Civil Code, relating to contracts for personal service.

[Approved by the Governor June 10, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1980 of the Civil Code is hereby amended to read as follows: Stats 1919,
p 1074

1980. A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, and other than a contract entered into pursuant to the proviso hereinafter in this section contained can not be enforced against the employee beyond the term of seven years from the commencement of service under it; provided, however, that any contract, otherwise valid, to perform or render service of a special, unique, unusual, extraordinary or intellectual character, which gives it peculiar value, the loss of which can not be reasonably or adequately compensated in damages in an action at law, may nevertheless be enforced against the person contracting to render such service, for a term not beyond a period of seven years from the commencement of service under it. Notwithstanding the provisions hereinabove in this section contained, if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation. Personal
service con-
tracts not
enforceable
beyond term
of seven
years

Exceptional
services

Presumptive
measure of
compensa-
tion

CHAPTER 706.

An act to amend section 73 of the Code of Civil Procedure, relating to sessions of the superior courts.

[Approved by the Governor June 10, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 73 of the Code of Civil Procedure is hereby amended to read as follows: Ch 182.
Stats 1931

73. The superior courts shall be always open (legal holidays and nonjudicial days excepted), and they shall hold their sessions at the county seats of the several counties, or cities and counties, except as otherwise provided by section 142 of this code. They shall hold regular sessions, commencing on the first Mondays of January, April, July, and October, and special sessions at such other times as may be prescribed by the judge or judges thereof; provided, that in the city and county of San Francisco the presiding judge shall prescribe the times of holding such special sessions; provided, Sessions of
superior
courts.

also, that a session of the superior court shall be held at each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; and a majority of the judges of the superior court of said county, may, by an order filed with the county clerk, and published as they may prescribe, provide for, and direct the holding of, additional sessions in each of said cities, when they deem such additional sessions necessary or convenient.

A session of the superior court may be held for a period not exceeding two weeks in any one month, at each city or town containing a population of not less than seven thousand, as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city or town is not less than fifty-five miles distant from the site of the county courthouse.

CHAPTER 707.

An act to amend section 142 of the Code of Civil Procedure, relating to the place of holding court.

[Approved by the Governor June 10, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Ch. 182.
Stats 1931

Changes in
place of
holding
court.

SECTION 1. Section 142 of the Code of Civil Procedure is hereby amended to read as follows:

142. The judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, city or town, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any other place in the city and county, county, city or town than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, city or town, for holding the court; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the city and county, county, city or town not less than one hundred twenty miles distant from the county seat; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or con-

tinued at any other city or town containing a population of not less than seven thousand as ascertained by the last preceding census taken under the authority of the congress of the United States or the Legislature of the State of California wherein the city hall of said city or town is not less than fifty-five miles distant from the site of the county courthouse; provided further, that at least one session of the superior court shall be held in each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 708.

An act for the prevention of fraud upon proprietors of hotels, inns, boarding houses and lodging houses, and guests and prospective guests thereof.

[Approved by the Governor June 10, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Any person engaged in the transportation of persons by taxicab or other means of conveyance who knowingly misdirects a prospective guest of any hotel, inn, boarding house or lodging house or knowingly takes such a prospective guest to a hotel, inn, boarding house or lodging house different from that of his instructions from such prospective guest is guilty of a misdemeanor.

Unlawful to misdirect, etc., prospective guest

SEC. 2. Any person engaged in the operation of any hotel, inn, boarding house or lodging house who pays to another person any compensation for inducing or attempting to induce, by false statement or misrepresentation, prospective guests of a given hotel, inn, boarding house or lodging house to enter, lodge at or become a guest of any other hotel, inn, boarding house or lodging house is guilty of a misdemeanor.

False representations.

CHAPTER 709.

Stats 1929,
p. 380,
amended

An act to amend sections 1, 2, 3, 5 and 14 of chapter 216, statutes of 1929, entitled "An act to regulate the sale, possession, distribution and use of habit forming narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," relating to narcotic drugs.

[Approved by the Governor June 11, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p. 380

SECTION 1. Section 1 of chapter 216, statutes of 1929, entitled "An act to regulate the sale, possession, distribution and use of habit forming narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," is hereby amended to read as follows:

Narcotic
drugs sale,
possession or
disposition

Section 1. It shall be unlawful for any person, firm or corporation to sell, furnish, administer, or give away or offer to sell, furnish, administer, or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, flowering tops and leaves of hemp or loco weed (*cannabis sativa*), Indian hemp, extracts, tinctures, or other preparations of hemp or loco weed (*cannabis sativa*) or Indian hemp, or chloralhydrate, or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated by the person writing said prescription as of the date on which said prescription is written, and shall contain the name and address of the person for whom prescribed written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and the name of the owner, or person having custody, of said animal, and shall be signed and dated as of the date on which said prescription is written and said prescription or order shall be wholly written by the person writing or issuing the prescription or order. No physician shall antedate or postdate any prescription for any of the drugs enumerated in this act, and no person shall obtain or have in his possession any such antedated or postdated prescription nor any prescription not bearing the correct name and address of the person for whom such prescription was written nor any of the drugs mentioned herein obtained by any such antedated or postdated prescription, or obtained by any prescription not bearing the correct name and address of the person for whom said prescription was written. No person, other than a physician, dentist or veterinary surgeon, duly licensed to practice in this state, shall write any

Prescrip-
tions

prescription for any of the drugs mentioned in this section and no such physician, dentist or veterinary surgeon shall write or issue any such prescription which does not conform to all of the regulations in this act contained. Such order or prescription shall be retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed. No copy or duplicate of such written order or prescription shall be made or delivered to any person other than an inspector of the board of pharmacy or of the state division of narcotic enforcement or the chief of said division of narcotic enforcement, but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law, including all inspectors of the division of narcotic enforcement and of the state board of pharmacy, and shall be preserved for at least three years from the date of the filing thereof; provided, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section 1 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, and acts amendatory thereof; nor to sales to physicians, nor by physicians to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; provided, further, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned, shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section 2 of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations, and said records shall always be open for inspection by any peace officer or any inspector or member of the board of pharmacy or the chief or any inspector of the division of narcotic enforcement, and such records shall be preserved for at least three years after the date of the last entry therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provisions of this act; provided, further, that a true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in this section shall be forwarded by registered mail to the division of narcotic enforcement within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section 2 of

Exceptions

Stats 1905,
p 535Inspection
of recordsContracts for
future
deliveryRecordation
of agree-
ments

Adminis-
trationTreatment
of habitual
users per-
mittedPreparations
excepted

an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in said section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine or any other person to administer to himself as an habitual user or administer to or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloralhydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine, osteopathy or dentistry to prescribe, administer to or furnish any of the foregoing substances for himself or any person not in the regular practice of his profession under his treatment for a pathology or condition other than narcotic addiction, except as hereinafter provided, or for any veterinary surgeon to prescribe, administer to or furnish any of the foregoing substances for the use of himself or any other human beings; provided, however, that the provisions of this section shall not be construed to prevent any physician duly licensed as such in the State of California, from administering, furnishing or prescribing in good faith to any habitual user of narcotics who is under the professional care of such physician for a disease, ailment, or injury, other than narcotic addiction, or for the infirmities attendant upon old age, such substances as such physician may reasonably deem necessary for the treatment of such disease, ailment, injury, or infirmities, when such substances are furnished or prescribed in good faith in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of an habitual user of narcotics; provided, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the division of narcotic enforcement of the State of California, within five days after the first treatment, each and every habitual user of such drugs as are enumerated in this section, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment, and such physician so treating any habitual user shall upon request in writing from the narcotic division of the State of California furnish such additional reports upon the treatment of such habitual user as said narcotic division may in writing request; and provided, further, that the above provisions shall not apply to preparations of the United States pharmacopoeia and national formulary or other recognized or established formula or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying the addiction of an habitual user of narcotics,

containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-sixteenth grain of heroin, or ten grains of chloralhydrate, or two grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois, except tincture opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician licensed to practice in this state and said prescription shall not be again refilled or dispensed. No physician, surgeon, osteopath, or other person shall prescribe, administer, or furnish any of the substances or drugs mentioned in section 1 hereof except under the conditions and in the manner in this act prescribed.

SEC. 2. Section 2 of chapter 216, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 333

Sec. 2. Any of the drugs mentioned in section 1 of this act employed in treating a habitue or addict for narcotic addiction must be applied or administered by a licensed physician and surgeon of this state, or a registered nurse acting under his instruction, and except during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident or injury, shall be permitted only in institutions approved by the state board of medical examiners, where the patient is kept under restraint and control, or in city or county jails or state prisons or state narcotic hospitals; provided, further, that any licensed physician treating any habitue for narcotic addiction shall not prescribe for or furnish such habitue more than eight grains of opium, or four grains of morphine, or two grains of cocaine, or any derivative of cocaine, or two grains of heroin for each daily treatment and at the end of fifteen days of such treatment the said physician shall not prescribe for or furnish to such habitue, for each daily treatment, more than four grains of opium, or two grains of morphine, or one grain of cocaine, or any derivative of cocaine, or one grain of heroin, and at the end of thirty days from the first treatment, the prescribing or furnishing of any of the drugs above enumerated shall be entirely discontinued; and the physician shall report by registered mail to said division of narcotic enforcement as required in section 1 of this act, and shall in the same manner further report in fifteen days, and in thirty days, and as often thereafter as requested in writing by said division of narcotic enforcement, the progress of the patient under the treatment so administered by him; provided, however, that any licensed physician may prescribe for or furnish or administer to his patient as the physician of such patient employed by such patient as such physician, when such patient is suffering from some disease, ailment or injury, other than narcotic addiction, and which such physician in good faith believes requires such treatment for such disease, ailment or injury, any of the drugs mentioned in section 1 hereof in such quantity and for such length of time as may be reasonably necessary. The physician so prescribing, or furnishing, such drugs to an habitual user

Treatment
of addicts
regulated.

Report of
treatment

must personally furnish, by registered mail, to the division of narcotic enforcement within five days after first prescribing or furnishing said drug, a detailed report containing the name of the patient, the character of the injury or ailment, the quantity and kind of drug used and a statement as to whether or not the patient is an addict. The physician so administering said drugs shall keep a record of the person to whom such drugs were administered, the date of such administration, and the pathology for which said drugs were administered, which record shall be preserved for two years and shall at all times be open to inspection by the inspectors of the division of narcotic enforcement and the inspectors of the state board of pharmacy. The division of narcotic enforcement may employ a licensed physician to interview and examine any patient for whom any of said drugs have been prescribed or to whom any of such drugs have been furnished or administered, and who is an habitual user of any of said drugs, and such patient shall submit to such interview and examination and shall not in any manner hinder or impede such interview or examination. The physician so employed by the division of narcotic enforcement to conduct such interview and examination shall report the results of said examination and interview to the division of narcotic enforcement, and said physician so employed may testify in any action brought under the provisions of this act or in any hearing before the state board of medical examiners and such testimony shall not be privileged. Any person violating any provision of this section is guilty of a misdemeanor. In any prosecution of a physician for a violation of this provision, proof that defendant received or had in his possession at any time, a greater amount of such drugs than the record required by this act accounts for, shall constitute prima facie evidence of his guilt.

Examination
of addicts

Penalty

Stats 1929,
p 334.

SEC. 3. Section 3 of chapter 216, statutes of 1929, is hereby amended to read as follows:

Sec. 3. It shall be unlawful for any person to open or maintain, to be resorted to by other persons, any place where opium, or any of its preparations, or hemp or loco weed (*cannabis sativa*), Indian hemp, or extracts, or preparations thereof, is sold or given away to be smoked on the premises.

Unlawful to
possess cer-
tain articles
used in
smoking

It shall be unlawful for any person to have in his possession a pipe or pipes used for smoking opium (commonly known as opium pipes) or the usual attachment or attachments thereto, or other contrivances used for smoking opium, or extracts, tinctures or other narcotic preparations of hemp, or loco weed, their preparations or compounds containing more than two grains to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce mixed with not less than five times its weight of salicylic acid combined with collodion).

Stats 1929,
p. 335

SEC. 4. Section 5 of chapter 216, statutes of 1929, is hereby amended to read as follows:

Sec. 5. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed to conduct all actions and prosecutions for the same; provided, however, that subject to the approval of the attorney general, the chief of the division of narcotic enforcement of the State of California shall have the power to employ special counsel for such purpose, who shall have authority to take complete charge of the conduct of such actions or prosecutions; provided, further, that the chief of the division of narcotic enforcement shall have the power to fix the compensation to be paid for such service and may incur such other expense in connection with the conduct of such actions or prosecutions as he may deem necessary; provided, however, that no attorney employed as special counsel shall receive as compensation therefor any sum in excess of four thousand dollars in any one year.

Prosecu-
tions.

SEC. 5. Section 14 of chapter 216, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 388.

Sec 14. For the purpose of this act the terms veterinarian, dentist, pharmacist shall be construed to mean and shall refer only to persons who hold valid, unrevoked certificates to practice their respective professions in this state, issued by their respective examining boards in California. The term "physician" or "duly licensed physician," or "physician duly licensed to practice in this state," or "duly licensed physician licensed to practice and prescribe medicine in this state," or "practitioner of medicine," or "licensed physician," shall be deemed to mean and refer only to persons holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the board of medical examiners or the board of osteopathic examiners of the State of California or under the terms or provisions of any preceding medical practice act of the State of California. The words "cannabis sativa" shall be construed to mean and shall refer to the male and female of that species.

Definitions

CHAPTER 710.

An act to amend sections 27 and 34 of the "warehouse receipts act," approved March 19, 1909, as amended, relating to warehouse receipts.

Stats 1909,
p 437,
amended

[Approved by the Governor June 11, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 27 of the "warehouse receipts act" is hereby amended to read as follows:

Stats 1919,
p 398

Sec. 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited by the owner or by the legal possessor of the property or on the proceeds thereof

Lien on
goods for
lawful
charges

in his hands, for all lawful charges for storage and preservation of the goods, including fumigation, also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien; provided, that, in the absence of a special agreement between the warehouseman and the owner of the goods, no charge for fumigation shall be assessed against any goods unless, at the time the fumigation service for which the charge is to be made occurs, all other weevil-infested goods in said warehouse shall likewise be fumigated, and said warehouse, if weevil-infested, shall have been sprayed or otherwise cleaned so as to control such infestations. The existence of such infestations and the need for such fumigation or cleaning shall be determined by the county agricultural commissioner, but no charge for fumigation shall be made until the recorded owner of the goods to be fumigated shall have been given fifteen days notice, and said owner or his lawful agent shall then have the option of removing his goods or of permitting the fumigation.

Fumigation

Notice

Stats 1909,
p 437Perishable
and infested
goods

SEC. 2. Section 34 of the "warehouse receipts act" is hereby amended to read as follows:

SEC. 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature will be liable to injure other property or by reason of infestation with live weevil or other insects certified in writing by the county agricultural commissioner to be of such extent as to probably cause injury to other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of a failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Sale

CHAPTER 711.

An act to amend section 737u of the Political Code, relating to the salary of the judge of the superior court in and for the county of Marin.

[Approved by the Governor June 11, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737u of the Political Code is hereby amended to read as follows: Stats. 1929, p 1093

737u. The annual salary of the judge of the superior court in and for the county of Marin is eight thousand dollars. Superior judge, Marin county

CHAPTER 712.

An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737aa of the Political Code is hereby amended to read as follows: Stats 1929, p 802

737aa. The annual salary of the judge of the superior court in and for the county of Monterey is eight thousand dollars. Superior judge, Monterey county

CHAPTER 713.

An act to amend section 596 of the Penal Code relating to the exposure of poisonous substances for animals.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 596 of the Penal Code is hereby amended to read as follows: Pen C. of 1372.

596. Every person who wilfully administers poison to any animal, the property of another, or maliciously exposes any poisonous substance, with the intent that the same shall be taken or swallowed by any such animal, is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. Poisoning animals.

However, the provisions of this section shall not apply in the case of persons who expose poisonous substances upon

Signs where
poison is
placed to
destroy, etc.
predatory
animals

premises or property owned or controlled by them for the purpose of controlling or destroying predatory animals and if, prior to or during the placing out of such poisonous substances, he shall have posted upon the property conspicuous signs located at intervals of distance not greater than one-third of a mile apart, and in any case not less than three such signs having words with letters at least one inch high reading "Warning—Poisoned bait placed out on these premises," which signs shall be kept in place until the poisonous substances have been removed. Whenever such signs have been conspicuously located upon the property or premises owned or controlled by him as hereinabove provided, such person shall not be charged with any civil liability to another party in the event that any domestic animal belonging to such party becomes injured or killed by trespassing or partaking of the poisonous substance or substances so placed.

CHAPTER 714.

An act to amend section 4307 of the Political Code, relating to county charges.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

See Ch. 255,
Stats 1931

SECTION 1. Section 4307 of the Political Code is hereby amended to read as follows:

County
charges
General

4307 The following are county charges:

1. Charges incurred against the county by virtue of any of the provision of this act.

District
attorney and
sheriff

2. The traveling and other personal expenses of the district attorney and the sheriff incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by either of them in the detection of crime, and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, other than those crimes declared to be misdemeanors by the "California vehicle act," approved May 30, 1923, and any act amendatory therefor supplemental thereto.

Support of
persons
jailed for
crime

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

Jurors and
witnesses

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases where such cases are tried in a superior court, in a municipal court or in a township court: provided, however, anything herein to the contrary notwithstanding, that, in any criminal case in an

inferior court in which any fine or forfeiture which would accrue would be payable to the treasurer of the county in which such court is located, then the sums required by law to be paid to the trial jurors, if any, and witnesses in said case, shall be county charges.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise. Coroner.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law. Justice of the peace.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county. The board of supervisors may, in its discretion, authorize the payment of expenses incurred, by county authorities, for temporary, emergency, or extended care or treatment of indigent patients of such county, by local hospitals. Dependent poor

8. The contingent expenses necessarily incurred for the use and benefit of the county. Contingent expenses.

9. The premiums on official bonds of county officers as required by the provisions of section 4022 of the Political Code. Premiums on bonds

10. The fees of constables in criminal cases allowed by law. Constables.

11. The actual and necessary expenses of county auditors, clerks, registrar of voters, district attorneys, assessors, sheriffs, coroners, recorders, tax collectors, probation officers, surveyors and treasurers, incurred while traveling to and from and while attending the annual convention of their respective associations; provided, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year. Traveling expenses

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurer in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county. Court actions

13. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge. Declared by law

CHAPTER 715.

An act to amend section 7 of chapter 361, statutes of 1915, entitled "An act to create a levee district to be called and designated Sacramento river west side levee district; to prevent the overflow of flood waters from the Sacramento river from flooding on to the lands within said district by

Stats 1915,
p. 516,
amended

the construction of levees along the west bank of the Sacramento river and adjacent thereto and maintain the same; providing for the election and appointment of officers of said levee district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said levee district," approved May 18, 1915.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats. 1917,
p. 1214.

SECTION 1. Section 7 of chapter 361, statutes of 1915 entitled "An act to create a levee district to be called and designated Sacramento river west side levee district; to prevent the overflow of flood waters from the Sacramento river from flooding on to the lands within said district by the construction of levees along the west bank of the Sacramento river and adjacent thereto and maintain the same; providing for the election and appointment of officers of said levee district; defining the powers, duties and compensation of such officers; and providing for levying and collecting assessments upon the lands within said levee district," as amended by chapter 673, statutes of 1917, is hereby amended to read as follows:

Charges be-
come lien.

Sec. 7. From and after the filing of the original list with the county treasurer of Colusa county, and from and after the filing of the duplicate original list with the county treasurer of Yolo county, the charges assessed upon any tract of land within each respective county shall constitute a lien thereon, and shall impart notice thereof to all persons. No subsequent act or conduct of the commissioners shall invalidate said assessment or lien, but such commissioners may be compelled by mandate or other proper proceeding to perform their duties, as required by law. The list thus prepared and filed must remain in the offices of the respective treasurers for thirty days from such filing, or longer if ordered by the board of levee commissioners, and during the time they so remain, any person may pay the amount of the charge assessed against any tract of land to the treasurer of the county in which such tract is situated, in gold coin of the United States, or in warrants of the district. At the end of thirty days the treasurers must return the lists to the board of commissioners of the district, and said assessment shall bear interest at the rate of seven per cent per annum from and after the expiration of said period of thirty days from and after the filing of said list aforesaid with the said county treasurer of Colusa county. The said board, from time to time in its discretion, may, by order entered in its minutes, direct the said assessment to be collected and paid in separate installments, of such amounts and at such time, respectively, as the said board may determine. After any order has been made calling in an install-

ment of assessment, the secretary of the said district, for the information of the landowners, shall mail to each landowner, as described in the said assessment list, if his address be known to such secretary, or, if not, then to the county seat of the county in which such land may be situated, a statement stating the amount of the call of such assessment, and stating further that said installment, if unpaid at the expiration of thirty days from the date of such order, shall become delinquent, which said statement shall be mailed by said secretary within ten days after the date of any such order calling in any installment of such assessment. If any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon, and ten per cent of the amount of said installment and interest shall be added thereto, and collected for the use of the district; provided, further, that the commissioners must on the first day of January of each year, order the collection of a sufficient amount of said assessment to pay all warrants that have been issued and outstanding for a period of two years or more, together with the interest on such warrants. Immediately after the said installment has become delinquent, the board of levee commissioners must publish a notice at least once each week for three weeks in some newspaper of general circulation published in the county or counties in which any land upon which such installment may be delinquent is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such be the fact; the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty that has been added as above provided, and a notice that the property assessed will be sold on a date therein stated, at such time and place in said district as the board of commissioners may in said notice designate, to pay said installment with accrued interest and the penalty hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the commissioners must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the commissioners must pay the amount of said installment with the accrued interest thereon and the penalty herein provided for to the county treasurer of the county of Colusa who shall place the same in the proper funds of said district, and the commissioners must pay to the owner of said property any surplus remaining after such payment to said county treasurer. The commissioners may postpone said sale from time to time by a written notice posted at the place of sale. If no bid is made for said property equal to the amount of said installment, accrued interest and penalty, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment,

Statement
that
assessment
delinquent.

Delin-
quencies.

Interest.

Sale of
property

Purchase
by district

Redemption
of property

accrued interest and penalty. A certificate of such sale shall be executed by the commissioners of said levee district to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land sold is situated, or if situated in two counties, then in the office of the county recorder of each thereof. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying in gold coin or in warrants of said district, to the county treasurer of Colusa county the amount of said installment with the accrued interest and penalty, and interest on the said sums at the rate of one per cent per month from the date of said sale.

Sale at pub-
lic auction

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said commissioners, and the effect of such deed shall be to convey said property free of all liens and incumbrances, excepting state, county and municipal taxes, and the liens of assessments now levied or which may hereafter be levied by this district or by any of the reclamation districts situate within said levee district, or by the Knights Landing ridge drainage district, and the unpaid balance of said assessment of said levee district, if any, which said balance must be called in and collected in the same manner as other assessments; provided, that where said property shall have been deeded to the district and shall not have been sold by the commissioners, the same shall not be offered for sale for subsequent installments of said assessments so long as the district shall remain the owner of said property, but the commissioners may sell said property at any time at public auction to the highest bidder after notice given for the same period and in the same manner as is herein provided for sales for delinquent installments, but not for a sum less than all delinquent unpaid installments with accrued interest and penalties, except by resolution of the board of levee commissioners adopted by the affirmative vote of two-thirds of its members, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances, except the lien of any assessments levied or which may hereafter be levied by this district or by any reclamation district within said levee district, or the Knights Landing ridge drainage district, and the unpaid balance of said assessment.

Land not
charged to
be charged
later

In all cases where an assessment has been, or shall hereafter, be levied, for any purpose on the lands embraced within said levee district, if, for any reason, any tract or tracts of land shall not have been charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said lands from the levee works, for which said former assessment was levied, bears to the whole

amount of said former assessment; or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the costs of levee protection. Such reassessment shall be made by assessors appointed by the reclamation board, as provided by this act, and must be made and approved in the same manner as other assessments. The assessors appointed by the reclamation board must make a list of the charges assessed against each tract of land; and, if there be any error or mistake in the description of the land or in the name of the owner, or if any land which should be assessed has been, or shall be, omitted from the list, or if there is any error or mistake in any other respect, the said assessors may amend or correct the same at any time before the filing of such list with the reclamation board as hereinbefore provided. Where payment is made in warrants of the district, legal interest must be computed thereon from the date thereof to the time of such payment, when said warrants must be surrendered to the county treasurer of the county of Colusa, and by him canceled.

Correction
of errors

In the event that any landowner of the said district shall have paid the amount, or any portion of the amount, assessed against any tract of land before said assessment shall have been adjudged invalid, in whole, or in part, the amount so paid by said landowner, together with legal interest thereon from the date of such payment, shall be a credit and shall be credited by the treasurer of the county where the assessment list is filed, or by said district, or upon any subsequent assessment on the tract of land on which the said invalid assessment was paid, or be applied in satisfaction pro tanto of any such subsequent assessment thereafter levied on said tract

Credit for
payment of
invalid
assessment

All installments of assessment, after the original list and the duplicate original have been returned by the respective county treasurers to the board of levee commissioners that may be called in, shall be paid to the secretary of said board of levee commissioners, and the same and also all proceeds from any delinquent sale shall be paid into the county treasury of the county of Colusa, and be placed by the treasurer thereof to the credit of said district, and paid out upon warrants issued by the board of levee commissioners. At any time an assessment on any tract of land may be paid in full, notwithstanding the same has not been called in by the board of levee commissioners.

To whom
payments
are made

All moneys received from any source by the board of levee commissioners shall be paid by the said board, or the secretary thereof, into the county treasury of Colusa county, and be placed by the treasurer to the credit of the district, and paid out upon the warrants of the board of levee commissioners in the manner hereinbefore provided.

Moneys
deposited
in county
treasury

On the first Monday of each month the county treasurer of Yolo county shall transmit to the county treasurer of Colusa county all moneys that may be in his hands to the credit of said district arising from any source, and, likewise, all war-

rants that may be delivered in payment of any assessment, and all such moneys shall thereupon be placed to the credit of said district by said county treasurer of Colusa county.

Repealed

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER 716.

Stats 1915, p 1171, amended *An act to amend section 2 of chapter 620, statutes of 1915, entitled "An act authorizing any city, city and county, county, town, municipality or other political subdivision to acquire certain liens or property offered for sale for the nonpayment of certain assessments," approved June 4, 1915, relating to the disposal of such lien or property.*

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1915, p. 1171.

SECTION 1. Section 2 of chapter 620, statutes of 1915, entitled "An act authorizing any city, city and county, county, town, municipality or other political subdivision to acquire certain liens or property offered for sale for the nonpayment of certain assessments," is hereby amended to read as follows:

Property may be assigned, etc

Sec. 2. Any lien, or any property acquired by any city, city and county, county, town, municipality, or other political subdivision under the provisions of this act, may be released, assigned, sold or otherwise disposed of by such city, city and county, county, town, municipality, or other political subdivision in the manner prescribed by ordinance adopted by the city council or other legislative body thereof; provided, however, that no such release, assignment, sale or other disposition of any such lien or any such property shall be so made unless there shall be first paid to such city, city and county, county, town, municipality or other political subdivision, a sum of money equal to not less than the amount paid therefor, all accrued penalties and delinquencies and necessary expenses incurred; provided, however, that if any such lien or property can not after public notice as provided by law, be sold for the amounts and charges computed as herein provided, the legislative body of any such city, city and county, or county may by a four-fifths vote of such body sell any such lien or property for the best price obtainable.

CHAPTER 717.

An act to amend section 763 of the Code of Civil Procedure, relating to partition.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 763 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1927,
p. 1446

763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so situated that partition can not be made without great prejudice to the owners, or where property is subject to a life estate and the remainder is a contingent remainder, the court may and in the latter case must order the sale thereof; otherwise, upon the requisite proofs being made it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown, or are not ascertained; or the court, with the consent of the parties, may appoint one referee instead of three, and he when appointed, has all the powers and may perform all the duties required of three referees; and the court must appoint as referee any person or persons to whose appointment all the parties have consented, and no person shall be appointed as referee who is disqualified from acting as an appraiser under the provisions of the Probate Code. Question
of sale or
partition

When the site of an incorporated city or town is included within the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads and streets, as in section 764 provided, and to report such survey and separate appraisement on each lot and subdivision to the court. Site of
incorporated
city.

The court may confirm, change, modify, or set aside the report in whole or in part, and if necessary appoint new referees. Action of
court

When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; provided, that within sixty days thereafter any tenant in common or tenants in common, having improvements erected on any town or city lot or subdivision included in Sale.

such order of sale. shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceeding shall then be had as to the remainder of the property, and the money so paid to the court. as by this chapter provided.

Death or
insanity of
a party.

If, during the pendency of this section, any of the parties die, or become insane, or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon in the discretion of the court.

CHAPTER 718.

An act to amend sections 737q and 737w of the Political Code, relating to the salaries of judges of the superior courts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 977.

SECTION 1. Section 737q of the Political Code is hereby amended to read as follows:

Superior
judge, Lake
county

737q. The annual salary of the judge of the superior court in and for the county of Lake is six thousand five hundred dollars.

Stats 1927,
p 561.

Superior
judge,
Mendocino
county.

SEC. 2. Section 737w of the Political Code is hereby amended to read as follows:

737w. The annual salary of the judge of the superior court in and for the county of Mendocino is seven thousand dollars.

CHAPTER 719.

An act to amend sections 651b and 651d of the Civil Code, relating to colleges and seminaries of learning.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION. 1. Section 651b of the Civil Code is hereby amended to read as follows: Stats 1927.
p 292

651b. Every corporation incorporated under the provisions of this title, and every school, college or seminary of learning chartered under existing laws, or created under special legislative act, as an educational institution with the power to confer any professional degree, shall file annually with the superintendent of public instruction a verified report showing the number of students of said corporation, together with the names and addresses of said students, the courses of study offered by said corporation, the names and addresses of the teachers employed by said corporation, the subjects taught by them, the degrees, if any, granted by said corporation and to whom granted, the curricula upon the basis of which such degrees were granted and any other information concerning the educational work or activities of said corporation that may be required by said superintendent of public instruction. Reports to
superin-
tendent of
public in-
struction.

SEC. 2. Section 651d of the Civil Code is hereby amended to read as follows: Stats 1927.
p 292

651d. Any person or persons, firm, association or corporation who shall confer any academic or professional degree in violation of section 651a of this code or shall offer by advertisement or otherwise to confer such degree or shall fail to file the annual report referred to in section 651b of this code shall be guilty of a misdemeanor. Violation
a misde-
meanor.

CHAPTER 720.

An act to amend section 1 of chapter 286, statutes of 1927, entitled "An act authorizing the department of finance to appropriate waters in connection with the utilization and conservation of the water resources of the state in the development of a general or coordinated plan; authorizing the state department of finance to release or assign such appropriations; authorizing the state department of finance to request other departments of the state or state officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the state," approved April 29, 1927, Stats 1927.
p 508,
amended

relating to appropriation of waters by the state department of finance.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 508.

SECTION 1. Section 1 of chapter 286, statutes of 1927, entitled "An act authorizing the department of finance to appropriate waters in connection with the utilization and conservation of the water resources of the state in the development of a general or coordinated plan; authorizing the state department of finance to release or assign such appropriations; authorizing the state department of finance to request other departments, of the state or state officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the state," is hereby amended to read as follows:

Department
of finance to
file on unap-
propriated
waters.

Section 1. The state department of finance is directed and authorized, pursuant to the provisions of the water commission act and the rules and regulations of the division of water rights of the department of public works, to make and file an application or applications for any water or the use thereof which in the judgment of the state department of finance is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking towards the development, utilization or conservation of the water resources of the state. Any such application or applications shall be made and filed by the state department of finance with the division of water rights, department of public works within nine months after the date upon which this act shall go into effect. The priority of any such application or applications shall be as of the date this act shall become effective, and such priority shall be retained over any application made by others subsequent to said date, and which may be in conflict therewith, regardless of any requirements or provisions of the water commission act relating to diligence in the completion of applications for water or the use thereof, until October 1, 1933; provided, that any such priority or priorities may be maintained and extended by further legislative enactment: provided, further, the state department of finance, under the requirements of the water commission act and the rules and regulations of said division of water rights relating to applications for the appropriation of water may publish a notice that it intends to file upon an amount of water necessary to the development of any part or unit of such general or coordinated plan and in that event the publication of such notice shall preserve, as of the date of such publication, the priority of any application made and filed subsequently by the state department of finance with said division of water rights for the benefit of such part or unit

Priorities

prior to October 1, 1933; provided, further, notwithstanding anything in this act contained, the state department of finance shall have power, in its discretion, to release from priority or to assign any portion of any of the appropriations that may be filed under the provisions of this act when such release or assignment is for the purpose of development not in conflict with such general or coordinated plan; and provided further, that no such priority shall be released, or assignment made of any such appropriation that will, in the judgment of the state department of finance, deprive the county in which such appropriated water originates, of any such water necessary for the development of such county.

CHAPTER 721.

An act to amend section 5.582 of the School Code, relating to joint teachers institutes.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5.582 of the School Code is hereby amended to read as follows: Sch. C.
p. 244

5.582. Superintendents of two or more counties, or city and county, or city school districts may unite for the purpose of holding a joint institute or convention and may direct the teachers of their respective counties, city and county, or city school districts to attend the same in lieu of all or a designated part of the county, city and county, or city school district institute, under the same conditions and compensations as are provided for the county, city and county, or city school district institute. Joint institutes for
teachers

CHAPTER 722.

An act to amend sections 600 and 608 of the Probate Code, relating to the inventory and appraisement of the estate of a decedent.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 600 of the Probate Code is hereby amended to read as follows: Probate C.
1931

600. Within three months after his appointment, or within such further time as the court or judge for reasonable cause may allow, the executor or administrator must file with the clerk of the court an inventory and appraisement of the estate of the decedent which has come to his possession or knowl- Inventory
and ap-
praisement

edge. The inventory must include the homestead, if any, and all the estate of the decedent, real and personal, particularly specifying all debts, bonds, mortgages, deeds of trust, notes and other securities for the payment of money belonging to the decedent, with the name of each debtor, the date, the sum originally payable, the indorsements thereon, if any, with their dates, and a statement of the interest of the decedent in any partnership of which he was a member, to be appraised as a single item. It must include an account of all moneys belonging to the decedent. If the whole estate consists of money in the hands of the executor or administrator, there need not be an appraisal, but an inventory must be made and returned as in other cases.

Probate C.
1931

Appraisers'
oath

Form of
appraise-
ment.

Construc-
tion

SEC. 2. Section 608 of the Probate Code is hereby amended to read as follows:

608. Before proceeding to the execution of their duty, the appraisers must take and subscribe an oath, to be attached to the inventory, that they will truly, honestly and impartially appraise the property exhibited to them, according to the best of their knowledge and ability. They must appraise the property by setting down each item separately, with the value thereof at the time of the death of the decedent in dollars and cents in figures opposite the respective items, specifying the sum which they believe may be collected on each debt or security.

SEC. 3. This act shall take effect at the same time as and shall be construed as an amendment of, the Probate Code, enacted by the Legislature at its forty-ninth session.

CHAPTER 723.

Stats 1927,
p 1489,
amended

An act to amend section 2 of chapter 767, statutes of 1927, entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927, relating to deer tag licenses.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 1489

Duplicate
license

SECTION 1 Section 2 of chapter 767, statutes of 1927, is hereby amended to read as follows:

Sec. 2. Duplicate license tags granting the privilege to hunt, pursue and kill deer shall be issued and delivered to any person holding a hunting license, for the current license year, upon application by such person in the form herein provided,

by the county clerk of any of the counties of this state or by the fish and game commission, or by any person duly appointed and authorized by any such county clerk or the fish and game commission, and upon the payment of one dollar by such applicant. Said license shall be prepared by the fish and game commission of suitable size in the form of a duplicate tag and have printed or stamped thereon the words "Deer hunting license tag No. ----, State of California. Expires December 31, 19--, to accompany hunting license No. ----" with said tag number and appropriate year written or printed thereon together with the other matters and things provided in section 3 hereof. Said deer tag licenses shall be prepared and furnished to the county clerks or other persons for their own disposition by the fish and game commission, which shall take receipt therefor by numbers and quantity from the several county clerks and other persons and the county clerks and other persons shall be responsible therefor, and it shall be the official duty of county clerks and the duty of other persons to account for the same to the fish and game commission on the first day of each month.

(a) For each deer tag license sold, registered and accounted for by any person except a fish and game commissioner or a deputy fish and game commissioner, he shall be allowed as compensation, for his own use, out of the fish and game preservation fund, five per cent (5%) of the amount accounted for; provided, however, that said fish and game commission may at its discretion, issue and deliver deer tag licenses as aforesaid to any person except a fish and game commissioner or deputy fish and game commissioner, without receiving full payment therefor, upon application of said person and upon the giving of bond as provided in paragraph (b) of this section, in which event said person shall be allowed as compensation, for his own use, out of the fish and game preservation fund, two and one-half per cent (2½%) of the amount accounted for.

Compensation of persons selling licenses

(b) Every person authorized to issue and sell deer tag licenses under the provisions of this act shall, when required by said fish and game commission, execute to the fish and game commission, a good and sufficient bond in a sum equal to the value of such licenses so delivered to such person to be sold as herein provided, to secure the faithful accounting and payment to the fish and game commission of the funds collected from the sale of such deer tag licenses and the faithful performance of duties imposed upon him by this act, and said fish and game commission is hereby authorized and empowered to pay the premium on such bond out of the fish and game preservation fund.

Bonds of persons selling licenses.

CHAPTER 724.

An act to amend section 2.914 of the School Code; to add a new section thereto to be numbered 2.913; to repeal section

2.913 thereof and to repeal chapter 284 of the statutes of 1929 entitled "An act relating to the holding of school elections in union or joint union school districts," approved May 14, 1929, relating to elections for members of union or joint union school district governing boards.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section. SECTION 1. A new section is hereby added to the School Code to be numbered 2.913 and to read as follows:

Election; union and joint union districts. 2.913. The election shall be called by the governing board of the district, which shall designate a polling place in the union or joint union district at a school house thereof at which the electors of such district may vote.

Sch. C., p. 81. SEC. 2. Section 2.914 of the School Code is hereby amended to read as follows:

Election; notice and number of officers. 2.914. The union or joint union school district governing board shall give the same notice of the election and shall appoint the same number of election officers as are required for the election of members of elementary school district governing boards.

Sch. C., p. 331, repealed. SEC. 3. Chapter 284 of the statutes of 1929 entitled "An act relating to the holding of school elections in union or joint union school districts," approved May 14, 1929, is hereby repealed

Sch. C., p. 81, repealed. SEC. 4. Section 2.913 of the School Code is hereby repealed.

CHAPTER 725.

An act to amend section 2.1090 of the School Code, relating to the organization of high school district governing boards.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. C., p. 87. SECTION 1. Section 2.1090 of the School Code is hereby amended to read as follows:

Organization of high school boards. 2.1090. District, union and joint union high school district governing boards shall meet on the first day of May of each year at twelve o'clock noon and organize by electing a president from their own number, and a clerk.

CHAPTER 726.

An act to amend section 3.5 of the School Code, relating to the opening and maintenance of schools in school districts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.5 of the School Code is hereby amended to read as follows: Sch. C., p. 107.

3.5. The county superintendent of schools must, when there is sufficient money in the fund of any school district to maintain a free school therein for one hundred seventy days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep such school, and may draw his requisition upon the county auditor, who shall draw his warrant upon the fund of such district for the expense incurred. Appointment of teacher by county superintendent.

CHAPTER 727.

An act to amend section 2.1152 of the School Code, relating to the organization of junior college district governing boards.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.1152 of the School Code is hereby amended to read as follows: Sch. C., p. 90.

2.1152. Junior college boards shall meet on the first day of May of each year at eleven o'clock a.m. and organize by electing a president from their own number, and a secretary. Meetings of junior college boards.

CHAPTER 728.

An act to add a new article to chapter 1 of part II of division II to the School Code, to be numbered article IX, embracing sections 2.860 to 2.866, both inclusive, and to repeal article XII, embracing sections 2.1010 to 2.1016, both inclusive, of chapter 2 of part II of division II of the School Code, all relating to annual meetings of school trustees.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new article is hereby added to chapter 1 of part II of division II of the School Code, to be known New article.

as article IX, embracing sections 2.860 to 2.866, both inclusive, and to read as follows:

Article IX—Annual School Trustees Meetings.

County meetings of trustees

2.860. The superintendent of every county in which there are more than twenty school districts, may hold one trustees' meeting in each year, and it shall be the duty of one school trustee of each school district of the county in which the meeting is held to attend the same and participate in its proceedings.

Discretion of county superintendent

2.861. In any county in which there are less than twenty school districts, the county superintendent may in his discretion hold a meeting as provided in this article.

Selection of trustee

2.862. School trustees of each school district shall select the trustee whose duty it shall be to attend the meeting.

Expenses

2.863. Each trustee so selected shall be allowed his actual traveling expenses incurred in going to and returning from such meetings, such expenses to be verified by the county superintendent of schools.

Notice of meeting

2.864. The superintendent must notify each trustee of the county, at least ten days prior to calling of the trustees meeting, of the time and place of holding the meeting.

One day session

2.865. Each session of the trustees meeting shall continue one day.

Fiscal arrangement.

2.866. The county superintendent shall draw his requisition on the county auditor, who shall draw his warrant on the unapportioned county school fund to pay the expenses of holding the trustees meeting.

Repeal

SEC. 2. Article XII, embracing sections 2.1010 to 2.1016, both inclusive, of chapter 2 of part II of division II of the School Code is hereby repealed.

CHAPTER 729.

An act to amend section 2.123 of the School Code, relating to the providing of educational facilities by superintendents of schools of counties.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. C. p. 30

SECTION 1. Section 2.123 of the School Code is hereby amended to read as follows:

Provision in lieu of new district

2.123. The county superintendent of schools may, without the formation of a new school district or the filing of a petition for the formation thereof, provide an extra teacher for, or may provide transportation for such children to a public school. The salary of such teacher and the cost of such transportation shall be paid out of the county unapportioned fund.

CHAPTER 730.

An act to amend section 1.33 of the School Code, relating to the injuring of the property of a school district.

[APPROVED BY THE GOVERNOR JUNE 12, 1931. IN EFFECT AUGUST 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.33 of the School Code is hereby amended to read as follows: Sch. C.
p. 3.

1.33. Any pupil who wilfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district is liable to suspension or expulsion, and the parent or guardian shall be liable for all damages so caused by such pupil. Damaging school property.

CHAPTER 731.

An act to add a new section to the Political Code to be numbered 4041.28, relating to the disposition of courthouse and other sites dedicated to public use.

[APPROVED BY THE GOVERNOR JUNE 12, 1931. IN EFFECT AUGUST 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4041.28 is hereby added to the Political Code, to read as follows: New section

4041.28. Whenever a county courthouse or other public building belongs to or is used by a county and is situate on land dedicated to public use, which land is not owned by the county in fee, the board of supervisors of the county, if the said board deems it for the best interest of the county, may select and acquire a new site for the courthouse or other building and erect a new building or remodel an existing building on such new site for such purpose, and to this end may, in conjunction with the holders of title to such land and any other person or public, private or municipal corporation having an interest therein, sell such land upon such terms and conditions as shall by them, respectively, be agreed upon, and may abandon or convey their several interests and abandon the interest of the public in such land. Sale of county buildings on land not owned in fee

CHAPTER 732.

An act to add a new section to the Penal Code to be numbered 496c, relating to the theft of the contents of any private

and unpublished paper, book or record containing information relating to the title to real property.

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Penal Code to be numbered 496c and to read as follows:

Copying information relating to title to real property.

496c. Any person who shall copy, transcribe, photograph or otherwise make a record or memorandum of the contents of any private and unpublished paper, book, record, map or file, containing information relating to the title to real property or containing information used in the business of examining, certifying or insuring titles to real property and belonging to any person, firm or corporation engaged in the business of examining, certifying, or insuring titles to real property, without the consent of the owner of such paper, book, record, map or file, and with the intent to use the same or the contents thereof, or to dispose of the same or the contents thereof to others for use, in the business of examining, certifying, or insuring titles to real property, shall be guilty of theft, and any person who shall induce another to violate the provisions of this section by giving, offering, or promising to such another any gift, gratuity, or thing of value or by doing or promising to do any act beneficial to such another, shall be guilty of theft; and any person who shall receive or acquire from another any copy, transcription, photograph or other record or memorandum of the contents of any private and unpublished paper, book, record, map or file containing information relating to the title to real property or containing information used in the business of examining, certifying or insuring titles to real property, with the knowledge that the same or the contents thereof has or have been acquired, prepared or compiled in violation of this section shall be guilty of theft. The contents of any such private and unpublished paper, book, record, map or file is hereby defined to be personal property, and in determining the value thereof for the purposes of this section the cost of acquiring and compiling the same shall be the test.

CHAPTER 733.

An act to amend section 626e of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1925,
p. 667

SECTION 1. Section 626e of the Penal Code, relating to the protection of fish and game, is hereby amended to read as follows:

626e. Every person who hunts, pursues, takes or destroys or has in his possession any female deer, spotted fawn or spike buck, antelope, or mountain sheep, or in fish and game district one and three-quarters any forked-horn deer is guilty of a misdemeanor.

Female
deer, etc

Every person taking or killing any deer must retain in his possession during the open season and for ten days after the close of the open season the skin and portion of the head bearing the horns and must produce this upon the demand of any officer authorized to enforce the fish and game laws. Any person failing to comply with the provisions of this section is guilty of a misdemeanor.

Retention
of skin
and horns.

For the purpose of this act, any male deer with unbranched horns or antlers on both sides shall be considered a "spiked buck"; and any male deer with antlers of two branches on both sides shall be considered a "forked-horn."

"Spiked
buck"
"Forked-
horn"

CHAPTER 734.

An act to provide for the formation, management and dissolution of county fire protection districts composed of lands within one or more counties and annexations to such districts; to set forth the powers of such districts and to provide for levying and collecting taxes on property in such districts to defray the expenses thereof.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Contiguous unincorporated territory lying within one or more counties and not included in any other fire protection district and not including timber land patrolled by the state board of forestry or in accordance with the rules and regulations of said state board of forestry, may be formed into a county fire protection district in the manner and under the proceedings hereinafter set forth.

District may
be formed.

SEC. 2. When twenty-five per cent or more of the holders of title or evidence of title to lands lying in one body and whose names appear as such upon the last county assessment rolls shall present a petition to the board of supervisors of the county in which said land or the greater portion thereof lies, setting forth the exterior boundaries of said proposed district, and asking that the district so described be formed into a county fire protection district under the provisions of this act, the said board of supervisors shall pass a resolution declaring their intention to form or organize said territory into a county fire protection district, naming said district and describing its exterior boundaries. Said resolution shall fix a time and place for the hearing of the matter not less than

Procedure

Petition.

Resolution
of intention

Publication

thirty days after its adoption and direct the clerk of said board of supervisors to publish the notice of intention of the board of supervisors to form such county fire protection district, and of the time and place fixed for the hearing, and shall designate some newspaper of general circulation published in the county and circulated in said proposed county fire protection district, or if there is no newspaper so published and circulated, then some newspaper of general circulation circulated in said proposed district. Said notice shall be headed "Notice of the proposed formation of ----- county fire protection district in ----- county (stating the name of the proposed district and the name of the county or, if there be more than one, the name of the counties in which the proposed district is located)" and it shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a county fire protection district. Said notice shall describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which said boundaries, so far as practicable, shall be the center lines of highways. Said notice shall be published once a week for two successive weeks prior to the time fixed for the hearing in the newspaper designated by the said board.

Hearing

SEC. 3. At the time fixed for the hearing of said matter or at any time prior thereto, any person interested may file with the clerk of the board written objections to the formation of the district. At the time fixed for the hearing, or to which the hearing may be adjourned, the board of supervisors shall hear the objections filed, if any, and pass upon the same. Said board may, in its discretion, sustain any or all of the objections filed and may change or alter the boundaries of such proposed district to conform to the needs of the district and to exclude therefrom any land that will not be benefited by the formation of such a district and except as hereinafter provided they shall not include therein any territory not included in the boundaries mentioned in the petition. Any owner of lands adjacent to the borders of said district may, by his written application therefor filed with such board at or before the time of the hearing of said petition, in the discretion of said board, have such lands included within such proposed district. Upon such hearing of said petition the board of supervisors shall determine whether or not said petition complies with the requirements and purposes of this act, and must hear all competent and relevant testimony offered in support or in objection thereto. The board shall by resolution determine whether or not such a proposed district shall be formed and such determination shall be entered upon the minutes of said board of supervisors.

Election districts

SEC. 4. When, under the provisions of the preceding section, the boundaries of the proposed district shall be defined and established by said board, the board of supervisors shall

make an order dividing said district into three or five divisions as nearly equal in size as practicable, which divisions shall be numbered consecutively and constitute election districts for said precinct, and one director, who shall be a resident of the precinct for which he is elected, shall be elected as hereinafter provided by each precinct; provided that, when requested in the petition, three directors who shall be residents of the district, shall be elected at large by the district. Directors

SEC. 5. Said board of supervisors shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall designate a name for such proposed district and describe the boundaries of the precincts established therein, when more than one, together with a designation of the polling places and board of election for each precinct, and said notice shall be published once a week for at least three weeks previous to such election in a newspaper published or circulated within the boundaries of said proposed district and published within the county in which the petition for the organization of such district was presented. Such notice shall require the electors to cast ballots which shall contain the words "----- county fire protection district—Yes" or "----- county fire protection district ----- No" or words equivalent thereto, and also the names of one or more persons (according to the division of the proposed district as prayed for in the petition and ordered by the board), to be voted for to fill the office of director. Such election shall be conducted as nearly as practicable in accordance with the general laws of the state, but no particular form of ballot shall be required. Holders of title or evidence of title to lands within the district, and no others, shall be qualified and entitled to vote either in person or by proxy at any election held by such district. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged before a notary public and filed with the election board. Election.

SEC. 6. Said election having been held, the said board of supervisors shall on the first Monday succeeding such election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast thereat, and if upon such canvass it appears that a majority of all votes cast in the district (and in each portion of the counties included in the district in case lands in more than one county are included therein) are in favor of the formation of said district, the board shall, by an order entered in its minutes, declare such territory duly organized as a county fire protection district under the name theretofore designated and shall declare the persons receiving respectively the highest number of votes for directors, to be duly elected to such offices. Said board shall then cause a copy of such order duly certified by the clerk of said board to be immediately filed for record in the office of the county recorder of any county in which any portion of the Canvass of election

Organization of district

lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said counties, and no board of supervisors of the county shall, after the date of the organization thereof, allow another fire protection district to be formed, including any portion of said lands without the consent of the owners thereof. From and after such filing the organization of the district shall be complete.

Directors.

SEC. 7. The directors elected at the election herein provided for shall immediately enter upon their duties as such. They shall hold office respectively for a term of three years from and after their election and until their successors are elected and qualified; provided that the first board of directors shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding said first election, one thereof on the second Monday of April of the second year succeeding, and one thereof on the second Monday of April of the third year succeeding. After such classification said directors shall organize as a board, shall elect a president from their number and appoint a secretary who shall each hold office during the pleasure of the board. After the first election, an election shall be held each year on the last Friday in March at which one director shall be elected. Notice of such elections shall be given by the board of directors by posting in three public places within the district for at least two weeks before the election. They shall also appoint the judges of election. Wherever practicable, the polling places used for school elections shall be designated. The elections shall be conducted in accordance with the provisions of the general election laws of the State of California, except as in this act provided to the contrary. The judges of election shall, within twenty-four hours after holding said election, make returns and certify said votes, and the names of the persons voted for to the said board of directors, and within five days after the returns have been received by the board of directors, they shall count the votes, determine who has been elected, and forthwith issue certificates of election to the persons elected.

Annual elections

Powers and duties of directors

SEC. 8. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district, to make and enforce all rules and regulations necessary for the administration and government of such district and for the furnishing of fire protection thereto, to make and execute in the name of the district all necessary contracts, to adopt a seal for the district to be used in the attestation of proper documents, to provide for the payment from the proper fund of all the debts and just claims against the district, to employ agents and employees for such district sufficient to maintain and operate the property acquired for the purposes of the district, to acquire real or personal property needful for the purposes of said district, and to dispose of the

same when no longer needed, to construct any needed structures, to acquire, hold and possess, either by donation or purchase, in the name and on behalf of the said district any land or other property necessary for the purpose of said district, to eliminate and remove fire hazards within their district wherever practicable and possible whether on private or public premises and to that end they may clear the public highways and, where permitted, private lands, of dry grass, stubble brush, rubbish or other inflammable material in their judgment constituting a fire hazard, and to perform all other acts necessary, proper and convenient to accomplish the purposes of this act.

SEC. 9. The title to all property which may have been acquired for a county fire protection district, created under the provisions of this act, shall be vested in the district. Whenever any such county fire protection district shall be dissolved all property thereof shall be disposed of to the highest bidder, and the proceeds thereof, together with all money in the county treasury to the credit of any fund of such fire protection district, shall upon such dissolution be applied to the maintenance and repair of the highways of such district. Property
of district.

SEC. 10. The board of directors of each county fire protection district shall annually on or before the 20th day of July estimate the amount of money which will be needed to defray the cost of maintenance thereof, and to meet such other expenditures as are authorized by this act in connection therewith, and shall also ascertain from the assessor or assessors the assessed value of the assessable property within the district. Said board shall then determine the amount of the tax sufficient to raise the sum estimated to be necessary; provided, that the amount of money to be raised for the purpose of establishing and equipping said district with fire-fighting facilities shall not in any one year exceed one per cent of the assessable property within the district, and the amount of money to be raised for the purpose of maintaining said district each year shall not exceed one-half of one per cent of the assessable property within the district. When so determined, the amount of said tax shall be certified to the boards of supervisors of the counties in which any portion of said district is located and such boards of supervisors shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property together with the improvements thereon in said district. Said tax when levied shall be entered upon the assessment rolls and collected in the same manner as state and county taxes. When the same is collected it shall be placed in the treasury of the county in which the greater portion of said district is located, to the credit of the current expense fund of said district and shall be used only for the purpose for which it was raised. All accounts, bills and demands against the district shall be Levy and
collection
of taxes.

audited, allowed and paid by the board of directors by warrants drawn on the county treasurer. The county treasurer shall pay them in the order in which they are presented.

Dissolution
of district

SEC. 11. Any such county fire protection district may be dissolved by the board of supervisors which formed it as in this act provided. Upon receiving a petition signed by twenty-five per cent of the owners of land within such district, requesting the dissolution thereof, the board of supervisors shall by resolution call an election which shall be called, noticed and conducted in all respects in a manner similar to that provided for with reference to the formation of such district. If it appears that a majority of the owners of land voting at said election have voted in favor of dissolution, the directors shall cause such facts to be entered upon their minutes and shall forward a copy of such entry to the board of supervisors of the county in which such district is situated, and shall also record a copy of such entry with the county recorder. On and after such filing and recording, such district shall be deemed dissolved; provided, that if at the time of the dissolution of said district there shall be any outstanding or bonded indebtedness of such district, then taxes for the payment of such bonds or other indebtedness shall be levied and collected, the same as if such district had not been dissolved and disincorporated, but for all other purposes such district shall be deemed dissolved from the time of the filing of said copy of such entry with the clerk of the board of supervisors and the recording of said copy of such entry with the county recorder.

Annexation,
etc. of
territory

Petition

SEC. 12. The boundaries of any county fire protection district formed under this act may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof in the following manner: The board of directors of any such district, upon receiving a written petition therefor containing a description of the territory proposed to be annexed (which said territory shall be contiguous to said district), and signed by not less than twenty per cent of the holders of title or evidences of title to lands within the territory proposed to be annexed and whose names appear as such on the last preceding county assessment roll, shall cause a notice of filing of such petition to be published in the same manner and for the same time as is required as to notices of the proposed formation of a county fire protection district under this act.

Notice of
filing

The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition: and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the offices of said board, at a time named in said notice, and show cause in writing, if any they have, why the proposed change in boundaries should not be made. The time specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of

time for the publication of the notice. The petitioners shall advance to the board sufficient money to pay the estimated costs of all proceedings.

The board of directors, at the time and place mentioned in said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all objections thereto presented in writing by any interested parties, who shall be holders of title or evidences of title to lands within the district or within the territory proposed to be annexed. Hearing

The board of directors to whom such petition is presented may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums as nearly as the same can be estimated (the several amounts to be determined by the board), as such petitioners or their grantors would have been required to pay such districts as taxes, had such lands been included in such district at the time the same was originally formed. Payment as condition of annexation

At such hearing, the board of directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion in said district. If the board of directors deem it for the best interest of the district that the boundaries of the district be changed as proposed or as such proposal may be altered by the exclusion of lands not benefited, the board shall submit the question of such change in boundaries at the next election to be held in such district and shall call an election to be held at the same time within the territory to be annexed. Notice of such elections shall be given in the same manner as that prescribed for annual elections of directors. The ballots cast at said election shall contain the words "For change of boundary" or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced. The qualifications for votes at such elections shall be the same as for other elections in the district and votes by proxy shall be allowed as in such other elections. Election on annexation, etc

The returns of the votes cast in said outside territory proposed to be annexed and in the district shall be canvassed separately and the board of directors shall cause a record of said canvass to be made and entered in its minutes. If it shall appear from such canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the board shall so find and upon the filing of a certified copy of such finding under seal of the district in the office of the county recorder, said territory shall be a part of said district. Canvass of votes.
Annexation.

CHAPTER 735.

An act to amend section 607 of the Penal Code, relating to the destroying or injuring of reclamation or drainage ditches.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Code
Amdts
1880, p 36
Destroying
or injuring
bridges,
dams, levees,
etc

SECTION 1. Section 607 of the Penal Code is hereby amended to read as follows:

607. Every person who wilfully and maliciously cuts, breaks, injures or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp, overflow, tide or marsh land, or to store or conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or wilfully or maliciously makes, or causes to be made, any aperture or plows up the bottom or sides in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same; or draws up, cuts or injures any piles fixed in the ground for the purpose of securing any sea bank, or sea walls, or any dock, quay or jetty, lock, or sea wall; or who, between the first day of October and the fifteenth day of April of each year, plows up or loosens the soil in the bed or on the side of any natural water course, reclamation or drainage ditch, with an intent to destroy the same without removing such soil within twenty-four hours from such water course, reclamation or drainage ditch, or who, between the fifteenth day of April and the first day of October of each year, shall plow up or loosen the soil in the bed or on the sides of such natural water course, reclamation or drainage ditch, with an intent to destroy the same and shall not remove therefrom the soil so plowed up or loosened before the first day of October next thereafter, is guilty of a misdemeanor, and upon conviction, punishable by a fine of not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in the county jail, not exceeding two years, or by both; provided that nothing in this section shall be construed so as to in any manner prohibit any person from digging or removing soil from any such water course, reclamation or drainage ditch, for the purpose of mining

CHAPTER 736.

An act to add a new section to the Political Code, to be numbered 4041.24a, relating to the withdrawal of county records.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 4041.24a, is hereby added to the Political Code, and to read as follows:

4041.24a. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors in their respective counties, have the jurisdiction and powers to permit non-profit incorporated historical societies to withdraw from the county records for exhibition purposes within the county any original document filed prior to January 1, 1876, when application for such withdrawal is made in writing by the authorized agent of such society, after preparing a certified copy at the applicant's expense, and filing it in place of the original.

CHAPTER 737.

An act to amend section 4 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for violation thereof," approved May 14, 1927, as amended.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for violation thereof." approved May 14, 1927, as amended, is hereby amended to read as follows:

Sec. 4. The applicant shall file with the application a bond which shall run to the people of the State of California. Such bond shall be executed and acknowledged by the applicant as principal, and by two natural persons as sureties, in which event the bond shall be in the sum of two thousand dollars, or by a corporation which is licensed by the insurance commissioner of this state to transact the business of fidelity and surety insurance, in which event the bond shall be in the sum of one thousand dollars. If the sureties are natural persons the bond must be approved by a judge of the superior

court of the county in which each resides and there shall be attached thereto the affidavit of each such sureties that he is a resident and a householder or freeholder within this state and is worth the sum of two thousand dollars, over and above all his just debts and liabilities, exclusive of property exempt from execution. In either case the bond shall be conditioned that the principal, who shall be the applicant, shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of such collection, in accordance with the terms of the agreement made between the said principal and the said customer, and conditioned that the principal will comply with all requirements of this or of any other statute now in force or hereafter enacted with respect to the duties, obligations and liabilities of collection agencies. Such bond shall cover all matters placed with said licensee during the term of said license so applied for, or renewal thereof and liability thereunder shall continue in accordance with the provisions of section 10. Such bond may be enforced in the manner provided for the enforcement of bonds and undertakings in actions or special proceedings.

CHAPTER 738.

An act to amend section 1161 of the Code of Civil Procedure, relating to unlawful detainer.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1907,
p 29

Unlawful
detainer
defined

1 Continu-
ing in pos-
session after
expiration
of term

2 Continu-
ing in pos-
session after
default in
payment
of rent.

SECTION 1. Section 1161 of the Code of Civil Procedure is hereby amended to read as follows:

1161. A tenant of real property, for a term less than life, is guilty of unlawful detainer:

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; including a case where the person to be removed became the occupant of the premises as a servant or employee and the relation of master and servant or employer and employee has been lawfully terminated, or the time fixed for such occupancy by the agreement between the parties has expired; but nothing in this subdivision contained shall be construed as preventing the removal of such occupant in any other lawful manner; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code.

2. When he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under

which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him and if there is a subtenant in actual occupation of the premises, also upon such subtenant.

Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of the term without any demand of possession or notice to quit by the landlord or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord or the successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year.

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also, upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided if the conditions and covenants of the lease, violated by the lessee, can not afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated conditions or covenants of the lease.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant, in case of his unlawful detention of the premises underlet to him.

4. Any tenant or subtenant assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of his lease, thereby terminates the lease, and the landlord, or his successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provision of this chapter.

Tenancy upon agricultural lands

3 Continuing in possession after failure to perform conditions of lease

Proceedings against subtenant

4 Assigning, etc., in breach of lease

CHAPTER 739.

An act to amend sections 1012 and 1013, of the Code of Civil Procedure, and to add section 1013a thereto, relating to service by mail.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Code
Amdts
1873-4,
p 343
Service by
mail, when

SECTION 1. Section 1012 of the Code of Civil Procedure is hereby amended to read as follows:

1012. Service by mail may be made where the person on whom it is to be made resides or has his office at a place where there is a delivery service by mail, or where the person making the service and the person on whom it is to be made reside or have their offices in different places between which there is a regular communication by mail.

Stats 1929,
p 846.

SEC. 2. Section 1013 of the Code of Civil Procedure is hereby amended to read as follows:

Service by
mail, how
made

1013. In case of service by mail, the notice or other paper must be deposited in the United States post office, in a sealed envelope, with postage paid, addressed to the person on whom it is to be served, at his office address as last given by him on any document which he has filed in the cause and served on the party making service by mail; otherwise at his place of residence. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done, is extended one day, together with one day additional for every full one hundred miles distance between the place of deposit and the place of address, if served by different post offices, but such extension shall not exceed thirty days in all.

New section

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be known as section 1013a, to read as follows:

Proof of
service.

1013a. Proof of service by mail may be made by affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a citizen of the United States and resident in the county where the mailing occurs, that he is over the age of eighteen years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid, and that there is delivery service by United States mail at the place so addressed, or that there is regular communication by mail between the place of mailing and the place so addressed.

CHAPTER 740.

An act to amend section 1461a of the Penal Code, relating to procedure in misdemeanor cases filed in municipal courts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1461a of the Penal Code is hereby amended to read as follows: Stats 1925, p 943.

1461a. The procedure to be followed in misdemeanor cases filed in municipal courts, over which such courts have jurisdiction, shall be the same as that provided for in this chapter for proceedings in justices' and police courts, as specifically provided in sections numbered 1426 to 1460 inclusive, (except sections 1428, 1431 and 1432), in so far as the same may be applicable to such municipal courts, except where other provisions of law provide for different procedure in municipal courts in such cases, in which event such other provisions shall control. Municipal courts procedure

CHAPTER 741.

An act to add a new section to the Penal Code, to be numbered 1428a, relating to minutes in municipal courts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 1428a, is hereby added to the Penal Code, to read as follows: New section.

1428a. In each municipal court there shall be kept a minute book in which the clerk of the court shall enter the title of each case or proceeding and all orders and proceedings therein. Municipal courts minute book

CHAPTER 742.

An act to amend section 27 of the state civil service act and to add a new section thereto to be numbered 26a, relating to preference to disabled veterans. Stats 1913, p 1035, amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the state civil service act to be numbered 26a and to read as follows: New section

Sec. 26a. The term, disabled veteran, as used in this act means and includes any person who has served in the United States army, navy or marine corps in time of war or in any Disabled veteran defined.

expedition of the armed forces of the United States, and received an honorable discharge or certificate of honorable act of service, proof of which shall be submitted to the civil service commission at the time of examination, and who was disabled as a result of such service. Proof of such disability shall be deemed conclusive if the same be of record in the United States veterans administration.

Stats 1921,
p 958

SEC. 2. Section 27 of said act is hereby amended to read as follows:

Preference
for veterans

Sec. 27. The civil service commission shall by rule establish preference for veterans as follows: In the case of entrance examinations to establish eligible lists for policemen and watchmen, veterans who become eligible for appointment by attaining the passing mark established for the examination, and whose service as veterans exceeds three months, shall be classified on such eligible lists in the relative order of the individual ratings attained, and ahead of all nonveterans passing such examinations, and shall be eligible for appointment on the basis of such order of standing on such eligible lists.

In the case of all other entrance examinations, veterans with thirty days or more of service, and widows of veterans who were married to such veterans on or before November 11, 1918, who become eligible for appointment by attaining the passing mark established for the examination, shall be allowed an additional credit of five points, provided that disabled veterans shall be allowed an additional credit of ten points, which shall be added to the percentages attained in such examinations by such veterans, and they shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after such credit of five points, or ten points in the case of disabled veterans, shall have been added. All ties shall be decided in favor of veterans; provided, however, in the case of promotional examinations, a credit of three points shall be allowed to veterans and widows of veterans who were married to such veterans on or before November 11, 1918.

The civil service commission, for specific state services or employments, as determined by the commission, may, in examination, allow general or individual preferences in rating to veterans who have suffered permanent disability in line of duty; provided, that such disability would not prevent the proper performance of the duties required under such service or employment, and provided that such disability was of record in the files of the war department as of July 1, 1920.

In the case of examination to establish eligible lists for artisans, and in which credits are allowed for experience as a journeyman, periods of service in the armed forces of the United States, whether as artisan or otherwise, shall be counted by the commission as journeyman experience.

CHAPTER 743.

An act to amend sections 7, 7a and 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation therefor.

Stats. 1925,
p. 648,
amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of an act entitled "An act authorizing establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended to read as follows:

Stats. 1929,
p. 1336

Sec. 7. The municipal court in a city or city and county of the first and one-half class shall be constituted and the judges, officers and attaches thereof shall be as herein enumerated and shall receive the compensation herein fixed, as follows:

Municipal
courts cities
of first and
one-half
class (Los
Angeles).

There shall be thirty judges, each of whom shall receive seven thousand five hundred dollars per annum, payable in equal monthly installments; one clerk to be appointed by the judges of the court who shall receive five hundred dollars per month; one marshal to be appointed by the judges of the court, who shall receive five hundred dollars per month; one referee to be appointed by the judges of the court who shall receive three hundred twenty-five dollars per month.

SEC. 2. Section 7a of said act, as amended, is hereby amended to read as follows:

Stats. 1929,
p. 1336.

Sec. 7a. The clerk of the municipal court in cities of the first and one-half class shall appoint the following deputies and attaches who shall each receive as monthly compensation the sum set opposite the title of their respective offices or positions:

Same clerk,
etc.

One chief deputy clerk, four hundred dollars;

One deputy clerk (chief clerk traffic department), three hundred twenty-five dollars;

One deputy clerk (chief clerk civil department), three hundred twenty-five dollars;

One deputy clerk (chief clerk criminal department), three hundred twenty-five dollars;

Three deputy clerks, two hundred fifty dollars;

One deputy clerk, two hundred seventy-five dollars;

One deputy clerk (secretary to presiding judge who shall also act as jury commissioner), three hundred twenty-five dollars;

Thirty-eight deputy clerks, two hundred twenty-five dollars;

Twenty deputy clerks, one hundred seventy-five dollars;

Eight deputy clerks, one hundred sixty dollars;

Thirty-six deputy clerks, one hundred fifty dollars;

Thirty-two deputy clerks, one hundred thirty dollars;

Four deputy clerks, one hundred twenty-five dollars.

SEC. 3. Section 7b of said act, as amended, is hereby amended to read as follows:

Same marshal, etc

Sec. 7b: The marshal of the municipal court in cities of the first and one-half class shall appoint the following deputies and attaches who shall receive as monthly compensation the sums set opposite the title of their respective offices or positions:

One assistant marshal at three hundred fifty dollars; one deputy (chief clerk) at two hundred fifty dollars;

Two deputies at two hundred twenty-five dollars;

Two deputies at two hundred dollars;

Two deputies at one hundred ninety dollars;

Forty-eight deputies at one hundred seventy-five dollars;

One deputy at one hundred sixty-five dollars;

Six deputies at one hundred fifty dollars;

Six deputies at one hundred thirty dollars;

One hundred deputy marshals (custodians), five dollars per day.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

In addition to the salaries in this section above provided, the marshal and deputy marshals shall be allowed their necessary incidental expenses incurred in the performance of their duty. They may be furnished with automobiles at public expense for use in the service of writs and process or may in lieu of other traveling expenses be allowed not to exceed six cents per mile for the operation of automobiles furnished by themselves while actually used on public business in the performance of their duty.

CHAPTER 744.

An act to amend sections 2, 4, 5, 8, 9, 10, 40 and 41 of an act entitled "Acquisition and improvement act of 1925," approved May 23, 1925, statutes 1925, page 849, as amended, relating to acquisition and improvement of property, limiting the amount of special assessments that may be imposed, providing that the bar of a majority protest can not be overruled, relating to the form of protests, relating to the manner of collection of special assessment taxes and providing for the acceptance of matured unpaid bonds and interest coupons in payment for property sold for delinquency in the payment of special assessment taxes of the district for which such bond was issued.

Stats. 1925,
p 849,
amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of an act entitled "Acquisition and improvement act of 1925." approved May 23, 1925, statutes 1925, page 849, as amended, is hereby amended to read as follows:

Stats. 1925,
p 849.

Sec. 2. Whenever the public interest or convenience may require, the legislative body of any county and the legislative body of any municipality are hereby severally authorized and empowered to order the acquisition, or improvement (as those terms are defined hereafter in this act), or both such acquisition and improvement, of any one or more of the public ways, or of property or of rights of way of the public over which they are herein invested with jurisdiction. Separate proceedings may be had and taken for such an acquisition or improvement or both such acquisition and improvement may be included within and consummated in a single proceeding. Where the latter procedure is followed, public ways already acquired, as well as the whole or a portion of those to be acquired under the proceeding, may be improved under the one proceeding. The acquisitions and improvements above provided for may comprehend and include the whole or any portion or portions, either in length or in width, of any one or more of such public ways, property and rights of way, whether the same are contiguous or otherwise and neither the various items of the improvement or improvements, nor of the acquisition or acquisitions, nor the improvement and acquisition as a whole, included in a proceeding need be contiguous or coterminous. In addition to the above authority, power and jurisdiction, there is hereby granted the following authority, power and jurisdiction: To issue and sell, or otherwise dispose of, bonds representing the cost and expenses of any such acquisitions and improvements, as in this act hereafter provided; to constitute a fund for the

Authority to
acquire and
improve.

Bonds, etc

Jurisdiction
of county.

payment of such bonds as in this act hereafter provided and to levy and collect special assessment taxes upon districts as in this act hereafter provided; to establish such districts and determine their boundaries and to establish and fix the boundaries of zones therein, as in this act hereafter provided; to establish grades for the doing of any work or the making of any improvement authorized in this act, as in this act hereafter provided; to make transfers of money from county funds or funds of the municipality to such special funds as are in this act hereafter provided; to purchase material and furnish the same to be used in any of the improvements comprehended in this act, as in this act hereafter provided; to make direct contributions of money in part payment of the expenses of any one or more or all of the acquisitions and improvements comprehended in this act; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions and improvements, as in this act hereafter provided; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act. The jurisdiction of the legislative body of a county shall extend over and it shall have said power and authority to acquire and improve public ways within the boundaries of such county, and also those forming the exterior boundary of any municipality or municipalities where the same join unincorporated territory of the county, and also public ways and publicly owned property lying within one or more municipalities, where, in the case of an acquisition, the proposed acquisition, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public any public way or ways or public property in unincorporated territory of the county already acquired or to be acquired under the proceeding; and where, in the case of an improvement, the proposed improvement, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public any existing improvements in or on any public way or ways or public property in unincorporated territory of the county, or any improvements to be made under the proceeding; provided, that the consent of the legislative body or bodies of such municipality or municipalities, within the boundaries of which such public ways and property lie, shall first be obtained thereto and to the assessment of the property therein, which, in the opinion of the legislative body of the county, will be benefited thereby. Likewise, the jurisdiction of the legislative body of a municipality shall be extended over and it shall have said power and authority to acquire and improve public ways within the boundaries of such municipality, and also those forming its exterior boundaries where it joins unincorporated territory of the county or the territory of another municipality, and also public ways and public property lying within unincorporated territory of a county and of one or

Jurisdiction
of city.

more other municipalities, where, in the case of an acquisition, the proposed acquisition, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public, any public way or ways or public property within the municipality for which said legislative body functions, whether already acquired or to be acquired under the proceeding; and where, in the case of an improvement, the proposed improvement, in the judgment of said legislative body, is necessary or proper to complete, connect with, or render of greater use to the public any existing improvements in or on any public way or ways or public property within said municipality, or any improvements to be made under the proceeding; provided, that the consent of the legislative body or bodies of the county and of such other municipality or municipalities within the boundaries of which such ways and property lie, expressed by resolution, shall first be obtained thereto and to the assessment of the property therein, which, in the judgment of the legislative body of the municipality conducting the proceeding will be benefited thereby. The true intent and meaning of the above provisions for such acquisitions and improvements is that the necessary jurisdiction and power for the consummation thereof shall be vested in, and proceedings therefor may be had and taken by, the legislative body either of the county or of any municipality in which the public interest or convenience is affected thereby and that each of said legislative bodies shall have concurrent jurisdiction to initiate such proceedings; provided, that the legislative body initiating the proceeding and adopting the resolution of intention therefor, as hereinafter provided, shall thereafter have exclusive jurisdiction of the proceeding and of all acquisitions and improvements comprehended therein, for the purposes of consummating the same.

Concurrent
jurisdiction

The legislative body initiating a proceeding under the provisions of this act, in addition to the authority, power and jurisdiction hereinbefore granted, shall have jurisdiction and power to include within the boundaries of an assessment district created pursuant to the provisions of this act lands lying within the boundaries of one or more municipalities and in the unincorporated territory of a county when such lands, in the opinion of the legislative body initiating the proceeding, will be benefited by the proposed acquisition or improvement or both, whether such acquisition and/or improvement lies partly or wholly within or without the municipality or municipalities or the unincorporated territory of the county, of which such benefited lands form a part; provided that the consent to the inclusion of the lands lying within a municipality shall be granted by resolution of the legislative body of such municipality; and the consent to the inclusion of lands lying within the unincorporated territory of a county shall be granted by resolution of the legislative body of such county.

Additional
powers

Stats 1927,
p 1358

SEC. 2. Section 4 of said "Acquisition and improvement act of 1925," as amended, is hereby amended to read as follows:

Improve
ments spec-
ifications

SEC. 4. The legislative body desiring to initiate proceedings for the making of any acquisition or improvement, or both an acquisition and improvement, under the provisions of this act, may, by an order to be entered upon its minutes, designate some county officer, if the legislative body be that of a county, or some municipal officer, if it be that of a municipality, or some other competent person, in either case, and direct him to prepare and furnish specifications for the proposed acquisition or improvement, or both. The said specifications, in the case of an improvement, shall include all plans, profiles, cross sections and specifications necessary therefor, together with a statement of the estimated cost of the improvement (inclusive of incidental expenses and costs of the proceeding), a description of the district to be benefited by the proposed improvement and a map or plat showing the same and also the different zones within said district (if any are necessary because of varying benefits) containing the lands to be benefited in like measure but in a different measure from those in other zones therein, with a statement as to what percentage of the sum to be raised each year for the payments on the principal and interest of the bonds should be raised from each zone, and a statement of the total assessed value of the lands within said district and in each zone therein and shall show the grades to which the contemplated improvements are to be constructed. In the case of an acquisition, the said specifications shall include descriptions of all property to be acquired, together with a map or plat showing the same, the total sum of the estimated expense of said acquisition (which expenses shall include the estimated amount of just compensation and damages, the estimated expenses chargeable to the plaintiff in the condemnation action, and the estimated incidental expenses of the proceeding) and a description of the district to be benefited by the proposed acquisition and a map or plat thereof; and the other matters relating to zones and percentages and assessed value of the lands in said district and each zone therein as above required in the case of improvements. In the event that the contemplated proceeding includes both an acquisition and improvement, all of the above requirements shall be included in the specifications; the district, zones and percentages set forth to comprehend both the contemplated acquisition and improvement. Said specifications shall be signed by the person designated and directed to prepare them and be presented to the legislative body ordering them. Said legislative body shall examine the said specifications and may approve them or order modifications or changes to be made therein. When approved by the legislative body they shall be filed with the clerk of said body. At any time before the adoption of a resolution of

intention the specifications may be corrected or modified by the order of said body.

Such legislative body shall not have jurisdiction to adopt a resolution of intention in any case unless the specifications as finally corrected or modified shall show that the estimated cost of any acquisition or improvement, or both, less any amount proposed to be paid toward such cost from a source other than special assessments upon the lands proposed to be specially assessed, will not exceed one-half the aggregate assessed value of such lands, and that the net amount to be paid by special assessment in any zone in the proposed district will not exceed the aggregate assessed value of the lands in such zone, unless said legislative body shall find by the unanimous vote of all the members thereof entered upon its minutes that the proposed project is feasible, and that the lands to be assessed will be able to carry the burden of such proposed assessment. The assessed value shall be the value shown upon the last equalized assessment roll of the county or municipality, the legislative body of which is conducting the proceeding, except that where the proposed district lies partly in incorporated and partly in unincorporated territory or within the territory of two municipalities, the last equalized county assessment roll shall be used. If the assessed value of any parcel of land is not separately shown upon said assessment roll, an estimated assessed value of such parcel shall be made by the city or county assessor and such estimate shall be considered the assessed value of such parcel for the purposes of this act.

Resolution
of intention.
limitations

If a statute known as "Special assessment investigation, limitation and majority protest act of 1931" shall become law, the provisions of such statute shall apply to all proceedings under this act, except that such statute shall not operate to permit any proceeding which this section would require to be abandoned, and in no proceeding under this act may the limitations provided in this section or by said statute be exceeded except by such unanimous vote of the legislative body.

Stats 1931,
Ch 642

The limitations hereby imposed shall not apply to any proceeding in which an ordinance or resolution of intention has been finally adopted before the date when this section as amended in 1931 shall become effective.

Any error or informality in the appointment of any officer or other person to prepare specifications, or the omission of a formal order of appointment altogether, shall not invalidate or in any way affect the proceedings.

Errors and
informal-
ties

In case the consent of any legislative body other than the one conducting the proceeding is required, as provided in section 2 of this act, then, after the specifications shall have been approved and filed, the legislative body conducting the proceeding shall, by resolution, request such consent (or consents, if more than one is necessary), and a copy of the resolution requesting such consent, together with a copy of the specifications, shall be filed with the legislative body, or bodies,

Consent.

whose consent is requested. Such legislative body, or bodies, may consent by resolution.

Stats 1927,
p 1359.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Resolution
of intention

Sec. 5. Before ordering any acquisition or any improvement authorized by this act, the legislative body which is to conduct the proceeding shall adopt a resolution of intention so to do, referring to the public way, in the case of a public way already acquired, by its lawful or official name, or the name by which it is commonly known, and, in the case of a public way to be acquired under the proceeding, by the name by which such public way is to be called upon its acquisition, which name shall thereby be fixed and established, and when the acquisition or improvement is of property or a right of way owned or to be acquired by the public, then by briefly describing the said property or right of way. No proceedings for any improvement taken or had under this act shall ever be held to be invalid on the ground that the public way or ways, or any portion thereof, upon which the work or improvement, or any part thereof, is to be or was done has not been dedicated or acquired; provided, the same is lawfully dedicated or acquired or an order of immediate possession and use thereof has been obtained at any time before judgment is entered in the suit involving such proceeding. In the case of an acquisition,

Acquisition

the resolution shall briefly set forth that a public way or property or right of way, naming or otherwise briefly describing it, is to be acquired, state the purpose of such acquisition, and describe the property necessary or convenient to be taken therefor, and refer to the specifications on file for all details and for the estimated expense of the acquisition. It shall be determined in said resolution that the public interest and necessity require the acquisition therein set forth, and that said property to be taken is necessary therefor. Said resolution, in the case of an acquisition, shall be adopted by a vote of two-thirds of the members of said legislative body. In the case of an improvement, said resolution shall determine that the public interest and necessity require the improvement set forth in the resolution and shall briefly describe the improvement, it being sufficient to state in general terms the class or kind of work contemplated, (such as grading, paving, sewer-ing, or other work or improvement), and to give in general the location of the proposed improvement and refer to the plans, profiles, detail drawings and specifications therefor, or such of them as may be suitable or proper, (which shall be approved by said legislative body and be on file in the office of the clerk thereof at the time of the adoption of said resolution), for the estimated cost of the improvement, (inclusive of incidental expenses and costs of the proceeding), for a full and detailed description and location of said proposed improvement, and of the grades to which said improvement is to be constructed. Said resolution shall contain the following statement: "The notice of all persons affected is directed to the grades for the

Improve-
ment.

Statements
required

proposed improvement and to the provisions of the acquisition and improvement act of 1925 relating to grades," and in cases where the construction of the proposed improvement will result in a substantial change, (considered with reference to existing physical conditions), with respect to the relation of the elevation of any abutting property to that of the public way as it will exist upon being improved to the proposed grade, there shall be included in said statement the following: "Particular notice is directed to the fact that substantial changes in the relation of the elevation of abutting property to that of said public way, (or ways), as it, (or they), will exist after being improved, will result from the construction of the above-mentioned improvements to the proposed grades" If the doing of the work shall require a change of grade of any railroad track or tracks, the legislative body shall direct the clerk to mail to the owner or reputed owner and/or operator or reputed operator thereof, at its last known address as the same appears on the tax rolls of the city or county, the legislative body of which is conducting the proceeding, or when no address so appears then to such owner and/or operator in case of general delivery in such city or county and to the California railroad commission, printed copies of the resolution of intention within five days after the first publication thereof. Failure to mail said copies or failure of any such owner and/or operator to receive the same or any erroneous address thereon shall not affect the jurisdiction of the legislative body, but in such event the failure of the owner and/or operator of such tracks to make objection to the proposed grades shall not be deemed to be a waiver of all objections to the proposed grades or proposed change or modification of grade, nor operate as a bar to any claim for damages, if recoverable damages there be. If both an acquisition and improvement are contemplated in the same proceeding, one resolution of intention, containing the above requirements in the respective cases, shall be sufficient. Said resolution shall also contain a description of the district of the lands to be benefited by said proposed improvement or acquisition, or both, as the case may be, which shall be known thereafter and which will in this act hereafter be referred to as the "assessment district." Each proceeding under this act may, for convenience, be entitled, and such entitling shall be sufficient for all purposes: "In the matter of acquisition and improvement district No. ----- of the county, (or city, as the case may be), of -----," (giving a different number to each district for which a proceeding is had), and a like designation of the district, (omitting the words "in the matter of"), shall be a sufficient designation of the district at all times and for all purposes. The said description of the assessment district may be in general terms, referring to a plat or map approved by the legislative body conducting the proceeding, which shall be on file in the office of

District

Title of proceeding.

the clerk of such legislative body at the time of the adoption of said resolution of intention, and which shall indicate by a boundary line the extent of the territory to be included in the proposed assessment district, which said plat or map shall govern for all details as to the extent of said assessment district. Said resolution shall also contain a statement that, for the expenses of the things therein proposed to be done bonds will be issued to the total amount of the same, excepting the amount, if any, to be contributed thereto by the county or municipality in money or by the furnishing of materials therefor, said bonds to bear interest at the rate of -----, (not to exceed eight), per cent per annum, payable semiannually, the first interest payment to be made on the second day of January or the second day of July, (whichever month first succeeds the date of the bonds), next succeeding one year after the date of such bonds, and the aggregate principal of all bonds issued under the proceeding to be paid and discharged within -----, (not to exceed thirty), ----- years after the date of issuance, approximately one-----, (not less than one-twenty-ninth), ----- part of such aggregate principal to be payable annually, all in gold coin and that a special fund for the payment of said bonds will be constituted by the levy of special assessment taxes upon the lands within the assessment district, in accordance with the provisions of this act, according to the assessed value of said lands, exclusive of the improvements thereon, except as otherwise in this act provided. The first payment on the aggregate principal of said bonds will be made two years after the issuance of said bonds; provided, however, that if the legislative body so determine, it shall include in said resolution a statement that the first payment on the aggregate principal of the bonds issued will be made ----- (not to exceed five) years after the issuance thereof.

Bonds
maturity

The time within which the acquisition bonds and immediate possession bonds to be issued under the proceeding shall be paid and discharged may differ from the time within which the improvement bonds issued under the proceeding may be paid and discharged, in which case the resolution of intention shall state all matters as to the time within which the bonds issued under the proceeding will be paid and discharged as hereinbefore required, both for the improvement bonds and also for all acquisition bonds and immediate possession bonds, if any.

Interest

Said resolution of intention may provide that the interest rate to be paid on all acquisition bonds and immediate possession bonds, if any, which shall be issued under the proceedings shall not exceed a maximum rate to be stated in said resolution, which maximum rate shall not exceed eight per cent per annum, payable semiannually; and, if such maximum rate be provided for in the case of acquisition bonds and immediate possession bonds, without giving the final and

exact interest rate at which such bonds will eventually be issued and sold, said resolution shall contain a statement thereof with respect to such bonds, in lieu of the statement hereinbefore in this section provided.

The lands upon which said special assessment taxes shall be levied shall be all those lying within the assessment district, including any lands which are the operative property of any public utility, except as otherwise provided in this section; provided, said lands shall not include any lands belonging to the United States government or the State of California, but shall include all lands belonging to a county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, included within the assessment district, whether being in use in the performance of any public function or otherwise; provided, however, that the legislative body conducting the proceedings may, in the resolution of intention, declare that any land or lands, describing the same, belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, lying within the assessment district, or any of them, shall be omitted from the said district and from the levy and collection of the special assessment taxes thereafter to be levied and collected to cover the expenses of the acquisition or improvement, or both, as the case may be, and in the event that said lands or any of them shall by said resolution be so omitted then the total expenses of the things done in the proceeding shall be met by the levying and collection of such special assessment taxes upon and from the remaining lands within the assessment district, without regard to such omitted lands. In order that any such lands may be so omitted, however, it must be determined and set forth in the resolution of intention that such lands are in use in the performance of a public function.

If, in the judgment of the legislative body conducting the proceeding, varying benefits to be derived by the different parcels of land lying within the assessment district so require, the said district may be divided into zones according to benefits. Said district may be divided into as many zones—up to the total number of parcels of land in the district—as may be deemed necessary, and each zone shall be composed of and include all the lands within the district which will be benefited in like measure. Said legislative body shall also determine the percentage of the sum to be raised each year by the levy and collection of said special assessment taxes in said district for the payments on the principal and interest of the bonds, which will be raised from the lands in each zone. When the district is divided into such zones the resolution of intention shall so state, giving said percentages to be raised from the lands in each zone. Each zone shall be designated by a different letter or number and shall be plainly shown upon the map

or plat of the assessment district filed in the office of the clerk of said legislative body and referred to in the resolution of intention, either by separate boundaries, coloring, or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located. It shall be sufficient in all cases where the assessment district is to be divided into such zones according to benefits if the resolution of intention states that fact and refers to said plat or map for the boundaries and all details concerning the said zones.

Grade
crossings

In those cases where the improvement consists entirely of a separation of grades at any crossing of a street railroad, inter-urban railroad or railroad by any public way, or vice versa, as provided in section 50 hereof, all operative property owned or operated by the public utility which owns or operates the said railroad shall be omitted from the district and from the levy and collection of special assessment taxes therefor where any part of the cost and expense of such construction is to be, or has been, under an order of the railroad commission of this state, or pursuant to the provisions of any franchise owned or operated by such public utility, borne or paid by such public utility; but where the work of constructing such grade separation, a part of the cost of which is so borne or paid by such public utility, constitutes only a part of the improvement or improvement and acquisition included in the proceeding, the operative property owned and operated by such public utility in the district shall be separately zoned to relieve such property from the levy and collection of any special assessment taxes to cover the expense, as estimated, of the construction of such grade separation, and the percentage assigned to such zone shall represent only the proportionate part of the benefits accruing to such property from the remainder of such improvement or improvement and acquisition, exclusive of the estimated cost and expense of such grade separation.

Hearing of
objections

Said resolution shall contain a notice of a day, hour and place (to be fixed therein) when and where any and all persons having any objections to the proposed acquisition or improvement, or both (if both be included in the proceeding), to the proposed grades to which the improvement (if any) is to be constructed, to the extent of the assessment district, to the zones (if any) into which said district is to be divided, or to the percentages to be raised from each of said zones, or to any or all of the foregoing, may appear before the legislative body conducting the proceeding and be heard. Said time shall not be less than eighteen nor more than sixty days from the date of the adoption of said resolution. The clerk of said legislative body shall cause said resolution of intention to be published by at least two insertions. The date of the first publication shall not be less than fifteen days before the day fixed in said resolution for said hearing.

SEC. 4. Section 8 of said act is hereby amended to read as follows: Stats. 1925,
p 849.

Sec. 8. After the adoption of the resolution of intention the superintendent of work shall cause to be conspicuously posted along the line of said contemplated work or improvement, if an improvement is contemplated, and along the line of the property to be acquired, if an acquisition is contemplated, and on all the open streets within the district to be assessed for such acquisition and/or improvement, at not more than three hundred feet in distance apart but not less than three in all, notices of the adoption of said resolution; provided, however, that the failure to post any or all of said notices shall in no event affect the validity of the proceedings or the jurisdiction and power of the legislative body to order the acquisition or improvement, or both. Said notices shall be entitled "Notice of public improvement" in letters of not less than one inch in length; and shall, in legible characters, state the fact of the adoption of the resolution of intention, its date, and briefly and in general terms, the improvement or acquisition, or both, as the case may be, proposed, and refer to the resolution of intention for further particulars. The said notices need not contain a description of the assessment district described in the resolution of intention but may refer to said resolution therefor. Said notices shall contain a statement of the estimated cost of the proposed acquisition or improvement or both. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed improvement or acquisition, or both, as the case may be, or to the grade or grades to which the improvement is proposed to be constructed, or to the extent of the assessment district, or to the zones, if any, into which such district is divided, or to the percentages to be raised from each of such zones, or to any or all of the foregoing, may appear before the legislative body and be heard. If deemed advisable and the legislative body so orders, said notices may consist of printed copies of the resolution of intention entitled as above provided, and the same shall be sufficient for all purposes of said notice, but shall include a statement of the estimated cost of the proposed acquisition or improvement or both.

The legislative body shall direct the clerk thereof to mail post card notices of the adoption of the resolution of intention to the owners of real property located within the assessment district whose names and addresses appear on the last equalized assessment roll for general taxes prior thereto or as known to the clerk (if any of said property is located within unincorporated territory then the clerk shall refer to the county assessment roll, otherwise he shall refer to the assessment roll of the city in which the property is located), but the mailing of such notices shall not be essential to obtaining jurisdiction by the legislative body and the failure so to do shall not affect in any manner the validity of any proceedings.

Notice of
intention to
acquire or
improve

Notices
mailing.

taken hereunder. Such post card notice shall contain a statement of the time, place and purpose of the hearing on the resolution of intention and a statement of the total estimated cost of the proposed acquisition or improvement or both together with a statement that any person interested may file protest as provided in this act. Said post card shall be mailed at least fifteen days prior to the date fixed for said hearing.

Affidavits

The legislative body shall require affidavits to be filed showing the posting of notices and the mailing of post cards before it adopts the resolution ordering the improvement.

Stats 1927,
p. 1365

Sec. 5. Section 9 of said "Acquisition and improvement act of 1925," as amended, is hereby amended to read as follows:

Filing and
hearing of
objections

Sec. 9. At any time not later than the hour set for hearing objections as provided in the preceding section, any owner of land within the boundaries of the assessment district as set forth in said resolution may, severally, or with other such owners, file with the clerk of the legislative body conducting the proceedings written objection to the thing or things proposed to be done, whether it be an improvement or acquisition, or both, or to the grade or grades to which the improvement is proposed to be constructed, or to the extent of the assessment district, or to the zones, if any, into which the said district is divided, or to the percentages proposed to be raised from each of said zones, or to any or all of the foregoing. Upon such hearing all objections and protests to the doing of the thing or things proposed to be done shall be heard and considered. If upon said hearing it appears that the owners of more than one-half of the area of the property included within the entire assessment district, as proposed, have in writing made objection to the doing of the thing or things proposed to be done, i. e., the improvement or acquisition, or both, as the case may be, in their entirety, and to the ordering of the same, the legislative body shall, by a resolution to be entered upon its minutes, so find and thereupon such legislative body shall have no power to proceed further under said resolution of intention nor to adopt any resolution for doing the same thing or things during a period of one year next succeeding the time of such finding. In order that such objections operate as a bar, as aforesaid, they must specifically state that the objections are to the doing of the thing or things proposed in their entirety and not merely to some item, class, kind or part of the thing or things proposed to be done. If the fact be that the owners of more than one-half of the area of the property included within the entire district as proposed have not so in writing made objection going to the ordering of the thing or things proposed to be done, as an entirety, the legislative body shall so find, and may thereupon proceed with the hearing, but such finding need not be in writing and may, for the purpose of proceeding with the hearing, be a mere announcement of the body. Next shall be heard, in any order desired by such body, such

objections as shall be made to the extent of the district and to the zones, if any, into which said district is divided and to the percentages to be raised therefrom as set forth in the resolution of intention, and objections to the grade or grades to which the improvement is proposed to be constructed.

The hearing may be continued from time to time by the legislative body by an order to be entered upon its minutes.

Owners of land within the meaning of this section are those, and those only, who appear to be such upon the records in the recorder's office of the county in which the district is situated on the day before the day set for said hearing, and an executor or administrator shall be deemed representative of his decedent, and a trustee of an express trust in land, other than as security for the payment of money, of the land held in such trust, and a trustee in bankruptcy of the bankrupt, and a guardian of his ward. Owners of land within the meaning of this section shall also include any person who holds a valid contract to purchase land, which fact must either be shown to be such upon the records in said recorder's office or the owner signing the protest must exhibit his contract to purchase; provided, however, that if both the owner of record and the contract purchaser shall present protests for the same land, only one protest shall be counted. The objection of any owner may be made by the signature of his agent; provided, that there must be attached to the objection the affidavit of the agent that he is duly authorized to sign said objection. Every written objection must contain a description of the property in which each signer thereof is interested sufficient to identify it, and must set forth the nature of his interest therein and, if signed by more than one objector, must be accompanied by the affidavit of one of the signers thereto that each signature thereto is the genuine signature of the person whose name is thereto subscribed. No informality or technical insufficiency in the form of any protest shall invalidate such protest if such protest shall be sufficient to identify the property in which the signer is interested, to show that such protest is based upon a ground or grounds authorized hereby and to show that such signer is entitled to file such protest.

SEC. 6. Section 10 of said "Acquisition and improvement act of 1925," as amended, is hereby amended to read as follows:

Sec. 10. Unless the power to proceed shall have ceased, as hereinbefore provided, the legislative body shall in conclusion of the aforementioned hearing and as a determination of all questions arising thereat, by resolution to be entered upon its minutes, declare its finding that the owners of more than one-half of the area of the property included in the assessment district have not made written objection going to the entirety of the thing or things proposed to be done. Said legislative body may at the conclusion of the hearing thereon and in said resolution determine the extent and boundaries of the assess-

Who may
object.

Objection
form

Stats 1925,
p 849

Declaration
of findings

ment district and may exclude from the district described in the resolution of intention any parcels of land which it may find will not be benefited by the doing of the thing or things proposed to be done. It may also change or modify the zones, if any, into which said district is divided, so that each zone shall be composed of the lands within said district which will be benefited in like measure; and it may also change the percentage of the amount to be raised in each such zone, so that such zoning and the raising of the special assessment taxes therefrom shall best, in its judgment, reflect the benefits to be derived by the parcels of land included therein. If no changes be made in the boundaries of the assessment district, as the same are set forth in the resolution of intention, or no changes are made in the zones or the percentages to be raised therefrom as set forth in said resolution, it shall be sufficient to state that the boundaries of the district, the zones and the percentages to be raised therefrom, are those set forth in the resolution of intention; but if any changes be made in the boundaries of the assessment district, the boundaries as finally determined shall be fully set forth in said resolution, and the plat or map of the assessment district on file in the office of the clerk of said legislative body and referred to in the resolution of intention shall be made to show said boundaries as finally determined, and if any changes be made in the zones referred to in the resolution of intention, the description of the boundaries of said zones, as finally determined, shall be fully set forth, and said plat or map on file in the office of the clerk of the legislative body shall be changed to show the boundaries of said zones as finally determined, and, if any changes be made in the percentages to be raised from the several zones, the resolution shall so state, giving the percentage to be raised from each zone, as finally determined. The boundaries of the district, as the same are set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within its boundaries as set forth in said resolution.

Change of
grades.

Said legislative body may also change or modify the grades as set forth in the plans and specifications and referred to in the resolution of intention. If no change or modification be made as to the grades, as the same are set forth in the plans and specifications and referred to in the resolution of intention, it shall be sufficient to state in the resolution adopted at the conclusion of said hearing, that the grades as finally determined, are those set forth in such plans and specifications, but if any changes are made in the grades, as set forth in the plans and specifications and referred to in the resolution of intention, such changes shall be set forth in said resolution adopted at the conclusion of said hearing.

Vote
required.

If any changes or modifications be made in the boundaries of the assessment district, the zones, the percentages to be raised from the several zones, the grades, or any or all of the foregoing, such changes or modifications shall be made by a four-fifths vote of the legislative body.

The boundaries of the assessment district, the location and extent of the zones, if any, and the percentages to be raised therefrom, so determined, shall then be established and prevail for all purposes of the proceeding and until any bonds to be issued for the expenses of the thing or things to be done shall have been fully paid and discharged, and the grades so determined shall be the grades for all the purposes of the proceeding and the improvement to be done thereunder. The findings and determination of said legislative body upon the matters of the extent and boundaries of the assessment district, the zones, if any, into which said district is divided, the percentage of the expenses to be raised from each of said zones, the grades to which the improvement is to be constructed, and the necessity for the acquisition, or improvement, or both, comprehended by the proceeding, shall be final and conclusive.

Boundaries,
etc., to be
final

SEC. 7. Section 40 of said act is hereby amended to read as follows:

Stats 1927,
p. 1374.

Sec. 40. The principal and interest of the bonds issued under this act shall be payable in gold coin of the United States of America at the office of the treasurer issuing the same. The legislative body is hereby vested with power to determine, and shall in the resolution of intention determine, the number of years, not to exceed thirty, after the issuance of any bonds issued, within which the aggregate principal of all bonds to be issued in any proceeding under this act shall be paid and discharged, and to fix the rate of interest, not to exceed eight per cent per annum, payable semiannually, to be paid thereon; provided, however, that in the case of acquisition bonds and immediate possession bonds the rate stated in the resolution of intention need only be a maximum rate, which shall not exceed eight per cent per annum, payable semiannually, in which case the exact rate of interest shall be determined upon the sale of the bonds, as heretofore in this act provided. It shall be a sufficient determination and fixing of the term and interest rate of said bonds to set forth in the resolution of intention that bonds will be issued for the expense of the things to be done in any language that will fairly indicate such time, the fractional part of the principal to be paid each year, and the interest rate for improvement bonds and either the interest rate or the maximum interest rate for which acquisition bonds and immediate possession bonds will be issued. It may be provided in said resolution that the first payment of principal shall become due either two, three, four or five years after the date of said bonds. The number of installments of payments on the principal shall be indicated in said resolution of intention, and in any proceeding the number of installments of payments on the principal of improvement bonds may differ from the number of installments of payments on the principal of acquisition bonds and immediate possession bonds, if any, to be issued in said proceeding. The amount of the principal due in each annual payment need not be exactly the same, but with

Bonds
maturity,
interest, etc.

respect to each installment excepting the last may be made to differ not more than five hundred dollars from the amount obtained by dividing the total of the principal amount due under the bonds by the number of installments. Each installment, except the last, shall be an even multiple of one hundred and the last installment shall be for the balance of the total principal amount not provided to be paid in the previous installments

Interest
when paid

The interest payments on said bonds shall be payable semiannually on the second day of January and the second day of July of each year, except that the first interest payment shall be made on the second day of January or the second day of July (whichever month first succeeds the date of the bonds) next succeeding one year after the date of said bonds, and except that the last installment of interest shall be payable at the maturity of the bonds, in the manner indicated in the form of bond in this act set forth. It shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

Stats 1927,
p 1375.

SEC. 8. Section 41 of said act is hereby amended to read as follows:

Bonds tax
to pay

Sec. 41. (1) For each district in which bonds have been issued under the provisions of this act a special fund to be named "Acquisition and improvement district No.-----of the county (or city) of ----- interest and sinking fund" (the number to be that of the district) for the discharge and payment of such bonds, whether issued for an acquisition or improvement, or both, and interest thereon, shall be constituted by the county or municipality (as the case may be) whose legislative body has conducted the proceedings, as follows, to wit: In case the district is entirely within one municipality there shall each year at the time of levying taxes for general municipal purposes be levied by the legislative body of such municipality against and upon all of the lands within said district a special assessment tax in an amount clearly sufficient, together with any moneys which are or may be in said fund, to pay all the principal which has become or will become payable and all interest which has become or will become payable on the bonds issued under the proceeding before the proceeds of another tax levy made at the time of the next general tax levy for general municipal purposes can be made available for the payment of said principal and interest. In case the district is entirely within unincorporated territory of the county, or partly within unincorporated territory of the county, and partly within one or more municipalities, or within two or more municipalities, there shall each year at the time of the general tax levy for county taxes be levied by the board of supervisors against and upon all the

Districts
how
assessed

lands within said district a special assessment tax, in an amount clearly sufficient, together with any moneys which are or may be in said fund, to pay all the principal which has become or will become payable and all interest which has become or will become payable on the bonds issued under the proceeding before the proceeds of another tax levy made at the time of the general tax levy for county purposes can be made available for the payment of said principal and interest. The lands within any such district shall include any land which is the operative property of any public utility and include any lands belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble-minded or insane, whether being used in the performance of a public function or not, unless declaration was made in the resolution of intention omitting any of said lands from the assessment to be made; but shall not include any lands belonging to the United States government or to the State of California. If the said district has been divided into zones and the percentage of the expenses to be raised from each such zone has been determined, as provided in this act, in that event the said amount of said special assessment tax to be levied shall be divided according to said percentages and the percentage to be raised from the lands in each zone shall be levied against and upon the lands therein as above provided.

(2) In case the district is entirely within one municipality, the assessment roll for general municipal taxes of such municipality shall be the basis for the levy and computation of said tax (except as to property not assessed thereon), and in case the district lies entirely within unincorporated territory of the county, or partly in unincorporated territory of the county and partly within one or more municipalities, or within two or more municipalities, the county assessment roll for general county taxes shall be the basis for the levy and computation of the tax (except as to property not assessed thereon). Such special assessment taxes shall be in addition to all other taxes levied for county purposes or for municipal purposes, as the case may be, and shall be levied, computed, entered, collected and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are other taxes for county purposes or for municipal purposes, as the case may be, and all laws applicable to the levy, collection and enforcement of taxes for county purposes or for municipal purposes, as the case may be, are hereby made applicable to said special assessment tax.

Such special assessment taxes shall be collected and enforced together with, and not separately from, taxes for county purposes or for municipal purposes, as the case may be.

(3) The holder of any matured bond or interest coupon, remaining unpaid for lack of sufficient moneys in the interest and sinking fund of any district created under the provisions

Unpaid
bonds or
interest.

Credit
memoranda

Tax sale.

of this act, is authorized to apply the credit represented by such unpaid bond or coupon as a medium of exchange in the purchase of lands sold by the state for delinquency in the payment of special assessment taxes of the same district, in the manner hereinafter provided. Upon presentation and surrender to the treasurer of the county or municipality, (as the case may be), whose legislative body has conducted the proceedings, of such matured bonds or interest coupons, or both, the treasurer shall issue to the holder a memorandum in writing, in duplicate, indicating the amount of credit represented by such bonds or coupons to which such holder is entitled to apply upon such tax sale. In the event that such sale is conducted by the county tax collector in accordance with the provisions of the Political Code of the State of California, and the holder of such credit memorandum becomes the purchaser, the tax collector shall accept the credit memorandum in lieu of lawful money for that portion of the total price for which any parcel of land is sold, equivalent to the special assessment taxes of such district, together with penalties, on account of which such sale is made; the balance of the price for which such parcel is sold shall be payable in money. The tax collector shall endorse upon said credit memorandum, and the duplicate thereof, the amount of credit applied on such tax sale and the balance, if any, not so applied.

The county treasurer shall accept, and the county auditor, in all settlements with the county tax collector, shall treat such credit memoranda, to the extent that the same have been applied upon such sales, as the equivalent of money. The treasurer shall accept the unused credit, represented by duplicate credit memoranda, as the equivalent of lawful money upon redemption by the purchaser, to the extent of the delinquent special assessment taxes of such district, together with penalties and interest, in the same manner as the tax collector is herein authorized to accept the same upon a sale. The treasurer of the county or municipality, (as the case may be), whose legislative body conducted the proceedings, shall thereupon cancel the bonds and coupons, upon the credit of which sales or redemptions have been made, if the entire amount of the credit memoranda has been applied thereto, and in the event that only a portion of the credit represented thereby has been applied upon sale or redemption, or both, then the treasurer shall endorse upon the face of such bond or coupon the fact that the same has been paid in part, to the extent of the credit so applied, and shall return the bond or coupon, so endorsed, to the holder. If no part of the credit represented by such memoranda is applied to sale or redemption, as herein provided, the treasurer shall, upon surrender of the credit memoranda, cancel the same and deliver the bond or coupon to the owner.

In the event that such sale is conducted by a municipal officer the holder of unpaid matured bonds or interest coupons shall be entitled to apply the same to the purchase of lands

sold for delinquency in the payment of special assessment taxes in substantially the same manner, as herein provided for the application of such credit upon sales conducted by the county tax collector. In the event that the procedure prescribed for such municipality contemplates a sale for the full amount of all special assessments, delinquency penalties, interest and costs accruing to the time of sale and involves no redemption, then an original credit memorandum only shall be issued by the treasurer.

(4) It shall be the duty of the county assessor or the city assessor, as the case may be, to assess, exclusive of any improvements thereon, all lands heretofore in this section mentioned (if any there may be in any assessment district formed under this act) not otherwise assessed for purposes of general county taxes or general taxes of a municipality, as the case may be, against which such special assessment taxes are to be levied. The assessment of such lands (if any such there be in the district) shall be made at the same time and in the same manner and by the same persons as the assessment for general county taxes or general taxes of a municipality, as the case may be, and shall be equalized at the same time and in the same manner and by the same persons as such general county taxes or general taxes of a municipality are equalized. And the official or officials who are required to give notice of the equalization of the general county assessment roll or the general municipal assessment roll, as the case may be, shall give notice to all persons interested, for the same time and in the same manner as that given on the equalization of said general assessment rolls, of the equalization of assessments of such lands for the purpose of taxing the same to pay the principal and interest of bonds issued under this act. Said lands need not be described in said notice, but it shall be sufficient to state therein that the lands assessed include all lands in certain acquisition and improvement districts, designating them by their proper names, which are not assessed on the general county or municipal assessment roll, as the case may be, but are subject to assessment under the proceedings creating said assessment districts. At said hearing all persons interested in any lands in said districts may appear and be heard upon any matter of equalization affecting any lands within such districts, and the notice of equalization shall so state.

(5) In the event that there is included within such district any land belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble-minded or insane, and which is being used in the performance of a public function, and no declaration was made in the resolution of intention omitting such land from the assessment to be made, or such land was acquired subsequent to the date when the legislative body conducting the proceeding obtained jurisdiction as provided in section 11 hereof, the amount of the special assessment tax levied each year

Assessment
of lands not
assessed on
county or
city roll.

Lands of
institutions,
etc.

against said land, as above provided, shall be an enforceable obligation against the owner of or the governing body controlling said land, and it shall be the duty of the officer or body having charge of the disbursement of the funds of the owner of said land to pay the amount of said special assessment tax levied, from any of the funds thereof available, immediately upon its becoming due. If for any reason there are no moneys in any of such funds, then the county or municipality, as the case may be, whose legislative body conducted the proceedings shall pay said special assessment tax against said land and the said owner or governing body controlling said land shall reimburse such county or municipality immediately upon the receipt of sufficient moneys in any of its available funds. In all cases in which sufficient funds are not available to make such reimbursement before the time of another tax levy, the board or officers whose duty it is to levy taxes for said owners shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to reimburse said county or municipality.

**Funds:
transfer.**

(6) The legislative body of the county or municipality, as the case may be, which conducted the proceedings for the acquisition or the improvement, or both, may annually at or prior to the time said tax levy is made, transfer from the general fund of such county or municipality or from any fund which may be used for acquisitions or improvements of a similar character to those made under the proceeding, to the interest and sinking fund above provided for, such amount as in the judgment of said legislative body should be transferred. It is the intention of this provision that further assistance in addition to that, if any, provided for in the resolution of intention and that which may be given as elsewhere provided in this act, may be given by such county or municipality toward the payment of the expenses of the thing or things done under the proceedings after bonds for said expenses shall have been issued and sold, and apart from the loans, and apart from the advances under the revolving fund elsewhere in this act provided.

**Tax levy
sufficiency**

(7) In any event, it shall be the duty of the legislative body, which is required by this section to levy the special assessment tax, to levy a special assessment tax upon all of the said lands within such district clearly sufficient to pay the principal and interest of said bonds as the same shall become payable, and said legislative body is hereby vested with power and jurisdiction to do all and singular the things which in this section aforesaid it is declared shall be done by it. Whenever any of said bonds or any payment of principal or interest thereon shall become due and there shall not be sufficient money in said interest and sinking fund to pay the same, the legislative body which conducted the proceeding may, pending the levy and collection of a special assessment tax therefor, order the amount of money necessary to pay said bonds, or payment of principal or interest so falling due,

to be transferred from the general fund of the county or municipality, as the case may be, to said interest and sinking fund, and the amount of money so transferred shall be deemed a loan to said interest and sinking fund and shall be repaid to the general fund from the first money coming into said interest and sinking fund thereafter. Any money remaining in any acquisition and improvement district interest and sinking fund after all of the bonds of the district have been retired shall be transferred to the general fund of the county or municipality, as the case may be, whose legislative body conducted the proceeding and may by said body be used in repairing any public way in said districts, regardless of whether a portion or all of the district as originally formed may have been included within one or more municipalities which did not include such portions or all of the district at the time the proceedings for the same were initiated.

Surplus
funds

(8) In all cases in which the proceeding is conducted by the legislative body of a municipality where the taxes are required by this action to be levied by the board of supervisors of the county, the clerk of the legislative body conducting the proceedings, in addition to transmitting to the treasurer of such municipality an attested copy of any order or orders for the issuance of bonds in the proceeding, shall transmit to the legislative body of the county a certified copy of such order or orders for the issuance of bonds, together with certified copies of the resolution of intention and of the resolutions and orders in which are set forth the boundaries of the district, the number of zones, if any, and the percentage to be raised from each zone, as said matters were finally determined, and shall also transmit to such legislative body a certified copy of the map of the assessment district showing the boundaries of the district and of the zones therein, if any, as finally determined, and upon the filing with such legislative body of said certified copies it shall thereupon have jurisdiction and the other officers of the county shall have jurisdiction and it shall be their duty to take the steps required in this section for the assessment, levy, computation, entry, collection and enforcement of such special assessment taxes.

Jurisdiction
of county.
how
acquired.

(9) In all cases in which the legislative body of a municipality conducted the proceedings, and the county officials levy and collect the taxes, as hereinbefore provided, the proper officers of said county upon collecting the taxes aforesaid shall, not later than the thirtieth day of each month in which said taxes are collected, transmit the same to the city treasurer of the municipality, the legislative body of which conducted the proceedings, together with a statement of the amounts delinquent in each such district, if there be any delinquencies. Provided, however, that nothing in this section shall be construed as requiring the city officials of any municipality which has availed itself of the provisions of any law permitting the duties of city officials relating to the assessment, collection and enforcement of taxes to be performed by county officials,

Taxes col-
lected by
county to be
transmitted
to city.

to perform any of the duties herein prescribed relating to the assessment, collection and enforcement of taxes which are performed for said city by county officers, and the taxes required to be levied hereunder shall be assessed, collected and enforced by the persons who perform such duties for said city.

CHAPTER 745.

Stats. 1903,
p. 376,
amended.

An act to add a new section to be numbered 18a to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903, statutes 1903, page 376, as amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section to be numbered 18a is hereby added to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement," approved March 24, 1903, statutes 1903, page 376, to read as follows:

Improve-
ment part
payment by
municipi-
pality.

Sec. 18a. Notwithstanding any other provisions of this act, the city council may, in its discretion, provide by resolution adopted at any time prior to the confirmation of the assessment that any sum toward the expense of said improvement will be paid by said municipality, in which case such sum shall be in addition to, but not less than, the sum or percentage, if any, stated in the ordinance of intention, and the city council shall have the authority to reduce, or to direct the street superintendent to reduce, the amount of the proposed assessment in a sum equivalent to the sum to be so paid.

CHAPTER 746.

An act to amend the title and sections 1 and 4 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, avenues, highways, lanes, alleys, courts and places in the unincorporated territories of counties, for the condemnation of property necessary or convenient for such purposes, for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvements, for the issuance of improvement bonds to represent assessments for the expense of such improvements, and for the effect and enforcement of such bonds," approved May 11, 1923, statutes 1923, page 308, as amended, and to add section 1a, relating to acquiring and improving roads and highways in counties.

Stats 1923,
p 308,
amended.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, avenues, highways, lanes, alleys, courts and places in the unincorporated territories of counties, for the condemnation of property necessary or convenient for such purposes, for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvements, for the issuance of improvement bonds to represent assessments for the expense of such improvements, and for the effect and enforcement of such bonds," approved May 11, 1923, statutes 1923, page 308, as amended, is hereby amended to read as follows:

Title
amended

An act to provide for the laying out, opening, extending, widening, or straightening in whole or in part, of public streets, avenues, highways, lanes, alleys, courts and places whether lying entirely within the unincorporated territory of a county, or lying partly within such unincorporated territory and partly within one or more municipalities, or forming the exterior boundary of any municipality where the same joins unincorporated territory of the county, for the condemnation of property necessary or convenient for such purposes, for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvements, for the issuance of improvement bonds to represent assessments for the expense of such improvements, and for the effect and enforcement of such bonds.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Stats 1923,
p 308.

Supervisors
may open
streets, etc.
in unincor-
porated
territory

Stats 1903,
p. 376.

Section 1. Whenever the public interest or convenience may require the board of supervisors of each county of this state shall have full power and authority to order the laying out, opening, extending, widening, or straightening, in whole or in part of any public street, avenue, highway, lane, alley, court or place, within the unincorporated territory of such county or within unincorporated territory of a county and the territory of one or more municipalities, or forming the exterior boundary of any municipality where the same joins the unincorporated territory of a county, and to acquire any and all property necessary or convenient for that purpose, and to cause to be done and performed any work of the character mentioned in that act of the Legislature known as the "Street opening act of 1903" as amended, and as the same shall hereafter be amended, which work and improvement shall be done in accordance with the procedure and in pursuance of the provisions of said act as amended, and as the same shall hereafter be amended, and the provisions of said act, as amended and as the same shall hereafter be amended, are hereby adopted by reference for the purposes of this act; provided, that certain words used in said act, which is adopted by reference herein, shall, for the purposes of this act, be construed as follows: the words "city" and "municipality" shall be construed as referring to "county," the words "city council" as referring to "board of supervisors," the words "clerk," "city clerk" and "clerk of the city council" as referring to "county clerk" (ex officio clerk of the board of supervisors), the words "street superintendent" and "city engineer" as referring to "county surveyor," provided, however, that the board of supervisors may appoint any competent person, with such compensation as shall be fixed in its resolution of intention, or any county officer, other than the county surveyor, as the person or officer to perform all or any portion of the duties conferred upon the street superintendent or city engineer in said act (provided that where said act requires any things or act to be "done" and "delivered" by the city engineer to the street superintendent, it shall be sufficient if said things or acts are done by the county surveyor or such other person or officer as the board of supervisors shall appoint to perform said acts, without the necessity of their being "delivered" to any other officer), the words "treasurer" and "city treasurer" as referring to "county treasurer," the words "city attorney" as referring to "district attorney," except that in counties having a freeholders' charter creating the office of county counsel, the words "city attorney" shall be construed as referring to "county counsel," and all other words relating to municipal officers or matters shall be construed as referring to the corresponding county officers or matters under this act.

SEC. 3. A new section to be added to said act and to be known as section 1a to read as follows: New section.

Sec. 1a. The board of supervisors shall have jurisdiction and power, whenever any improvements are ordered to be made under the provisions of this act whether lying wholly within unincorporated territory of a county or partly within unincorporated territory of a county and the territory of one or more municipalities or along the exterior boundary of a municipality, where such municipality joins unincorporated territory of the county, to determine that the lands to be assessed for such work or improvement, may include lands lying within the boundaries of any municipality benefited thereby, and all of such lands may be assessed and taxed therefor, under the procedure prescribed by this act, the same as though such lands were situated exclusively in the unincorporated territory of the county and with the same effect, provided, that consent to the inclusion of such benefited lands within the boundaries of any such municipality or municipalities first shall have been granted by resolution of the legislative body of such municipality or municipalities. Assessment of municipal territory

SEC. 4. Section 4 of said act is hereby amended to read as follows: Stats 1923, p 308.

Sec. 4. The board of supervisors may, in its discretion, at or before the time prescribed in either of the improvement bond acts hereinafter named in proceedings had and taken under this act, determine that improvement bonds may issue to represent such assessments which determination shall be made by resolution of said board, all in accordance with those acts of the Legislature entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended and as the same shall hereafter be amended, and "The improvement bond act of 1915," approved June 11, 1915, as amended and as the same shall hereafter be amended, and all proceedings therefor shall be had and taken in accordance with the procedure and in pursuance of the provisions of said acts as amended and as the same shall hereafter be amended, and the provisions of said acts as amended and as the same shall hereafter be amended are hereby adopted by reference for the purposes of this act; provided, that certain words used in said acts which are adopted by reference herein shall for the purposes of this act be construed as follows: The words "street opening act of 1903" shall be construed as referring to "county street opening act of 1923," the words "city" and "municipal corporation" as referring to "county," the words "city council" as referring to "board of supervisors," the words "superintendent of streets" as referring to "county surveyor," the words "city clerk" as referring Improvement bonds

Stats. 1911, p 1192

Stats 1915, p 1441.

Construction.

to "county clerk." the words "city treasurer" as referring to "county treasurer," and all other words relating to municipal officers or matters as referring to the corresponding county officers or matters under this act.

CHAPTER 747.

Stats 1927, p. 1088, amended. *An act to amend sections 5, 6, and 9 and to add section 8a to an act entitled "An act to provide for the formation, management, alteration of boundaries, and dissolution of sewer maintenance districts in unincorporated territory of counties, defining the powers of such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 19, 1927, statutes of 1927, page 1088, relating to sewer maintenance districts.*

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927, p 1088. SECTION 1. Section 5 of an act entitled "An act to provide for the formation, management, alteration of boundaries, and dissolution of sewer maintenance districts in unincorporated territory of counties, defining the powers of such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 19, 1927, statutes 1927, page 1088, as amended, is hereby amended to read as follows:

Sewer supervision Sec. 5 The board of supervisors may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacmg, operating and maintaining such sewers and their appurtenances and may enter into contracts for the purchase of water to be used in flushing such sewers and for the disposal of sewage collected within such sewer maintenance district.

Stats. 1927, p. 1088, SEC. 2. Section 6 of said act is hereby amended to read as follows:

Tax levies Sec. 6. The board of supervisors shall have power to levy a tax in each year upon the taxable property in each sewer maintenance district sufficient to defray the cost of maintaining, operating and repairing the sewers in said district and of the maintenance of said district and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of such district and shall be used only in furtherance of the purposes of this act.

New section SEC. 3. A new section to be added to said act to be known as section 8a, and to read as follows:

Sec. 8a. Upon the inclusion of all the territory of any such sewer maintenance district within one or more incorporated cities either by reason of annexation proceedings or by reason of the incorporation of one or more cities all funds paid into the county treasury to the credit of such district shall be paid over by the board of supervisors of the county in which such district is located as follows: If the whole of such district is included within one incorporated city, such fund shall be paid to the treasurer of said incorporated city and administered by the legislative body of said incorporated city for the purpose of maintaining and operating the sewer or sewers theretofore maintained by said district and said district shall thereupon, by reason of such inclusion, be dissolved; if a part only of such sewer maintenance district is so included within one incorporated city and the remaining part of such district is included within one or more other incorporated cities, so that no portion of the district remains within unincorporated territory of the county, then such proportionate part of such funds shall be paid to the treasurer of each such incorporated city as the assessed valuation of the real property of the portion of the district included therein bore, before being so included, to the total assessed valuation of the real property of the district, and such funds shall be administered by the legislative bodies of said incorporated cities for the benefit of such portions of the sewer maintenance district as are included within such cities and said district shall thereupon, by reason of such inclusion, be dissolved. If less than the whole of such a sewer maintenance district shall be included within one or more incorporated cities either by reason of annexation or by reason of incorporation proceedings, the district shall continue in existence and shall continue to function except that such portion or portions of said district as may have been included within such incorporated city or cities shall from and after such inclusion, and by reason thereof, be withdrawn from said sewer maintenance district. Provided, however, that the inclusion of any of the territory of a sewer maintenance district within one or more incorporated cities shall not operate as a withdrawal of such territory from a sewer maintenance district unless and until any outstanding contract of such sewer maintenance district has expired or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve such sewer maintenance district of further obligation to pay for future maintenance within the territory so included.

Inclusion of district within incorporated territory

SEC. 4. Section 9 of said act is hereby amended to read as follows:

Stats 1927, p 1088.

Sec. 9. The boundaries of any such sewer maintenance district may be altered and outlying contiguous territory be annexed thereto in the following manner:

Annexation of territory

The board of supervisors may by resolution fix a time and place for a hearing upon the question of the annexation of such territory to an existing sewer maintenance district, said

Hearing, etc.

resolution describing the boundaries of such contiguous territory proposed to be annexed.

The date set for the hearing on such proposed annexation shall be at least three weeks from and after the date of the adoption of the resolution setting the hearing. The board of supervisors shall cause notice of the time, place and purpose of said hearing, to be given by post card mailed to each owner of real property within the boundaries of the territory sought to be annexed and within the district to which such territory is proposed to be annexed whose name and address appears on the last equalized tax roll. In addition the board of supervisors shall cause copies of said resolution to be posted in three conspicuous places within the annexing territory and three of said copies in conspicuous places within the sewer maintenance district to which such territory is proposed to be annexed.

At the time fixed for said hearing or to which it may be continued said board of supervisors shall hear and pass upon said proposal and any objections which may be filed to the inclusion of any property within the proposed annexation.

Determin-
ation.

Said board of supervisors shall have the power, by order entered upon its minutes, to determine that such territory or any part thereof will be benefited by annexation to said district and may order that the boundaries of said district be altered to include such benefited territory.

If the territory annexed to such sewer maintenance district shall comprise a portion of a sewer maintenance district theretofore formed under the provisions of this act, upon such annexation becoming complete by the adoption of the order of the board of supervisors as in this section provided, such territory shall thereupon be withdrawn from the sewer maintenance district of which it theretofore formed a part; provided, however, that no withdrawal of territory under the provisions of this section shall become effective unless and until any outstanding contract of the sewer maintenance district from which a portion is sought to be withdrawn has expired or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve such sewer maintenance district of further obligation to pay for future maintenance within the territory so withdrawn, and the funds remaining on hand upon the completion of such annexation shall have been apportioned between the sewer maintenance district to which the territory was annexed and the sewer maintenance district from which it was withdrawn. The division of such funds shall be prorated in the proportion that the assessed value of the real property of the territory so withdrawn bore to the total assessed value of the real property within the sewer maintenance district prior to such withdrawal.

If the territory annexed to such sewer maintenance district shall comprise all of a maintenance district formed under

this act, upon such annexation becoming complete by the adoption of the order of the board of supervisors as in this section provided, the theretofore existing maintenance district so annexed shall thereupon be dissolved; provided, however, that any funds of said sewer maintenance district remaining on hand at the time of the annexation shall be transferred to the sewer maintenance district to which such territory shall have been annexed and any contracts or obligations of said previously existing sewer maintenance district shall become the obligations of the sewer maintenance district to which it has been annexed.

CHAPTER 748.

An act to amend the title and sections 5, 6, 7, 17, 21, 24, 25, 26, 60 and 61, of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, statutes 1911, page 730, as amended, and to add sections 1a, and 65a, relating to the doing of work upon streets, avenues, lanes, alleys, courts, places and sidewalks, and the method of providing for the payment for such works

Stats. 1911.
p. 730,
amended.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Title
amended

An act to provide for work in and upon public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, and other public property and rights of way, in whole or in part, including property over which possession and right of use has been obtained under the provisions of section 14 of article one of the constitution within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities, and for establishing and changing the grades of any such public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, properties or rights of way; and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds.

New section

SEC. 2. A new section to be known as section 1a is hereby added to said act, to read as follows:

Authority to
extend
district.

Sec. 1a. In addition to the power and authority conferred upon the city council of any municipality by section 1 of this act, and when the public interest or convenience so requires, and whenever, in the opinion of the city council initiating the proceedings, the proposed improvement is of such a character that it directly and peculiarly affects property in two or more municipalities, or in one or more municipalities and unincorporated territory, and that the purposes sought to be accomplished by such improvement can best be accomplished by a single, comprehensive scheme of improvement, there is hereby conferred upon such city council full power and authority to extend such improvement or the boundaries of the district to be assessed therefor beyond the territorial limits of such municipality, and the city council of any municipality shall have full power and authority to establish, change or modify the grade of and to order the whole, or any portion, or portions, either in length or width, of any one or more of the public streets, avenues, lanes, alleys, courts, places, sidewalks, highways, roads, or property or rights of way (including tidelands and submerged lands owned by any municipality in this state) within the limits of the municipality which is carrying through the proceeding in question, and also into the limits of other municipalities or extending from the said municipality through or over one or more other municipalities, or extending through or over one or more municipalities and into unincorporated territory of a county or extending along the exterior boundary between a municipality and unincorporated territory, or along the boundary between two municipalities, whether wholly or partly within or without said boundary, and is hereby vested with jurisdiction to order to be done therein, over or thereon, either singly or in any combination thereof, any of the work mentioned in this act under proceedings heretofore described; and full power and authority to include within the boundaries of an assessment district created pursuant to the provisions of this act, lands lying within the boundaries of any one or more municipalities,

or in the unincorporated territory of the county in which the municipality conducting the proceeding is situated, when such lands, in the opinion of the city council conducting the proceeding, will be benefited by the proposed improvement; provided, that the consent of the legislative body of any territory proposed to be assessed shall first be obtained to the formation of the assessment district and, if any of the proposed improvement is to be constructed within such territory, to the improvement described in the resolution of intention and the assumption of jurisdiction thereover for the purposes aforesaid prior to the adoption thereof. The proposed resolution of intention shall be submitted to such legislative body, or bodies, as may have jurisdiction over the territory into which the proposed improvement or the assessment district therefor may extend. When the resolution of intention is approved and the consent of the legislative bodies whose consent is necessary by the provisions hereof is obtained to said improvement and the formation of the assessment district described therein said resolution of intention may be adopted, which consent shall, of itself, constitute assent to the assumption of jurisdiction thereover for all purposes of the proceeding.

Consent.

In the event the assessment district includes property without the territorial jurisdiction of the city council conducting the proceeding, the legislative body of the city or county having jurisdiction thereover may in its discretion, order by resolutions entered upon its minutes, a copy of which shall be transmitted to the city council conducting the proceedings, that any part of the cost or expense of said improvement shall be paid out of the treasury of the municipality or county as the case may be, and a liability for the portion of the costs set forth in said resolution shall thereby be created against said municipality or county. The street superintendent in making up the assessment as provided in section 21 hereof shall deduct from the costs and expenses, in addition to any sum or percentage payable by the city council conducting said proceeding, such part thereof as has been so ordered to be paid out of the treasury of said municipality or county. All notices provided for, to be published by the city clerk, shall be published in a newspaper published and circulated in the county.

Proportional
payment

SEC 3 Section 5 of said act as amended is hereby amended to read as follows:

Stats 1921,
p 222.

Sec 5. After the adoption of the resolution of intention, the street superintendent shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution.

Notice of
improve-
ment

In case the work is chargeable upon a district as herein provided, copies of said notice shall also be posted on all the open streets within such district at not more than three hundred feet in distance apart on each street so posted, but no proceeding shall ever be held invalid for failure to post any street or streets therein if this provision has been substantially complied with. In every case all posting must be fully completed at least ten days before the day set for hearing protests or objections as provided in section 3 hereof.

Notice
form

Said notices shall be headed "Notice of Improvement" in letters of not less than one inch in length; and shall, in legible characters state the fact of the passage of the resolution of intention, its date, and briefly, the work or improvement proposed, an estimate of the total cost of the proposed work or improvement, and refer to the resolution of intention for further particulars. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution.

Notice
mailing

The council shall direct the clerk to mail notices of the adoption of the resolution of intention to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for city taxes prior thereto or as known to the clerk but the mailing of such notices shall not be essential to obtaining jurisdiction by the council, and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder. Such notice shall contain a statement of the time, place and purpose of the hearing on the resolution of intention and a statement of the total estimated cost of the proposed improvement together with a statement that any person interested may file protest as provided in this act. Said notice shall be mailed at least fifteen (15) days prior to the date fixed for said hearing. If the doing of the work shall require a change of grade of any railroad track or tracks, the legislative body shall direct the clerk to mail to the owner or reputed owner and/or operator or reputed operator thereof, at its last known address as the same appears on the tax rolls of the city or county, the legislative body of which is conducting the proceeding, or when no address so appears then to such owner and/or operator in care of general delivery in such city or county and to the California railroad commission, printed copies of the resolution of intention within five days after the first publication thereof. Failure to mail said copies or failure of any such owner and/or operator to receive the same or any erroneous address thereon shall not affect the jurisdiction of the legislative body, but in such event the failure of the owner and/or operator of such tracks to make objection to the proposed grades shall not be deemed to be a waiver of all objections to the proposed grades or proposed change or modifica-

tion of grade, nor operate as a bar to any claim for damages, if recoverable damages there be. The city clerk shall upon the completion of the mailing of said notices, file with the city council an affidavit setting forth the time and manner of the compliance with the above requirements for mailing such notices.

SEC. 4. Section 6 of said act is hereby amended to read as follows: Stats. 1915,
p 1465.

SEC. 6. At any time not later than the hour set for hearing objections to the proposed work as provided in section 3 hereof, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed, or both. Such protest must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and be delivered to the said clerk of the city council, and no other protests or objections shall be considered. At the time set for hearing protests the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; provided, however, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district, and the city council finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for said improvements, no further proceedings shall be taken for a period of six months from the date of the decision of the city council on said hearing, unless the said protests be overruled by an affirmative vote of four-fifths of the members of the city council. The words "proposed work" as used herein, shall mean and include all the work described in the resolution of intention. The city council may adjourn said hearings from time to time. Protests
and hearing.

Unless the power to proceed shall have ceased, as hereinbefore provided, the city council may, at the conclusion of the aforementioned hearing, by resolution entered upon its minutes, make such changes in the boundaries of the proposed assessment district and/or changes in the work proposed to be done as it shall find to be proper and advisable, and shall define and establish such boundaries and the work proposed to be done, but said city council shall not have the power to modify such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement. Changes.

Said city council shall not modify such boundaries or change the work proposed to be done except after notice of its intention so to do given by one insertion in said newspaper in which the resolution of intention was published describing the proposed modification and specifying the time for hearing objections to such modification, which time shall be at least Notice of
change.

ten days after the publication of said notice. Written objections to said proposed modification may be filed with the clerk of said city council by any interested person at or before the time set for hearing the same. Said city council shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive.

Stats 1915,
p 1466

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Jurisdiction,
when
acquired

Sec. 7. If no protest or objections in writing have been delivered to the clerk up to the hour set for hearing provided in section 3 hereof, or when a protest shall have been found by said city council to be insufficient, or shall have been overruled, or when a protest against the extent of the proposed district shall have been heard and denied, or when modification of said proposed district and/or proposed work has been made and all objections or protests thereto have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements.

Stats. 1923,
p 108.

SEC. 6. Section 17 of said act as amended is hereby amended to read as follows:

Incidental
expenses

Sec. 17. Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, for payment by him, the cost of publication of the notices, resolutions, orders and matters required under the proceedings prescribed in this act, and of such other notices as may be deemed requisite by the city council, together with all other incidental expenses incurred up to the time of entering into the contract. And in case the work is abandoned by the city, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury, but such expenses for which the city is liable and which shall have been paid thereby may be charged as incidental expenses against the district benefited in any new proceeding had or taken for an improvement which shall include substantially the same thing or things to be done as those included in the abandoned proceedings.

Stats 1920,
p 1661

SEC. 7. Section 21 of said act as amended is hereby amended to read as follows:

Assessment
to cover
work

Sec. 21. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or the city engineer, if such power has been delegated to him, as hereinbefore provided, the superintendent or city engineer, if the power and duty to do so has been delegated to him as hereinbefore provided, shall forthwith make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of the preceding section according to the character of the

work done. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all incidental expenses, the amount of each assessment against each lot or portion of a lot, the number of each lot or portion or portions of a lot so assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, property or rights of way on which any work has been done, showing the relative location of each lot, or portion of lot to the work done, numbered to correspond with the numbers of the assessments. The said assessment shall then be filed with the city clerk. Said clerk shall then give notice of the filing of said assessment and of a time to be therein fixed by said clerk when all persons interested in the work done, or in the assessment will be heard by the city council. Such notice shall be posted for not less than five (5) days on or near the council chamber door, and in addition be published twice in a newspaper published in such city if there be any, and if there be none, then in some newspaper published in the county in which such city is located, the first of which publications shall be not less than fifteen (15) days before the time fixed for such hearing. Such notice shall also be given by mailing a notice at least fifteen (15) days prior to the time fixed for such hearing to the owner of each lot listed according to the name and address appearing on the last equalized assessment roll for city taxes prior thereto, or as known to the clerk. Such notice shall designate the property within the assessment district belonging to said owner by street number, or some other description sufficient to enable the property owner to identify the property and a statement of the amount proposed to be assessed against such property. The city clerk shall, upon the completion of such mailing, file with the city council an affidavit setting forth the time and manner of the compliance with the above requirement for such mailing. The failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed. Reference shall be made in said notices to the resolution of intention and the date of its passage or a description of the work therein mentioned and no other description thereof shall be necessary. The owners, the contractor, or his assigns, and all other persons interested in any work done under this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets, or city engineer in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner or who claim that any portion of the work for any reason was omitted or illegally included in the contract for the same, or having or making any objection to the correctness of the assessment or diagram or other act, determination or proceedings of the superintendent of streets, or city engineer, shall

- Errors, etc. prior to the day fixed for the hearing upon the assessment, appeal to the city council by briefly stating in writing the grounds of appeal. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the street superintendent or city engineer, relative to said work; may confirm, amend, alter, modify or correct the assessment or diagram in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the street superintendent to correct the warrant, assessment, or diagram in any particular. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have avoided, or have remedied during the progress of the proceedings or which it can at that time remedy.
- Findings conclusive No assessment, warrant, or diagram, and no proceedings prior to the assessment, shall be held invalid by any court for any error, informality, or other defect in the same, where the resolution of intention of the council to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the council upon appeal have been complied with, and the council is satisfied with the correctness of the assessment, thereupon the council shall forthwith confirm the proceedings and the assessment and the street superintendent shall attach thereto a warrant bearing the date of said order of said city council.
- Proceedings when not invalid. SEC. 8. Section 24 of said act as amended is hereby amended to read as follows:
- Stats. 1927, p. 1407. Sec. 24. The warrant hereinbefore mentioned, after its delivery to the contractor or his assigns, shall be and constitute full authority to the contractor, his agents or assigns, to collect the said assessments and they shall be free to make demands upon the owners by virtue of said warrant and to demand and receive payment of the same, and give receipt therefor, provided, that they shall not receive any payments on said assessment without delivering such receipt and said contractor, his agents or assigns, immediately shall report said payments to the street superintendent, and the street superintendent shall file all reports of said payments by attaching same in the assessment book and immediately following the record of the assessment, and shall mark upon the assessment the date and fact of payment. The street superintendent also shall, upon presentation of such receipt, mark upon the said assessment note of the said payment.
- Collection of assessments SEC. 9. Section 25 of said act as amended is hereby amended to read as follows:
- Stats. 1929, p. 1663. Sec. 25. The warrant shall be returned to the superintendent of streets on or after thirty (30) days after the date of recording same, with the written statement of all payments
- Contractor's return.

received upon the assessment, signed by the contractor or his assigns. Thereupon, the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the same book and immediately following the record of the assessment. Upon such filing, the warrant shall be redelivered to the contractor or his assigns.

The said superintendent of streets is authorized at any time to receive the amount due upon any assessment and warrant issued by him and giving good and sufficient discharge therefor; provided, a bond has not issued to represent said assessment; provided, further, that when suit shall have been brought to collect the amount due upon any assessment as herein provided, the plaintiff shall file with the superintendent of streets a written notice of the pendency of said action showing the particular assessments affected by said action or actions; and after the filing of said notice, the said superintendent of streets shall not receive any money on account of said assessment, and thereafter he shall have no authority to cancel said assessment or give discharge thereof without the written consent of the owner of said assessment until judgment has been rendered in said action or the same has been dismissed and the street superintendent shall omit from the list of properties provided to be sent to the tax collector in section 27 hereof, any property upon which the assessment described in said notice is a lien. In case any warrant is lost, upon proof of such loss, a duplicate can be issued upon which collections may be made with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent (1%) per month until paid, said interest to be computed from the date of the filing of the contractor's statement and if such amount be not paid within six (6) months thereafter, there shall be added thereto a penalty of five per cent (5%) of the principal amounts then due thereon.

Notwithstanding the provisions of sections 23 and 24 and the preceding provisions of this section of this act relative to the collection of the assessments by the contractor or his assigns, the city council may, by ordinance, provide that all payments made upon any assessment and warrant within thirty (30) days from the recordation thereof, shall be made to the superintendent of streets, who shall mail a statement to each owner of real property within the assessment district whose name appears on the last equalized assessment roll, at the address appearing on said roll or on file in the office of the city clerk, or to both such addresses, if they are not the same, and that such statement shall contain a designation of the property assessed by street number, or some other description sufficient to enable the property owner to identify the property, a statement of the amount of the assessment, and the time and place of payment, the effect of failure to pay within such time and that, if bonds are to be issued, a statement of that fact, designating the act pursuant to which such bonds

Payment to
superin-
tendent of
streets

Payment to
superin-
tendent of
streets may
be required.

are to be issued; provided, that if the superintendent of streets be so authorized by ordinance to collect said assessments, said ordinance shall also provide that said superintendent of streets shall furnish to the contractor or his assigns a good and sufficient surety bond conditioned for the full and prompt payment by the superintendent of streets to the contractor or his assigns of all assessments so collected by said superintendent of streets, said bond shall be in an amount not less than ten (10) per cent of the total amount of the assessment shown on the assessment roll if such total amount does not exceed two hundred fifty thousand dollars (\$250,000) and shall be in the amount of twenty-five thousand dollars (\$25,000) if the total amount of the assessments shown on the assessment roll exceeds the sum of two hundred fifty thousand dollars (\$250,000). The premium on such bond shall be payable as a part of the incidental expenses of the proceeding.

Stats. 1923,
p. 117.

Limitation
of actions.

SEC. 10. Section 26 of said act is hereby amended to read as follows:

Sec. 26. No action, suit, or proceeding to set aside, cancel, avoid, annul or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations therein, or to question the validity of, or to enjoin the collection of the said assessments or reassessments, or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action or actions shall have been commenced within thirty (30) days after the recording of the warrant, diagram and assessment or reassessment, and thereafter all persons shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon or of the reassessment if such be made and of bonds issued thereon. No proceedings taken or had under this act shall ever be held to be invalid on the ground that the street, right of way, public property or any portion thereof, upon which the work or improvement or any part thereof is or was done has not been lawfully dedicated or acquired, provided the same is lawfully dedicated or acquired, or an order of immediate possession and use thereof has been obtained, at any time before judgment is entered in the suit involving such proceeding.

Stats. 1923,
p. 276.

Life of
bonds.

SEC. 11. Section 60 of said act, as amended, is hereby amended to read as follows:

Sec. 60. Said serial bonds shall extend over a period not to exceed fourteen years from the second day of January next succeeding the fifteenth day of the next November following their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon on the second day of January every year after the fifteenth day of the next November following their date, until the whole is paid; provided, that all bonds dated after October thirty-first and prior to November fifteenth shall extend over a period not to exceed fourteen years from the second day of January following their date, until the whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of

January and July, respectively, of each year after their date, at the rate of not to exceed ten per cent per annum on all sums unpaid, until the whole of said principal and interest are paid. Upon such bonds dated after the fourteenth day of May of any year and on or before the fourteenth day of the following November the first interest coupon on said bonds shall become due and payable on the second day of the next succeeding January and upon such bonds dated after the fourteenth day of November of any year and before or on the fourteenth day of the following May the first interest coupon on said bonds shall become due on the second day of the next succeeding July.

Said bonds and interest thereon shall be paid at the office of the city treasurer of said municipality, who shall keep a fund designated by the name of said bonds, into which he shall place all sums paid him for the principal of said bonds and the interest thereon, together with all penalties thereon, and from which he shall disburse such sums, upon the presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office, which shall show the series, number, date, amount, rate of interest, payee and indorsees of each bond, and the number and amount of each coupon of principal or interest paid by him and shall cancel and file each coupon so paid.

Bonds:
where paid.

The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale pay off such bond and discharge the land described in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate named in the bond, together with the amount of interest as shown on the next numbered interest coupon, and all penalties accrued and unpaid. Upon such payment being made to the city treasurer he shall report the same to the street superintendent, who shall forthwith mark paid on the margin of the record of the assessment, the assessment to represent which such bond was issued, and thereupon the lien of said assessment shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office.

Bonds:
payment in
advance.

SEC. 12. Section 61 of said act as amended is hereby amended to read as follows:

Stats. 1927,
p 1410.

Sec. 61. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this act, it shall so declare

Bonds:
issuance
declared in
resolution of
intention.

in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear.

New section.

SEC. 13. A new section is hereby added to said act to be known and designated as section 65a and to read as follows:

Division of
land for
which bond
issued.

Sec. 65a. In the event of the division of any lot or parcel of land for which a bond has been issued pursuant to section 63 hereof into two or more separate lots or parcels of land, such bond may be surrendered and new bonds issued to the holder of the original bond in the manner hereinafter prescribed. When it is desired that such new bonds shall be

New bonds

issued, an application in writing signed by the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall be filed with the street superintendent. Such application shall indicate how the original lot or parcel has been divided, and request the street superintendent to apportion the amount remaining unpaid on said assessment in accordance with such division, and be accompanied by a fee of five dollars (\$5) for each such division, which sums shall be deposited by said street superintendent in the city treasury. The street superintendent thereupon shall apportion to each separate part of said original

Fee

lot or parcel of land the proportionate part of the amount remaining unpaid on said assessment that would have been levied thereon had such lot or parcel of land been so divided at the time the original assessment was made. When such determination has been made an application signed by all persons owning an interest in the original lot or parcel of land and the holder of the original bond on such lot or parcel of land, may be filed with the city treasurer requesting that new bonds be issued for the amounts shown by the apportioned assessment in accordance with this section. Such application shall be accompanied by evidence satisfactory to said city treasurer that it is signed by every person owning any interest in said original lot or parcel of land and the holder of the original bond. When the city treasurer shall have ascertained that the application is signed by all the necessary persons he shall so advise the street superintendent, who shall thereupon amend the recorded diagram and assessment to conform to such division and apportionment and assign new assessment numbers to each separate part of the original lot or parcel of land. The city treasurer shall add to each such apportioned amount a sum equal to five per cent thereof but in no event more than the sum of ten dollars (\$10) and shall make and sign a new bond of the same form as the original bond, to represent each such apportioned amount. The amount of such bond shall be equal to the sum of such apportioned amount and the amount added thereto by the city treasurer as herein prescribed, and payable in installments at the respective dates of the payment of principal and interest of the original bond, the number of such installments to be equal to the number of unpaid installments on the original bond. Provided, however, that no new bond shall be issued when

Change in
diagram.

such apportioned amount shall be less than twenty-five dollars, in which event the said amount shall be paid to the city treasurer in cash for the benefit of the holder of the original bond at or prior to the time of filing the application last hereinabove mentioned. Upon the surrender of the original bond the city treasurer shall deliver to such bondholder or his agent or assigns the bonds issued for such apportioned assessments together with all payments of cash which may have been made pursuant hereto.

CHAPTER 749.

An act to amend section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, statutes 1921, chapter 652, page 1103, as amended, relating to time of filing estimates of proposed expenditures. Stats 1921, p 1103, amended

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 9 of an act entitled "An act to provide for organization and government of public cemetery districts," approved June 1, 1921, as amended, is hereby amended to read as follows: Stats 1929, p 684

Sec 9. The said board of cemetery trustees shall annually, at or before the time fixed pursuant to the provisions of section 3714 of the Political Code for filing estimates of expenditures, estimate and certify to the board of supervisors of the county wherein the district is situated, or if said district is not entirely within one county, then as hereinafter provided, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year. If said district is in more than one county, the total estimate as provided for hereinbefore shall be divided by said board of cemetery trustees in proportion to the value of the real property of the district in each county. This value must be determined from the equalized values of the last assessment rolls of said counties. When said division of the estimate has been made, said board of cemetery trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county. The board of supervisors of each county wherein is situated a cemetery district or any part thereof organized under the provisions of this act must, annually, at the time of levying county taxes levy a tax upon all the property within said cemetery district situated in said county sufficient to raise the amount so certified to said board of supervisors by said board of cemetery trustees, to be raised by tax on the property of said district in said county. The tax so levied, however, shall Annual tax levy. District in more than one county.

not exceed two mills on each dollar of assessed valuation of the property in said district.

CHAPTER 750.

Stats 1909, p. 551, amended. *An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, statutes 1909, page 551, relating to formation of such districts.*

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1915, p. 944 SECTION 1. Section 3 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, statutes 1909, page 551, is hereby amended to read as follows:

Petition for district. Notice of hearing. Sec. 3. Upon the application, by petition, of fifteen or more taxpayers and residents of said town or village presented at a regular meeting of the board of supervisors of the county in which the said town or village is situated, praying for the formation of a public highway lighting district, and setting forth the name and boundaries of the said proposed district, the board of supervisors shall fix a day and hour for hearing the same, and protests of interested parties, not less than twenty-five nor more than thirty days after the date of presentation thereof. The clerk of the board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in said district. Said notice shall be headed "Notice of the proposed formation of ----- lighting district" (stating name of the proposed lighting district) in letters not less than one inch in length, and shall, in legible characters, state the fact and date of the filing of such petition, the date and hour set for hearing such petition and protests of interested parties, specify the boundaries of the proposed district and refer to said petition for further particulars. The said clerk shall also cause a notice, similar in substance, to be published at least once a week for two consecutive weeks in a newspaper of general

circulation printed and published in the county in which the proposed district is located, and designated by said board for that purpose. Said notice must be posted and published, as above provided, at least seven days before the date set for the hearing of said petition. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed improvement, or to the inclusion of his property in said district, may file a written protest, setting forth such objections, with the clerk of said board at or before the time set for the hearing of said petition. The clerk of said board shall endorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said board shall hear said petition and protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the board shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said board shall not extend the boundaries of said district, nor shall said board modify such boundaries so as to exclude from such proposed district any territory which will be benefited by said improvement, nor shall any territory which will not, in the judgment of said board be benefited by said improvement be included within such proposed district. At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and, after hearing be denied or the boundaries of the proposed district be defined and established with modifications, as above provided, then said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

Protesta.

Findings
conclusive.

The said board of supervisors must, within thirty days after acquiring jurisdiction to proceed as provided above, by resolution, order that an election be held in the said proposed district for the determination of the question, and shall appoint three qualified electors thereof to conduct said election; which must be held within forty days from the date of the order.

Election

CHAPTER 751.

An act to amend section 31 of an act entitled "An act to be known as the 'Pacific Colony act,' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe

Stats. 1917,
p. 1623,
amended.

penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor,' approved June 1, 1917, as amended, requiring counties to pay the state for the proper part of each month.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 728.

SECTION 1. Section 31 of the Pacific Colony act is hereby amended to read as follows:

Payment by
counties to
state

Sec. 31. For each person committed to the Pacific Colony the county from which he is committed shall pay the state at the rate of twenty dollars per month for the time such person so committed remains an inmate of the institution.

CHAPTER 752.

An act to amend section 2167b of the Political Code, relating to the residence and cost of maintenance of psychopathic parole patients, and to add to the Political Code a new section to be designated section 2167c to provide for the admission of voluntary patients to the psychopathic hospital or ward maintained by the county, pursuant to section 2167, Political Code.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1925,
p 442.

SECTION 1. Section 2167b of the Political Code is hereby amended to read as follows:

Title

2167b. This act shall be known as the psychopathic parole act and shall apply to persons mentally disordered and bordering on insanity but not dangerously insane.

Creation of
office of psy-
chopathic
parole
officer

1. The office of psychopathic probation officer may be created in any county in this state by the board of supervisors thereof. The psychopathic probation officers and deputy psychopathic probation officers to serve hereunder shall be nominated and appointed by the judge of the superior court by written order entered in the minutes of said court. The term of office of the psychopathic probation officers and deputy psychopathic probation officers shall be during the pleasure of the court and may at any time be removed by said court in its discretion. Such psychopathic officers shall devote their entire time and attention to the duties of their office. It

shall be the duty of the clerk of said court before any mentally disordered or insane person is brought before the court under the provisions of this act to notify one of the probation officers of said court.

2. The said psychopathic probation officer shall inquire into the antecedents, character, family history, environment and superinducing cause of the mental disorder or insanity of every alleged mentally disordered or insane person brought before the court and shall make his report to the judge thereof, in writing or verbally in open court in chambers as directed by the judge of said court. Every psychopathic probation officer, assistant psychopathic probation officer and deputy psychopathic probation officer shall have the powers of peace officers at any time at his or her discretion: such officer may bring any mentally disordered or insane person committed to the care of such psychopathic probation officer before the court for such further other action as the court may deem proper.

Duties and powers

3. In each county where the office of psychopathic parole officer has been created under the provisions of this act, the judge of the superior court shall have power to appoint two psychopathic probation officers, and as many deputies as may be convenient or necessary may from time to time be appointed by the judge of the superior court; and, providing, further, that such deputies shall serve without compensation. Each of said psychopathic probation officers shall receive such salary as may be determined upon by the board of supervisors, and the salaries of such psychopathic probation officers shall be paid out of the county treasury of the county in which they are appointed respectively and in the same manner as county officers.

Salaries

4. The psychopathic probation officers and deputy psychopathic probation officers shall be allowed such necessary incidental expenses as may be authorized by the judge of the superior court and the same shall be a charge upon the county in which the court appointing them has jurisdiction and said expenses shall be paid out of the county treasury upon a written order by the judge of the superior court, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expenditure; provided, however, that in counties in which the office of psychopathic probation officer has been or shall be created by the board of supervisors and appointment of such officer made by said board, the necessary incidental expenses of the psychopathic probation officer and deputy psychopathic probation officers shall be county charges and claims therefor shall be audited, allowed and paid in the same manner as other county claims.

Expenses

5. If on the examination as provided by law, the court finds a person to be mentally disordered and bordering on insanity but not dangerously insane, the court may commit such persons to the care and custody of the psychopathic probation officer and may allow said persons to remain in the home of said persons subject to the visitation of a probation

Care of persons mentally sick

Payment
of expense.

Stats. 1901,
p. 636.

Transfer of
custody.

Construc-
tion.

New section.

officer and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable; or the court may commit the person so found to be mentally disordered or bordering on insanity but not dangerously insane, to be placed in a suitable home, sanitarium or rest haven home, subject to the supervision of said psychopathic probation officer and the further order of the court; provided, however, that the reasonable cost in a sum to be fixed by the court at the time of the commitment, shall be defrayed out of the estate of the patient so committed or shall be a charge upon his relatives liable for such maintenance; provided, however, that if the patient is found to be an indigent resident of the county, in accordance with the definition of such residence prescribed in chapter 210, statutes of 1901, entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended, and without funds or relatives responsible for his maintenance able to pay such charge, then the same shall be a charge upon the county in which court has jurisdiction and said expense shall be paid out of the county treasury upon a written order of the judge of the superior court of said county, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expense; provided, further, that if such patient is a nonresident of the county or if a relative or a friend of the patient is found outside of the county, of whose ability and willingness to assume the responsibility and the expense of the proper care of the patient the court is satisfied, the court may release such patient to the custody of such relative or friend and the cost and expense of transporting the patient to the home of such relative or friend or to the county or state where the patient has a legal residence shall be a charge upon the county in which the court has jurisdiction and shall be paid in the manner prescribed in this paragraph for the payment of other expenses for the care of such patients.

6. This act shall be liberally construed to the end that its purpose may be carried out, to wit: That the humane care and custody of the mentally disordered or near-insane persons, as defined in this act, shall be provided for that restoration of such patients to a normal mental condition be as rapid as possible without committing said patient to an insane hospital. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 2. The Political Code is hereby amended by adding thereto a new provision to be designated section 2167c, to read as follows:

2167c. The superintendent or person in charge of the county psychopathic hospital, ward or rooms provided by the county pursuant to section 2167, Political Code, may receive and detain in such hospital, ward or rooms, as a boarder and patient, any person who is legally eligible to receive aid or treatment from the county as an indigent, suffering from mental disease, or who is mentally disordered and who, in the judgment of the superintendent or person in charge, is a suitable person for care and treatment or for observation in such hospital, and who shall voluntarily make a written application to said superintendent or person in charge thereof for admission into such hospital, ward or rooms for care, treatment or observation, and who is in such condition of mind, at the time of making such application for admission, as to render him competent to make such application. Any such person so received and detained shall be deemed a voluntary patient. Any person received into the county hospital, ward or rooms provided by the county pursuant to section 2167, Political Code, under such voluntary application shall not be detained therein for more than seven days after having given notice, in writing, to the superintendent or person in charge of his desire to leave such hospital. In case such voluntary patient shall be or later becomes the owner of property, real, personal or mixed, the county furnishing such care, treatment, and observation, shall be entitled to reimbursement for the cost thereof in the same manner as provided by law in the case of other persons receiving aid or treatment from the county as indigents. The board of supervisors of the county shall fix and determine a schedule of charges for the care, treatment and observation of such voluntary mental patients and reimbursement to the county shall be made upon the basis of the charges so fixed.

Care of
indigents
mentally
sick.

CHAPTER 753.

An act to amend section 11 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as

Stats 1915,
p 1225,
amended

amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, requiring counties to pay the state in the semiannual settlements with the controller and for the proper part of each month.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 1064

SECTION 1. Section 11 of the juvenile court law is hereby amended to read as follows:

Support
of ward.

Sec. 11. An order providing for the care and custody of a ward of the juvenile court of a minor person concerning whom a verified petition has been filed, in accordance with the provisions of section 3 of this act, in such case where it is necessary that provision be made for the expense of support and maintenance of said ward or person concerning whom such a petition has been filed, must direct that the whole expense of such support and maintenance of said ward or person, up to the amount of not more than twenty dollars (\$20) per month from the county treasury, and may direct that an amount up to thirty-five dollars (\$35) per month be so paid, and in the case of any physically sick, epileptic, insane or feeble-minded ward, the court may order such additional sum or sums to be paid from the county treasury as may be necessary for the support and maintenance of said ward; provided, that the total amount so paid in the case of said physically sick, epileptic, insane or feeble-minded ward shall not exceed the sum of forty dollars per month. That all orders made pursuant to the provisions of this section, shall state the amounts to be so paid from the county treasury, which shall not in the case of any one ward or minor person concerning whom such a petition has been filed exceed thirty-five dollars in any one month, except that in the case of any physically sick, epileptic, insane or feeble-minded ward an amount not to exceed forty dollars per month may be ordered paid.

Report on
ability
to pay

At the time of making any order providing for the support and maintenance of a ward of the juvenile court or said other minor person, said court shall inquire into the earnings, property or estate of said ward or said other minor person, and into the ability of the parent, parents, guardian of said ward or said other minor person, or other person liable for the support and maintenance of said ward or said other minor person to pay for the expense of support and maintenance of said ward or said other minor person.

Payment of
additional
amount

If it is found that thirty-five dollars a month is insufficient to pay the whole expense of support and maintenance of said ward or said other minor person, or in the case of the physically sick, epileptic, insane or feeble-minded ward it is found that forty dollars a month is insufficient to pay the whole support and maintenance of said ward, the court may order and direct

that such additional amount as may be necessary shall be paid out of the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or, said other minor person, or other person liable for the support and maintenance of said ward or said other minor person, to said probation officer, who shall in turn pay the same to the person, association or institution that under court order is caring for and maintaining said ward or said other minor person.

Said court shall further order, and direct that the county for its expense of support and maintenance of any such ward or said other minor person shall be reimbursed, either in whole or in part, from the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or said other minor person, or other person liable for the support of said ward or said other minor person, if it is found that there are earnings, property or estate of said ward or said other minor person, sufficient therefor, or that said parent, parents, guardian of said ward or said other minor person or other person liable for the support of said ward, or said other minor person is able to pay, either in whole or in part, for such expense of support and maintenance of said ward or said other minor person, and for the purpose of said reimbursement may order and direct payments to be made to the probation officer from the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or said other minor person, or other person liable for the support of said ward or said other minor person, the amount of which payments shall be determined by said court and which said payments shall be paid by said probation officer in turn to the county treasurer of said county on account of said reimbursement.

Payment from estate of ward

No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining said ward or said other minor person.

No order for the payment from the county treasury of the expense of support and maintenance of a ward of the juvenile court shall be effective for more than twelve months, and no order for the payment from the county treasury of the expense of support and maintenance of a minor person concerning whom a verified petition has been filed in accordance with the provisions of section 3 of this act, other than a ward of the court shall be effective for more than one month, and upon all said original and all subsequent hearings of the case of any ward of the juvenile court the case shall be continued on the calendar, but in no instance to exceed twelve months; provided, however, that for each person committed to any state school the county from which he is committed shall pay the state at the rate of twenty dollars per month for the time such person so committed remains in such state school or in any other state school within the state to which such person may be transferred. Each county auditor must include in his state settlement

Duration of order, etc

report, rendered to the controller in the months of May and December, the amount due under this act and the county treasurer, at the time of the settlement with the state in such months, must pay to the state treasurer, upon the order of the controller, the amounts found to be due by reason of the commitments herein referred to.

Accounts
of officers.

For the purpose of handling the reimbursement and other payments provided for herein said probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts and shall make a report thereon to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

Parents'
control.

In all cases the court may determine whether or not the parent, parents, or guardian shall exercise any control of said ward or said other minor person and define the extent thereof.

Contempt.

Any disobedience or interference with any order of the juvenile court or of the judge thereof shall constitute a contempt of court.

Compliance
with orders

It shall be the duty of the probation officer to see that such parent, parents, guardian of said ward or said other minor person, or other person liable therefor, comply with such orders, or upon failure to make any payment directed in such orders to report such failure to such court. The court may at any time set aside, change or modify any order herein provided for.

Execution
to enforce
payment.

Where said juvenile court has ordered payment of money to be made as reimbursement to the county for the expense of support and maintenance of any ward or said other minor person as herein provided for or as additional for the expense of support and maintenance of said ward or said other minor person, for said person, association or institution that under court order is caring for and maintaining said ward or said other minor person, either from the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or said other minor person, or other person liable for the support of said ward or said other minor person, execution may issue for such payment or payments upon the order and at the discretion of said court, upon affidavit of said probation officer showing that any payment or payments are due and have not been made.

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CHAPTER 754.

An act making an appropriation to pay the claim of Hugo Michler against the State of California.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury to the credit of the motor vehicle fuel fund, the sum of seven hundred thirty-one and 88/100 dollars (\$731.88) is hereby appropriated to pay the claim of Hugo Michler against the State of California.

Special ap-
propriation.

CHAPTER 755.

An act to amend section 158 of the Code of Civil Procedure, relating to judges of the superior court.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 158 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1891,
p 277.

158. Each judge of a superior court shall reside within the county of the court for which he is elected or appointed.

Residence
of superior
judges.

CHAPTER 756.

An act to amend section 628b of the Penal Code, relating to protection of fish.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 628b of the Penal Code is hereby amended to read as follows:

Stats 1927,
p 1961.

628b. Every person who at any time, except with hook and line and in the manner commonly known as angling, takes, catches or kills any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish, or has in his possession more than fifteen black bass or twenty-five Sacramento perch, crappie, calico bass or any variety of sunfish during one calendar day, or who takes, catches, kills or has in his possession any black bass, less than nine inches in length, or who buys, sells, offers or exposes for sale any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish; every person who in any fish and game district, between the first day of December and the thirtieth day of April of the year

Protection
of bass,
perch, etc.

following, both dates inclusive, takes, catches, kills, or has in his possession any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish is guilty of a misdemeanor; provided, that in fish and game district four and three-quarters, black bass may be taken in the manner and amount provided elsewhere in this section at any time of the year.

District
No. 2.

Nothing in this section shall prohibit the taking of black bass at any time in any lake exceeding seventy-five square miles in area, within the boundaries of fish and game district number two; provided, that no person may take, kill, catch or destroy more than ten black bass in such lake or lakes in any one calendar day, or have in possession more than ten black bass taken from such lake or lakes in one calendar day.

Provided, further, nothing in this section shall prohibit the taking of black bass, Sacramento perch, crappie, or calico bass, at any time in any lake exceeding seventy-five square miles in area, within the boundaries of fish and game district number two; provided, that no person may take, kill, catch or destroy more than ten black bass, Sacramento perch, crappie, or calico bass in any such lake or lakes in any one calendar day, or have in his possession more than ten black bass, Sacramento perch, crappie, or calico bass taken from any such lake or lakes in one calendar day.

Provided, further, nothing in this section shall prohibit the possession within the boundaries of fish and game district number two of black bass taken in such lake or lakes during the open season for such lake or lakes.

Catfish

Every person who at any time, has in his possession for sale, or sells, or offers for sale, any catfish, between the first day of May and the thirty-first day of August, inclusive, of any year, or who at any time has in his possession for sale, or sells, or offers for sale, any dressed catfish, which shall measure less than seven inches in length, exclusive of any part of the head, or who at any time has in his possession for sale, or sells, or offers for sale, any undressed catfish less than nine inches in length, or who retains any catfish in live cars or boats that do not measure nine inches in length, or who at any time, kills or has in his possession any sturgeon, is guilty of a misdemeanor.

But every person who at any time transports or ships catfish out of fish and game district two for the purpose of barter, sale, exchange or other commercial purposes, is guilty of a misdemeanor.

Nothing in this section shall prohibit the taking, at any time, of catfish in any lake exceeding seventy-five square miles in area, within the boundaries of fish and game district two, and nothing in this section shall prohibit the possession, sale, barter or exchange within the boundaries of fish and game district two of catfish taken in such lake or lakes.

Fish and
game com-
mission

Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons author-

ized by it from taking at all times such fish as they may deem necessary for scientific purposes, or for purposes of propagation.

CHAPTER 757.

An act to amend section 634 of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 634 of the Penal Code is hereby amended as follows: See Ch. 101,
Stats 1931

634. 1. Every person who takes, catches or kills in any manner or possesses any salmon other than as provided for in this act is guilty of a misdemeanor. Protection
of salmon

2. It shall be unlawful to take, catch or kill any salmon on any spawning bed or within ten miles of any salmon spawning station (the division of fish and game is hereby authorized to designate spawning areas as intended in this act), or in state waters at the mouth of any interstate stream within three miles north and south of a line drawn due west from the center of the mouth of said stream; or to use nets at any time of the year between sunrise Saturday and sunset of the following Sunday; or in districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen and eighteen to take, catch, kill or have in possession any chinook salmon (*Oncorhynchus tshawytscha*) less than twenty-seven inches in length, or any silver salmon (*Oncorhynchus kisutch*) less than twenty-four inches in length, measured from the tip of the snout to the extreme tip of the tail, or to bring any salmon ashore in such condition that its length can not be measured. All salmon under legal size accidentally caught must be landed by means of a landing net or scoop net, and all salmon under legal size must be returned to the water unharmed. It shall be unlawful to operate any salmon trolling boat not equipped with a landing net or scoop net, or, to gaff, club, or injure any salmon under the legal size. Spawning
areas, etc

3. Salmon taken in districts one, one and one-half, two, two and one-half, three, twelve "A" and the Klamath river fish and game district except in tidewater can not be sold at any time. The sale of salmon legally taken in all other fish and game districts in California, or shipped into the state from Oregon or Washington or any state or foreign country is not prohibited; provided that nothing herein contained shall authorize the possession or sale of salmon in districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen and eighteen during the time when the taking, catching, killing, possession or sale of such salmon is unlawful, irrespective of whether such salmon are caught on the high seas or shipped into the state Legal size

Sale
restricted

or are in the course of being transported into the state. Between September sixteenth and November fourteenth salmon must be held or sold only under such regulations as may be prescribed by the division of fish and game.

Districts 3, 12 "A," 1, 1 1/2, 2, 2 1/2 and Klamath river district.

4. It shall be unlawful to take salmon other than with hook and line in fish and game districts three and twelve "A" and other than with hook and line and spear in fish and game districts one, one and one-half, two, two and one-half and Klamath river fish and game district (above tidewater).

District 1

4a. In district one, salmon may be taken with spear and hook and line between the twenty-ninth day of May and the thirty-first day of October, both dates inclusive. Not more than two salmon may be taken per day.

District 1 1/2.

4b. In district one and one-half, salmon may be taken with hook and line between the twenty-ninth day of May and the thirty-first day of December, both dates inclusive. Spears may be used only between the first day of August and the thirty-first day of October, both dates inclusive. Not more than two salmon may be taken per day.

Districts 2 and 2 1/2

4c. In districts two and two and one-half salmon may be taken with hook and line between the first day of May and the last day of February, both dates inclusive. Spears may be used only between the first day of November and the last day of February, both dates inclusive. Not more than two salmon per day may be taken.

Districts 3 and 12 "A"

4d. In district three and twelve "A" salmon may be taken only with hook and line between the first day of May and the thirty-first day of October, both dates inclusive. Not more than two salmon per day may be taken.

Klamath river district above tide-water

4e. Above tidewater in the Klamath river district salmon may be taken between the twenty-ninth day of May and the thirty-first day of December with hook and line. Spears may be used only between August first and October thirty-first, both dates inclusive. Not more than two salmon per day may be taken.

District 5

5. In district five, salmon may be taken with gill nets and seines of not less than five and one-half inch mesh between the fifteenth day of August and the thirty-first day of October, both dates inclusive; with no bag limit.

Districts 6, 7, 8, 9, 10, 11, 15, 16, 17, 18.

6. Except as provided in paragraph two, salmon may be taken with hook and line only, with no bag limit, in fish and game districts six, seven, eight and nine between the first day of May and the fifteenth day of September, both dates inclusive, and in fish and game districts ten and eleven between the first day of May and the fifteenth day of August, both dates inclusive, and in fish and game districts fifteen, sixteen, seventeen and eighteen between the first day of April and the thirtieth day of June, both dates inclusive. No salmon from the high seas, Oregon, or any other fish and game district may be brought through fish and game districts six, seven, eight and nine between the sixteenth day of September and the thirtieth day of April of the year following, both

dates inclusive, and no salmon from the high seas, Oregon, or any other fish and game district may be brought through fish and game districts ten and eleven between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, and no salmon from the high seas, Oregon, or any other fish and game district may be brought through fish and game districts fifteen, sixteen, seventeen and eighteen between the first day of July and the thirty-first day of March of the year following, both dates inclusive.

7. In tidewater in the Klamath river district salmon may be taken with hook and line between the twenty-ninth day of May and the thirty-first day of December, both dates inclusive, or with gill nets of not less than seven and one-half inch mesh between the first day of July and the fifth day of September, both dates inclusive; provided that no nets may be used between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September, both dates inclusive. During the netting season there shall be no bag limit, but at other times there shall be a bag limit of two per day. For the purpose of this act tidewater on the Klamath river shall be that portion of the river between its mouth and the Douglas memorial bridge.

8. Every person who, in fish and game districts twelve and thirteen, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game district twelve "B" between the sixteenth day of June and the thirty-first day of July, both dates inclusive, and every person who in fish and game district twelve "C" between the sixteenth day of June and the fourteenth day of November of the same year, both dates inclusive, and every person who in fish and game districts twelve, twelve "B" and thirteen between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, or who, in fish and game districts twelve, twelve "B," twelve "C" and thirteen at any time takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, or between May sixteenth and June fifteenth, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length is guilty of a misdemeanor.

9 Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes.

- Definition.** 10. For the purpose of this act and all acts relating thereto, only such fish as belonging to the genus *Oncorhynchus* shall be considered salmon.
- Penalty.** 11. Any violation of any of the provisions of this act shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not to exceed six months in the county in which the conviction shall be had or by both such fine and imprisonment.

CHAPTER 758.

An act to amend section 131 of the Code of Civil Procedure, relating to the incidental expenses of probation officers and deputy probation officers.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1905,
p. 780.

SECTION 1. Section 131 of the Code of Civil Procedure is hereby amended to read as follows:

Probation
committee

131. 1. The judge of the superior court in and for each county or city and county of the state, or where there are more than one judge of said court, a majority of the judges thereof by an order entered in the minutes of such court, may appoint seven discreet citizens of good moral character, and of either sex, to be known as probation committee, and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of said superior court in said county and qualify by taking oath, to be entered in the minutes of said superior court, to faithfully perform the duties of a member of such probation committee.

Term of
office

2. The members of such probation committee shall hold office for four years, and until their successors are appointed, provided that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members first appointed shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, the successor shall be appointed to hold for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold for the unexpired term of his predecessor.

Compensa-
tion

3. The members of the probation committee shall serve without compensation.

Examination
of societies,
etc

4. The superior court or any judge thereof may at any time require said probation committee or a probation officer to examine into the qualifications and management of any

society, association or corporation, other than a state institution, applying to receive any child or children under this act, and to report to the court, provided that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution.

It shall be the duty of each probation committee prior to December first in each year to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their respective counties, and in said report said committee may make such suggestions or comments as to them may seem fit; said report to be filed in the office of the clerk of the court appointing such committee, for the information of the judges thereof.

Report of committee.

5. In counties of the first class there shall be one probation officer and not more than five deputy probation officers; in counties of the second class, one probation officer and not more than one deputy probation officer; in all other counties there shall be one probation officer. In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinafter provided, from time to time when in the opinion of the court it may be necessary, provided that they serve without salary.

Probation officer, deputies, etc

6. The probation officer and deputy probation officers in all the counties of the state shall be allowed such necessary incidental expenses as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court; provided, however, that in counties in which the probation officer is appointed by the board of supervisors, the necessary incidental expenses of the probation officer and deputy probation officers shall be county charges and claims therefor shall be audited, allowed and paid in the same manner as other county claims.

Expenses allowed probation officers.

7. The offices of probation officers and deputy probation officers are hereby created. The appointments of probation officers and deputy probation officers to serve hereunder in any county or city and county shall be made by the probation committee of said county or city and county from discreet citizens of good moral character. The appointments by each probation committee shall be made in writing, signed by a majority of the members of such committee, and filed with the county clerk of such county, and shall be subject to and shall take effect upon approval by the judge of the superior court appointing such committee, or by a majority of the judges thereof if there be more than one; such approval to be by order entered in the minutes of said court. The term of office of probation officers and of deputy probation officers

Appointments, by whom and how made.

shall be two years from the date of the said approval of their several appointments. Such probation officers and deputy probation officers may at any time be removed by the judge approving their appointment in his discretion.

Duty of
deputy

8. Any of the duties of the probation office may be performed by a deputy probation officer and shall be performed by him whenever detailed to perform the same by the probation officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his duties.

Present
officers to
serve.

9. It is the intention of this act that the same probation committees, the same probation officers and deputy probation officers shall be appointed and serve under this act as under the act known as the juvenile court act, and entitled "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence," and approved February 26, 1903; or under any laws amending or superseding the same.

Probation
officers to
inquire into
antecedents
of persons
arrested and
to report
thereon

10. Either at the time of the arrest for crime of any person over sixteen years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment and offense of such person, and must report the same to the court and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer must keep a complete and accurate record in suitable books of the history of the case in court and of the name of the probation officer, and his acts in connection with said case; also the age; sex; nativity; residence; education; habits of temperance; whether married or single; and the conduct, employment and occupation and parents' occupation and condition of such person so committed to his care during the term of such probation, and the result of such probation, which record shall be and constitute a part of the records of the court and shall at all times be open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head of the police, unless otherwise ordered by the court. The said books of record shall be furnished by the county clerk of said county, and shall be paid for out of the county treasury.

11. The probation officer shall furnish to each person released on probation and committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court, judge, or justice appointing him, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Terms and conditions of probation

12. The probation officers and deputy probation officers appointed under this section shall serve as such probation officers in all courts having original jurisdiction of criminal actions in this state.

To serve in all courts

13. Such probation officer and each deputy probation officer shall have, as to the person so committed to the care of such probation officer or deputy probation officer, the powers of a peace officer.

Powers of peace officers

CHAPTER 759.

An act to amend section 311 of the Penal Code, relating to lewd conduct or acts and providing penalties therefor.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 311 of the Penal Code is hereby amended to read as follows:

(Code Amdt. 1873-74, p. 429)

311. Every person who wilfully and lewdly, either:

1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,

Lewd conduct

2. Procures, counsels, or assists any person so to expose himself or to take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adopted to excite to vicious or lewd thoughts or acts; or,

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure; or,

4. Writes, composes, or publishes any notice or advertisement of any such writing, paper, book, picture, print or figure; or,

5. Sings or speaks any lewd or obscene song, ballad, or other words, in any public place, or in any place where there are persons present to be annoyed thereby, is guilty of a misdemeanor. The provision of subdivision five of this section shall not apply to any person participating in violation thereof only as an actor, unless and until the proper court shall have passed upon the matter and found the actor to have violated the said subdivision five of this section, except where after

Penalty Actors

a complaint has been filed against the owner, manager, producer or director charging a violation of said subdivision five of this section, and pending the determination thereof an actor or actress utters the particular word or words complained against or other word or words of the same or similar import, in connection with such performance, act, play, drama, exhibition or entertainment.

CHAPTER 760.

An act to add new sections to the School Code to be numbered 5.722 and 5.723 providing for the granting of leaves of absence to certificated employees of school districts for the purpose of permitting study or travel by such employees.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section SECTION 1. A new section is hereby added to the School Code to be numbered 5.722 and to read as follows:

Leaves of absence 5.722. The governing board of any school district, of any type or class, including junior college districts, shall have the power, subject to the provisions of this section, to grant any employee of the district employed in a position requiring certification qualifications, a leave of absence for not to exceed one year for the purpose of permitting study or travel by said employee which will benefit the schools and pupils of the district.

Rules and regulations No leave of absence shall be granted to any employee under this section who has not rendered service to the district for at least seven consecutive years preceding the granting of such leave, of which period at least one year shall have been so served after this act shall have taken effect, and not more than one such leave of absence shall be granted in each seven-year period. The governing board granting said leave of absence shall have the power, subject to the rules and regulations of the state board of education, to prescribe the standards of service which shall entitle the employee to such leave of absence. Said leave of absence shall not be considered as a break in the continuity of service toward retirement under this code except that such leave of absence shall not be counted as a year of service toward retirement under this code.

Compensation during leave Every employee granted a leave of absence under the provisions of this section may be required to perform such services and may receive such compensation during such leave as the governing board of the district, with the approval of the county superintendent of schools, and the employee may agree upon in writing, but such compensation shall be the difference between the salary of the employee on leave and

the salary of a substitute teacher in the position which the employee held prior to the granting of such leave.

Such compensation as may be granted by the governing board to said employee on leave shall be paid in two equal annual installments during the first two years of service rendered in the employ of said governing board following the return of the employee from said leave of absence. Installments

At the expiration of the leave of absence of said employee, he shall, unless he otherwise agrees, be reinstated in the position held by him at the time of the granting of the leave of absence.

SEC. 2. A new section is hereby added to the School Code to be numbered 5.723 and to read as follows: New section

5.723. Both the governing board of any district and the district shall be freed from any liability for the payment of any compensation or damages now or hereafter provided by law for the death or injury of any employee of the district employed in a position requiring certification qualifications when the death or injury occurs while said employee is on any leave of absence granted under the provisions of this article. District's freedom from liability during leave

CHAPTER 761.

An act to amend section 14 of the direct primary law, relating to the opening and closing of the polls at primary elections. Stats 1913, p 1379, amended

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 14 of the direct primary law is hereby amended to read as follows: Stats 1913, p 1379.

Sec. 14. The hour for the opening and closing of the polls at primary elections shall be as provided in section 1160 and section 1164 of the Political Code. Opening and closing polls

CHAPTER 762.

An act to amend the title and sections 1, 2, 5, and 9 of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, statutes 1923, page 431, as amended Stats 1923, p 431, amended

and to add sections 7a, 7b, and 7c, relating to county fire protection districts.

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Title
amended.

SECTION 1. The title of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, statutes 1923, p. 431, is hereby amended to read as follows:

An act to provide for the formation, management, consolidation and dissolution of county fire protection districts, annexations thereto, and withdrawals therefrom, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof.

Stats 1929,
p. 1021

SEC. 2. Section 1 of said act is hereby amended to read as follows:

County fire
protection
districts

Section 1. Any portion of a county composed of unincorporated territory and not including any forest land protected by the state board of forestry or in a manner approved by the state board of forestry, may be formed into a county fire protection district in the manner and under the proceedings hereinafter set forth; provided, any city of the sixth class adjacent to said fire protection district may be embraced and included therein upon adoption of an ordinance by the board of trustees of such sixth class city declaring and determining its intention and desire to be embraced and included within said district, and the filing of a certified copy of said ordinance with the secretary of state, at Sacramento, and with the clerk of the board of supervisors of the county within which such district is located, from and after which, said municipality shall be deemed a part of said district.

Stats 1927,
p 1572

SEC. 3. Sec. 2 of said act is hereby amended to read as follows:

Proposal
to form
district

Sec. 2. The board of supervisors of any county of the state may determine that a portion of the unincorporated territory of the county is in need of fire protection and should be formed into a fire protection district. Thereupon said board of supervisors shall fix a time and place for a hearing of the matter of the formation of such county fire protection district and shall direct the clerk of said board to publish a notice once a week for two successive weeks in a newspaper of general circulation, circulated in the territory which it is proposed to organize into a fire protection district, which said board deems most likely to give notice to the inhabitants thereof, of the proposed formation of such district. Such board shall also direct the clerk to cause the said notice to be posted in three (3)

public places in said territory, at least ten (10) days prior to the date set for such hearing. Said notice shall be headed "Notice of the proposed formation of _____ county fire protection district in _____ county (stating the name of the proposed district and the name of the county in which the proposed district is to be located)" which heading in the said notice as posted, shall be in letters of not less than one inch in length. Said notice as published and posted shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a county fire protection district. Said notice shall set forth the exterior boundaries of the territory proposed to be organized into a fire protection district, which said boundaries so far as practicable, shall be the center lines of highways.

Notice of hearing

Sec. 4. Sec. 5 of said act is hereby amended to read as follows:

Stats 1929, p 1021

Sec. 5. The board of supervisors of any county wherein any county fire protection district is established shall be the governing body thereof and shall have power to make and enforce all rules and regulations necessary for the administration and government of such district and for the furnishing of fire protection thereto and for the elimination of fire hazards therein; to appoint agents and employees for such district sufficient to maintain and operate the property acquired for the purposes of the district and to police the district; to clear any or all town lots, homesites, villa lots or lands immediately adjacent thereto within the district of dry grass, weeds, stubble, brush, rubbish, litter or other inflammable material; to acquire real or personal property needful for the purposes of said district and to dispose of the same when no longer needed; to construct any needed structures; and to perform all other acts necessary or proper to accomplish the purposes of this act, and not inconsistent with the provisions thereof.

Powers and duties of supervisors

Sec. 5. A new section to be known as section 7a is hereby added to said act and reads as follows:

New section

Sec. 7a. Except as hereinafter provided, whenever any portion of a county fire protection district shall be included within an incorporated city by reason of incorporation, annexation or otherwise such portion of said county fire protection district shall be withdrawn from said county fire protection district; provided, however, that if any portion of a county fire protection district shall be included by incorporation, annexation or otherwise, within a city of the sixth class, such territory shall nevertheless remain a portion of said fire protection district unless and until the board of supervisors shall determine, upon a hearing held for that purpose, that the territory of the county fire protection district not included within such city of the sixth class will benefit by remaining as a county fire protection district. If it is desired that the portion of the county fire protection district included within

Withdrawal of portions within incorporated cities

Notice of
hearing

the boundaries of a city of the sixth class shall be withdrawn from said district, the board of trustees of said city of the sixth class shall by resolution request the board of supervisors to fix a time and place for a hearing on the question of such withdrawal and in said resolution shall designate the exterior boundaries of that portion of the county fire protection district within such incorporated city. Notice of such hearing shall be given by the board of supervisors by publication by one insertion in a newspaper circulated in said district which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal and said notice also shall be posted in three public places within the county fire protection district one of which shall be within that portion of the county fire protection district within said city of the sixth class. Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, or may object to the continuance of the remaining territory as a county fire protection district, and the board of supervisors shall consider all objections and shall pass upon the same. If it finds that the portion of the territory of said district not included within such incorporated city will be benefited by continuing as a county fire protection district after such withdrawal then it shall grant the request and by an order entered upon its minutes shall alter the boundaries of said fire protection district to exclude the portion thereof lying within such incorporated city. No withdrawal of territory, under the provisions of this section, shall become final unless and until any contract for furnishing water to said fire protection district shall have expired or be canceled or modified, with the consent of the parties thereto, so that the county fire protection district shall be relieved of the obligation to pay for future water supply within the territory so withdrawn. Upon the withdrawal of any territory of a county fire protection district under the provisions of this section all property acquired for the district and all funds remaining on hand shall be divided between the incorporated city and the remaining fire protection district in the proportion that the total assessed value of the real property of the territory so withdrawn bore to the total assessed value of the real property within said fire protection district prior to such withdrawal.

New section SEC. 6. A new section to be known as section 7b is hereby added to said act and reads as follows:

Consolidation of districts Sec. 7b. At any time after the establishment under the provisions of this act of two or more county fire protection districts in any county of this state, the board of supervisors of such county may determine that any two or more of such districts, whether or not the same are contiguous to each other, should be consolidated. Thereupon said board shall fix a time and place for a hearing of the matter of the consolidation of such districts and shall direct its clerk to publish a notice

once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, which said board deems most likely to give notice to the inhabitants of said districts. Such notice shall be headed "Notice of the proposed consolidation of ----- county fire protection district and ----- county fire protection district," stating the names of the district proposed to be consolidated and shall contain a statement of the time and place fixed by the board for a hearing on the matter of the consolidation of such districts. Said notice shall state that it is proposed to consolidate into one county fire protection district all of the territory within the named county fire protection districts.

Notice

SEC. 7. A new section to be known as section 7c is hereby added to said act and reads as follows:

New section

Sec. 7c. At the time and place fixed by the board of supervisors for the hearing of said matter of consolidation, or at any time to which said hearing may be continued, the board shall hear any person objecting to said consolidation. At the conclusion of said hearing said board of supervisors may refuse to consolidate any of said districts or it may order the consolidation of any or all of the districts proposed to be consolidated. If it determines to consolidate any of such districts it shall so declare by resolution and shall state therein the name by which such consolidated district thereafter shall be known.

Hearing on question of consolidation

SEC. 8. Section 9 of said act is hereby amended to read as follows:

Stats. 1923, p 431

Sec. 9. At any time after the establishment of a county fire protection district under the provisions of this act the board of supervisors may determine that territory, whether or not it is contiguous to such district, should be annexed to such district. Thereupon said board shall fix a time and place for the hearing of the matter of the annexation of said territory and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex which said board deems most likely to give notice to the inhabitants of such territory. Such notice shall be headed "Notice of the proposed annexation of territory to the ----- county fire protection district in ----- county," stating the name of the district and county to which it is proposed to annex territory and shall contain a statement of the time and place fixed by the board for a hearing on the matter of the annexation of such territory to the county fire protection district. Said notice shall designate the territory proposed to be annexed.

Proposal to annex territory

Notice

CHAPTER 763.

An act to provide for the salaries and expenses of the building and loan commissioner, his attorney, deputies, exam-

mers, accountants, appraisers and other assistants; to provide for the disposition of moneys in the "building and loan inspection fund" created by chapter 354 of the statutes of 1911, as amended; and of moneys collected under the building and loan association act; and otherwise relating to the building and loan commissioner, his assistants and employees, and to the regulation of building and loan associations.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Definitions

SECTION 1. The term "commissioner" wherever used in this act shall mean the building and loan commissioner as defined in the building and loan association act; and the term "association" wherever used in this act shall mean a building and loan association as defined in the building and loan association act.

Salary of commissioner

SEC. 2. The commissioner shall receive an annual salary of six thousand dollars, payable monthly out of the building and loan inspection fund in the state treasury, upon a warrant of the controller. The commissioner's attorney, deputies, examiners, accountants, appraisers and other assistants shall receive such compensation as shall be fixed by the commissioner, with the approval of the department of finance, which compensation shall be paid out of the building and loan inspection fund in the state treasury. There shall also be allowed and paid the necessary traveling expenses of the commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants, incurred while traveling in the line of their duties. The commissioner shall procure and have offices in the city and county of San Francisco and in the city of Los Angeles. The commissioner shall also provide for such stationery, printing, postage and all other necessary expenditures as may be required for the proper conduct of his office. All such salaries and expenses, shall be paid from the building and loan inspection fund.

Location of offices.

Payment of bond premiums

SEC. 3. The premium or charge for any bond given by a surety company pursuant to article thirteen of the building and loan association act shall be paid out of the building and loan inspection fund; provided that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond.

Collection of moneys assessed under Stats 1931, Ch 269

SEC. 4. The collection of all moneys assessed, as provided in the building and loan association act, for the payment of salaries and expenses or forfeitures as fines for failure to make payment of assessments, procuring licenses or making or filing reports as therein specified and due from any association coming within the provisions of said act or imposed as a penalty for violation of any order or summons, may be enforced by the commissioner by action instituted in any

court of competent jurisdiction; and all moneys collected or received by the commissioner under said act or this act (excluding, however, moneys belonging to associations of the business, property and assets of which the commissioner shall be in possession) shall be deposited with the state treasurer to be credited to a fund to be known and designated as the "building and loan inspection fund," which said fund shall only be used to defray the salaries and expenses provided for by this act; provided however that the commissioner shall pay to the general fund of the state treasury from the moneys received under the provisions of said building and loan association act a sum equal to all money which has been heretofore or may hereafter be appropriated or advanced out of the general fund to the use of the building and loan inspection fund on the condition or with the intention that the amount so appropriated or advanced should be returned. All moneys belonging to associations of the business, property and assets of which the commissioner shall be in possession shall be deposited by the commissioner in such state or national banks as shall be approved for such deposit by the superintendent of banks, and the commissioner shall similarly deposit in such banks all moneys, if any, in his possession at the effective date of this act which do not constitute a part of the building and loan inspection fund.

SEC. 5. All moneys in the "building and loan inspection fund" referred to in section 17, chapter 354, statutes of 1911, as amended, shall be placed in the "building and loan inspection fund" referred to in this act, and all moneys in said fund shall be subject to the disposal of the commissioner in accordance with the terms of this act. Transfer of funds.

SEC. 6. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

CHAPTER 764.

An act to amend section 2921 of the Civil Code, relating to making certain transfers a mortgage and defining the manner in which a power of sale contained in a mortgage or deed of trust may be exercised.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2924 of the Civil Code is hereby amended to read as follows: Stats 1923,
p 735

Transfer,
when mort-
gage, when
pledge

Power of
sale, when to
be exercised

2924. Every transfer of an interest in property, other than in trust, made only as a security for the performance of another act, is to be deemed a mortgage, except when in the case of personal property it is accompanied by actual change of possession, in which case it is to be deemed a pledge. Where, by a mortgage created after July 27, 1917, of any estate in real property, other than an estate at will or for years, less than two, or in any transfer in trust made after July 27, 1917, of a like estate to secure the performance of an obligation, a power of sale is conferred upon the mortgagee, trustee, or any other person, to be exercised after a breach of the obligation for which such mortgage or transfer is a security, such power shall not be exercised except where such mortgage or transfer is made pursuant to an order, judgment, or decree of a court of record, or to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the commissioner of corporations, or is made by a public utility subject to the provisions of the public utilities act, until, (a) the trustee, mortgagee, or beneficiary, shall first file for record, in the office of the recorder of the county wherein the mortgaged or trust property or some part thereof is situated, a notice identifying the mortgage or deed of trust and giving the book and page where the same is recorded or a description of the mortgaged or trust property, and containing a statement that a breach of the obligation for which such mortgage or transfer in trust is security has occurred, and of his election to sell or cause to be sold such property to satisfy the obligation; (b) not less than three months shall thereafter elapse; and (c) the mortgagee, trustee or other person authorized to make the sale shall give notice of the time and place thereof, in the manner and for a time not less than that required by law for sales of real property upon execution.

CHAPTER 765.

An act authorizing the director of the department of finance to lease certain lands situated in Siskiyou county.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Leasing of
certain
lands
authorized

SECTION 1. The director of the department of finance with the approval of the director of the department of public works is hereby authorized to let for a period not to exceed twenty-five years, if in the judgment of the director of the department of finance said letting will be for the best interest of the state, the following described lands or any parts thereof situated in the county of Siskiyou, State of California:

Westerly one-half of lot 17 of block 26 as shown on the original map of Dunsmuir, having approximately fifty feet frontage on Shasta avenue by seventy-five feet depth.

Easterly one-half of lot 17 of block 26 as shown on the original map of Dunsmuir, having approximately fifty feet frontage on Florence avenue by seventy-five feet depth.

Westerly one-half of lot 16 of block 26 as shown on the original map of Dunsmuir, having approximately fifty feet frontage on Shasta avenue by seventy-five feet depth.

Easterly one-half of lot 16 of block 26 as shown on the original map of Dunsmuir, having approximately fifty feet frontage on Florence avenue by seventy-five feet depth.

SEC. 2. Such sums received from the letting of said property shall be credited to such fund as the director of finance shall direct. Disposition of funds

CHAPTER 766.

An act to add a new section to the Civil Code to be known as section 1190a, prescribing the form of certificate of acknowledgment of an instrument executed by a partnership.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code to be known as section 1190a, to read as follows: New section

1190a. The certificate of acknowledgment of an instrument executed by a partnership must be substantially in the following form: Form of certificate of acknowledgment by partnership

State of-----} ss.
County of-----}

On this ----- day of -----, in the year -----, before me (here insert the name and quality of the officer), personally appeared -----, known to me (or proved to me on oath of -----) to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

CHAPTER 767.

An act to amend section 2980 of the Civil Code, relating to conditional sales contracts.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2980 of the Civil Code is hereby amended to read as follows: Stats 1927, p 1567

2980. Every conditional sales contract upon live stock and other animate chattels must be acknowledged or proved and Conditional sales of animate chattels.

certified, and must be recorded within twenty (20) days after its execution in the office of the recorder of the county where the property is situated; otherwise, it shall be void as to the lien of the seller against bona fide purchasers, encumbrancers and those having no actual knowledge of the contract who become creditors of the buyer while said property is in the possession of the buyer.

Sections 2959 and 2965 of the Civil Code, and sections 408, 4130, 4140 and 4300c of the Political Code, are hereby made applicable to conditional sales contracts involving live stock and other animate chattels in the same manner as to mortgages on live stock.

CHAPTER 768.

An act to amend section 661 of the Code of Civil Procedure, relating to the judge before whom motions for new trial shall be argued.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats. 1929,
p. 842.

SECTION 1. Section 661 of the Code of Civil Procedure is hereby amended to read as follows:

Motion for
new trial:
notice,
hearing, etc

661. The motion for a new trial shall be heard and determined by the judge who presided at the trial; provided, however, that in case of the inability of such judge, or if at the time noticed for hearing thereon he is absent from the county where the trial was had, the same shall be heard and determined by any other judge. Upon the expiration of the time to file counteraffidavits the clerk forthwith shall call the motion to the attention of the judge who presided at the trial, or the judge acting in his place, as the case may be, and such judge thereupon shall designate the time for oral argument, if any, to be had on said motion. Five (5) days' notice by mail shall be given of such oral argument, if any, by the clerk to the respective parties. Such motion, if heard by a judge other than the trial judge, shall be argued orally or shall be submitted without oral argument, as the judge may direct, not later than ten (10) days before the expiration of the time within which the court has power to pass on the same.

CHAPTER 769.

Stats. 1927,
p 1351,
amended.

An act to amend section 5 of an act of the Legislature of the State of California entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds

of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved May 24, 1927, relating to the amount of bonds that may be issued by such districts.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved May 24, 1927, is hereby amended to read as follows: Stats. 1927.
p. 1351

Sec. 5. At any time after said legislative body shall have so acquired jurisdiction, it may call an election to be held within the district described in the ordinance or resolution calling the election, which description shall conform with any changes in boundaries that may have been made under section 4 hereof, and provide for the submission to the qualified voters thereof, the proposition of incurring a debt by the issuance of bonds of such district, for the purposes set forth in the ordinance of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the improvement, work or public utility, contemplated thereby, the estimated cost thereof, the estimated cost of the incidental expense in connection therewith, the amount of the principal of the indebtedness to be incurred, therefor, which principal of indebtedness shall not exceed twenty-five per cent of the assessed value of the taxable land in said district as shown by the assessment roll of such city last equalized at the time such election is held, and the rate of interest to be paid on such indebtedness; provided, however, that in its discretion said legislative body may recite in such ordinance or resolution a maximum rate of interest to be paid on such indebtedness, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which such election shall be held, the manner of holding the same and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be six per centum per annum, payable semiannually. Call for bond
election.

CHAPTER 770.

An act to add a new section to the School Code to be numbered 4.385, relating to the publication of information regarding school affairs by school boards.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the School Code to be numbered 4.385 and to read as follows:

Annual
financial
statement
of school
districts

4.385. The governing board of a school district of any kind or class may print and distribute in pamphlet form an annual financial statement of the receipts and expenditures of the school district, and may include therein, at the discretion of the board, a general report concerning the conduct and condition of the schools of the district. Similar information of value to the public regarding the school system may be printed and distributed from time to time, or published not oftener than once a year, in a newspaper of general circulation published within the district.

CHAPTER 771.

An act requiring licensed contractors to report the name and address of the insurance carrier carrying workmen's compensation on their employees to the registrar of contractors in the department of professional and vocational standards and send a copy of such report to the insurance carrier, requiring the said insurance carrier, including the state compensation insurance fund, to thereafter report to the same department any cancellation or lapse of such policy of workmen's compensation insurance, and providing penalties for violation of the provisions thereof.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Contractors
to report
compen-
sation
insurance
carriers

SECTION 1. Every person, firm, association or corporation licensed as a contractor by the department of professional and vocational standards must report in writing the name and address of the insurance carrier carrying workmen's compensation insurance on his or its workers to the registrar of contractors within ten days after any such policy of insurance is issued to him or it and must send a copy of such report to the said insurance carrier, which said insurance carrier, including the state compensation insurance fund, must thereafter report to the said registrar of contractors any cancellation or lapse of the said policy within ten days after such

lapse or cancellation, provided that a renewal of a policy or a new policy in lieu of one that has expired shall not be considered a cancellation or lapse.

SEC. 2. Any person, firm, association or corporation, or ^{Penalty.} agent or officer thereof, licensed as a contractor by the department of professional and vocational standards, who violates, or omits to comply with, any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding five hundred dollars or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

CHAPTER 772.

An act appropriating money to pay the claim of International Indemnity Company, a corporation, against the State of California.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twelve thousand five hundred ^{Special ap-} eighty-seven dollars and eight cents is hereby appropriated out ^{propriation} of any money in the state treasury, not otherwise appropriated, to pay the claim of International Indemnity Company, a corporation, against the State of California.

CHAPTER 773.

An act to provide for the disposition of the unpaid portion of the salary of a legislator who dies during his term.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The unpaid portion of the salary of a ^{Salary of} legislator who dies during his term shall be paid to his legal ^{deceased} heirs. In the event that the vacancy in the office of the legis- ^{legislator.} lator is filled for the unexpired portion of the term, the salary of the deceased legislator shall be paid to his legal heirs only up to the time of the filling of the vacancy.

CHAPTER 774.

An act to amend sections 2, 5 and 6 of chapter 550, statutes of ^{Stats 1919,} *1919, entitled "An act empowering the state fish and game* ^{p 1201,} *amended.* ^{amended.}

commission to collect statistical data of the commercial fisheries and to make investigations for the purpose of gaining knowledge for the conservation of the fisheries; providing a system for obtaining an accurate record of each variety of fish caught; providing for the registration of fishing boats and their fishing equipment, and providing penalties for violations of this act," approved May 25, 1919, and to add a new section, to be numbered 4a, thereto, relating to commercial fisheries.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 1201.

SECTION 1. Section 2 of chapter 550, statutes of 1919, entitled "An act empowering the state fish and game commission to collect statistical data of the commercial fisheries and to make investigations for the purpose of gaining knowledge for the conservation of the fisheries; providing a system for obtaining an accurate record of each variety of fish caught; providing for the registration of fishing boats and their fishing equipment, and providing penalties for violations of this act," is hereby amended to read as follows:

Record of
fish, etc.,
by buyers,
canners, etc

Sec. 2. Every person, firm or corporation engaged in the business of buying, canning, curing or preserving fish, or manufacturing fish meal, fish oil or fish fertilizer, or dealing in fish, mollusks or crustaceans, shall make a legible record in the form of a receipt, said record to be in triplicate carbon copies and on forms to be furnished by the fish and game commission, which shall show the name of the fisherman, the division of fish and game registration number of the boat or the name of the dealer from whom the fish, mollusks or crustaceans were received, together with the date received, the weight of the fish, mollusks or crustaceans by species, the price received by the fishermen and the name of the person receiving same.

Nature
of record

It shall be stated in the record for what use the fish are intended, whether to be sold fresh or whether they are to be canned, cured, made into fish meal or fertilizer, or any other disposition is to be made of them, or if a commercial distinction is made between different sizes or qualities of any species or variety, it must be so stated on said record or receipt, and the record shall also state if the fish were taken in foreign waters, or in the high seas off another state or foreign country. The names used in the record for designating the variety or species of fish handled must be the name which is in common usage, and the fish and game commission shall have the power to decide what is the common usage name of any variety.

The original copy of this record shall be delivered to the fisherman at the time of the purchase or receipt of the fish, the duplicate copy shall be kept by the dealer or person receiving the fish and the triplicate copy shall be delivered to the fish and game commission or any duly authorized assistant thereof.

Where a fish dealer, canner or preserver catches his own fish he shall fill out the above record as required when he purchases the fish from fisherman or dealer or if it so desires the fish and game commission may furnish a separate form for such cases. It shall be the duty of the fish and game commission to preserve all such records of the fisheries as are obtained by it in places adequately safeguarded from fire or other destructive agencies and such records are to be kept in such manner as to render them accessible for reference or research, the intention being to guard against the destruction or such neglect of the records as will detract from their future value.

When fish dealer catches own fish

SEC. 2. A new section is hereby added to said act, to be numbered 4a, and to read as follows:

New section

Sec. 4a. Every person, firm or corporation, owning or operating any fishing boat, tender boat, pickup boat, buyer boat, barge, lighter or other vessel in the fisheries of the state shall for the purpose of identification and registration carry in plain sight on each side of such fishing boat, tender boat, pickup boat, buyer boat, barge, lighter or other vessel so owned or operated, a registration number. Such numbers shall be stamped on metal plates and shall be furnished by the division of fish and game in duplicate or in pairs and shall be known as "Division of fish and game registration number plates." Every number plate shall have displayed upon it the registration number assigned to the vessel upon which it is placed, together with the abbreviated words "Cal. Div. F. & G." Such plates shall be numbered consecutively beginning with number one and shall be issued upon application to the division. Upon the issuance of such number plates the applicant shall furnish the division with general information pertaining to such vessel upon which the number plates are to be placed, such as the name and address of the owner; name and address of the operator; type of vessel; general dimensions; home port; kind of fishery work to be engaged in; and any other information the division may require pertaining to the operation of such vessel. Registration number plates shall be constructed of durable metal that is noncorrosive to the elements and shall be securely fastened well forward to some part of the superstructure of the vessel upon which they are placed. Registration number plates as herein provided shall remain the property of the state and shall not be wantonly defaced, mutilated or destroyed. In the event that any registration number plate shall be accidentally defaced, mutilated, destroyed or lost, the person, firm or corporation owning or operating the vessel upon which such number plate has been placed, shall immediately make application for and may obtain a duplicate thereof, upon furnishing the division with such facts and the payment of one dollar for every number plate so defaced, mutilated, destroyed or lost.

Registration numbers for fishing boats

Number plates for fishing boats

In the event that any vessel carrying a division of fish and game registration number plate is lost, destroyed or sold, the owner of such vessel shall immediately report such loss,

destruction, or sale to the division of fish and game. Number plates as provided herein are not to be transferred from one vessel to another. Such number plates are considered a permanent fixture upon the vessel upon which they were originally placed and are intended to be kept on such vessel during the entire time of its employment in the state fisheries.

Stats 1919,
p 1201

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Annual
statement
of boat
owners and
operators.

Sec. 5. Every person, firm or corporation owning or operating any fishing boat, tender boat, pickup boat, buyer boat, barge, lighter or other vessel engaged in the business of fishing or operating for profit in the public waters of the state, or who takes, catches, or transports fish from without the state and brings such fish, either fresh or frozen, into the state shall on or before the first day of April of each calendar year file with the division of fish and game on a form to be provided by the division, a statement giving the general dimensions and description of such vessel so used or operated. The statement shall include the owner's name and address; the name of the vessel (if such vessel carries a name); the division of fish and game registration number; the number in the crew; the length and breadth over all; the depth of hold; the type of vessel; the horsepower, (if propelled by motive power); the net tonnage; and the value of such vessel, exclusive of nets, gear, cargo or stores.

Description
of fishing
gear.

The owner or operator of a boat using any fishing gear shall also file with the division of fish and game a complete description, which shall include the value, of fishing gear and fishing equipment used, operated or carried on such vessel; the kind of nets, traps, lines or other apparatus used; and the amount, length, size or number of pieces of different kinds of gear used throughout the past year by months or seasons. The owner or operator shall also describe as near as possible in what district fishing grounds or banks such gear was used.

Stats 1919,
p. 1201.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Enforcement
right to
enter
premises.

Sec. 6. The board of fish and game commissioners or their duly appointed agent shall have the right to board any fishing boat, or enter any place of business where fish are sold fresh, or canned, or cured, or any reduction works, or place of business where fish meal is made, and to examine any and all books and records containing any account of fish caught, bought, canned, packed, stored or sold.

Penalty.

Every person violating any of the provisions of this act, or who fails to permit an inspection as provided in section 6 of this act, or refuses to produce any books or records containing any record of fish bought or sold shall be guilty of a misdemeanor and punished by a fine not less than one hundred dollars, nor more than five hundred dollars, or imprisoned in the county jail in the county in which the conviction shall be had, not less than fifty days, nor more than six months,

or by both such fine and imprisonment. All fines and forfeitures imposed and collected under this act shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 775.

An act to amend sections 1 and 5, of an act entitled "An act to provide indemnity to persons erroneously convicted of felonies in the State of California," approved May 24, 1913, relating to the indemnification of persons erroneously convicted.

Stats 1913,
p 245,
amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of chapter 165, statutes of 1913, entitled "An act to provide idemnity to persons erroneously convicted of felonies in the State of California" is hereby amended to read as follows:

Stats 1913,
p 245

Section 1. Any person who, having been convicted of any crime against the State of California amounting to a felony, and having been imprisoned therefor in a state prison of this state shall hereafter be granted a pardon by the governor of this state for the reason that the crime with which he was charged was either not committed at all or, if committed, was not committed by him, or who, being innocent of the crime with which he was charged for either of the foregoing reasons, shall have served the term or any part thereof for which he was imprisoned, may, under the conditions hereinafter provided, present a claim against the state to the state board of control for the pecuniary injury sustained by him through such erroneous conviction and imprisonment.

Claim of
persons
erroneously
convicted

SEC. 2. Section 5 of chapter 165, statutes 1913 is hereby amended to read as follows:

Stats 1913,
p 245

Sec. 5. If the evidence shows that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant did not, by any act or omission either intentionally or negligently, contribute to the bringing about of his arrest or conviction, and that the claimant has sustained pecuniary injury through his erroneous conviction and imprisonment, the board of control shall report the facts of the case and its conclusions to the next Legislature of this state, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for such pecuniary injury; but the amount of the appropriation so recommended shall not exceed in any case, the sum of five thousand dollars.

Board to
report facts
and conclusions
to
Legislature

CHAPTER 776.

An act to amend section 832 of the Civil Code, relating to lateral and subjacent support and excavations.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

*The people of the State of California do enact as follows:*Code
Amdts.
1873-4,
p. 221Lateral and
subjacent
support.Notice to
adjoining
ownersDegree of
careLiability
for damage
to buildingBuilding
owner
allowed
thirty daysStandard
depth
definedDuty and
liability of
owner of
land being
excavated

SECTION 1. Section 832 of the Civil Code is hereby amended to read as follows:

832. Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least thirty days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.

4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of twelve feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

CHAPTER 777.

An act to adopt the California valley quail as the official state bird and avifaunal emblem of this state.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The California valley quail (*Lophortyx californica*) is hereby designated and adopted as the official bird and avifaunal emblem of the State of California.

Valley quail
state
emblem.

CHAPTER 778.

An act to authorize counties to dispose of material removed from stream beds which belong to the state, when making improvements thereof.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the board of supervisors of any county of the state has entered, or shall enter, into a contract for the improvement of any river or stream, pursuant to the provisions of any law of this state then in effect, the title to the bed of which is vested in the State of California; and such contract provides, as a consideration thereof, that any sand, gravel, or other material removed from such stream in the prosecution of said work, shall belong to and be the property of, the party contracting to remove the same; any right, title and interest of the State of California, in or to such material, by virtue of its ownership in the bed of such stream, shall thereupon pass, and be and become transferred, according to the terms, provisions and conditions of such contract, and such right, title and interest of the state in and to any such material is hereby waived and relinquished.

Improvement
of state
stream beds
by counties.

CHAPTER 779.

An act making an appropriation to pay the claim of The Atchison, Topeka and Santa Fe Railway Company against the State of California.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of eleven and 40/100 dollars (\$11.40) is hereby appropriated out of any moneys in the San Fran-

Special ap-
propriation

cisco harbor improvement fund in the state treasury, to pay the claim of the firm of Atchison, Topeka and Santa Fe Railway Company against the State of California.

CHAPTER 780.

Stats 1909,
p. 979,
amended

An act to amend sections 4 and 5 of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended, relating to directors of district agricultural associations.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1909,
p. 979.

SECTION 1 Section 4 of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended, is hereby amended to read as follows:

Appointment
and terms
of directors

Sec. 4. After the formation of an agricultural association, within any of the districts above constituted in accordance with the provisions of this act, and notice of such formation to the governor, the governor shall appoint eight resident citizens of such district as members of a district board of agriculture for said district whose term of office shall be four years, except as hereinafter provided. The terms of such members of the district board of agriculture in office when this amendment takes effect shall expire as follows: two members September 15, 1931; two members January 15, 1932; two members January 15, 1933; two members January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Sec. 5. The agricultural associations heretofore established shall be continued in force and are made agricultural associations under this act. Associations
continued
in force

CHAPTER 781.

An act making an appropriation to pay the claim of B. Grant Taylor against the State of California.

The people of the State of California do enact as follows:

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

SECTION 1. The sum of five thousand two hundred eighty-six and 24/100 dollars (\$5,286.24) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of B. Grant Taylor against the State of California. Special ap-
propriation.

CHAPTER 782.

An act to amend the Political Code by adding thereto a new section numbered 1963b, relating to the retirement of commissioned officers.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section numbered 1963b is hereby added to the Political Code to read as follows: New section

1963b. Any commissioned officer who shall have served as a commissioned officer in the national guard or naval militia of California, or both, for a period of ten years may, upon his own application, be placed upon the retired list and withdrawn from active service and command with an increase of rank of one grade above that held by him at the time such application is made provided such officer has served at least two years in the grade held by him at the time of making application. Nothing in this section shall be construed to permit the placing on the retired list of any officer who shall have been dishonorably dismissed from the service. Retirement
of national
guard and
naval militia
officers

CHAPTER 783.

Stats 1911,
p. 1192,
amended

An act to amend sections 1, 2, 3, 4, 5, and 7, and add two new sections to be numbered 5a and 7a to an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, relating to street improvement bonds.

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1911,
p. 1192.

SECTION 1. Section 1 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, statutes 1911, page 1192, is hereby amended to read as follows:

"Street opening act of 1903" defined

Section 1. The expression "street opening act of 1903" as herein used shall mean the act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement," approved March 24, 1903, statutes 1903, page 376, as amended, and acts amendatory thereto.

"Park act" defined

The expression "park act" as herein used shall mean the act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, statutes 1909, page 1066.

"Improvement bond" defined

The expression "improvement bond" as herein used shall mean a bond issued under the provisions of this act.

"Assessment," "assessment roll" defined

The terms "assessment" or "assessment roll" as herein used shall mean a special assessment made under the provisions of any of the acts herein in this section specified.

"Delinquency," "time of delinquency," "city council" defined

The term "delinquency" as herein used shall mean delinquency in the payment of an assessment made under the provisions of the acts herein in this section specified and the expression "time of delinquency" shall mean the time in said acts fixed when assessments become delinquent. The expression "city council" as herein used shall mean the legislative body of the municipality.

Stats 1921,
p. 291

Council may determine issue of improvement bonds

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2 The city council of any municipal corporation of the state shall have power in its discretion to determine that

serial bonds shall be issued in the manner and form hereinafter provided to represent assessments of twenty-five dollars or over for the cost of any work or improvement authorized under the street opening act of 1903, park act or under any act which may hereafter become a law, providing for the acquiring of property, easements and rights of way necessary or convenient for the construction of sewers and drains by municipalities for sanitary or drainage purposes.

SEC. 3. Section 3 of said act is hereby amended to read as follows: Stats 1921,
p 291.

Sec. 3. When said city council shall determine that serial bonds shall be issued to represent assessments it shall so declare in a resolution which may be adopted at the time of the confirmation of the assessment roll in any proceedings had or taken under any act to which the provisions of this act are made applicable, provided the notice prescribed to be given for the hearing on the confirmation of such assessment roll shall contain a statement that the question of the issuance of bonds under the provisions of this act will be determined at said hearing; said resolution shall also contain a notice that a bond will issue to represent the unpaid balance on each assessment when said amount is twenty-five dollars or over remaining unpaid thirty days after the rate of the recordation of the assessment. Said resolution shall recite the term of said bonds and also the rate of interest said bonds shall bear not to exceed seven per cent per annum. Said city council may in its discretion recite in such resolution a maximum rate of interest, not to exceed seven per cent per annum, to be paid on such indebtedness, which rate when so recited shall not be exceeded in the issuance of such bonds. Issuance of
bonds to
represent
assessments
Resolution

Said serial bonds shall extend over a period not to exceed twenty years from the second day of July next succeeding thirty days from and after the date of said bonds, and an even annual proportion of the principal sum thereof shall be payable by coupon on the second day of July of every year after the date of said bonds until the whole is paid, the first payment to become due on the second day of July next succeeding the May fifteenth following the date of said bonds. It may be provided in said resolution that the first payment of principal shall become due in not to exceed three years from the second day of July next following the date of said bonds in which event an even annual proportion of the principal sum thereof shall be payable on the date so provided and on the second day of July each year thereafter until the whole is paid. The interest on said bonds shall be payable semiannually by coupon on the second days of January and July, respectively, of each year after their date, at a rate of not to exceed seven per cent per annum on all sums unpaid until the whole of said principal and interest is paid. The first interest coupon on said bonds shall become due and payable on the second day of the January or July next succeeding thirty days from and after the date of such bonds. Time of
payment of
principal
and interest.

Stats 1927,
p 387

SEC. 4. Section 4 of said act is hereby amended to read as follows

List of
unpaid
assessments

Sec. 4. After the full expiration of thirty days from the date of the recordation of the assessment, the superintendent of streets shall make and certify to the city treasurer a complete list of all assessments when the amount remaining unpaid is twenty-five dollars (\$25) or more.

When unpaid
assessments
become due

The principal of said unpaid assessments shall thereafter become due and payable to said treasurer in equal annual payments on the fifteenth day of each May next succeeding thirty days from and after the date of the bonds issued to represent such unpaid assessments; the number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of said bonds; the interest on said unpaid assessments shall become due and payable on the fifteenth day of each May and November succeeding the filing of such list of unpaid assessments, provided that the first payment of interest shall become due and payable on the fifteenth day of the May or November next succeeding thirty days from and after the date of said bonds.

Delinquency
penalty

Should any payment of principal on said unpaid assessments or of interest thereon be not paid on the date on which the coupon or coupons representing it are payable as hereinafter provided the city treasurer shall after the close of business on said due date add to the amount of principal or interest so delinquent a penalty of five per cent (5%) of the total amount of such delinquency and at the beginning of business on the first day of each succeeding month until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent (1%) of the amount of such delinquency and said treasurer shall collect such penalties with and as a part of such delinquent payments.

Notice

The city treasurer shall, at least fifteen (15) days before each respective fifteenth day of May and November, until said assessment be paid in full, mail, postage prepaid, to each owner of property described in said assessment, at his last known address, as appears upon the tax rolls of said city, a notice notifying him of the amount due and the date when payment is due from him on said assessment and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons. Provided that the failure of the city treasurer to mail said notice or the failure of the property owner to receive the same shall in nowise affect the validity of any penalty or invalidate any act or proceeding.

The city treasurer, upon the filing of said list, shall prepare a separate bond representing the total of the unpaid amount of such assessment as shown thereon where the unpaid assessment or the unpaid remainder thereof amounts to twenty-five dollars (\$25) or over. Said bond shall be substantially in the following form:

Improvement bond.
Series -----

Form of
bond repre-
senting total
of unpaid
assessments

\$-----

No.-----

Under and by virtue of and pursuant to the provisions of ----- (title of this act), I, out of the fund for the above designated improvement bonds, series -----, will pay to bearer the sum of ----- dollars (\$-----) with interest at the rate of ----- per cent per annum as hereinafter specified, at the office of the city treasurer, of the city of -----, State of California. This bond is issued to represent an assessment for ----- in the city of -----, as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered ----- thereon and in the diagram attached thereto, and which now remains unpaid; but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in the city of -----, county of -----, State of California, described as follows:-----

This bond is payable exclusively from said fund, and neither the city of -----, nor any officer thereof, is to be holden otherwise for its principal or interest. The term of this bond is ----- years from July 2, 19--, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of July of each year, after the May fifteenth next succeeding the expiration of thirty days from and after the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest at the rate of ----- per cent per annum.

The interest is payable semiannually on the second day of January and July of each year thereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the second day of -----, 19--, and thereafter the interest coupons are for the semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond of the amount then unpaid on the principal sum thereof, together with the amount of interest as shown on the two interest coupons maturing first after the date of such payment and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith in the manner provided by law. In case of such default, there shall be immediately added to such defaulted amount, five per cent (5%) of the amount thereof,

and on the first day of each month following such default there shall be added a further penalty of one per cent to such defaulted amount. The city shall be entitled to one-half of the penalty first imposed, namely, two and one-half per cent and the other two and one-half per cent and all subsequent penalties shall be paid to the holder of the bond along with and as part of such defaulted payment.

At said city of ----- this ----- day of -----
in the year one thousand nine hundred and -----

City treasurer of the city of -----

Validity
of bonds.

Said bonds shall be payable to the bearer and no mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error is such that the lot can not be identified, and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who or which made the assessment to represent which such bond is issued. Said bonds by their issuance shall be conclusive evidence of regularity of all proceedings leading up thereto under said improvement act, and under this act, and of the validity of said bonds.

Stats 1927,
p. 390

SEC. 5. Section 5 of said act is hereby amended to read as follows:

Record of
bonds

Sec. 5. The city treasurer shall enter in a book kept for that purpose in his office, a record of each bond issued hereunder, specifying the date of its issue, the amount for which issued, to whom delivered, its duration and a description of the lot against which issued. Payments of principal and interest on account of any bond issued hereunder shall be made to the city treasurer, who shall keep a separate account of all such payments (entering the same in the record herein required to be kept), and place the same in appropriate funds for the payment of principal and interest of the bonds on account of which paid, and who shall, upon the surrender of the coupons attached to said bond, pay to the holder thereof, or his order, the amount called for by said coupons out of the funds in his possession applicable thereto.

Payment of
outstanding
balance

The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale pay off such bond and discharge the land described in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, together with the amount of interest as shown on the two interest coupons maturing first after the date of such payment and all penalties accrued and unpaid. Upon such payment being made to the city treasurer he shall forthwith mark paid in his record of such bond assessment to represent which such bond was issued, and thereupon the lien of said assessment

shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office.

SEC. 6. A new section is hereby added to said act and to be known as section 5a, to read as follows: New section

Sec. 5a. In the event of the division of any lot or parcel of land for which a bond has been issued pursuant to section 4 hereof into two or more separate lots or parcels of land, such bond may be surrendered and new bonds issued to the holder of the original bond in the manner hereinafter prescribed. When it is desired that such new bonds shall be issued, an application in writing signed by the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall be filed with the street superintendent. Such application shall indicate how the original lot or parcel has been divided, and request the street superintendent to apportion the amount remaining unpaid on said assessment in accordance with such division, and be accompanied by a fee of five dollars (\$5) for each such division, which sums shall be deposited by said street superintendent in the city treasury. The street superintendent thereupon shall apportion to each separate part of said original lot or parcel of land the proportionate part of the amount remaining unpaid on said assessment that would have been levied had such lot or parcel of land been so divided at the time the original assessment was made. When such determination has been made, an application signed by all persons owning an interest in the original lot or parcel of land and the holder of the original bond on such lot or parcel of land, shall be filed with the city treasurer requesting that new bonds be issued for the amounts shown by the apportioned assessment in accordance with this section. Such application shall be accompanied by evidence satisfactory to said city treasurer that it is signed by every person owning any interest in said original lot or parcel of land. When the city treasurer shall have ascertained that the application is signed by all of the necessary persons, he shall so advise the street superintendent who shall thereupon amend the recorded diagram and assessment to conform to such division and apportionment and assign new assessment numbers to each separate part of the original lot or parcel of land. The city treasurer shall add to each such apportioned amount a sum equal to five per cent thereof (but in no event more than the sum of ten dollars (\$10)) and shall make and sign a new bond of the same form as the original bond, to represent each such apportioned amount. The amount of such bond shall be equal to the sum of such apportioned amount and the amount added thereto by the city treasurer as herein prescribed, and payable in installments at the respective dates of the payment of princi- Division of
lots and
parcels
new bonds

pal and interest of the original bond, the number of such installments to be equal to the number of unpaid installments on the original bond. Provided, however, that no new bond shall be issued when such apportioned amount shall be less than twenty-five dollars (\$25), in which event said amount shall be paid to the city treasurer in cash for the benefit of the holder of the original bond. Upon the surrender of the original bond the city treasurer shall deliver to such bondholder or his agent or assigns the bonds issued for such apportioned assessments together with all payments of cash which may have been made pursuant hereto.

Stats 1927,
p. 284.

SEC. 7. Section 7 of said act is hereby amended to read as follows:

Sale of
bonds after
advertis-
ment

Sec. 7. Improvement bonds, or any number of such bonds issued hereunder, except as otherwise provided in section 9 hereof, shall be sold to the highest cash bidder after advertising for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such newspaper, then such advertisement shall be published once in a weekly or semiweekly newspaper so published and circulated; provided, however, that said bonds shall not be sold for less than the amounts of the assessments for which they were issued. In the event that it is provided in the resolution of intention that the bonds shall be issued at a maximum rate of interest leaving the exact rate of interest at which the bonds are to be issued and sold to be determined at the sale of such bonds, then the notice provided for in this section shall state that said bonds will bear interest at a rate not to exceed the maximum rate therefor named in said resolution, stating the same. Upon the issuance of said bonds by the treasurer, the city council shall advertise for the sale of said bonds, calling for bids therefor and fixing a time for the receipt of bids. At the time fixed for the receipt of such bids, or as soon thereafter as the city council can conveniently do so, it shall publicly open, examine and declare the same. Said bonds shall be sold to the best responsible bidder for cash therefor, and consideration shall be given to the rate of interest at which the bonds are offered to be purchased and the premium offered, if any. The rate of interest at which said bonds are sold shall not exceed the maximum rate named in the resolution of intention; and the rate of interest at which the legislative body sells said bonds shall thereupon be fixed as the rate of interest therefor, and such fixing and determination of such rate of interest shall be final and conclusive. If any bond be sold for an amount in excess of the amount for which it was issued, such excess shall be paid into the general fund of the city.

New section

SEC. 8. A new section to be numbered 7a is hereby added to said act, to read as follows:

Work com-
menced
prior to
effect of act

Sec. 7a. Notwithstanding the provisions of section 3 of said act, as amended by this act, and notwithstanding the provisions of any ordinance or resolution relating to the issuance

of improvement bonds, as permitted by said act, passed prior to the date this act becomes effective, the city council of any city shall, at any time prior to the date of the recordation of the assessment roll for any work or improvement for which bonds may be issued under the provisions of said act, have the power to provide by resolution that bonds may be issued under and in accordance with said act as amended by this act for any work or improvement the proceedings for which shall have been commenced prior to the date this act becomes effective. Said resolution shall contain the identical provisions relative to bonds required to be set forth in the resolution required by section 3 of said act as amended by this act. Bonds issued under this section shall be issued in the manner and form prescribed in section 4 of said act as amended by this act, and such bonds shall be subject to all of the provisions of said act as amended by this act.

CHAPTER 784.

An act to repeal section 4.52 of the School Code and to repeal section 1 of chapter 433, statutes of 1929, entitled "An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof," approved May 23, 1929 and to add a new section to the School Code to be numbered 4.52, all relating to the state junior college fund and making an appropriation therefor.

[Approved by the Governor June 12, 1931, with reduction hereunder noted.
In effect August 14, 1931]

[I object to the item of \$1,701,520 in section 4 of Senate Bill No 349, and reduce the amount to \$1,601,520. With this reduction, I approve the bill Dated June 12, 1931 JAMES ROLPH, JR., Governor]

The people of the State of California do enact as follows:

SECTION 1. Section 4.52 of the School Code is hereby repealed. Sch. C.
p 154,
repealed

SEC. 2. Section 1 of chapter 433 of the statutes of 1929 entitled, "An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof," approved May 23, 1929, is hereby repealed. Sch C,
p 336.
repealed.

SEC. 3. A new section is hereby added to the School Code to be numbered 4.52 and to read as follows: New section

4.52. If the amount so received by the state treasurer shall be insufficient to provide the amount required to be appropriated to junior college districts, as provided in this code, the state controller shall transfer from the general fund of the state to the state junior college fund such amounts as may be appropriated by the Legislature; provided, however, that the amount so transferred from the general fund when added to the balance already in the state junior college fund, shall Transfer of
money to
state junior
college fund

in no case exceed the total amount required to be apportioned to the junior college districts.

Appropriation

SEC. 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the state junior college fund the sum of one million seven hundred one thousand five hundred twenty dollars (\$1,701,520), or so much thereof as may be necessary for apportionment to the junior college districts of this state in the manner prescribed by the School Code during the eighty-third and eighty-fourth fiscal years.

CHAPTER 785.

An act to amend sections 1357, 1358, 1359, 1360, 1361 and 1362 of the Political Code, relating to absent voters.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p. 585

SECTION 1. Section 1357 of the Political Code is hereby amended to read as follows:

Absent voters may procure ballots

1357. (a) Any duly registered voter, who expects to be absent from his election precinct, or unable to vote therein by reason of physical disability on the day on which any primary or general election, or any special election conducted throughout the county by the county clerk or registrar of voters, or any general municipal election (excluding any district election) conducted throughout the city or town, is held, may procure a ballot of his election precinct from the county clerk or registrar of voters of the county, or city and county, or in case of a municipal election from the city clerk of the municipality of his residence, and cast said ballot upon complying with the provisions of this chapter.

Application for ballots.

(b) Not more than twenty days nor less than five days before any of the elections mentioned in this chapter, any such voter may make his application in writing to the county clerk or registrar of voters of the county, or city and county, or in case of a municipal election to the city clerk of the municipality of his residence for such ballot.

Delivery of ballot, etc., to voter

(c) Upon receipt of such application within the time mentioned, it shall be the duty of the county clerk or registrar of voters, and in case of a municipal election the clerk of the municipality, receiving same to cause the signature thereon to be compared with the signature upon the original affidavit of registration, and if it shall appear the said signature is by the same person who signed the original affidavit of registration, he shall deliver to said applicant personally, or by registered mail at the mailing address given in said application, an official ballot of the precinct of said applicant, together with an identification envelope and a return envelope, and a small

rubber stamp and stamp pad for marking said ballots; provided, however, that before delivering or mailing such ballot and supplies, the county clerk or registrar of voters, or in case of a municipal election the clerk of the municipality, shall satisfy himself from the affidavit of registration of such voter as to his or her right to a ballot, and may refuse in a proper case to deliver or send said ballot. Upon delivering or mailing such ballot the said clerk or registrar of voters shall enter the number of the ballot and the date of delivering or mailing of same upon the application of such voter, or upon the affidavit of registration of such voter; and before the election said officer shall send to the inspector of each precinct in his county, or city and county, or city, a list of the voters in his precinct applying for and receiving ballots under the provisions of this chapter.

(d) Should such voter return to his home precinct on election day, he shall not be allowed to vote until he shall have surrendered to the inspector of the election board the absent voter's ballot, mailed to him, and other supplies with which he may have been furnished. The inspector of election shall return the unused absent voter's ballot with the unused ballots of the precinct.

Voter at home on election day

(e) In case the election for which such voter applies for a ballot is the May presidential primary election, such voter shall be given the ballot of that political party only with which he declared himself affiliated as shown by his affidavit of registration, if such political party is participating in such election.

Presidential primary

In case such election is the August primary election the county clerk or registrar of voters shall deliver or mail to such voter a ballot only of such political party with which such voter is registered as intending to affiliate, as shown by his affidavit of registration. If such voter is not registered as intending to affiliate with any one of the political parties participating in said primary election, he shall be furnished a nonpartisan ballot, and no other.

August primary

(f) All supplies mentioned in this chapter and necessary for the use of the voter in preparing and returning his ballot shall be prepared and furnished by the county clerk or registrar of voters of the county, or city and county, or in case of a municipal election by the city clerk or clerk of said municipality of which such voter is a resident, and no officer shall make any charge for services rendered to any voter under the provisions of this chapter.

Supplies.

SEC. 2. Section 1358 of the Political Code is hereby amended to read as follows:

Stats 1923, p 588

1358. The identification envelope and return envelope provided for herein shall be of such form, size and weight as may be necessary and convenient as prescribed by the county clerk or registrar of voters and in case of a municipal election by the clerk of said municipality. The identification envelope shall have printed on its face an affidavit in the following form:

Identification and return envelope

Affidavit

State of _____ }
County of _____ } ss

I, _____ do solemnly swear that I am a resident of and a qualified voter in _____ precinct in the city of _____, county of _____ in the said state; that I have not heretofore voted for the election for which I am now casting my ballot; that I have the legal right to vote at said election and that I have herein enclosed my ballot for such election duly marked as required by law in presence of _____ a _____ in and for
Official title
county of _____ state of _____.

Signature

Residence address

Subscribed and sworn to before me a _____ in and for _____ county, state of _____ this _____ day of _____ 19____, and I hereby certify that the affiant presented himself before me on the day above named in the city (or town) of _____ county of _____ state of _____; that he exhibited to me the enclosed ballot and the same was not marked; that he, before me at the same time and place marked his ballot but in such a manner that I did not see his vote; that he then folded and enclosed said ballot so marked in this envelope, which envelope he handed to me sealed; whereupon I wrote or stamped my name across the seal of said envelope and returned said envelope to him to be forwarded by him to the county clerk or registrar of voters of the county of _____ (or in case of city election to city clerk of _____) State of California.

(Signed) _____
_____ in and for the county of _____ state of _____.

Stats 1929,
p 285

Voting prior
to election
day

SEC. 3. Section 1359 of the Political Code is hereby amended to read as follows:

1359. (a) Any voter applying for and receiving a ballot as herein provided may, on any day prior to the day of election for which such ballot is to be voted, appear at the office of the county clerk or registrar of voters of the county, or city and county, or in case of a municipal election at the office of the city clerk of said municipality, in which such voter resides, and stamp and seal his ballot under the scrutiny of such officer, and in the following manner: The voter shall first display the ballot to such officer as evidence that the same is not marked, and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is being marked, and shall then fold said ballot and enclose the same in the identification envelope. The voter shall then make out and swear to the affidavit printed on the face of such envelope and deliver the same properly sealed to the officer before whom the ballot was marked. Said officer shall certify to the affidavit printed on the identification envelope and after writing or stamping his name across said seal

shall deposit said envelope in a safe place in his office, to be kept by him and thereafter delivered to the proper canvassing board as hereinafter provided, and a certificate of such officer on the identification envelope shall state, in the last sentence thereof, such deposit of such envelope in his office, and that it has not been returned to the voter.

(b) In case said voter is absent from the county, or city and county, or city, of his residence, or on account of physical disability he is unable to go to the polling place and has not before voted for said election, he may appear before the clerk, or any registrar of voters or any notary public or any officer of the district, and city, county, or city and county, authorized by law to administer oaths within the city, city and county, county, or town, within the State of California, or in any other state within the United States in which he may be at the time of receiving his ballot, or at any time on or before the date of election but not thereafter, and stamp and seal his ballot under the scrutiny of such officer, in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope and inclose said envelope in the return envelope, and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned to the office of the county clerk or registrar of voters, or in case of a municipal election to the clerk of the municipality, as the case may be.

Absent or disabled voters

SEC. 4. Section 1360 of the Political Code is hereby amended to read as follows:

Stats 1923, p 590

1360. All ballots cast under the provisions of this chapter must, in order that they may be counted, be received by the county clerk or registrar of voters, of the county, or city and county, or in case of municipal election by the city clerk of the municipality in which said voters are registered, within six days after the date of the election in which such ballots are to be counted.

Time limit on receipt of absent votes.

SEC. 5. Section 1361 of the Political Code is hereby amended to read as follows:

Stats 1929, p 1526.

1361. As soon as all absent voter ballots issued have been received or returned and accounted for, and in no case later than seven days after any election mentioned herein, it shall be the duty of each board of supervisors, or canvassing board appointed by them, to canvass all of the ballots and count the same personally, or by a canvassing board, consisting of five electors appointed by them for that purpose, or in case of a municipal election by the canvassing board of such municipality. At the August primary election or the May presidential primary election, the canvass shall be made in the manner prescribed by section 21 of the direct primary law, except as hereinafter provided, and the canvass of votes for any general election shall be according to the laws now in force pertaining to such general election, except as hereinafter provided.

Ballots to be canvassed, when

Stats. 1927,
p. 353.

SEC. 6 Section 1362 of the Political Code is hereby amended to read as follows:

Counting and
disposition
of absentee
ballots.

1362. (a) The board of supervisors, or canvassing board appointed as hereinbefore provided, or in case of a municipal election, the canvassing board of said municipality, shall proceed to count said ballots in the following manner: they shall take up such return envelopes containing such ballots separately in the presence of a majority of the members of the canvassing board, board of election commissioners, or in case of municipal elections the canvassing board of the municipality, and of the public who may be present, and compare the signature of the voter on each of such envelopes with that on the registration affidavit of such voter, and the board being satisfied that the signature on the voter's identification envelope is the signature of such voter, shall announce in an audible voice the name of such voter, and shall then open such identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and without unfolding said ballot remove the number therefrom and deposit same in the ballot box provided for such purpose. After all of the ballots are deposited in said box, the box shall be thoroughly shaken. They shall then be taken out, and the votes counted in the usual manner by the county clerk, registrar of voters or canvassing board appointed for that purpose, or in case of a municipal election by the canvassing board of said municipality, and the result of such count for each candidate voted for, and for and against each proposition voted upon, in such ballots, shall be tabulated by the board having charge of said election under the heading "absentee vote," regardless of the precincts within which such absentee voters are registered. The total of the votes cast in each precinct for each of the candidates, and for and against each proposition voted upon shall be added to the total for each candidate, and for and against each proposition tabulated under the heading "absentee vote."

The identification envelopes shall be preserved and returned to the county clerk or registrar of voters, or in case of a municipal election to the clerk of the municipality, to be retained in his office as a record for the period of one year and the ballots so counted shall be preserved in the same manner as other ballots cast at such election. If in any case a majority of the board find that the signature on any identification envelope is not the same as that appearing on the original affidavit of registration of said voter, said board shall refuse to open such envelope or count such ballot; and shall endorse the cause of such rejection on the face of said envelope and must be signed by a majority of said canvassing board; but no ballot shall be rejected for such cause after the envelope containing same shall have been opened. It shall be the duty of the county clerk or registrar of voters to keep an accurate list of all voters who have received and voted an absent voter ballot and said list and envelope shall be examined with the

roster of voters provided for in subdivision 6 of section 1106 of the Political Code.

CHAPTER 786.

An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1203 of the Penal Code is hereby amended to read as follows: Stats 1929,
p 1334

1203. After the conviction by plea or verdict of guilty of a public offense in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted; if probation is not denied, the court must immediately refer the matter to the probation officer to investigate and to report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment; the probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation and must accompany said report with his written recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted and the report and recommendations must be filed with the clerk of the court as a record in the case. At such time or times fixed by the court, the court must hear and determine such application and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. And if

Summary
determina-
tion of
probation

Investiga-
tion by
probation
officer

Probation

it shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the board of prison directors; further provided, however, that probation shall not be granted to any defendant who shall have been convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, attempt to commit murder, grand theft, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, kidnapping, mayhem, escape from a state prison, conspiracy to commit any one or more of the aforementioned felonies, or any of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted inflicted great bodily injury or torture nor to any defendant unless the court shall be satisfied that he has never in any place been previously convicted of a felony, nor to any public official or peace officer of the state, county, city, city and county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion.

Court's
power over
punishment

1 The court, judge or justice thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, judge or justice, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the instant case; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case, or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of probation. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in such camp, farms, or other public work instead of in jail, and subdivision twenty-nine of section 4041 of the Political Code shall apply to probation and the court shall have the same power to

require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation for such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his dependents or to pay any fine imposed or reparation condition, to keep an account of his earnings, to report the same to the probation officer and to apply such earnings as directed by the court.

The court may impose and require any or all of the above mentioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law; for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer; provided, that if the probationer should violate the terms and conditions of his probation and the court should deem it just or necessary to revoke such probation, then and in that event any period of time which such probationer may have served in jail or other detention place or any fine paid, under the terms and conditions of his probation, shall be taken into consideration as a part of his punishment, and he shall have a credit therefor to be deducted from his term of confinement or from the amount of any fine imposed upon final judgment. Upon the defendant being released from the county jail under the terms of probation or sooner by order of court, and in all cases where he is not confined in the county jail at the time of granting probation, the court shall place the defendant in and under the charge of the probation officer of the court, during such suspension or period of probation; provided, however, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the discretion of the court. In counties and cities and counties in which there are facilities for taking finger prints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

Additional
punishment

2. At any time during the probationary period of the person released on probation in accordance with the provisions of this section, any probation or peace officer may without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed on probation under the care of a probation officer, and bring him before the court, or the court may in its discretion issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interests of justice so require, and if the court in its judgment, shall have reason to believe from the report of the probation officer, or otherwise,

Rearrest and
revocation
of probation

that the person so placed upon probation is violating any of the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates or a vicious life. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment after said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for.

Termination
of probation
and
discharge

3 The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may at any time when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, but no such order shall be made without written notice first given by the court or the clerk thereof to the proper probation officer of the intention to revoke or modify its order, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall at the end of the term of probation or any extension thereof, be by the court discharged subject to the provisions herein.

Change
of plea

4 Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation of said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney authorized in writing: provided, that in any subsequent prosecution of such defendant for any other offense such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Adult
probation
officers

5. The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created: provided, that except as hereinafter specified the pro-

bation officers, assistant probation officers and deputy probation officers appointed under an act known as the juvenile court law and entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers respectively except in the case of offenses committed in any city and county and in any county or counties not operating under a freeholders' charter and having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, as the same is determined by the federal census taken in the year anno Domini 1920, in which counties and cities and counties the adult probation officers, assistant and deputy adult probation officers appointed under subdivision six of this section shall serve under this act; provided, however, that in all cases of offenses defined by section 21 of said act, known as the juvenile court law and by section 270 of the Penal Code, the same probation officers, assistants and deputies shall serve under this act as are appointed under said juvenile court law.

6. In any county having a population of more than nine hundred thousand in any city and county, and in any said county or counties having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings by a majority vote shall by order entered in the minutes of the court in the criminal department or departments thereof, appoint seven citizens of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately

Stats 1915.
p 1225

Adult
probation
board

notify each person appointed on said board and thereupon said persons shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said record, to perform faithfully the duties of such adult probation board.

Term of
office

The members of such adult probation board shall hold office for four years and until their successors are appointed and qualified; provided, that of those first appointed, one shall hold office for one year, two for two years, two for three years and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any adult probation board by expiration of the term of office of any member thereof, the successor shall be appointed to hold office for the term of four years. When any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation board may be removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of said judges designated for the hearing and disposition of criminal cases and proceedings, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judges. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date therefor and shall specify the purpose thereof. The member sought to be removed shall be informed in writing of the charges against him and be given an opportunity to be heard.

Removal
for cause

Duties of
board.

It shall be the duty of the members of such adult probation board to work in cooperation with the adult probation officer to meet at stated times, to familiarize themselves with the charges against the probationers under the charge of the adult probation officer and the conditions of such probation, to exercise a friendly supervision of probationers when so directed by the court, to furnish the court and the adult probation officer information, and to render special assistance when requested by the court, and from time to time to advise and recommend to the court any changes or modification of the order made in the case of a probationer, as may be for the best interests of such person. Members of the adult probation board shall serve without compensation.

Salaries of
adult
probation
officers

7. In any county having a population of more than nine hundred thousand there shall be one adult probation officer and eight assistant adult probation officers who shall receive salaries as follows: One adult probation officer three hundred dollars per month; one assistant adult probation officer two hundred twenty-five dollars per month; and seven assistant adult probation officers each one hundred seventy-five dollars per month. In any city and county there shall be one adult

probation officer and nine assistant adult probation officers ^{Same.} who shall receive salaries as follows: The adult probation officer three hundred fifty dollars per month; one assistant adult probation officer two hundred seventy-five dollars per month; seven assistant adult probation officers each two hundred ten dollars per month; and one assistant adult probation officer who shall act as cashier and clerk, one hundred ninety dollars per month.

In any county or counties of more than three hundred thousand and under five hundred thousand, there shall be one adult probation officer, one assistant adult probation officer and two deputy probation officers who shall receive salaries as follows: The adult probation officer two hundred fifty dollars per month; one assistant probation officer two hundred dollars per month; one deputy adult probation officer one hundred seventy-five dollars per month and one deputy adult probation officer fifty dollars per month. One deputy adult probation officer in such county shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties.

In any county or counties of more than one hundred thousand and under one hundred ten thousand, there shall be one adult probation officer and one deputy adult probation officer who shall receive salaries as follows: The adult probation officer two hundred dollars per month and one deputy adult probation officer one hundred twenty-five dollars per month; provided, however, that if in the judgment of the majority of the judges regularly sitting in or assigned to the criminal department or department of superior court in any county or city and county herein mentioned, the services of any assistant adult probation officer or deputy adult probation officer are not required, such assistant or deputy shall not be appointed until the efficiency of the probation system and number of probationers in such county or city and county require such appointment.

The salaries of the adult probation officer, assistant and deputies herein provided shall be paid out of the treasury of the county or city and county in which they are appointed in the same manner as the salaries of other county or city and county officers. The adult probation officer, assistants and deputies and members of the adult probation board shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings, or by the judge of a department to which criminal actions and proceedings are assigned, and the same shall be a charge upon the county or city and county and said expenses shall be paid out of the county or city and county treasury upon the written order of said judge, direct-

ing the county auditor to deliver his warrant upon the treasurer for the specified amount of such expenses and the adult probation officer shall keep a list of expenses and file a copy monthly with the board of supervisors.

Appoint-
ment

8. In counties and cities and counties herein mentioned the adult probation officer, assistants and deputies herein provided shall be nominated by the adult probation board and shall be appointed by a majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistants and deputies herein provided for shall be two years from the date of their appointment. The said officers may at any time be suspended or removed by an order of a majority of the judges presiding in the department designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges by a written resolution of the adult probation board or by the chief probation officer. Upon filing such charges, said judge or judges shall make an order setting the same for hearing at a specified time and place not less than ten days nor more than twenty days after filing such charges. Notice shall be served upon the person against whom such charges are made at least five days before such hearing together with a copy of such charges.

Term.

Bond

Each adult probation officer, assistant and deputy shall give a bond in the sum of not more than two thousand dollars and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Deputies

The adult probation officer may appoint as many additional deputies as he may desire; provided, however, that such deputy shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate such appointment. Such deputies, except as herein provided, shall serve without compensation.

Offices

Boards of supervisors of counties and cities and counties here mentioned shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail, suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall apply to offenses defined by section 21 of the said juvenile court law.

9. Whenever any person is released upon probation under the provisions of this act, the case may be transferred to any court of the same rank in any other county, or city and county, of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such cases, with like power to make transfer whenever to such court such transfer may seem proper.

Transfer of cases to other courts

10. At the time of the plea or verdict of guilty of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said criminal shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court and file his report in writing in the records of such court. When directed, his report shall contain his recommendation for or against the release for such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing of the history of the case in court, and of the name of the probation officer, and his act in connection with said case; also the age, sex, nativity, residence, education, habit of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other heads of the police, unless otherwise ordered by the court. Said books of records shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Report on character, etc., of prisoner

Recommendation of probation officer

11. Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation, who at the time of such report remains on probation, and a further copy to the secretary of the state department of public welfare. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of

Semiannual reports of probation officers.

rights, on said thirtieth day of June, and said thirty-first day of December, and such report shall further segregate such persons having been released on probation, as the case may be, in 1903, 1904, 1905, and so on, up to and including the calendar year in which such report is made and filed.

Statement
of terms of
probation

12. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation unless such a statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person on probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Peace
officers'
powers

13. Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

CHAPTER 787.

An act to amend section 4.821 of the School Code, relating to the increase of apportionments to elementary school districts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. C.
p. 191

SECTION 1. Section 4.821 of the School Code is hereby amended to read as follows:

Increase in
apportion-
ment neces-
sary, through
increased
attendance
to maintain
school

4.821. Whenever in any school year the average daily attendance in any elementary school district has been for a period of one school month and still is more than ten per cent larger than the average daily attendance was in that school district for the next preceding year, and by reason of such increased average daily attendance, the school district will be unable to maintain its schools for one hundred seventy days of actual teaching, the county superintendent of schools shall investigate the needs of the said district and if he finds that the said district levied the maximum district taxes for other than building purposes for the current school year and has used and is using its income wisely and economically for the maintenance of its schools as intended by the laws of the State of California, then he shall have power to increase the apportionment on average daily attendance to the said school district or districts as much as may be necessary to enable the said district or districts to maintain their schools for one hundred seventy days of actual teaching during the school year.

CHAPTER 788.

Stats 1919
p. 262,
amended

An act to add section 6a to chapter 176, statutes of 1919, entitled "An act providing for the prevention and sup-

pression of forest fires," approved May 2, 1919, relating to arrests and appearances on charges of violating forest or fire laws.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 6a is hereby added to chapter 176, statutes of 1919, entitled "An act providing for the prevention and suppression of forest fires," to read as follows: Stats 1919,
p 262

Sec. 6a. Whenever the state forester, an assistant forester, a fire ranger, or a fire warden arrests any person for a violation of the provisions of this act or for a violation of any law relating to forest or fire protection, he may in his discretion forthwith release the arrested person from custody in the manner and under the conditions set forth in this section. Method of
arrest for
breach of
fire laws

Unless an immediate appearance before a magistrate is demanded by such person, the arresting officer, upon production of satisfactory evidence of identity, may take the name and address of the person arrested, and, if he believes such promise will be kept, may allow such person to sign a written promise to appear at a time and before a magistrate therein specified. Thereupon the arresting officer shall deliver a copy of the promise to the person making it, and shall forthwith release such person from custody. The magistrate specified in such promise must be the magistrate of the court having the jurisdiction of the particular offense upon the charge of which the arrest was made. The time specified therein must not be more than thirty days from and after the date of the arrest.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

CHAPTER 789.

An act to repeal chapter 393, statutes of 1909, entitled "An act to fix the salaries of the state forester, deputy forester and assistant forester," approved March 22, 1909, as amended. Stats 1909,
p 669,
repealed

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Chapter 393, statutes of 1909, entitled "An act to fix the salaries of the state forester, deputy forester and assistant forester," as amended, is hereby repealed. Repeal

CHAPTER 790.

An act defining the civil liability for failure to control fire.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Liability
for damage
by fire

SECTION 1. Any person who:

(1) Personally or through another, and
(2) Wilfully, negligently, or in violation of law, commits
any of the following acts:

(1) Sets fire to,
(2) Allows fire to be set to,
(3) Allows a fire kindled or attended by him to escape to
the property, whether privately or public owned, of another,
is liable to the owner of such property for the damages thereto
caused by such fire.

Same

SEC 2 Any person who allows any fire burning upon his
property to escape to the property, whether privately or pub-
licly owned, of another, without exercising due diligence to
control such fire, is liable to the owner of such property for
the damages thereto caused by such fire.

Expenses of
fighting
fires

SEC 3. The expenses of fighting such fires shall be a charge
against any person made liable by this act for damages caused
thereby. Such charge shall constitute a debt of the person
charged and shall be collectible by the party, or by the federal,
state, county, or private agency incurring such expenses in
the same manner as in the case of an obligation under a con-
tract, expressed or implied.

Saving
clauses

SEC. 4. This act shall not apply to or affect any existing
rights, duties or causes of action, nor shall it apply to or affect
any rights, duties or causes of action accruing prior to the
date this act takes effect.

Repeal

SEC. 5. Section 3344 of the Political Code is hereby
repealed.

Repeal

SEC. 6. Section 3346a of the Civil Code is hereby repealed.

 CHAPTER 791.

Stats. 1915,
p 1404,
amended

*An act to amend the title and sections 3, 6, 8, 15, 16 and 18
of, and to add a new section to be numbered 20a to, an
act entitled "An act to protect the natural resources of
petroleum and gas from waste and destruction; relating
to the creating of a division in the department of natural
resources for the prevention of such waste and destruc-
tion; providing for the appointment of a state oil and gas
supervisor; prescribing his duties and powers; fixing his
compensation; providing for the appointment of deputies
and employees; providing for their duties and compensa-
tion; providing for the inspection of petroleum and gas*

wells: requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, relating to protection of the natural resources of water, petroleum and gas from damage, waste and destruction, and providing for bonds required of drillers of oil and gas wells.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1 The title of an act entitled "An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creation of a division in the department of natural resources for the prevention of such waste and destruction; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, is hereby amended to read as follows:

Stats 1929,
p 923
Title

An act to protect the natural resources of water, petroleum and gas from damage, waste and destruction; relating to the creation of a division in the department of natural resources for the prevention of such damage, waste and destruction; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for

arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; providing for bonds required of drillers of oil and gas wells; and making an appropriation for the purposes of this act.

Stats 1929,
p 925

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Duty of
oil and gas
supervisor

Sec. 3. It shall be the duty of the state oil and gas supervisor so to supervise the drilling, operation and maintenance and abandonment of petroleum or gas wells or wells for the discovery of petroleum or gas in the State of California, as to prevent, as far as possible, damage to underground petroleum and gas deposits from infiltrating water and other causes and loss of petroleum and natural gas and damage to underground and surface waters suitable for irrigation or domestic purposes from the infiltration therein, or the addition thereto, of substances detrimental thereto, by reason of such drilling, operation, maintenance or abandonment of such wells. It shall be the duty of any person, firm or corporation engaged in operating any petroleum or gas well in this state wherein high pressure gas is known to exist, and any person, firm or corporation drilling for petroleum or gas in any district in this state where the pressure of petroleum or gas is unknown, to equip any such well with casings of sufficient strength, and such other safety devices as may be necessary, in accordance with methods approved by the state oil and gas supervisor, and to use every effort and endeavor to effectually prevent blowouts, explosions and fires.

Duty im-
posed on
well opera-
tors and
drillers

Stats 1915,
p 1404

SEC. 3. Section 6 of said act is hereby amended to read as follows:

Deputies'
duties

Sec. 6. It shall be the duty of each deputy to collect all necessary information regarding the oil and gas wells in the district, with a view to determining the presence and source of water in the oil sand and the location and extent of strata bearing water suitable for irrigation or domestic purposes that might be affected thereby, and to make all maps and other accessories necessary to determine the presence and source of water in the oil sands and the location and extent of strata bearing water suitable for irrigation or domestic purposes or surface water suitable for such purposes. This work shall be done with the view to advising the operators as to the best means of protecting the oil and gas sands and the said water-bearing strata and surface water, and with a view to aiding the supervisor in ordering tests or repair work at wells. All such data shall be kept on file in the office of the deputy oil and gas supervisor of the respective district.

Stats 1929,
p 926

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Tests and
remedial
work

Sec. 8. It shall be the duty of the supervisor to order such tests or remedial work as in his judgment are necessary to protect the petroleum and gas deposits from damage by underground water, or to prevent the escape of water into under-

ground formations, or to prevent the infiltration of detrimental substances into underground or surface water suitable for irrigation or domestic purposes, to the best interests of the neighboring property owners, and the public at large. The order shall be in written form, signed by the supervisor, and shall be served upon the owner of the well, or the local agent appointed by such owner, either personally or by mailing a copy of said order to the post-office address given at the time the local agent is designated, or if no such local agent has been designated, by mailing a copy of said order to the last known post-office address of said owner, or if the owner be unknown, by posting a copy of said order in a conspicuous place upon the property, and publishing the same in some newspaper of general circulation throughout the county in which said well is located, once a week for two successive weeks. Said order shall specify the conditions sought to be remedied and the work necessary to protect such deposits from damage from underground water.

Whenever the supervisor or any deputy makes or gives any written direction concerning the drilling, testing or other operations in any oil or gas well drilled, in process of drilling or being abandoned, and the operator, owner or representative of either, serves written notice, either personally or by mail, addressed to the supervisor or his deputy at his office in the district, requesting that a definite order be made upon such subject, the supervisor or his deputies shall, within five days after such notice, deliver a final written order on such subject matter in such manner and form that an appeal may be taken at once therefrom, to the board of oil and gas commissioners of the district created under this chapter.

SEC. 5. Section 15 of said act is hereby amended to read as follows:

Stats 1917,
p 1594.

Sec. 15. The owner or operator of any well now drilled or drilling, or that may hereafter be drilled or drilling, in the State of California on lands producing or reasonably presumed to contain petroleum or gas shall properly case such well or wells with water-tight and adequate metal casing and, in accordance with methods approved by the supervisor, or his deputy, and under his direction, shut off all water overlying and underlying oil-bearing or gas-bearing strata and prevent any water from penetrating such oil-bearing or gas-bearing strata. Such owner or operator shall likewise use every effort and endeavor to shut out from strata containing water suitable for irrigation or domestic purposes and from surface water suitable for such purposes, substances detrimental thereto, and to prevent the infiltration of such substances into the strata containing water suitable for irrigation or domestic purposes and into such surface water.

Wells to
be cased

Whenever it appears to the supervisor that any water from any such well is penetrating oil-bearing or gas-bearing strata or that any such detrimental substances are infiltrating into underground or surface water suitable for irrigation or domestic purposes from any such well, he may order a shut-off test

Shut-off
test

and shall designate a day upon which test shall be held. Said order shall be in written form and served upon the owner or operator of said well at least ten days prior to the day designated in said order as the day upon which said test shall be held. Upon the receipt of such order it shall be the duty of the owner or operator to hold said test in the manner and at the time prescribed in said order.

Stats 1929,
p 932

SEC. 6 Section 16 of said act is hereby amended to read as follows:

Abandon-
ment of
well

Sec. 16. It shall be the duty of the owner or operator of any well referred to in this act, before abandoning same, in accordance with methods approved by the supervisor, or his deputy, and under his direction, to shut off and exclude all water from entering oil-bearing or gas-bearing strata encountered in the well and to use every effort and endeavor to protect any underground or surface water suitable for irrigation or domestic purposes from infiltration or addition of any detrimental substances. Before any work is commenced to abandon any well, the owner or operator shall give written notice to the supervisor, or his deputy, of his intention to abandon such well and the date upon which such work of abandonment shall begin. The notice shall be given to the supervisor, or his deputy, at least five days before such proposed abandonment and shall contain information showing the condition of the well and the proposed method of abandonment. The owner or operator shall furnish the supervisor, or his deputy, any additional information that he may request regarding the condition of the well and the proposed method of abandonment at any time between the filing of the notice of intention to abandon such well and the completion of abandonment. The supervisor, or his deputy, shall, before the proposed date of commencing work to abandon such well, furnish the owner or operator (1) with a written report of approval of his proposal or (2) a written report stating what work or tests will be necessary before approval to abandon will be given, or (3) a written request stating what information will be necessary for the owner or operator to furnish the supervisor, or his deputy, before approval to commence work to abandon or before approval to abandon, will be given. If the supervisor, or his deputy, shall fail within the specified time to give the owner or operator a written report or request, such failure shall be considered as an approval of the owner's or operator's proposal to abandon such well, and such proposal shall, for the purposes and intents of this act, be deemed a written report of the supervisor or his deputy. Within five days after the completion of abandonment of any well referred to in this act, the owner or operator of the well abandoned shall make, in such form as the supervisor, or his deputy, may direct, a written report, in duplicate, of all work done in connection with the abandonment. The supervisor, or his deputy, shall, within ten days after the receipt of such written report of completion, furnish the owner or operator with a written

Notice

Approval

final approval of abandonment or a written disapproval of abandonment setting forth the conditions upon which such disapproval is based. Failure to abandon in accordance with the approved method of abandonment; failure to notify the supervisor, or his deputy, to witness any and all tests provided to be witnessed by the supervisor, his deputy or his inspector, in such approved proposal; failure to furnish the supervisor, or his deputy, at his request, any information regarding the condition of the well, or any or either of such failures, shall be deemed sufficient grounds for disapproval of such abandonment.

SEC. 7. Section 18 of said act is hereby amended to read as follows: Stats 1929,
p 934

Sec. 18. It shall be the duty of the owner and operator of any well referred to in this act to keep a careful and accurate log, core record and history, of the drilling of such well, such log to show the character and depth of the formation passed through or encountered in the drilling of such well, and particularly to show the location and depth of the water-bearing strata, together with the character of the water encountered from time to time (so far as ascertained) and to show at what point such water was shut off, if at all, and if not, to so state in such log, and show completely the amounts, kinds and size of casing used, and show the depth at which oil-bearing strata are encountered, the depth and character of same, and whether all water overlying and underlying such oil-bearing strata was successfully and permanently shut off so as to prevent the percolation or penetration of such water into such oil-bearing strata and whether strata bearing water that might be suitable for irrigation or domestic purposes are properly protected from the infiltration or addition of detrimental substances from such well; such core record to show depth, character, and fluid content of cores obtained, so far as determined; such history to show location and amount of sidetrack casings, tools or other material, depth and quantity of cement in cement plugs, shots of dynamite or other explosives, results of production, and other tests during drilling operations; such log shall be kept in the local office of the owner or operator, and, together with the tour reports of said owner or operator, shall be subject, during business hours, to the inspection of the supervisor, or any of his deputies, or any of the commissioners of the district, except in the case of a prospect well as hereafter defined. Upon the completion of any well or upon the suspension of operations upon any well, for a period of six months, if it be a prospect well, or for thirty days, if it be in proven territory, a copy of said log, core record and history, in duplicate, and in such form as the supervisor may direct, shall be filed within ten days after such completion, or after the expiration of said thirty-day period, with the field supervisor, and a like copy shall be filed upon the completion of any additional work in the deepening of any such well. The Drilling log

Filing
of log

owner or operator of any well referred to in this act, or his local agent, shall file with the supervisor a copy of such log, history, and core record, or any portion thereof, at any time after the commencement of the work of drilling any such well, except a prospect well, upon written request of the supervisor, or his deputy. Such request shall be signed by the supervisor, or his deputy, and served either personally upon, or by mailing a copy of said request, by registered mail, to the last known post-office address of, such owner or operator or agent.

Well deemed
complete

A well shall be deemed completed, for the purposes of this act, thirty days after the well has commenced to produce oil, water, or gas, unless drilling operations are resumed before the end of the thirty-day period.

Prospect
wells

The state oil and gas supervisor shall determine and designate what wells are prospect wells within the meaning of this act, and no reports shall be required from such prospect wells until six months after the completion thereof.

Wells drilled
previous to
enactment

The owner or operator of any well drilled previous to the enactment of this act shall furnish to the supervisor, or his deputy, a complete and correct log, in duplicate, and in such form as the supervisor may direct, or his deputy, of such well, so far as may be possible, together with a statement of the present condition of said well.

New section

SEC. 8 A new section to be numbered 20a is hereby added to said act to read as follows:

Driller's
bond

Sec. 20a. The state oil and gas supervisor shall require of every person, firm, association, corporation, trust or syndicate now engaged, or who or which shall hereafter engage, in the drilling of any well referred to in this act, as principal, an indemnity bond in the sum of five thousand dollars (\$5,000) for each such well being so drilled or which shall be hereafter so drilled, or a bond in the sum of twenty-five thousand dollars (\$25,000) to cover all operations of such person, firm, association, corporation, trust or syndicate in this state, executed by a reliable surety company, authorized to do business in the State of California, as surety, for the purpose of indemnifying the State of California against any and all loss, charges or expense caused by the failure of the principal named in such bond to comply with the provisions of this act. The condition of said bond shall be stated in substantially the following language:

"If said ----- the above bounden principal, shall well and truly comply with all the provisions of the act entitled 'An act to protect the natural resources of water, petroleum and gas from damage, waste and destruction; relating to the creation of a division in the department of natural resources for the prevention of such damage, waste and destruction; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements

in the interests of conservation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; providing for bonds required of drillers of oil and gas wells; and making an appropriation for the purposes of this act,' approved June 10, 1915, as amended, and shall obey all orders of the state oil and gas supervisor, or his deputy or deputies, lawfully made in pursuance thereof, if not appealed as provided in said act, or upon affirmance thereof by the board of commissioners having jurisdiction thereof, if appealed thereto, and shall pay all charges, costs and expenses incurred by such supervisor or his deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the property or properties of such principal, in pursuance of the provisions of said act, then this obligation shall be void; otherwise, it shall remain in full force and effect.'

CHAPTER 792.

An act to amend section 2 of an act entitled "An act remising, releasing and quitclaiming to the regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said the regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled "An act to establish a branch state normal school," approved March 14, 1881, abolishing the branch of the state normal school at Los Angeles, transferring its properties to the regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said the regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act," approved April 12, 1929.

Stats 1929,
p 172,
amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1929,
p 172

Disposition
of proceeds

Sec. 2. The proceeds of any letting, selling, leasing, or other disposition of the said properties, or any of them, shall be applied by the regents of the University of California in the due execution of their trust for university purposes, as follows: One hundred twenty-five thousand dollars of such proceeds shall be set aside for the construction and equipment of buildings at the citrus experiment station and graduate school of tropical agriculture, at Riverside, California; any moneys remaining shall be applied by the regents of the University of California for university purposes within the county of Los Angeles, provided that of the said moneys remaining the sum of at least one hundred fifty thousand dollars shall be expended for an addition to the physics-biology building now located upon the campus of the University of California at Los Angeles, and that in such addition to said building there shall be provided space for the housing of facilities for instruction in subtropical horticulture and related subjects.

CHAPTER 793.

Stats 1923,
p 571,
amended

An act to add three new sections to be numbered 2a, 11a, and 13a to chapter 267, statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, relating to the license taxes of unauthorized distributors and revolving funds for the state board of equalization and the department of public works, division of highways, and relating also to the refund provisions of the act.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section, to be numbered section 2a, is hereby added to chapter 267, statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, to read as follows:

Distributor
without
license

Sec. 2a. If any person, firm, association or corporation shall become a distributor without first securing the license required by section 2 of this act, the license tax shall be immediately due and payable on account of all motor vehicle fuel distributions made by such person, firm, association or

corporation The state board of equalization shall proceed forthwith to determine as best it may the amount of such distributions and such person, firm, association or corporation shall be estopped from complaining of the amount so determined. Said board shall assess immediately the license tax on account of such distributions, adding to such license tax a penalty of one hundred per cent for failure to secure the license. Said board shall file a certificate of such assessment with the state controller who must proceed forthwith to collect the license tax due from such person, firm, association or corporation by seizure and sale of property in the manner prescribed in section 4 of this act with reference to delinquency of the payment of the monthly license tax. At the request of the controller, the attorney general shall commence and prosecute to final determination an action at law to collect the license tax and penalty, or any part thereof, assessed against any such person, firm, association or corporation. In any such suit the certificate of assessment made by the state board of equalization, or a copy thereof certified by the controller, shall be prima facie evidence that the person, firm, association or corporation is indebted to the people of the State of California in the amount of such license tax and penalties. It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken pursuant to this section shall relieve in anywise the person, firm, association or corporation from the penal provisions of section 14 of this act.

Tax and penalty

SEC. 2. A new section, to be numbered 11a, is hereby added to chapter 267, statutes of 1923, as amended, to read as follows:

New section

Sec. 11a. Refund provisions contained herein shall not be construed to cover losses in handling, transporting or storage of motor vehicle fuel.

Refunds not to cover handling, etc., losses

SEC. 3. A new section, to be numbered section 13a, is hereby added to chapter 267, statutes of 1923, as amended, to read as follows:

See Stats 1929, p 956, also Stats 1931 (Initiative).

Sec. 13a. The state board of equalization may, without at the time furnishing vouchers and itemized statements, draw from the "Fuel tax enforcement fund," a sum not to exceed five thousand dollars; and the department of public works, division of highways, may, in like manner, draw five hundred thousand dollars from the "State highway maintenance fund." The sum or sums so drawn shall be used as a revolving fund where cash advances are necessary.

Revolving funds

CHAPTER 794.

Stats 1915,
p. 1225,
amended. *An act to amend sections 15 and 15a of the "Juvenile court law," relating to persons free from parental control and citations to be served in proceedings under the act.*

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1915,
p. 1225. SECTION 1 Section 15 of the "Juvenile court law" is hereby amended to read as follows:

Persons
free from
parents'
control. Sec 15. Within the meaning of this act the words "persons who should be declared free from the custody and control of his parents" shall include any person:

1. Who has been left in the care and custody of another by his parent or parents without any provision for his support, or without communication from such parent or parents, for the period of one year with the intent to abandon said person; such failure to provide, or such failure to communicate for the period of one year shall be presumptive evidence of the intent to abandon; such person shall be deemed and called an abandoned person; or

2. Who has been cruelly treated or neglected by his parent or parents, provided, that in either instance, said person shall have been a ward of the juvenile court and the parents deprived of his custody because of such cruel treatment or neglect for the period of one year continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of his parents; or

3. Whose parent or parents are habitually intemperate; provided, that said person shall have been a ward of the juvenile court and the parents deprived of his custody because of such intemperance for the period of one year, continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of his parents; or

4. Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if, after investigation and service of citations as prescribed in this act upon the parent or parents who are imprisoned, the court decides that the felony of which such parent or parents was convicted is of such nature as to prove the unfitness of the parent or parents to have the future custody and control of the child, or that the term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years; or

5. Whose parent or parents have been divorced on the ground of adultery, if the court, after service of citations as prescribed in this act upon such parent or parents and the presentation of all the evidence, finds that the future welfare of the child will be promoted by the order depriving such parent or parents of the control and custody of the child; or

6. Whose parent or parents have been declared by a court of competent jurisdiction to be feeble-minded or insane; if the state director of institutions and the superintendent of the state hospital of which, if any, the parent or parents are inmates or patients certify that the parent or parents will not be capable of supporting or controlling the child in a proper manner.

SEC. 2. Section 15a of said act is hereby amended to read as follows: Stats 1921,
p 891

Sec. 15a. Upon the filing of a petition, as provided in section 3 of this act, alleging that there is within the county or residing therein a person who should be declared free from the custody and control of his parents, as defined in this act, or that there have occurred within the county acts constituting abandonment, neglect, cruelty or habitual intemperance, on the part of the parent or parents of such person, and praying that the superior court deal with said person as provided in this act, a citation shall issue, requiring the person or persons having the custody or control of said person or the person or persons with whom said person may be, to appear with said person at a time and place stated in the citation. The juvenile court, either of the county in which the person resides, or of the county in which he is found, or of the county in which the acts constituting the abandonment, neglect, cruelty or habitual intemperance occurred, shall have jurisdiction to hear and determine such proceeding, at the election of the petitioner. Service of such citation must be made at least ten days before the time stated therein for such appearance. The parent or parents of said person, if residing within the State of California, and if their place of residence be known to the petitioner, or, if there be no parent so residing, or if the place of residence of such parent or parents be not known to the petitioner, then some relative of said person, if any there be residing within the state, and if his residence and relationship to said person be known to the petitioner, shall be notified of the proceedings by service of citation requiring him or them to appear at the time and place stated in such citation. In all cases where the parents are married and one parent has relinquished his or her child for the purpose of adoption or has signed a consent for adoption as provided in sections 224m and 226 of the Civil Code, the said child may be declared free from the custody and control of the other parent and no notice as herein provided shall be given said parent who has signed said relinquishment or consent. Service of such citations must be made at least ten days before the time stated therein for such appearance. Petition to
declare free
from control

CHAPTER 795.

An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of a telegraph, telephone or electric power corporation and fixtures and pipe lines of a gas corporation.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 378.

Injury to
electrical
equipment,
etc

SECTION 1. Section 537 of the Civil Code is hereby amended to read as follows:

537. Any person who injures or destroys, through want of proper care, any necessary or useful fixture of any telegraph or telephone or electric power corporation or the pipe line, valves or fittings of any gas corporation, is liable to the corporation for all damages sustained thereby. Any vessel which, by dragging its anchor, or otherwise, breaks, injures, or destroys the subaqueous cable of a telegraph or telephone or electric power corporation or the pipe line of a gas corporation, subjects its owner to the damages hereinbefore specified.

CHAPTER 796.

An act to amend section 1426 of the Penal Code, relating to proceedings in justice's court and municipal courts.

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Penal C.
1872

Proceedings
to be com-
menced by
complaint

SECTION 1. Section 1426 of the Penal Code is hereby amended so as to read as follows:

Sec. 1426. Proceedings must be commenced by complaint. All proceedings and actions before a justice's or police court, or a municipal court, for a public offense of which such courts have jurisdiction, must be commenced by complaint under oath, setting forth the offense charged, with such particulars of time, place, person, and property as to enable the defendant to understand distinctly the character of the offense complained of, and to answer the complaint. In charging an offense, each count shall contain, and shall be sufficient if it contains in substance, a statement that the accused has committed some public offense therein specified. Such statement may be made in ordinary and concise language without any technical averments or any allegations of matter not essential to be proved. It may be in the words of the enactment describing the offense or declaring the matter to be a public offense, or in any words sufficient to give the accused notice of the offense of which he is accused. In charging theft, it shall be sufficient to allege that the defendant unlawfully took the labor or property of another.

CHAPTER 797.

An act to amend the title and sections 2 and 4 of an act entitled "An act to create a flood control district to be called 'Los Angeles county flood control district'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, relating to the objects and purposes of said act and the powers of the board of supervisors thereunder.

Stats. 1915,
p 1502,
amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows: An act to create a flood control district to be called "Los Angeles county flood control district"; to provide for the control and conservation of flood, storm and other waste waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof.

Title
amended

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Stats 1929,
p 1547

Sec. 2. The objects and purposes of this act are to provide for the control and conservation of the flood, storm and other waste waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Purposes
of act

Said Los Angeles county flood control district is hereby declared to be a body corporate and politic, and as such shall have power:

Corporate
powers

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Corporate
power

3 To adopt a seal and alter it at pleasure.

4 To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its power.

5 To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.

6 To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.

7 To incur indebtedness, and to issue bonds in the manner herein provided.

8 To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9 To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10 To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Los Angeles county flood control district

11 To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12 To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars; provided, that the specifications in such cases shall specifically so provide and state that the bidder shall not include in his bids the cost of furnishing the required bonds.

13 To lease, sell or dispose of any property (or any interest therein) acquired in fee otherwise than by condemnation, whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased

for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors or other governing body of the district or any officer thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein, except as hereinafter provided by section 17 of this act.

SEC. 3. Section 4 of said act is hereby amended to read as follows: Stats 1915,
p 1502.

Sec. 4. Said board of supervisors shall have jurisdiction and power, and it shall be their duty to employ by resolution a competent engineer or engineers to investigate carefully the best plan to control the flood and storm and other waste waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, and to save or conserve in any manner, any or all of such waters, and to protect the harbors, waterways, public highways and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution shall direct such engineer or engineers to make and file a report with said board of supervisors which shall show: Employment
of engineers.

Report by
engineers.

1. A general description of the work to be done.

2. General plans, profiles, cross sections and general specifications of the work to be done.

3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map which shall show the location of the proposed work and improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to same that may be deemed necessary or useful.

5. An estimate of the cost of such work, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds necessary to be issued to pay for the same.

Such engineer or engineers employed by said resolution shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers, surveyors and others as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

CHAPTER 798.

An act to amend section 374b of the Penal Code and to add a new section thereto to be numbered section 375, relating to the deposit of nauseous, offensive or injurious substances in places of public assemblage or the manufacture or possession thereof with the intent so to deposit.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Penal Code to be numbered 375 and to read as follows:

Offensive
substances
in places of
assemblage

375. (1) It shall be unlawful to throw, drop, pour, deposit, release, discharge or expose, or to attempt to throw, drop, pour, deposit, release, discharge or expose in, upon or about any theater, restaurant, place of business, place of amusement or any place of public assemblage, any liquid, gaseous or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive to any of the senses.

(2) It shall be unlawful to manufacture or prepare, or to possess any liquid, gaseous, or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive to any of the senses with intent to throw, drop, pour, deposit, release, discharge or expose the same in, upon or about any theater, restaurant, place of business, place of amusement, or any other place of public assemblage.

Penalty

(3) Every person violating any of the provisions hereof shall be punishable by imprisonment in the county jail for not less than three months and not more than one year, or by a fine of not less than five hundred dollars and not more than two thousand dollars, or by both such fine and imprisonment.

Stats 1929,
p 1969

SEC. 2. Section 374b of the Penal Code is hereby amended to read as follows:

Offensive
matters on
public
highways

374b. Any person, firm or corporation who places, deposits or dumps, or causes to be placed, any garbage, swill, refuse, cans, bottles, papers, ashes, or carcass of any dead animal, offal, trash or rubbish or any noisome, nauseous or offensive matter, in or upon any public highway, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than ten dollars, and not more than five hundred dollars, or by imprisonment by not less than one year, or by both such fine and imprisonment.

Penalty

CHAPTER 799.

An act to amend section 30 of and to add a new section to be numbered 15e to the California irrigation district act, relating to the powers and duties of the board of directors. Stats 1897, p 254, amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The California irrigation district act, approved March 31, 1897, as amended, is hereby amended by adding a new section thereto to be designated section 15e, as follows: New section

Sec. 15e. The board of directors may by resolution establish special accounts from the general fund as may be necessary or convenient in the efficient and economical operation of the district and designate the person or officer to have custody of the several accounts so established and fix bond for the faithful discharge of their several duties, the cost of which bond may be paid by the district. Such special accounts shall severally be supplied from the general fund by warrant as provided by section 54, the same as in payment of any other claim against the district. The person in custody of any of said accounts shall make to the board a verified report in writing between the first and tenth of each month showing the amount of money received by him for said account since the last report and the amount and items of expenditures therefrom; said report shall be filed with the secretary of the board. No payment shall be made from any of said accounts except upon the written order of the person or one of the persons designated for the purpose by the board indicating in said order the purpose for which and the person to whom payment is to be made and with the approval in writing of the person or one of the persons designated for the purpose by the board. Establishment of special funds

SEC. 2. Section 30 of said act is hereby amended to read as follows: Stats 1919, p 662.

Sec. 30 For the purpose of constructing or purchasing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights, reservoirs, reservoir sites, and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this act, or any other act under which said district is or may be authorized to acquire property or construct works, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the board of directors shall find that the construction fund raised by the last previous bond issue is insufficient, or that the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. For the purpose of Improvement estimate of cost.

Interest

ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. Said surveys, examinations, drawings and plans, and the estimate based thereon may provide that the works necessary for a completed project shall be constructed progressively during a period of years. In the estimate of the amount of money necessary to be raised by any issue of bonds in any district, the board of directors may include a sum sufficient to pay the interest on all of such bonds for three years or less. All such surveys, examinations, drawings and plans shall be made under the direction of a competent irrigation engineer and shall be certified by him.

CHAPTER 800.

Stats 1903,
p 291,
amended

An act to amend section 35 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, as amended, and relating to refunding bonds of such districts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1915,
p 1322

SECTION 1 Section 35 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts." approved March 20, 1903, as amended, is hereby amended to read as follows:

Bonds when
payable

Sec. 35. If said bonds are directed to be issued as herein provided for the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States, in twenty series, as follows, to wit: On the first day of January after the expiration of ten years, five per cent of the whole amount of said bonds, and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been finally paid; that is, five per cent of the whole issue of bonds—not five per cent of each bond, each being wholly payable when due. Said bonds shall bear interest at the rate of six per cent per annum, payable semiannually on the first day of January and July of each year. They shall be negotiable in form, and shall be of denominations of not less than one hundred dollars nor more than one thousand dollars. Said bonds shall in all respects conform to the form of bonds

prescribed hereinbefore. Notwithstanding the foregoing provisions of this section, if the proposed maturities of the bonds are set forth in the notice of election, the bonds may be made payable in such series and amounts and at such times as are stated in such notice; provided, that no bond shall be made payable more than forty years after its date.

CHAPTER 801

An act to add a new section to the Political Code to be numbered 3480c, providing, under the supervision of the state reclamation board for the formulation and carrying out of the plans to reorganize, refund and adjust the finances and obligations of reclamation districts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code to be numbered 3480c and to read as follows: New section

3480c. (1) Whenever any reclamation district shall have been in default for more than one year in the payment of any maturity of its bonds or any maturity of its interest coupons thereon, then any holder of any bond or any coupon or any warrant of said district may petition the reclamation board of the State of California to undertake to reorganize, refund and adjust the finances and obligations of the district; and under the same circumstances the reclamation board itself may initiate such proceedings. The board of trustees of a district may also file such petition at any time. Thereupon the reclamation board shall set a time and place for a hearing thereon and shall give a notice thereof not less than ten days prior to said hearing by mailing such notice to the district at its office, and by posting such notice in five public places in the district. The notice shall state how the proceeding has been started and what the purpose of it is. The place for the hearing shall be either at the office of the district or at some place within the district or at some convenient place within the county in which the district is located. On the hearing the reclamation board shall examine into the financial affairs of the district; and any one interested in any land in the district and any creditor of the district may take part in the hearing and may introduce relevant evidence. Thereupon the reclamation board shall make and enter its order determining whether it does or does not undertake to reorganize, refund and adjust the finances and obligations of the district. Reclamation districts adjustment of finances on failure to pay bonds

(2) If sixty-five per cent or more of the land in the district has been sold for delinquencies in payment of calls on assessments and remains unredeemed, then the reclamation board, either on the hearing hereinabove provided or after a hearing Hearing
Power of state reclamation board to refund and adjust, etc

in said manner and after said notice, may make and enter its order that the district and its trustees and other officers shall be subject to the control of said board; and said order, duly certified, shall be filed with the board of supervisors and the county treasurer of each county within which lands of the district are located and thereafter said trustees and other officers shall follow all directions and shall observe all orders that shall be issued to them or any of them by the reclamation board concerning the performance of their duties as officers of the district, and also thereafter the reclamation board shall have the power to declare, and it may declare, vacant the office of any officer of the district and appoint another person to fill such office. Any appointee of the reclamation board to any office shall have only such qualifications as shall be prescribed by such board. An appointee of the reclamation board shall hold office only at the pleasure of such board; and notwithstanding any other provision of law said office shall not be otherwise filled either by election or by appointment until the reclamation board shall enter its order discontinuing its efforts to reorganize, refund and adjust the finances and obligations of the district. Any one who is aggrieved by any order subjecting the district, its trustees and officers to the control of the reclamation board or declaring any office vacant may commence an action in the superior court of the county in which the greater part of the district is located to have said order annulled. Said action must be commenced within thirty days after said order is made; otherwise no action or defense shall thereafter be maintained attacking the legality of said order. During the pendency of said action said order shall remain in full force and effect for all purposes and the reclamation board shall be entitled to have immediate possession of all properties, records, papers, books, seal and engineering and other data belonging to the district and displaced officers shall not interfere with appointees to their places and shall not attempt further to perform the duties of the offices from which they have been removed.

Limitation
on actions
of those
aggrieved

Provisions
of plan of
adjustment

(3) The reclamation board, acting either directly or through the board of trustees of the district, shall adopt a plan to reorganize, refund and adjust the finances and obligations of the district in the manner herein provided. The plan shall at least provide:

(a) For the issuance of refunding bonds hereunder and for the maturities of the refunding bonds which, however, must mature within fifty years from the date when authorized by the election herein provided;

(b) For the interest rate on said refunding bonds which may be made to vary from time to time or may be omitted for a time, but which shall not exceed six per cent per annum payable semiannually;

(c) For the deposit of the bonds to be refunded with such depository as may be designated by the reclamation board and for the time within which said deposit shall take place; and

for the issuance of receipts for said bonds by said depository, which shall be known as "ownership certificates," and which shall describe said bonds and the coupons attached thereto, the amount, due dates, coupons and original numbers thereof, and which shall be transferable by delivery;

(d) For extensions of time for deposit of said bonds, but the total time allowed for deposit thereof shall not exceed two years from the date of the election herein provided;

(e) For application of moneys on hand in the bond and other funds of the district or to be received therein from any sources;

(f) For the amount of refunding bonds to be issued and for the exchange thereof for bonds being refunded either on pro rata or a bond-for-bond basis and, if deemed desirable, in the order of maturity of the original issue of bonds; and

(g) For such other things incidental to the process of refunding said bonds and not inconsistent herewith as may be proper or necessary.

The plan may provide for the sale of said refunding bonds at any specified price and the application of the proceeds. Said plan may include for refunding any outstanding warrants or other obligations of the district; but it shall be optional with the reclamation board whether or not obligations incurred for maintenance or warrants issued in payment of such obligations shall be included in the plan. Bonds, coupons, warrants, and other obligations may be refunded whether in default or not in default. Upon the adoption of such plan the reclamation board or the trustees, as such board may direct, shall call an election in the district and shall submit to the qualified voters therein the question whether or not refunding bonds shall be issued as provided by the plan. In the notices of election the terms of the plan shall be generally described. All proceedings appertaining to said election shall be in accordance with section 3480 of the Political Code as said section shall be when said election is held. Where lands have been sold to the county treasurer, as trustee, and the right to redeem has expired, said lands shall be voted by the treasurer at said or any other election held in the district. If the majority of the votes cast at said election shall be in favor of said plan, then the reclamation board shall proceed to carry said plan into effect. Except as herein specially provided, said refunding bonds shall be in terms substantially as provided in section 3480a, of the Political Code as said section shall be when said election was held; but they shall state that they are issued under this section of this act. The deposit of bonds, coupons, warrants and other obligations under the plan shall bind the depositors thereof to the terms of the plan; and whenever bonds, coupons, warrants and other obligations of the district have been fully deposited as required by said plan then:

(a) Lands that have been deeded to the county treasurer, as trustee, under sales for delinquencies shall be sold for cash

at such prices as the reclamation board shall specify and moneys realized from the sale of said lands shall go into the proper bond fund, irrigation fund, warrant interest fund or general fund of the district, as the case may be;

(b) Moneys in the bond funds of the district shall be used as specified by said plan;

(c) Moneys in any warrant interest fund or irrigation fund shall be applied, first, on account of registered warrants in order of registration, and thereafter pro rata upon unregistered warrants against such fund, and any balance shall be carried into the general fund;

(d) Moneys in the general fund of the district shall be applied, first, on account of registered warrants in the order of registration, and thereafter pro rata upon unregistered warrants against such fund, and thereafter pro rata upon obligations of the district other than bonds, coupons and warrants. Thereafter the reclamation board or the trustees, as such board may direct, shall fix by order the amount of refunding bonds to be issued under the plan and shall report the amount and purpose thereof, together with said plan, to the board of supervisors of the main county in which lands of the district are located. Thereupon, by proceedings as provided in sections 3456a, 3461, 3462 and 3463 of the Political Code, an assessment shall be levied upon the lands in the district in the amount specified in said report. Said assessment shall be security for the payment of the said refunding bonds and shall be collected and applied for that purpose in the manner prescribed in section 3480 of the Political Code as said section shall be when action is taken thereunder. Whenever the assessment roll for said assessment has been filed as provided by law all assessments underlying any bond issue being refunded and underlying or being available for the payment of any outstanding warrants or other obligations being refunded shall be null and void and no further proceedings shall be taken thereunder; provided, however, that deeds may issue thereafter on any sales thereunder for delinquency where the times for issue of said deeds have then already expired or where said sales have been made to purchasers for cash and the times for redemption have not yet expired.

(4) Additional moneys for said bond fund for application under said plan may be provided by voluntary contribution and refunding bonds may be issued therefor. Unless funds are provided in the county treasury either in the manner herein specified or as may be provided by agreement to pay any bonds, coupons and registered warrants which are not deposited under said plan, the reclamation board shall not carry out said plan.

(5) Whenever any plan to reorganize, refund and adjust the finances and obligations of the district has been fully executed then the reclamation board shall enter its order releasing the district, its trustees and other officers, from all further supervision, control, or direction hereunder and cer-

Assessments
as security
for refunding
bonds

tified copies of the order shall be filed with the board of supervisors and the county treasurer of each county wherein lands of the district are located

(6) Except as any thereof can not be applied hereunder, or is inconsistent herewith, the provisions of section 3480 of the Political Code as said section shall be when action is taken hereunder from time to time, are hereby incorporated herein as a part of this section of this act and are made applicable to said assessment and to said refunding bonds and are available in proceedings hereunder. Law made applicable

(7) Nothing herein contained shall limit or affect the duties and powers of the county treasurer in enforcing any assessment to meet outstanding bonds, coupons or warrants of the district.

(8) If any plan is rejected at said election then successive plans may be adopted and submitted until approval of some plan has been obtained. Successive plans

CHAPTER 802.

An act to repeal chapter 353, statutes of 1913, entitled "An act to define investment companies, investment brokers, and agents; to provide for the regulation, supervision and licensing thereof; to provide penalties for the violation thereof; to create the office of commissioner of corporations, and making an appropriation therefor," approved May 28, 1913. Stats 1913, p 715, repealed

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Chapter 353, statutes of 1913, entitled "An act to define investment companies, investment brokers, and agents; to provide for the regulation, supervision and licensing thereof; to provide penalties for the violation thereof; to create the office of commissioner of corporations; and making an appropriation therefor," approved May 28, 1913, is hereby repealed. Repeal

CHAPTER 803.

An act to amend section 3480a of the Political Code, providing a method of refunding reclamation district bonds now or hereafter issued or outstanding.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1 Section 3480a of the Political Code is hereby amended to read as follows: Stats 1929, p 1633

3480a. Any reclamation district now existing or hereafter created may refund the whole or any part of any installment or installments of the principal of any bond issue now or hereafter outstanding in manner as follows: Refunding outstanding bonds

Special election

1. Whenever in the judgment and opinion of the board of trustees of said district it would be for the best interest of said district or the landowners therein to refund any installment or installments of the principal of any outstanding bonds of the said district or any portion of said installment or installments, the board of trustees of said district may, by order entered upon the records thereof, order a special election to be held at some place in said district to be designated by the board at which said election shall be submitted to the owners of land in said district the question of whether or not any installment or installments of the principal of the outstanding bonds of said district or any part of any such installment or installments, shall be refunded. Said order for said special election shall set forth the maturities and rate of interest of said refunding bonds and the total amount of the principal thereof, and shall designate the bonds which are to be refunded. The principal of the refunding bonds shall not exceed one hundred ten per cent of the principal amount of the bonds which are to be refunded.

Notice of election

2. Notice of such special election shall be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and, also, by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of the district may be situate, and such notices shall be substantially in the following form:

“Notice of special election to determine whether or not refunding bonds shall be issued.

Notice is hereby given that at a meeting of the board of trustees of reclamation district No. _____ held on the _____ day of _____, 19____, a resolution and order was duly adopted by the said board calling a special election of the landowners of this district, for _____ the _____ day of _____, 19____, at _____ in the county of _____ in said district, to determine whether or not \$_____ of the principal amount of the outstanding bonds of this district, dated the _____ day of _____, 19____, and maturing as follows, to wit: _____ shall be refunded by the issuance of refunding bonds of said district of the aggregate principal amount of \$_____ and maturing as follows, to wit: _____.

And notice is hereby further given that _____ and _____ and _____ three landowners of said district, are hereby appointed to act as the board of election for said election.

The polls at said election will be open from ten a.m. of said day until four p.m.

Witness the name and the seal of the said district this _____ day of _____, 19____.

Reclamation District No. _____

By _____

President.

By _____

Secretary.”

[SEAL]

Affidavits
to be filed

Affidavits of publication and posting of such notices shall be filed with the county clerk of the county within which the said district or the greater part thereof is situate, together with a copy of the said order calling said election, certified by the president of the board of trustees, and attested by the secretary thereof, with the seal of the district affixed.

Who may
vote

3. At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certified roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

Changed
ownership

4. In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original deed or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

Illegal
voting

Penalty

Proxies

5. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Refunding Bonds—Yes," or the words "Refunding Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds.

Ballots

Election
officers

6. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m. of the day of

Canvass
of votes

election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of said refunding bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Contest

Issue of
bonds

7. If a majority of the votes cast at such election are in favor of the issuance of such refunding bonds, the board of trustees of the district shall prescribe the date and rate of interest of the refunding bonds authorized at such election and shall cause the same to be executed and delivered, together with a copy of said order of election, certified as aforesaid, to the treasurer of the said main county. Said refunding bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of the said main county, and shall be numbered consecutively in the order of their maturity and said refunding bonds shall bear interest at a rate not to exceed six per cent per annum from their dates, respectively, and such interest shall be payable semiannually on the first day of January and the first day of July of each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of said interest shall be attached to said refunding bonds and shall bear the facsimile signature of the county auditor. The principal of said refunding bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall, in any event, be payable serially within at least fifty years from and after their date.

Denomina-
tion

Interest

Coupons

Payment

Form
of bonds

8. Said bonds may be in substantially the following form:

United States of America
State of California.
County of -----

No ----- \$-----
Reclamation District No -----

Reclamation district No. ----- for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said ----- county, in the State of California, on the ----- day of -----, 19___ the sum of \$----- in gold coin of the United States of America, with interest thereon in like gold coin from the date hereof until paid at the rate of ----- per cent

per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of refunding bonds of like tenor and effect, except as to denomination and maturity, numbered from ----- to ----- inclusive, amounting in the aggregate to the sum of ----- dollars, issued in accordance with section 3480a of the Political Code of the State of California pursuant to an election held in said reclamation district on the ----- day of -----, 19___, authorizing their issuance, and are issued for the purpose of refunding -----\$----- of the principal amount of the bonds of this district dated the ----- day of -----, 19___, and outstanding on the ----- day of -----, 19___, and this bond is based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of ----- on the ----- day of -----, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds.

This bond is one of the bonds issued to refund \$----- principal amount of bonds of this district numbered ----- dated the said ----- day of -----, 19___, and maturing -----, 19___.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of ----- with his seal of office affixed this ----- day of -----, 19___

 President of said board.

Attest: -----

Auditor of the county of -----, State of California.

9. And the interest coupons may be substantially in the following form:

Form of interest coupons

No. ----- \$ -----
 The county treasurer of ----- county, California, will pay to the holder hereof on the ----- day of -----, 19___, at his office in said county of ----- the sum of \$----- in gold coin of the United States out of the funds of Reclamation District No. ----- for interest on refunding bond of said district numbered -----

 County auditor.

Legality
of bonds

10. At any time within thirty days after said refunding bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said refunding bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said refunding bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matters so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Exchange of
refunding
bonds

11. The board of trustees of any reclamation district, with the consent of the holders of any or all of the outstanding bonds of such district to be refunded as hereinabove provided, may direct the county treasurer to deliver to such holders at any time in exchange therefor bonds issued pursuant to this section and having such maturities as may be agreed upon by and between said board of trustees and the holders of said bonds to be refunded; provided, that the aggregate principal amount of the bonds issued pursuant to this section and delivered to such holders shall not exceed the aggregate principal amount of the bonds exchanged therefor and that the bonds delivered to the district shall be immediately canceled by the county treasurer. Such outstanding bonds may be so refunded pursuant to the consent of the holders thereof at any time, either before or after the final maturity date of said bonds.

Sale of
refunding
bonds

12. In lieu of exchanging said refunding bonds, or any thereof, as hereinabove provided, the board of trustees may declare by resolution that it will be for the best interests of the district to sell all or any specific portion of said refunding bonds; and thereafter and on or before February first or August first of any year as the case may be prior to the date of maturity of the outstanding bonds of the district next maturing and to be so refunded, either in whole or in part,

the board of trustees of the said district may declare by resolution that any portion of the said refunding bonds available for the refunding of the said outstanding bonds so next maturing shall be sold as herein provided. The board of trustees shall sell or exchange said refunding bonds only of such maturities as shall have been declared available for the refunding of particular maturities of the outstanding bonds of the district as set forth in the notice of the election for the issuance of said refunding bonds; provided, that if any district has heretofore authorized the issuance of refunding bonds and the same or any part thereof are in the hands of the county treasurer unsold the board of trustees of the district may call an election in the manner and upon the notice prescribed in this section for the issuance of refunding bonds, at which election there shall be submitted the question of whether or not such refunding bonds of any maturity shall be sold or exchanged to refund any maturity of said outstanding bonds of the district as the board of trustees in their discretion shall determine or as may otherwise be specified in the notice of such election.

13. Said resolution shall direct the treasurer of the county to sell said refunding bonds on a date which shall not be less than five days nor more than ten days, prior to April first or October first of such year, as the case may be. Said resolution also shall declare whether or not, in the judgment of the board of trustees, said refunding bonds may be sold for less than the par value thereof, plus accrued interest. Resolution
as to sale

14. If said board of trustees shall, in said resolution, determine that said bonds may be sold for an amount less than the aggregate par value of the said refunding bonds directed to be sold, and that it is necessary or advisable that an amount be made available sufficient for the payment of interest upon said refunding bonds directed to be sold from the date of the sale thereof to the date of maturity of the bonds to be refunded out of the proceeds of the sale thereof, then said board of trustees shall, by said resolution, direct that a warrant be forthwith drawn against the general or maintenance fund of said district in favor of the county treasurer as trustee of the bond fund thereof and delivered to said county treasurer, in a principal amount made up of the sum of items, as follows, to wit: Sale for less
than par

(a) The excess, if any, of the par value of the bonds directed to be sold over and above the amount for which said board of trustees shall have determined in said resolution said bonds may be sold; provided, however, that said excess shall not, in any event, exceed ten per cent of the par value of said bonds directed to be sold. Warrant
against
general fund

(b) An amount sufficient to pay interest at the rate provided in said refunding bonds from the date of sale thereof to the date of the maturity of the bonds to be paid out of the proceeds of the sale of the refunding bonds directed to be sold. Said items (a) and (b) are hereby expressly declared to be inci-

dental expenses of said district as incidental expenses are defined in section 3456 of the Political Code.

Assessment
for incident-
tal expenses

15. Thereafter, in the next succeeding assessment call levied by the district for maintenance purposes, there shall be included therein an amount equal to the sum of said items, and said amount shall be assessed against the several tracts of land of the district in the same proportion as the original assessment, or any subsequent reapportionments thereof, which secures the payment of said bonds, and as and when collected, said amount shall be placed by the said treasurer to the credit of said maintenance fund, in reimbursement of said fund for the warrant drawn as hereinabove provided in subdivision 14 of this section.

16. In lieu of drawing a warrant against the general fund of the district in the manner and for the purposes provided in subdivisions numbered 14 and 15 of this section, the board of trustees of the district may raise the amounts contemplated by said subdivisions in the manner following, to wit:

Supple-
mental
assessments

(a) Said board of trustees shall declare whether or not in the judgment of said board, it is necessary or advisable that a supplemental assessment be levied against the lands of the district for the purpose of raising the amounts required under the provisions of subdivisions 14a and 14b of this section, or either thereof, and whether or not a sufficient assessment should be levied for either or both of said purposes, and if, in said resolution said board shall determine that it is for the best interest of the district that such supplemental assessment shall be levied, then such supplemental assessment shall be levied in the manner following, to wit:

Assessment
lists

(b) The board of trustees shall prepare and certify an assessment list for said supplemental assessment in the form prescribed by section 3461 of this code. The amount of said supplemental assessment shall not exceed ten per cent of the principal of the refunding bonds to be sold, plus the amount if any to be raised by such supplemental assessment to pay interest on said refunding bonds to the date of maturity of the bonds to be refunded as aforesaid. The amount of said supplemental assessment shall be spread only upon the tracts of land in the district upon which an assessment is then outstanding for payment of the bonds to be refunded and shall be spread on said tracts in proportion to the amounts then assessed against said tracts under said outstanding assessment.

Filing
of list

(c) Said list when completed shall be filed with the clerk of the board of supervisors of the county. The board of supervisors shall appoint a time when it shall meet for the purpose of hearing objections to said supplemental assessment and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in said county. At any time before the date of such hearing any person interested may file written objections to such supplemental assessment stating the ground of such objections, which statement shall be verified by affidavit of such person or some

other person who is familiar with the facts. At said hearing the board of supervisors may correct any errors appearing in said supplemental assessment and shall then make an order approving said supplemental assessment and shall endorse such order upon said assessment list, which said endorsement shall be signed by the chairman of the board of supervisors and attested by the clerk thereof. Such decision of said board of supervisors except as hereinafter provided, shall be final and thereafter said assessment list shall be conclusive evidence that the said supplemental assessment has been made and levied according to law. The list shall then be filed with the county treasurer, or if the district is situated in more than one county then the original list must be filed in the county where the greater portion of the lands of said district is situated and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties. No objection to such supplemental assessment shall be considered by the board of supervisors or allowed in any other action or proceeding unless such objection shall be made in writing to the board of supervisors as above specified.

(d) Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of such district is situated to have said supplemental assessment corrected, modified or annulled. Such action must be commenced within five (5) days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within five (5) days, no action or defense shall thereafter be maintained attacking the legality of said supplemental assessment in any respect. Actions

(e) After said approved assessment list has been so filed the charges therein specified shall be a lien upon the parcels of land so assessed and shall impart notice thereof to all persons. Said supplemental assessment shall be called for immediate payment and shall become delinquent by declaration made in said resolution at a specified date at least five days prior to the date fixed for the sale of said refunding bonds; and at least thirty days time to pay said supplemental assessment shall be given to the landowners between the date of call and the date of delinquency. Said supplemental assessment shall not bear interest and shall be payable only in gold coin of the United States. Notice of said supplemental assessment and of said call thereon must be personally served upon each owner of land in said district or in lieu of personal service must be sent through the mail addressed to said owner at his place of residence if known, or entered upon the assessment roll of the county and if not known, at the place where the principal office of the district is situated or be published once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news within the district and if no such newspaper be published within the district then publication may be made in some Lien
Payment
Delinquencies
Notice

Voluntary
payment

newspaper published in the county seat of the county where the greater portion of said district is situated. Upon delinquency a penalty of ten per cent shall be added. If the landowners in any district shall voluntarily pay to the treasurer of the county, on the call of the board of trustees without the levy of such supplemental assessment, the amount required by the board of trustees for the aforesaid purposes as prorated on the lands in the district as herein provided then no such supplemental assessment shall be levied.

Delin-
quencies

(f) If a sale of said refunding bonds is consummated by payment of the purchase price thereof and the delivery of the bonds then the board of trustees of the district shall proceed to enforce payment of any delinquencies in the said supplemental assessment in the manner set forth in section 3466 of this code, and the provisions of said section 3466 shall apply to all subsequent proceedings in enforcing collection of said supplemental assessment.

(g) In the event said board of trustees shall elect to raise said amounts through the levy of a supplemental assessment as in this subdivision 16 provided, then said board of trustees shall not direct that a warrant be issued against the general or maintenance fund of said district in favor of the county treasurer as contemplated by subdivision 14 of this section, but that instead, such warrant shall be issued against the fund created by the supplemental assessment levied and collected pursuant to this subdivision.

Sale of
bonds

17. For the sale of said bonds the said treasurer shall give notice by publication at least once a week for at least two weeks in a newspaper of general circulation published in the main county, that he will sell a specified amount of said refunding bonds, and stating the day, hour and place of said sale, and asking for sealed proposals for the purchase of said refunding bonds, or any part thereof. At the time appointed for said sale, which shall be in any event at least ninety-five days prior to the date of maturity of the principal of said outstanding bonds to be so refunded by the sale of said refunding bonds, the county treasurer shall open the bids and award the said refunding bonds, or any designated number thereof, to the highest responsible bidder, but at a price in no event less than ninety per cent of the full face value of said refunding bonds. The county treasurer may, and upon written request of a majority of the trustees, must, reject any and all bids. Any sale by the county treasurer shall be conclusive evidence in favor of the purchaser and all subsequent holders of said refunding bonds that such sale was made upon due authority and notice. A proper record of such transaction shall be made upon the books of the county treasurer and the proceeds of the sale of the said refunding bonds shall be placed in the county treasury to the credit of the bond fund of the district, and the said proceeds shall be used and applied only in payment, in whole or in part, of the principal of the

outstanding bonds to be refunded by the said refunding bonds so sold.

18. If the refunding bonds so offered for sale shall not be sold the same may again be offered for sale from time to time prior to their fixed maturity or may be exchanged for outstanding bonds as hereinbefore provided. All refunding bonds, which remain in the hands of the county treasurer after the outstanding bonds to be refunded thereby have been paid in full and discharged, shall be forthwith canceled by said county treasurer and shall never be an obligation of the district.

Unsold
bonds

19. If the amount for which any portion of said refunding bonds shall be sold, exclusive of accrued interest thereon, if any, shall be insufficient to enable the county treasurer out of the proceeds of such sale to pay in full the principal and interest accrued on said bonds so next maturing, then said county treasurer shall use the proceeds of the said supplemental assessment or of said warrant theretofore delivered to said treasurer pursuant to the provisions of subdivision 14 of this section, as the case may be, in so far as shall be necessary, to the payment of any such deficiency. Said county treasurer shall also pay, out of the proceeds of said supplemental assessment or of said warrant, to the purchaser of said refunding bonds at the time said purchaser shall take delivery thereof, interest at the rate provided in said refunding bonds from the date said sale is completed by the payment to the county treasurer of the purchase price thereof until the date when, pursuant to the terms of said refunding bonds and the coupons thereto attached, interest thereon shall begin to accrue thereon. If a supplemental assessment shall have been levied and collected pursuant to the provisions of subdivision 16 hereof, any surplus which shall remain in said supplemental assessment fund after the principal and interest on said bonds so next maturing shall have been paid in full shall be refunded by the county treasurer proratedly to the persons who shall have paid the same.

Procedure
for payment
of any deficiency
on
maturity.

20. The principal and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of section 3480 of this code.

21. Any refunding bonds heretofore or hereafter issued pursuant to the provisions of this section are hereby expressly declared to be issued as a step in the process of liquidating the original bond issue that is to be paid and discharged out of the proceeds of the sale of such refunding bonds. In the event any reclamation district shall have heretofore caused its bonds to be issued and thereafter, shall have been consolidated so as to become a part of a new district, the original district issuing such bonds shall be deemed as still in existence for the purpose of liquidating such original bond issue, either by making calls on the assessment securing said bond issue, from time to time as required, or by causing refunding bonds

Construction

to be issued and sold pursuant to the provisions of this section. Any refunding bonds heretofore authorized or issued by any such original reclamation district, if authorized and issued pursuant to the provisions of this section, as in force at the time, are hereby expressly declared to be valid and subsisting obligations of such original reclamation district, and to be secured by the assessments against the lands of said district that secured the bonds to be discharged out of the proceeds of the sale of said refunding bonds.

22. No act done or proceeding taken under the section of the Political Code of which this act is amendatory prior to the effective date hereof shall be invalidated hereby, and all proceedings commenced prior to the effective date hereof shall be completed in accordance with the provisions of this act, and all acts and proceedings taken after the effective date of this act whether relating to the authorization, issuance, exchange, sale, or delivery of bonds, or other thing, shall be valid and legally binding if taken in accordance with the provisions of this act.

CHAPTER 804.

Stats. 1913,
p. 1012,
amended

An act to amend chapter 586, statutes of 1913, known as the "Water commission act," approved June 16, 1913, as amended, by amending sections 37, 37a, 37c and 37f thereof and by adding thereto two new sections to be numbered 37g and 37h, all relating to the distribution of water in accordance with the rights thereto as determined by court decree or written agreement.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 543.

SECTION 1. Section 37 of chapter 586 of the statutes of 1913, known as the "Water commission act," as amended by chapter 365 of the statutes of 1921 is hereby amended to read as follows:

Division of
state into
water
districts

Sec. 37. The state water commission shall divide the state into water master districts to be so constituted and adjusted as to insure the most practical and economical supervision of the distribution of water on the part of the state, and shall have authority to make such reasonable regulations to secure distribution of water in accordance with the determined rights as may be needed. Said water master districts shall be created from time to time as rights to water or the use thereof shall be ascertained and determined, either under the procedure provided for in this act or other procedure provided by law, or by agreement in writing entered into by the respective claimants, or by permits and licenses of the state water commission issued subsequently to any adjudication rendered under such procedure, or subsequently to any such

agreement; provided, however, that any such agreement shall first be recorded in the office of the county recorder of each county in which is situated any such water rights, or rights to the use of water, and in the office of the county recorder of each county in which is situated the land, or any portion thereof, on which any such water is, or is entitled to be used. Such districts may be changed from time to time as convenience of administration may require.

SEC. 2. Section 37a of chapter 586, statutes of 1913, as added by chapter 365 of the statutes of 1921 is hereby amended to read as follows: Stats. 1921,
p. 543.

Sec. 37a. Upon written request of the owners or governing bodies of at least fifteen per cent of the conduits, ditches, pipe lines and other means of diversion lawfully entitled to directly divert water from the streams or other sources of water supply in any water master district, the state water commission may, if in its discretion necessity therefor exists, appoint a water master and if necessary in its discretion one or more deputy water masters for such water master district and shall have authority to incur expense and make expenditures as may be necessary to provide for the administration of such district and the distribution of water therein. Any duty or authority in this act vested in a water master may be exercised by the water master directly or through the agency of a deputy water master. The state water commission may from time to time discontinue water master service in any water master district, if necessity therefor ceases, and revive the same whenever and as frequently as necessity exists. The water master shall be properly qualified and shall perform the duties imposed on him by this act as an employee under the general supervision and control of the state water commission. It shall be the duty of the water master to divide the waters of the streams, or other sources of supply, among the several conduits, ditches, pipe lines and other means of diversion (all of which are hereafter referred to as conduits) and reservoirs taking water therefrom, and to so adjust or close the headgates of conduits and regulate the controlling works of reservoirs, as may be necessary to insure a distribution of the water thereof among the water users entitled to its use, according to the rights of such water users; provided, that any person who may be injured by the action of any water master, shall have the right to apply to the superior court of the county in which the injury takes place, for an injunction; such injunction to be issued only in case it can be shown at the hearing that the water master has failed to distribute the water according to the rights as determined by decrees of court or agreements or permits or licenses of the state water commission as provided in section 37 of this act. Whenever, in the pursuance of his duties, the water master shall regulate a headgate to a conduit or the controlling works of a reservoir, it shall be his duty to attach to such headgate or controlling works a written notice properly dated and signed setting forth the fact that such headgate or controlling

Appoint-
ment of
water
master

Powers
and duties

works has been properly regulated and is wholly under his control, and such notice shall be a legal notice to all parties interested in the diversion and distribution of the water of such conduit or reservoir.

Stats 1921,
p. 543.

SEC. 3. Section 37c of chapter 586, statutes of 1913, as added by chapter 365 of the statutes of 1921 is hereby amended to read as follows:

Owners to
maintain
diversion
dams, head-
gates and
measuring
devices

Sec. 37c. The owner or owners of every conduit subject to regulation by a water master as provided by section 37a of this act shall construct and maintain to the satisfaction of the state water commission a substantial and serviceable diversion dam or works in the channel of the stream from which the water is diverted and also a substantial and serviceable headgate in the conduit through which the water is diverted at or near the diversion dam or works, said headgate to be of such construction that it can be locked and kept closed by the water masters, and every such owner or owners shall construct and maintain, such water flow measuring devices at such points along such conduit as may be required and approved by the state water commission for the purpose of assisting the water master in determining the amounts of water which are being diverted and applied to beneficial use. The owner or owners of every reservoir located across or upon the bed of a natural stream or of a reservoir which requires the use of a natural stream channel, subject to regulation by a water master as provided by section 37a of this act shall construct and maintain such measuring devices below such reservoir in said stream, and above such reservoir on each and every stream or source of supply discharging into such reservoir, as may be required and approved by the state water commission for the purpose of assisting the state water commission or water master in determining the amount of water to which appropriators are entitled, and the amounts of water which appropriators are diverting, storing, and applying to beneficial use. If the owner or owners of any conduit shall refuse or neglect to construct and maintain the diversion dam or works, headgate or measuring devices herein provided for after thirty days' notice by the state water commission so to do, the water master may close such conduit, and the same shall not be opened or any water diverted from the source of supply, under the penalties prescribed by law for the opening of headgates lawfully closed until the requirements of the state water commission, as to such diversion dam or works, headgate or measuring devices have been complied with, and if the owner or owners of any reservoir located across or upon the bed of a natural stream, or of a reservoir which requires the use of a natural stream channel, shall neglect or refuse to construct and maintain the measuring devices herein provided for after thirty days' notice by the state water commission, the water master may open the sluice gate or outlet of such reservoir and the same shall not be closed, except by order of the state water commission, under the penalties of the law for changing or

Procedure
on refusal

interfering with headgates, until the requirements of the state water commission as to such measuring devices are complied with.

SEC. 4. Section 37f of chapter 586, statutes of 1913, as added by chapter 591 of the statutes of 1927 is hereby amended to read as follows: Stats. 1927,
p. 1024.

Sec. 37f. Water masters appointed under the provisions of this act shall receive such compensation as may be fixed by the state water commission, but not to exceed fifteen dollars per day, and shall receive in addition thereto necessary travel expenses incurred in the performance of their duties. One-half of the cost of administration of a water master district and the distribution of water therein shall be paid by the state, as hereinafter provided, and the other one-half thereof shall be paid by the owners of the rights to divert or store water within the respective water master districts created as in this act provided. The state water commission shall upon the creation of a water master district file in the office of each county recorder wherein a portion of said district is situate a certified copy of the order creating said district and a description by forty-acre subdivision or other smallest subdivisions of the public land surveys of all of the lands within said district which are within the county wherein said description is so filed and from time to time the commission shall file supplemental or revised descriptions of said lands as the same shall be changed. Such county recorder shall keep in his office a file for each district of such orders and descriptions as pertain thereto. On or prior to January 1, 1932, the state water commission shall file such certified copies of the orders and the descriptions aforesaid as pertain to water master districts then in existence. The state water commission shall, between the first day of January and the first day of March of each year, prepare a statement for each water master district, which shall contain a budget showing the amount of money estimated to be necessary to pay the cost of administration of such district and the distribution of water in such district for the current calendar year, including expenses theretofore incurred for the payment of which funds are not available, including the cost of an annual water master report covering the current calendar year to be prepared at the end of said year, including a reasonable estimate for contingencies, and including any other costs of administration of such district or of distribution of water therein, and which statement shall also contain an apportionment of one-half the amount of said budget among the owners of the various rights to store or divert water within such district in the following manner, to wit: One-tenth of said one-half of the amount of said budget shall be apportioned equally among the respective ownerships of all such water rights, and the remaining nine-tenths of said one-half thereof shall be apportioned among the ownerships of said respective water rights Compensation and expenses of water masters.

Annual statements.

Apportionment of budget.

in accordance with the quantity of water which the owner or owners of the respective water rights may be entitled to store or divert within such district; provided, however, that in all cases of rights to divert the direct flow of a stream, without storage, for power development or other nonconsumptive use, where the entire flow so diverted, with the exception of reasonable transportation losses, is returned to the same stream system above the next lower diversion, the owner or owners of such rights shall share on account of such rights only in the equal apportionment of said one-tenth of said one-half of the amount of said budget, and shall not share in so far as such rights are concerned in the apportionment of the remaining nine-tenths of said one-half of said budget; and provided, further, that in all cases where rights exist to store or divert water for use for more than one purpose, the amount to be paid by the owner or owners of such rights shall be based upon the total amount of water said owner or owners may be entitled to store or divert, and said owner or owners shall not be required to pay more than one amount on the same water so stored or diverted notwithstanding use for more than one purpose. In making such apportionment to owners of the right to store water, three hundred fifty acre-feet of storage capacity which such owner is entitled to use shall be considered the equivalent of the right to divert one cubic foot per second of the direct flow of a stream. A certified copy of the statement for each water master district shall be transmitted by the state water commission, prior to the fifteenth day of March of each year to the state controller and a like copy to the tax collector of the county in which such district is situated, or, if any such district be situated in more than one county, then a certified copy of the statement for such district shall be so transmitted to the tax collector of each county in which any part of such district is situated. The certified copy of such statement sent to the state controller and to the proper tax collector or tax collectors shall be filed by said officials in their respective offices and shall at all times during business hours be available for public inspection. The state water commission shall file the original of each such statement in its office and the original of each such statement shall there be open to public inspection at all times during business hours. Also the state water commission shall after the filing of such statement with such county tax collector or tax collectors and on or before the fifteenth day of March of each year, serve each such owner named in such statement with a true copy thereof. Such service may be made personally or by mail as provided by section 1013 of the Code of Civil Procedure, or the state water commission may, in its discretion, and in lieu and instead of such service, serve the same with like effect by publication and in such case shall cause publication of a copy of each such statement to begin on or before the fifteenth day of March of each year in a newspaper having a general circulation and published

Service of
statements

Publication
of state-
ments

within the county or each county wherein such district or any portion thereof is situated, but in case there is no newspaper published within the county or a county wherein a portion of such district is situated, then publication shall be in a newspaper having a general circulation within such county wherein no newspaper is published. Publication of such statement shall be made at least once a week for three consecutive weeks and proof thereof shall consist of a copy of such statement as published, attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing same, which proof of publication shall be filed in the office of the state water commission. The owner or owners of each such right to store or divert water shall pay to the tax collector of the county in which the works for the diversion of water under such right are located the amount so apportioned to the owner or owners of such water right, and unless such payment is made on or before the last Monday in April of the year in which such apportionment was made, such payment shall become delinquent and ten per cent thereof shall be added thereto as a penalty for delinquency in the payment thereof. If the owner of any such right to store or divert water be a county, city and county, municipality, district or other political subdivision, public corporation or state agency, the amount so apportioned together with the penalty aforesaid in case of delinquency, shall be a legal charge against the general fund thereof, or such fund as may be provided for the maintenance and operation of its public works. If the owner of any such right be a public utility as defined in the "Public utilities act" of this state, the amount so apportioned, together with the penalty aforesaid in case of delinquency, shall be a lien against any money of such public utility. If the water stored or diverted under any such right be for private use, then the amount so apportioned, together with any penalty added as herein provided, shall be a lien upon all the property used in the storage or diversion, conveyance or distribution of the water stored or diverted under such right and the land on which such water is or is entitled to be used, and said lien shall attach as of the date of filing the said statement in the office of the county tax collector as herein provided. The liens herein declared shall be superior to all other liens against the property in question except liens for taxes and assessments levied by authority of law, and at any time after thirty days after any payment due hereunder shall have become delinquent the state water commission may institute in the name of the people of the State of California an action to foreclose any such lien or to compel the payment of any aforesaid legal charge against any county, city and county, municipality, district or other political subdivision, public corporation or state agency, and may call upon the district attorney of the county in which any such action may properly be brought to prosecute the same, in which case it shall be the duty of said

Payment
of tax.

Stats 1915,
p 115

Lien in case
of delin-
quency

Actions
to enforce

official to bring and prosecute such action and enforce the sale of the property on which any aforesaid lien exists, or so much thereof as may be necessary to pay the delinquent amount, penalty and all costs incurred in the action. Any judgment rendered in such action shall not be satisfied, nor the lien removed until such charges are paid or the property sold for the payment thereof. Such action shall be instituted in the county in which such lands or property is or are situated, in a court of competent jurisdiction, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the actions herein provided for. In all cases where a water right is owned by two or more parties, then such parties shall pay such portions of the amount apportioned to such water right as may be in proportion to their respective interests in such water right, and the statement prepared by the state water commission, as herein provided, shall contain an apportionment of the amount to be paid by the various owners of any such water right. A fund is hereby created in the state treasury to be known as the state water master service fund which fund shall be divided into separate accounts to the credit of the various water master districts now in existence or hereafter created from time to time, as in this act provided. Each tax collector in whose office has been filed any such statement as herein provided for shall keep as a permanent record of his office a receipt book to be furnished such tax collector by the state water commission in such form as it shall determine, and, at the time any payments are made as herein provided such tax collector shall execute a receipt for the amount so paid in quadruplicate, which shall refer to the statement herein provided for by number, or other intelligent manner, sufficient to identify the same, and shall deliver the original thereof to the party so paying, and shall immediately forward one copy thereof to the state controller and one copy thereof to the state water commission. Upon issuance of any such receipt, the tax collector shall note on the margin of the statement which is on file in his office for said water master district for that year, opposite the name of the party so paying, the fact of such payment, and the amount and date thereof, together with a statement that the lien thereof against any lands and property of such party is thereby released and discharged. From and after such payment any lien herein provided for against the lands and property of the party so paying shall be released and discharged. Each tax collector to whom any payments shall be made as herein provided shall at least once each month transmit the amount or amounts so paid to him to the state treasurer, who shall place the same in the state water master service fund and credit it to the account of the proper water master district. The state water commission shall file with the department of finance on or before the first day of March of each year a certified copy of each water master district state-

State water
master serv-
ice fund.

Tax
collector's
records

Disposition
of funds

ment herein provided for, and on receipt thereof the department of finance shall provide for the transfer of one-half the amount of each budget therein contained from the general support funds of the state water commission to the state water master service fund to the credit of the respective water master districts for which such budgets were prepared. All expenditures for the supervision of the distribution of water in any water master district shall be paid from that portion or account of the state water master service fund credited to that district, upon claims approved by the state water commission and otherwise audited and approved as may be required in the case of other claims against the state. Any money remaining in the state water master service fund at the end of any year shall be available for use the following year for the respective water master districts to which credited.

SEC. 5. A new section is hereby added to chapter 586, statutes of 1913, to be numbered 37g and to read as follows: New section

Sec. 37g. Any county recorder and any tax collector in whose office there shall have been filed prior to the effective date of this section any statement for any district as provided for in section 37f of this act, shall note on the margin of any such statement, or the record thereof, opposite the name of the party who shall have paid his apportionment of cost, the fact of such payment and the amount and date thereof together with a statement that the lien of said apportionment against any land and property of such party is released and discharged. Recording
discharge of
existing
liens

SEC. 6. A new section is hereby added to chapter 586, statutes of 1913, to be numbered 37h and to read as follows: New section

Sec. 37h. The procedure hereinafter set forth for collecting and making available money for water master distribution is in lieu of that set forth in section 37f of this act. Whenever all the owners of rights to water or the use thereof within any water master district, by agreement in writing, shall have formed and organized themselves into an association for the purpose of financing the distribution of the water to which they are entitled and shall have agreed therein as to the apportionment of said expense and the payment thereof and shall have filed with the state water commission a copy of such agreement duly certified and authenticated by the president and secretary of such association, the state water commission shall thereafter submit the statement provided for in section 37f of this act to such association on or before the first day of September of the year preceding that for which such statement is made and said statement shall apportion one-half the amount of the budget therein contained to said association and shall not include the estimated cost of publication thereof. A certified copy of said statement shall be transmitted by the state water commission to the state controller on or before said first day of September. Said association shall pay the total amount Alternative
procedure
for col-
lection of
moneys.

Associations
for financing
distribution
of water

apportioned to it to the state treasurer on or before the first day of December next succeeding who shall deposit said money into the state water master service fund to the credit of the account of such water master district. The state water commission shall file with the department of finance on or before the first day of March of each year a certified copy of the water master district statement herein provided for, and on receipt thereof the department of finance shall provide for the transfer of one-half the amount of the budget therein contained from the general support funds of the state water commission to the state water master service fund to the credit of the water master district for which said budget was prepared. All the provisions of section 37f of this act which are not in conflict with this section shall apply; provided, that in all cases wherein at the time of creation of a water master district all the owners have formed an association by agreement in writing and have filed a certified copy of such agreement as in this section provided, the state water commission shall not file a certified copy of the order creating such district and a description of the lands within such district in the office of the county recorder as required in section 37f of this act, and in all such cases the state water commission shall not render water master service to such water master district during any calendar year next succeeding the first day of December of any year during which such an association shall fail to pay the total amount apportioned to it on or before the first day of December of such year.

CHAPTER 805.

An act to amend section 637½ of the Penal Code, relating to protection of fish and game.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 641.

Predatory
animals

SECTION 1. Section 637½ of the Penal Code is hereby amended to read as follows:

637½. Where the words "predatory animals" occur in this chapter, the following animals only shall be considered predatory animals: The order Insectivora (moles, shrews), the family Canidae (wolves, coyotes, foxes), the family Procyonidae (ringtail cats, coons), the family Mustelidae (martens, fishers, wolverines, weasels, minks, skunks, badgers), the family Felidae (cougars, wildcats), the order Rodentia (rats, mice, gophers), except the genera *Scuiruis* and *Petauristidae* (tree squirrels, flying squirrels), and the rabbits of the order *Logomorpha*; the black-tailed jack rabbit of the genus *Lepus*; the cotton-tail rabbit and the brush rabbit of the genus

Sylvilgas in fish and game districts four, nineteen and twenty-one; and the following species of birds: blue jays, English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk, house finch, commonly known as California linnet, crow and black-billed magpie.

CHAPTER 806

An act to amend section 71 of an act entitled "An act to provide for the organization of the railroad commission, to define the powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

Stats. 1915,
p. 115,
amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 71 of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Stats 1925,
p. 648

Sec. 71 (a) When complaint has been made to the commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility, and the commission has found, after investigation, that the public utility has charged an unreasonable, excessive or discriminatory amount for such product, commodity or service in violation of any of the provisions of this act, including sections 13, 17 (a) 2, 17 (b), 19 and 24 the commission may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; provided, no discrimination will result from such reparation; and provided further, that no order for the

Reparation
for over-
charges

payment of reparation upon the ground of unreasonableness shall be made by the commission in any instance wherein the rate, fare, toll, rental or charge in question has, by formal finding, been declared by the commission to be reasonable; and provided further, that no assignment of a reparation claim shall be recognized by the commission except assignments by operation of law as in cases of death, insanity, bankruptcy, receivership or order of court.

Suit to
recover
overcharges

(b) If the public utility does not comply with the order for the payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same within one year from the date of the order, and not after. All complaints for damages resulting from a violation of any of the provisions of this act, including sections 13, 19 and 24, and excluding sections 17 (a) 2, and 17 (b), shall either be filed with the commission, or where concurrent jurisdiction of the cause of action is vested by the constitution and laws of this state in the courts, in any court of competent jurisdiction, within two years from the time the cause of action accrues, and not after.

Limitation
of actions
and exten-
sion of
period.

(c) All complaints for damages resulting from the violation of any of the provisions of sections 17 (a) 2, or 17 (b) of this act shall either be filed with the commission, or, where concurrent jurisdiction of the cause of action is vested in the courts of this state, in any court of competent jurisdiction, within three years from the time the cause of action accrues, and not after; provided, however, that if claim for the asserted damages has been presented in writing to the public utility concerned within said period of three years, such period shall be extended to include six months from the date notice in writing is given by the public utility to the claimant of the disallowance of the claim, or of any part or parts thereof specified in said notice.

Actions for
collection
of tariffs

(d) All complaints for the collection of the lawful tariff charges or any part thereof, of public utilities may be filed in any court of competent jurisdiction within three years from the time the cause of action accrues, and not after; provided, however, that if a public utility shall present its claim or demand in writing to the person from whom the said lawful tariff charges, or any part thereof, are alleged to be due within said period of three years, said period shall be extended to include six months from the date notice in writing is given to said public utility, by the person to whom such demand is presented, of refusal to pay said demand, or any part or parts thereof specified in said notice of refusal; provided, further, that if suit for the collection of the lawful tariff charges or any portion thereof of a public utility is filed in any court in accordance with the terms of this paragraph, or if such collection is made by the public utility without filing suit, the person against whom such suit is filed or from whom such collection is made may, within ninety days from the date of service of summons in said suit, or the date of

said collection, file with the commission, or with any court of competent jurisdiction, a complaint for damages resulting from the violation of any of the provisions of this act with respect to the transaction to which said suit of said public utility relates, or for which said collection has been made.

(e) For the purpose of this section and each of the sub-sections thereof, the cause of action shall be deemed to accrue upon the delivery or tender of delivery of the shipment or the performance of the service or the furnishing of the commodity or product with respect to which complaint is filed or claim made. The remedies in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a public utility to obey an order or decision of the commission.

Construc-
tion

CHAPTER 807.

An act to amend section 365f of the Political Code, relating to the power of the California highway commission to acquire lands for highway and other purposes and to construct and maintain state highways and other improvements incident thereto.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Section 365f of the Political Code of the State of California is hereby amended to read as follows:

Stats 1925,
p 383

Sec. 365f. Power of commission to acquire or lease property. The California highway commission, in the name of the people of the State of California, may purchase, condemn or receive by donation or dedication or lease any right of way, rock quarry, gravel pit, sand or earth borrow pit, land necessary or proper for offices, shops, storage yards, lands adjoining or near such highways for parks, and also lands and trees within three hundred feet on each side of the center line of any state road or state highway for culture and support of trees, when in the judgment of said commission the acquisition of said lands and trees, or either, shall be for the benefit of a state highway in aiding in the maintenance and preservation of the roadbed thereof, or aid in the maintenance of the attractiveness or the scenic beauties thereof, and also may likewise acquire lands for the construction and maintenance of drainage ditches in connection with the highways, and said commission may likewise acquire all other lands which said commission shall deem necessary for the construction, use or maintenance of state highways. Said commission may in like manner acquire, construct and maintain stock trails paralleling and adjoining or near any state highway in such portions of the state as said commission shall deem necessary or proper.

Power of
commission
to acquire
or lease
property

Stock
trails

and said commission shall post notices upon said trails and upon said highway at the entrances of said trails directing all persons to drive all untethered stock upon said trails, and any person who shall drive any untethered stock upon any state highway or permit any untethered stock to be upon any state highway which is so paralleled by said stock trails shall be guilty of a misdemeanor, and, in addition thereto said person shall be liable for all damage done to said highway or to any person or property upon said highway by any stock. Said commission may likewise acquire land adjoining any state highway or road for the purpose of maintaining an unobstructed view of any portion of said highway that would interfere with the safety of persons traveling thereon.

Highways
through mu-
nicipalities

Whenever the natural course of a state highway or state highway system runs or passes into or through any municipality or contiguous municipalities the California highway commission shall have authority to complete such state highway or state highway system as a continuous highway or system and connect the portions of such highway or system on either side of such municipality and shall have authority to determine the location of such connecting portion either through or around the municipality as the commission may determine will be of the greatest benefit to traffic upon such state highway. For the purpose of so completing any state highway or state highway system, the California highway commission shall have authority to acquire the necessary rights of way either within or without the corporate limits of a municipality by purchase, condemnation, or donation and to construct or improve such connecting portion to the same width and to the same standard as the state highway on either side of such municipality and the expense of any said acquisition, construction or improvement may be paid out of any funds appropriated or available for the acquisition of rights of way, construction or improvement of said state highway or portion of the state highway system.

Municipal
aid in
construction
of highways

The legislative body of any municipality upon request of the California highway commission shall have authority to acquire any land or right of way by purchase, condemnation or donation needed for state highway purposes and lying within such municipality and the title to any said land or right of way may be taken in the name of the state or municipality and said municipality may also aid in the construction or improvement of any state highway therein by contributing any part of the expense thereof to the California highway commission out of any municipal funds available for the construction or improvement of streets within said municipality

CHAPTER 808.

An act to add a new article to chapter VI of part III of division III of the School Code to be known as article VII,

embracing sections 3.415 and 3.416, relating to the attendance of students upon junior colleges.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new article is hereby added to chapter VI of part III of division III of the School Code, to be known as article VII, embracing sections 3.415 and 3.416, and to read as follows:

Article VII—Junior College Contracts.

3.415. Students residing in a junior college district may attend junior college in another junior college district only after terms shall have been agreed upon by the governing boards of the junior college districts concerned. Such terms shall include the payment by the junior college district of residence to the junior college district of attendance for each unit of average daily attendance of such students an amount equal to the average current expenditure per unit of average daily attendance in such junior college district of attendance.

3.416. The average daily attendance of students residing in one junior college district and attending junior college in another junior college district shall be kept separate and shall be credited to the junior college district of residence.

CHAPTER 809.

An act to add a new section to the Civil Code to be known as section 453q, relative to the registration of life insurance policies issued by assessment companies.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Civil Code, to be known as 453q, and to read as follows:

Sec. 453q. Corporations licensed to do business under this chapter may register life insurance policies issued by them, and make and maintain a deposit, under the provisions of and in the manner provided by section 634 of the Political Code of this state, provided that a full legal reserve must be maintained in connection with said life insurance policies at rates based upon the American experience table of mortality, with interest at the rate of three and one-half per cent per annum, and that the reserve required to be maintained under the provisions of section 453h of this code may be included in and computed as part of said deposit.

CHAPTER 810.

An act to amend section 452c of the Civil Code, relating to mutual benefit and life associations, minimum membership thereof, time in which such membership shall be obtained, notification of commissioner in event membership falls below minimum, disposition of association in event of failure to obtain membership within required time limit, and time limit within which corporations organized under the provisions of chapter four, title two, part four, division one of the Civil Code shall obtain and maintain required minimum membership.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1929,
p. 983

SECTION 1. Section 452c of the Civil Code is hereby amended to read as follows:

Membership
of mutual
benefit as-
sociations

452c. Every such corporation heretofore or hereafter organized under the provisions of this chapter, except such associations referred to in section 452f, must maintain a minimum membership of one thousand members in good standing, and should said membership at any time fall below said minimum, said association shall immediately notify said insurance commissioner of said fact, and within ninety days thereafter, of such further extension of time as may be granted by said commissioner, increase its membership to the minimum provided in this section, or submit to the revocation of its certificate of authority by the insurance commissioner, whereupon it shall be the duty of said association to liquidate and dissolve the same under the supervision of said commissioner, or to merge or reinsure its business as herein provided; provided, however, that corporations organized under the provisions of this chapter shall have until June 30, 1932, within which to obtain said membership.

CHAPTER 811.

Stats. 1919,
D. 782,
amended

An act to amend an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919, by adding a new section thereto to be designated section 3½, relating to the exclusion of certain employees.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. Said act is hereby amended by adding thereto a new section to be designated section 3½, to read as follows:

Exclusion of
participants
in other
pension
systems

Sec. 3½. In the event that any other retirement or pension system shall be provided and established by law under which any persons eligible for membership under this act may be

eligible and in the event that any such employees do become members or participants in any other pension or retirement system then and in that event any such members shall automatically cease to be members in the retirement system provided by this act and there shall be refunded to such persons the amount of their deposits as in the case of persons upon separation from the service.

CHAPTER 812.

An act to amend section 141½ of the "California vehicle act," approved May 30, 1923, relating to liability of an owner or driver or person responsible for the operation of a vehicle, for the injury or death of a guest. Stats. 1923, p. 517, amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 141½ of the "California vehicle act," approved May 30, 1923, is hereby amended to read as follows: Stats 1929, p. 1580.

Sec. 141½. Any person who as a guest accepts a ride in any vehicle, moving upon any of the public highways of the State of California, and while so riding as such guest receives or sustains an injury, shall have no right of recovery against the owner or driver or person responsible for the operation of such vehicle. In the event that such person while so riding as such guest, is killed, or dies as a result of injury sustained while so riding as such guest, then neither the estate nor the legal representatives or heirs of such guest shall have any right of recovery against the driver or owner of said vehicle by reason of the death of the said guest. If such person so riding as a guest be a minor and sustain an injury or be killed or die as a result of injury sustained while so riding as such guest, then neither the parents nor guardian nor the estate nor legal representatives or heirs of such minor shall have any right of recovery against the driver or owner or person responsible for the operation of said vehicle for injury sustained or as a result of the death of such minor. Liability for injury to guests

Nothing in this section contained shall be construed as relieving the owner or driver or person responsible for the operation of a vehicle from liability for injury to or death of such guest proximately resulting from the intoxication or wilful misconduct of such owner, driver or person responsible for the operation of such vehicle; provided, that in any action for death or for injury or damage to person or property by or on behalf of a guest or the estate, heirs or legal representatives of such guest, the burden shall be upon plaintiff to establish that such intoxication or wilful misconduct was the proximate cause of such death or injury or damage. Intoxication or wilful misconduct

"Guest"
defined.

For the purpose of this section the term "guest" is hereby defined as being a person who accepts a ride in any vehicle without giving compensation therefor.

CHAPTER 813.

An act to amend section 1510 of the Penal Code relating to the duties of the coroner.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 435

SECTION 1. Section 1510 of the Penal Code is hereby amended to read as follows:

Coroner's
jury
when called

1510. When a coroner is informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he must go to the place where the body is, cause it to be exhumed if it has been interred, and make an investigation and if the circumstances warrant it he shall hold an inquest and summon not less than nine nor more than fifteen persons, qualified by law to serve as jurors, to appear before him forthwith, either at the place where the body of deceased is, or at some other convenient place within the county to be designated by the coroner at his discretion, or at the request of the district attorney to inquire into the cause of the death. No such person is exempt from jury duty except at the discretion of the coroner. No person shall be summoned as juror who is related to the decedent or is charged with or suspected of the killing, nor shall anyone be summoned who is known to be prejudiced for or against him, but no person selected or summoned to appear as a juror is subject to be challenged by any party.

CHAPTER 814.

Stats 1929,
p 250,
amended

An act amending section 1 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, relating to investigation of matters affecting the economic welfare of counties and their inhabitants.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 250.

SECTION 1. Section 1 of an act entitled "An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to

preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties," approved April 17, 1929, is hereby amended to read as follows

Section 1. The board of supervisors of the several counties within the State of California, are hereby authorized and empowered to levy a special tax not to exceed four cents on the one hundred dollars of the assessed valuation of all property within the county to be used in the State of California for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties and thereby to increase and develop the trade and commerce of, and induce immigration to their said counties; and also to be used under the direction of the board of supervisors in investigating, making studies, gathering statistics and maintaining records as to matters affecting the economic welfare of the county and its inhabitants.

Such tax when levied according to the provisions of this section shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used as authorized under the provisions of sections 4041 and 4056b of the Political Code. Nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section 4088 of the Political Code for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources.

CHAPTER 815.

An act to amend section 37 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to books of account of public utility districts.

Stats 1921,
p 906,
amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 37 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and

Stats 1921,
p 924

the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, is hereby amended to read as follows:

Accounts

Sec. 37. The books of account of the district shall be kept in such manner as to show the true and complete financial results of the ownership and operation of each public utility, the actual cost of each public utility, all costs of maintenance, extension and improvement, and all operating expenses of every description. The accounts of the district shall be examined at least once a year by an expert accountant, who shall report to the directors the result of his examination, and who shall be employed and selected in such manner as the directors may direct, and who shall receive for his services such compensation, to be paid out of the income or revenues of the district, as the directors may prescribe.

Expert examinations

Every two years the directors of the district may employ, and upon petition of fifteen per cent of the electors of said district therefor, must employ, at an expense of not to exceed the sum of twenty-five hundred dollars at any one time, to be paid out of the income and revenues of the district, as the board of directors may prescribe, an expert who shall be qualified to, and who shall with all due diligence, examine and report upon the system of accounts kept by the district; all the contracts of whatsoever kind made and entered into by the board of directors within the two years immediately preceding; the management of the utilities of the district, the operation of the same, the service furnished, and the rates charged by the district; the properties and investments of the district; all official acts of the board of directors relating to acquisition, construction, completion, extension, improvement, and betterment of the public utility or utilities of the district; the efficiency and adequacy of each public utility, and of the property used in connection therewith or with the operation thereof, the reasonableness of the service and commodities furnished, and of the rates and charges therefor; and generally all the business and affairs of the district relating to the ownership, management and operation of each public utility of the district. Said expert shall in his report make such recommendations and suggestions as to him shall seem proper and required for the good of the district, and the efficient and economical or advantageous management and operation of the public utility or utilities of the district, and of the business and affairs of the district relating to such management and operation; and he shall in his said report make such recommendations and suggestions as to the system of accounts kept, or in his judgment to be kept, by the district, in connection with each public utility, the classification of the public utilities of the district and the establishment of a system of accounts for each class,

the manner in which such accounts shall be kept, the forms of accounts, records, and memoranda kept or to be kept, including accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts, as in his judgment may be proper and necessary.

Said expert shall be selected by the railroad commission of the State of California, and his selection shall be by said commission certified to the board of directors of the district, together with the name and address of the expert so selected, and several such experts may be so selected and certified. The board of directors of the district shall at least four months before the time of each biennial district election in writing request said railroad commission to make such selection and certification, and said railroad commission shall make and transmit the same to the board of directors making such request within two weeks after the receipt of such request by said railroad commission. Within ten days after the receipt of such selection and certification the board of directors of the district shall by resolution entered on its minutes employ the expert, or one of the experts, so selected and certified, fix the amount of his compensation either absolutely or on a per diem basis, and notify said expert of such appointment. The expert so employed shall enter upon the discharge of his duties at least ninety days before the date of the biennial district election, and shall complete his examination and file his report at least thirty days before the date of the biennial district election, then next impending. Said report shall be made to the electors of the district, in duplicate, one of said duplicates to be filed with the board of directors of the district, in the office of the clerk of the district, and one of said duplicates shall be filed in the office of the county recorder of the county wherein the district, or the greater portion thereof in point of population, is situated. Such county recorder shall file, index and keep said report as a public record in his office, and shall make no charge for such filing.

Selection
of expert

CHAPTER 816.

An act to amend section 2.125 of article III, chapter II, part I, division II of an act approved March 28, 1929, entitled "An act to provide for the establishment, government, maintenance and operation of the public school system of the State of California" and known as "The School Code of the State of California," and relating to the boundaries of certain school districts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2.125 of article III, chapter II, part I, division II of an act approved March 28, 1929, entitled "An

Sch. C,
p. 30

act to provide for the establishment, government, maintenance and operation of the public school system of the State of California" is hereby amended to read as follows:

School districts in incorporated cities and towns

2.125. No city or incorporated town shall be divided into separate school districts under the provisions of this article; provided, however, that in the event of the consolidation of territory with any city and county pursuant to the provisions of subdivisions 6 and 7 of section 8½ of article XI of the constitution of the State of California, the territory within the territory so consolidated with said city and county may be divided into separate school districts, and any school districts therein at the time of consolidation shall continue as such until otherwise changed by law.

CHAPTER 817.

An act to amend section 5.1043 of the School Code, relating to the payment of contributions to the public school teachers permanent fund.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. C.
p. 265

SECTION 1. Section 5.1043 of the School Code is hereby amended to read as follows:

Teachers relieved from paying contributions

5.1043. Those teachers who have taught less than two months during a half year shall be relieved from paying the six dollars for such half year as hereinbefore provided in this article.

CHAPTER 818.

Stats 1925.
p. 648.
amended

An act to amend section 22 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein." approved May 23, 1925, relating to municipal courts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1925.
p. 648

SECTION 1. Section 22 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors

therein," approved May 23, 1925, is hereby amended to read as follows:

Sec. 22. The salaries of the judges, clerks, marshals, officers and other attaches of each municipal court shall be paid out of the salary fund, or if there be no salary fund, then out of the general fund, of the county in which any such court is situated. The board of supervisors shall provide suitable quarters for the municipal courts, and shall supply them with furniture, books, and supplies necessary for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court or of a division thereof when sessions of the court are held at more than one place within the city for which the court is established.

Salaries, quarters, supplies, etc

CHAPTER 819.

An act to amend section 1186 of the Code of Civil Procedure, relating to liens of mechanics and materialmen

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1186 of the Code of Civil Procedure is hereby amended to read as follows:

C C P of 1872

1186 The liens provided for in this chapter are preferred to any lien, mortgage, deed of trust, or other encumbrance, upon the premises and improvements to which the liens provided for in this chapter attach, which may have attached subsequent to the time when the building, improvement, structure, or work of improvement in connection with which the lien claimant has done his work or furnished his material, was commenced; also to any lien, mortgage, deed of trust, or other encumbrance of which the lien holder had no notice, and which was unrecorded at the time the building, improvement, structure or work of improvement in connection with which the lien claimant has done his work or furnished his material was commenced.

Priority of liens

CHAPTER 820.

An act to amend section 1204 of the Code of Civil Procedure, relating to preferred labor claims, raising the preference under assignments for the benefit of creditors and receiverships to not exceeding two hundred dollars for each worker for work done within ninety days and providing procedure for the enforcement of such claims.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1204 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1907, p 321

Preferred
creditors
when as-
signment
of property
is made

1204. When any assignment, whether voluntary or involuntary, and whether formal or informal, is made for the benefit of creditors of the assignor, or results from any proceeding in insolvency or receivership commenced against him, or when any property is turned over to the creditors of a person, firm, association or corporation, or to a receiver or trustee for the benefit of creditors, the wages and salaries of miners, mechanics, salesmen, servants, clerks, laborers, and other persons, for personal services rendered such assignor, person, firm, association or corporation, within ninety days prior to such assignment, or the taking over of such property, or to the commencement of the proceeding when a court action is involved, and not exceeding two hundred dollars each, constitute preferred claims, and must be paid by the trustee, assignee or receiver before the claim of any other creditor of the assignor, insolvent, or debtor whose property is so turned over, and must be paid as soon as the money with which to pay same becomes available. If there is insufficient money with which to pay all such labor claims in full the money available must be distributed among the claimants in proportion to the amount of their respective claims. The trustee, receiver or assignee for the benefit of creditors shall have the right to require sworn claims to be presented and shall have the right to refuse to pay any such preferred claim, either in whole or in part, if he has reasonable cause to believe that such claim is not valid but must pay any part thereof that is not disputed and withhold sufficient money to cover the disputed portion until the claimant in question has a reasonable opportunity to establish the validity of his claim by court action, either in his own name or through an assignee.

This section is binding upon all the courts of this state and in all receivership actions, except those based on a prior recorded lien, the court must order the receiver to pay promptly out of the first receipts and earnings of the receivership, after paying the current operating expenses, such preferred labor claims.

CHAPTER 821

An act to amend sections 950 and 951 of the Probate Code, relating to preferred labor claims, raising the preference in claims against the estate of deceased persons to not exceeding two hundred dollars for each worker for work done within ninety days prior to such death and providing procedure for the enforcement of such claim.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Probate C
1931

SECTION 1. Section 950 of the Probate Code is hereby amended to read as follows:

950. The debts of the decedent, the expenses of administration and the charges against the estate must be paid in the following order: Debts of decedent, order of payment

- (1) Expenses of administration;
- (2) Funeral expenses;
- (3) Expenses of last illness;
- (4) Family allowance;
- (5) Debts having preference by the laws of the United States;

(6) Wages, to the extent of two hundred dollars, of each employee of the decedent, for work done or personal services rendered within ninety days prior to the death of the employer. If there is not sufficient money with which to pay all such labor claims in full the money available must be distributed among the claimants in accordance with the amount of their respective claims;

(7) Mortgages and other liens, in the order of their priority, so far as they may be paid out of the proceeds of the encumbered property. If such proceeds are insufficient for that purpose, the part of the debt remaining unsatisfied must be classed with general demands against the estate;

(8) Judgments rendered against the decedent in his lifetime, in the order of their date;

(9) All other demands against the estate.

SEC. 2. Section 951 of the Probate Code is hereby amended to read as follows: Probate C 1931

951. As soon as he has sufficient funds in his hands, after retaining sufficient to pay the expenses of administration, the executor or administrator must pay the funeral expenses, the expenses of the last illness, the family allowance, and wage claims to the extent of two hundred dollars of each employee of decedent for work done or personal services rendered within ninety days prior to the death of the employer; but he is not obliged to pay any other debt or any legacy until, as prescribed in this article, the payment has been ordered by the court. Claims of employees, when to be paid

SEC. 3. This act shall take effect at the same time as, and shall be construed as an amendment of, the Probate Code, enacted by the Legislature at its forty-ninth session. Construction

CHAPTER 822.

An act to amend sections 1206, 1207 and 1208 of the Code of Civil Procedure, relating to preferred labor claims, raising the preference in claims under attachments, garnishments and executions to not exceeding two hundred dollars for each worker for work done within ninety days prior to the

levy and providing procedure for the enforcement of such claims.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 432

Preferred
creditors in
cases of levy
of attach-
ment, gar-
nishment
and
execution

SECTION 1. Section 1206 of the Code of Civil Procedure is hereby amended to read as follows:

1206. Upon the levy of any attachment, garnishment, or execution, not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer or other person who has performed work or rendered personal services for the defendant within ninety days prior to the levy, may file a verified statement of his claim therefor with the officer executing the writ, file a copy thereof with the court which issued the writ, and give copies thereof, containing his address, to the debtor and creditor, or any attorney, clerk or agent representing them, or mail same to them by registered mail at their last known address, return of which by the post office undelivered shall be deemed a sufficient service if no better address is available, and such claim, not exceeding two hundred dollars, unless disputed, must be paid by such officer, immediately upon the expiration of the time for dispute of the claim as prescribed in section 1207, from the proceeds of such levy remaining in his hands at the time of the filing of such statement or collectible by him on the basis of the said writ.

Record of
preferred
labor claims

The court issuing such writ must make a notation on its docket of every preferred labor claim of which it receives a copy and must endorse on any execution or abstract of judgment issued subsequently in this case that it is issued subject to the rights of a preferred labor claimant or claimants thereunder and giving the names and amounts of all such preferred labor claims of which it has notice.

Disputed
claims

If any claim is disputed within the time, and in the manner prescribed in section 1207, and a copy of the dispute is mailed by registered mail to the claimant or his attorney at the address given in his statement of claim and the registry receipt is attached to the original of the dispute when it is filed with the levying officer, or is handed to the claimant or his attorney, the claimant, or his assignee, must within ten days thereafter commence an action against the debtor for the recovery of his demand, which action must be prosecuted with due diligence, or his claim to priority is forever barred. If the claim is disputed by the creditor a copy of the complaint in such action must be served on the creditor, who may appear in such action as an intervener, without leave of court, and may demur or answer to the complaint within the time allowed the defendant by law, serving copies of such demurrer or answer on the plaintiff and defendant, or their attorneys, and may at the trial contest the amount or validity of the claim in spite of any confession of judgment or failure to appear or to contest the claim on the part of the defendant.

The officer must retain in his possession until the determination of such action so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claimant recovers judgment, the officer must pay the same, including the cost of suit, from such proceeds, immediately after the said judgment becomes final.

Proceeds
of writ

SEC. 2. Section 1207 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1907,
p 322.

1207. Within five days after receiving a copy of the statement provided for in the next preceding section, either the debtor or the creditor may file with the officer a verified statement denying that any part of such claim is due for services rendered within ninety days next preceding the levy of the writ, or denying that any part of such claim, beyond a sum specified, is so due. If a part of the claim is admitted to be due, and the claimant nevertheless brings suit and does not recover more than the amount so admitted, he can not recover costs but the costs must be adjudged against him, and the amount thereof deducted from the sum found due him.

Dispute of
claim, or
some por-
tion thereof

SEC. 3. Section 1208 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1907,
p 322

1208. If the claims presented under section 1206 and not disputed, or, if disputed, established by judgment, exceed the proceeds of the writ not disposed of before their presentation, such proceeds must be distributed among the claimants in proportion to the amount of their respective claims; provided, however, that the costs incurred by the senior attaching plaintiff or judgment creditor in such action must first be taken care of.

Distribution
of proceeds

If sufficient money to pay in full all preferred labor claims filed under an attachment, garnishment or execution does not become available immediately upon the expiration of the time for dispute of such claims under section 1207, any of the said claimants, or their assignees, shall have the right to proceed directly against the money or other property levied on in individual or joint actions by themselves or their assignees against the defendant, and the attachment, garnishment or execution under which the preferred claims were filed shall be considered set aside as far as such claimants, or their assignees, are concerned so as to enable them, or any of them, or any of their assignees, to proceed directly against any or all of the money or other property in question by means of their own attachments, garnishments or executions; provided, however, that any money collected on behalf of any such labor claimant, or his assignee, on the basis of such new attachment, garnishment or execution shall be shared in by the other preferred labor claimants who have filed claims that have not been disputed, or, if disputed, established by judgment, in proportion to the amount of their respective claims, deducting only the costs in the action brought by the said labor claimant, or his assignee, and the costs in the original action brought by the senior attaching plaintiff or judgment creditor.

Notice to preferred labor claimants of intention to release attachment, etc

If such senior attaching plaintiff or judgment creditor requests a release of his original attachment, garnishment or execution, and the preferred labor claims filed under same are not released, the officer who levied the writ must first mail notices of such request to release to each of the labor claimants who have filed claims, or their attorneys, which notices must specify that unless the said claimants bring attachment actions of their own and levy on the money or property in question within five days from the date thereof the said money or property will be released from the attachment, garnishment or execution; provided, however, that such officer may instead collect sufficient money on the basis of the original writ to pay off the preferred labor claims in full and then release the said attachment, garnishment or execution, but in no case shall he release same without first taking care of the labor claims until the said five day period has expired, unless his costs, keepers' fees or storage charges have not been immediately taken care of by some of the parties involved. In any case it shall be lawful for a garnishee to pay over to the officer levying the writ any money held by him without waiting for execution to be levied and the said officer's receipt for the money shall be a sufficient quitance, and the said officer must collect such money and immediately pay off the established preferred labor claims in all cases where it is possible to do so without additional court proceedings on his part.

CHAPTER 823.

Stats 1929, p 1108, amended *An act to amend sections 1, 6, 7, 9, 10 and 13 of the "California nautical school act," approved June 3, 1929, relating to the state nautical school.*

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929, p 1108 SECTION 1. Section 1 of the "California nautical school act," approved June 3, 1929, is hereby amended to read as follows:

Nautical school maintained at San Francisco

SECTION 1. A state nautical school to be known as the California nautical school shall be maintained at the port of San Francisco, for the purpose of giving instruction in the science and practice of navigation, seamanship, steam, diesel and electrical engineering to male pupils from the several counties of the state, who shall have the qualifications of good moral character, education and physical fitness, which may be required by the board of governors of said school. The board shall appoint and may remove a superintendent of the school and all necessary instructors and other employees; determine their powers, duties and compensation; fix the terms upon which students shall be received and instructed therein and

suspended, discharged or graduated therefrom; make all regulations necessary for the procurement or purchase of supplies and materials therefor while the vessel is cruising and for its management and control and shall provide from time to time for cruises in and from San Francisco harbor. The board may appoint as superintendent of said school and as instructors therein such officer or officers as may be designated for that purpose by the secretary of the navy. The term "port of San Francisco" as used in this act shall be deemed to include all of San Francisco bay.

SEC. 2. Section 6 of the "California nautical school act," Stats 1929, p 1108,

approved June 3, 1929, is hereby amended to read as follows:
 Sec. 6 Within two weeks after their appointment in the first instance the members of the board of governors of the state nautical school shall meet in the office of the state superintendent of public instruction at Sacramento upon a notice calling such meeting, issued by the state superintendent of public instruction. The board of governors shall provide, maintain, manage and control a state nautical school pursuant to the provisions of this act. The board may receive from the federal government or from other sources and use for the accommodation of the school, a vessel or vessels detailed or furnished by the federal government or from other sources with all their apparel, charts, books and instruments of navigation, and a reservation or reservations with all buildings and equipment thereon. The board shall provide all necessary books, charts, instruments, apparatus and supplies required in the work of such school and for the proper accommodation, comfort, recreation and keep of the superintendent, instructors, crew and pupils. The board is authorized to secure in the city and county of San Francisco suitable rooms and accommodations necessary for carrying on the work of the board.

Meeting of board of governors

Vessels, books, charts

Offices

SEC. 3 Section 7 of the "California nautical school act," Stats 1929, p 1108,

approved June 3, 1929, is hereby amended to read as follows:

Sec. 7. Admission to the school as a pupil, tuition and keep shall be free on board such vessel to any male resident of the state, having the required qualifications, provided, that an initial fee of one hundred fifty dollars may be charged as an admission fee for part cost of uniforms and equipment. All such fees shall be collected and forwarded to the treasurer and covered into the state treasury and shall be credited to the general fund of the state.

Fees

SEC. 4 Section 9 of the "California nautical school act," Stats 1929, p 1108,

approved June 3, 1929, is hereby amended to read as follows:
 Sec. 9. The board may, out of any appropriation made for the support of the school, without at the time furnishing vouchers and itemized statements, withdraw a sum or sums not to exceed fifteen thousand dollars to be paid to the commanding officer of the vessel used by the school to provide for the payment of expenses of cruises. The sum or sums so drawn shall, not later than six months after said withdrawal, be accounted for and substantiated by vouchers and itemized

Expenses for cruises

Vouchers after termination of cruise

Bond

statements submitted to and audited by the state controller and any unexpended balance of the sum or sums so withdrawn shall be returned to the appropriation from which originally withdrawn. Such commanding officer, in such manner as the board by regulations may provide, shall account for such advances by proper vouchers, filed with the board within thirty days after the termination of the cruise, and any unexpended balance of such advances after the termination of such cruise, shall be returned by said commanding officer to the board for credit to the appropriation from which such sums were originally withdrawn. The said commanding officer shall give a bond in the sum of fifteen thousand dollars, with a surety or sureties approved by the board for the proper disbursement of an accounting for such advances.

Stats 1929,
p 1108

Powers of
the board

SEC 5. Section 10 of the "California nautical school act," approved June 3, 1929, is hereby amended to read as follows:

Sec. 10 The board may annually expend for the purposes of such school any funds which the Legislature may appropriate, and also any funds which may be received from the federal government for the purpose of aiding in the maintenance thereof. All such moneys shall be expended according to law on vouchers, certified by the superintendent or in his absence from the state, by the chairman of the board of governors and approved by the executive member of the board. The board shall, before each regular session of the Legislature, prepare and submit to the governor a budget or estimate of the sum required for the maintenance and support of the school and its cruises for the ensuing biennium. The board shall cause to be kept full and detailed accounts of all such expenditures and shall make a complete report thereof, with a list of all the work of the school annually to the governor. The board may appoint a secretary of the board, determine his duties and fix his compensation, and he shall hold the office of secretary at the pleasure of the board.

Sec. 6. Section 13 of the "California nautical school act," approved June 3, 1929, is hereby amended to read as follows:

Application
to federal
government
for vessel,
etc

Sec. 13 The governor is hereby authorized to make application in writing to the federal government to furnish a suitable vessel with all her apparel, charts, books and instruments of navigation and a reservation or reservations with all buildings and equipment thereon to be used for the benefit of the school authorized by this act.

CHAPTER 824.

Stats 1883,
p 27.
Amended

An act to amend section 7 of chapter 21, statutes of 1883, entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, relating

to the powers and duties of the commissioner and providing penalties for violation of the said section.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of chapter 21, statutes of 1883, as amended by chapter 10, statutes of 1889; chapter 228, statutes of 1919; chapter 257, statutes of 1923 and chapter 231, statutes of 1929, entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, is hereby amended to read as follows:

Sec. 7. The commissioner, and his representatives duly authorized by him in writing, shall have the power and authority to take assignments of wage claims and incidental expense accounts and advances, mechanics' and other liens of workers, claims based on "stop orders" for wages and on bonds for labor, claims for damages for misrepresentation of conditions of employment, claims against employment agencies or their bondsmen, claims for unreturned bond money of workers and claims for penalties for nonpayment of wages, without being bound by any of the technical rules with reference to the validity of such assignments, such as the rule requiring the consent of the husband or wife of a married claimant, the filing of a lien for record before it is assigned, or the assigning of a claim for penalty after the said claim has been incurred, and to prosecute actions for the collection of wages, penalties, and such other demands of persons who, in the judgment of the commissioner or his said representative, are financially unable to employ counsel, in cases in which, in the judgment of the commissioner, or his said representative such claims are valid and enforceable in the courts, to file preferred claims, mechanics' liens and other liens of workers in the name of the said commissioner, or his said representative, or in the names of the said workers, whenever the facts have been investigated by the commissioner or his said representative and found to support the claims, which must be alleged in the preferred claim or lien filed in all cases where same is filed in the name of the commissioner or his said representative; to join various claimants in one preferred claim or lien as well as to list them with the data regarding their claims in an exhibit and join them, in case of suit, in one cause of action in all cases where no valid reason exists for making separate causes of action for each individual worker; to issue subpoenas, to compel the attendance of witnesses and parties and the production of books, papers and records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter placed in the bureau for enforcement. When civil action is

Stats 1929,
p 433

Powers of
labor com-
missioner
and deputies.

brought by the commissioner, or his duly authorized representative, no court costs of any nature shall be payable by the said commissioner, or his said representative, in connection with same and any sheriff or constable requested by said commissioner, or his said representative, to serve the summons in the said action upon any person, firm, association, or corporation within his jurisdiction or levy an attachment, garnishment or execution in the said action upon any money or property of any defendant within his jurisdiction, shall do so without costs to the said commissioner, or his said representative, except for keeper's fees, mileage fees and storage charges; provided, however, that he must specify when such summons or other process is returned, what costs he would ordinarily have been entitled to for such service, and such costs and the other regular court costs that would have accrued were the action not an official action shall be made a part of any judgment recovered by the said commissioner, or his said representative, and shall be paid by him if sufficient money is collected by him to cover same over and above the wages or other demands actually due the claimants on whose behalf he sued, and not otherwise.

Seal

The commissioner shall have a seal inscribed "Department of Industrial Relations—State of California" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the commissioner or his duly authorized representatives shall be enforced by the courts in any county or city and county and it shall be a misdemeanor offense to wilfully ignore said subpoenas, provided, that the said subpoenas do not call for an appearance at a distance greater than twenty-five miles.

Access to
places of
labor

The commissioner and his representatives shall have free access to all places and works of labor, and any principal, owner, operator, manager, superintendent, or lessee of any mine, mill, ranch, factory, hospital, office, laundry, place of amusement, restaurant, hotel, workshop, manufacturing, mechanical or mercantile establishment, construction camp or other place of labor, or any agent or employee of such principal, owner, operator, manager, superintendent, or lessee, who shall refuse to said commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information, pertaining to his lawful duties, which may be in his possession or under the control of said principal, owner, operator, lessee, superintendent or manager, or agent thereof, shall be guilty of a misdemeanor and be punished by a fine of not more than two hundred dollars.

CHAPTER 825.

Stats 1921,
p 1690,
repealed

An act to repeal an act entitled "An act declaring the existence of inflammable vegetable matter constituting a fire

menace to be a public nuisance; providing for its abatement, and prescribing the manner of collecting the expense thereof," approved June 3, 1921.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. That certain act entitled "An act declaring the existence of inflammable vegetable matter constituting a fire menace to be a public nuisance; providing for its abatement, and prescribing the manner of collecting the expense thereof," approved June 3, 1921, is hereby repealed. Stats. 1921, p. 1690, repealed

SEC. 2. This repeal shall not affect any actions or proceedings commenced under said act prior to the effective date of this repeal. Saving clause

CHAPTER 826

An act to regulate the preparation, sale, disposal, shipment, transportation and possession of viruses, serums, toxins and analogous products intended for use in the treatment of domestic animals, and repealing an act entitled "An act prohibiting the preparation, sale, barter, shipment or exchange of any worthless, contaminated, dangerous or harmful hog cholera serum or virus; requiring every establishment for the preparation of hog cholera serum, virus, vaccine or antitoxin to be inspected and licensed by the director of the agricultural experiment station of the University of California; and providing penalties for violation of any of the provisions hereof," approved June 1, 1915. Stats. 1915, p. 1064, repealed

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. It is unlawful for any person, firm or corporation knowingly to transport, ship, prepare, possess, sell or otherwise dispose of any viruses, serums, toxins or analogous products intended for use in the treatment of domestic animals unless such products have been produced under license of the bureau of animal industry of the United States department of agriculture. Viruses, serums, toxins, etc., for domestic animals

SEC. 2. Any person, firm or corporation who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment of not more than thirty days in the county jail, or by both such fine and imprisonment. Penalty

SEC. 3. An act entitled "An act prohibiting the preparation, sale, barter, shipment or exchange of any worthless, contaminated, dangerous or harmful hog cholera serum or virus; requiring every establishment for the preparation of Stats. 1915, p. 1064, repealed

hog cholera serum, virus, vaccine or antitoxins to be inspected and licensed by the director of agricultural experiment station of the University of California; and providing penalties for violation of any of the provisions hereof," approved June 1, 1915, as amended, is hereby repealed.

CHAPTER 827.

Stats 1913,
p 515,
amended

An act to amend section 4 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to suspension and revocation of licenses.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p 554

SECTION 1. Section 4 of an act entitled "An act regulating private employment agencies, providing for a license for the operating thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Investigation
of applicant

Sec. 4. Upon receipt of an application for a license the commissioner of labor may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct such agency. The commissioner of labor or his deputies may administer oaths, subpoena witnesses and take testimony in respect to matters contained in such application and in respect to complaints of any character against the applicant for such license, and upon proper hearing

Conditions

may refuse to grant a license. Each application shall be granted or refused within thirty days from date of filing. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes, or

where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are sold or consumed, or in connection with pool halls or soft drink parlors. No license shall be granted to a person whose license has been revoked within three years from the date of application. Each license shall run to and including the thirty-first day of March next following the date thereof and no longer, unless sooner revoked by the commissioner of labor, and may be renewed each year upon the filing of an application for renewal, renewed bond and the payment of the annual license fee, but the commissioner may, if he chooses, demand that a new application and bond be submitted.

Term and
renewal

The commissioner of labor shall have the power and authority to revoke or suspend any license when it is shown that the licensee or his agent has violated or failed to comply with any of the provisions of this act, or when such licensee has ceased to be of good moral character, or when the conditions under which the license was issued have changed or no longer exist or when the licensee or his agent has violated or has wilfully and knowingly aided or abetted any person, firm, company or corporation in the violation of any provision or in the failure to comply with any requirement of section 3664aa of the Political Code or of section 50½ of the public utilities act; nothing in this act contained, however, shall interfere with the right of employers to arrange with such licensees for the transportation of laborers to their prospective places of employment. Before revoking or suspending any license the commissioner shall notify, in writing, the holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. The commissioner or his deputies may administer oaths, subpoena witnesses and take testimony at the hearing and shall not be bound by the technical rules of evidence in conducting such a hearing. Obedience to the subpoenas issued by the commissioner of labor or his deputies shall be enforced by the courts in any county or city and county. The rulings of the commissioner shall be presumed to be prima facie reasonable, and his findings of fact shall, in the absence of fraud, be conclusive and shall be set aside by the courts only on the following grounds:

Revocation
or suspen-
sion of
license

1. That the commissioner of labor acted without or in excess of his powers.

2. That the determination was procured by fraud.

The decision of the commissioner of labor either refusing, suspending or revoking a license under this act shall be subject to review in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure, pertaining to writs of review or certiorari, at any time within thirty days after notice of same is given to the party affected thereby.

Review

CHAPTER 828.

Stats 1927,
p 579,
amended

An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of pre-delinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927, and amendment thereto.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 429

SECTION 1. Section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of pre-delinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927, as amended, is hereby amended to read as follows:

Duties of
commission

Sec 2 It shall be the duty of said commission, in conjunction with the bureau of juvenile research of the Whittier State School, to make a study of juvenile delinquency in the State of California and to report and recommend to the Legislature of the State of California, at the forty-eighth, forty-ninth and fiftieth session thereof, plans for the prevention of juvenile delinquency and the proper care and training of pre-delinquent, delinquent, psychopathic and maladjusted children, such as, in the opinion of the commission, will be best calculated to remove the causes of juvenile delinquency and provide for the care and training of such children.

 CHAPTER 829.

An act to amend section 631 of the Code of Civil Procedure, relating to waiver of trial by jury.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 851

SECTION 1. Section 631 of the Code of Civil Procedure is hereby amended to read as follows:

Waiver of
trial by
jury

631. Trial by jury may be waived by the several parties to an issue of fact in manner following:

1. By failing to appear at the trial.
2. By written consent filed with the clerk.
3. By oral consent, in open court, entered in the minutes.

4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation.

5. By failing to deposit with the clerk, ten days prior to the date set for trial, a sum equal to the amount of one (1) day's jury fees payable under the law.

6. By failing to deposit with the clerk, promptly after the impanelment of the jury, a sum equal to the mileage or transportation (if any be allowed by law) of the jury accrued up to that time.

7. By failing to deposit with the clerk at the beginning of the second and each succeeding day's session a sum equal to one (1) day's fees of the jury, and the mileage or transportation, if any there be.

CHAPTER 830.

An act to amend sections 1184 and 1184d of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1184 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1921,
p. 144

1184. Any of the persons mentioned in the preceding section, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of section 1187 of this code, give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter. Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the state, or with any public board, commission, or officer

Notice of
mechanics'
liens

Verification,
delivery or
filing of
notice

thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor or other public disbursing officer whose duty it is to make payments under the provisions of such contract or with the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the case of any contract of the state by or through the department of public works, such notice must be filed with the director of public works, and not with the state controller. No such notice shall be invalid by reason of any defect in form, provided it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given it shall be lawful for the owner to withhold, and in the case of property which, for reasons of public policy or otherwise, is not subject to liens in this chapter provided for, the owner or person who contracted with the contractor, shall withhold from his contractor sufficient money, and bonds, where bonds are to be issued in lieu of money, by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, including the reasonable costs of any litigation thereunder.

Withholding
payments

"Owner"
defined

The word "owner" as used in this section, includes the state or any public board, commission or officer thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said state, public board, commission or officer thereof, or any political subdivision thereof.

Stats 1925,
p 507

SEC. 2. Section 1184d of the Code of Civil Procedure is hereby amended to read as follows:

Bonds may
be furnished
by those
against
whom claims
are filed

1184d. If the contractor, subcontractor or other person against whom any claim is filed as provided in section 1184 of this code shall dispute the correctness or validity of any claim so filed it shall be lawful for the controller, auditor or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom, the contract for the improvement was awarded, in its or his discretion to permit the contractor to whom said contract was awarded to deliver to such board, commission or officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon the filing of said bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from said contractor on account of said claim. In the case of a contract with the State of California entered into by or through the department of public works, the bond shall be filed with the director of public works, and not with the state

controller. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the bond given in accordance with the provisions of an act entitled "An act to secure the payment of claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, trams, implements or machinery used or consumed by such contractors in the performance of such works and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919.

Stats. 1919,
p. 487

CHAPTER 831.

An act to amend section 2 of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876." approved March 22, 1909, as amended, relating to advertisement of work.

Stats. 1909,
p. 656,
amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876." approved March 22, 1909, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 1,066

Sec 2 Said department of engineering shall after the approval and filing of plans, specifications and estimates of cost, as in this act required, let such work by contract to the lowest responsible bidder or bidders upon public notice which shall be given as follows. Notice of such work must be published once a week for at least two consecutive weeks, or once a week for more than two consecutive weeks if such longer period of advertising is deemed necessary by the department of public works, next preceding the day set for the receiving of bids in two trade papers of general circulation, one published in Los Angeles and one in San Francisco, devoted primarily to the dissemination of contract and building news among contracting and building material supply firms. In each case such notice must state the time and place for the receiving and opening of sealed bids and must also state that the bids will be required for the entire work and also, when advisable, for the performance of segregate parts of the entire

Contract to
lowest
bidder

work, such segregation to be determined by the department of engineering and designated in such notice.

CHAPTER 832.

An act to amend chapters III and VII, part III, division V of the School Code, by adding to chapter III a new article to be numbered IV, and by adding to chapter VII a new article to be numbered Va, relating to the employment and dismissal of temporary employees requiring certification qualifications.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New article SECTION 1. Chapter III, part III, division V of the School Code is hereby amended by adding thereto a new article to be numbered IV and to read as follows:

Article IV—Temporary.

Temporary employees

5.521. Boards of school trustees, and city, and city and county boards of education shall have power and it shall be their duty to classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to serve from day to day during the first sixty days of any school term. The school year may be divided into not more than two school terms for the purposes of this section.

SEC. 2. Chapter VII, part III, division V of the School Code is hereby amended by adding thereto a new article to be numbered Va and to read as follows:

Article Va—Dismissal of Temporary Employees.

New article

5.691. Boards of school trustees, and city, and city and county boards of education shall have power and it shall be their duty to dismiss temporary employees requiring certification qualifications at the pleasure of the board.

Dismissal of temporary employees

A temporary employee who is not dismissed during the first sixty days of the school term for which he was employed, and who has not been classified as a permanent employee, shall be deemed to have been classified as a probationary employee from the time his services, as a temporary employee, commenced.

CHAPTER 833.

An act to amend section 737p of the Political Code, relating to the salary of the judge of the superior court in and for the county of Kings.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 737p of the Political Code is hereby amended to read as follows: Stats 1929,
p 690

737p. The annual salary of the judge of the superior court in and for the county of Kings is six thousand dollars. Superior
judge,
Kings
county

CHAPTER 834.

An act to amend section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to civil jurisdiction of said court. Stats 1925,
p 648,
amended

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 29 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended to read as follows: Stats 1929,
p 838

Sec. 29. Municipal courts shall have jurisdiction of civil cases and actions as follows:

1 Each municipal court shall have original jurisdiction of all civil cases and actions, arising within the city or city and county in which such municipal court is established, of the following classes: Municipal
courts civil
jurisdiction

(a) All cases at law in which the demand, exclusive of interest, or where the value of the property in controversy, amounts to two thousand dollars or less.

(b) All actions of forcible entry or forcible or unlawful detainer, where the rental value is two hundred dollars or less per month, and where the whole amount of damages claimed is two thousand dollars or less.

Same

(c) All actions to enforce and foreclose liens on personal property, where the amount of such liens is two thousand dollars or less.

(d) All actions to enforce and foreclose liens of mechanics, materialmen, artisans and laborers, where the amount of such liens is two thousand dollars or less; provided that where an action to enforce and foreclose such a lien is pending in the superior court and affects property, which is also affected by a similar action pending in the municipal court in the said county, or where the total amount of such liens sought to be foreclosed against the same property aggregate an amount in excess of two thousand dollars, the municipal court, upon motion of any interested party, shall order such action pending therein to be transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by section 399 of the Code of Civil Procedure, with respect to the change of place of trial.

2. Each municipal court shall have original jurisdiction of all cases specified in subdivisions (a), (b), (c) and (d) of subdivision 1 hereinabove, arising within the county wherein such municipal court is established, outside the boundaries of any city therein, wherein a municipal court is established.

3. Each municipal court shall have original jurisdiction of all cases specified in subdivisions (a) and (c) of said subdivision 1, arising outside the county, or city and county, in which such municipal court is established (except cases arising within a city or city and county in this state wherein another municipal court is established), in which all proper defendants therein, who are residents of the State of California, reside, and any property involved is located, within the county or city and county wherein such municipal court is established; provided that each municipal court shall have original jurisdiction of all cases specified in this subdivision, in which a proper defendant therein resides or has a regular place of business, and any property involved is located, within the county or city and county in which such court is established, and in which the demand, exclusive of interest or the value of the property or the amount of liens on personal property involved, does not exceed three hundred dollars.

4. Each municipal court shall have jurisdiction of all cases in equity, when pleaded as defensive matter or by way of cross-complaint in any case properly pending in such municipal court.

5. In cities or cities and counties wherein a municipal court is established, and wherein an inferior court has been established and its jurisdiction determined as provided by law, such municipal court shall have concurrent jurisdiction with such inferior court to the extent of its jurisdiction.

6. Each municipal court shall have original jurisdiction, concurrent with that of justice's or other inferior courts in the county in which such municipal court is established, of all civil cases of which such justice's or other inferior courts are given jurisdiction except civil cases of which such justice's

or other inferior courts are given exclusive jurisdiction, and excepting cases cognizable in such court, sitting as small claims courts.

CHAPTER 835.

An act to amend section 831d of the Code of Civil Procedure, relating to pleadings and practice in municipal courts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 831d of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929, p 856.

831d. The rules of pleadings and practice applicable to the prosecution of civil actions and enforcement of judgments in the superior court of this state shall apply to and govern the prosecution and maintenance of civil actions and enforcement of judgments in the municipal courts of this state, except as follows: Municipal courts rules of pleading and practice.

(1) In cases tried by the court without a jury, the court shall not be required to make any written findings of fact and conclusions of law where the matter involved is three hundred dollars (\$300) or less, exclusive of interest and costs, and in all other cases written findings of fact and conclusions of law shall be deemed to be waived unless they shall be expressly requested by one of the parties at the time of the trial.

(2) Where the demand, exclusive of interest, or the value of the property in controversy does not exceed three hundred dollars, the defendant, at his option, in lieu of demurrer and other answer, may file a general written denial verified by his own oath and a brief statement similarly verified, of any new matter constituting a defense or counterclaim.

(3) The prevailing party in the municipal court, including the prevailing party on appeal therefrom, and the defendant upon dismissal of the action as to such defendant, is entitled to his costs and necessary disbursements in the action, or on appeal, as the case may be, and also of any proceedings taken by him in aid of an execution upon any judgment rendered therein.

(4) When an answer is filed in an action to recover upon a debt or upon a liquidated demand, including an action to enforce or foreclose a lien or mortgage, if it is claimed that there is no defense to the action, on motion of the plaintiff, after notice of the time and place thereof in writing served on the answering defendant at least ten days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out and judgment may be entered, in the discretion of the court, unless the defendant, by affidavit or affidavits, shall show such facts as may be deemed by the judge hearing the motion sufficient to entitle him to defend.

(5) The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

(6) The affidavit or affidavits in opposition to said motion shall be made by the defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the defendant has a good and substantial defense to the plaintiff's action (or to a portion thereof) upon the merits. The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit in opposition by such representative may be made upon his information and belief.

(7) If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the plaintiff may have judgment entered forthwith for so much of his claim as such defense does not apply to, or as is admitted, on such terms as may be just, and the cause of action may be severed accordingly. A judgment entered under this section is an appealable judgment, as in other cases.

The sections of this code numbered 895, 1033, 1034, 1035, 1036 and 1037 are hereby made applicable to proceedings in municipal courts.

CHAPTER 836.

Stats 1927.
p 362,
amended

An act amending section 7 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts."

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927.
p 362

SECTION 1 Section 7 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts,"

approved April 20, 1927, as amended, is hereby amended to read as follows:

Sec. 7. The board of supervisors at the hearing shall have the right, power, and authority to change the exterior boundaries of the proposed harbor district, as set forth in the petition, by excluding therefrom such lands as in the judgment of the board of supervisors would not be benefited by the improvement or development of the harbor. Harbor districts exclusion and addition of lands

The board of supervisors shall also have the right, power, and authority to change the exterior boundaries of the proposed harbor district, as set forth in the petition, by adding to the proposed harbor district and including therein such other contiguous lands as in the judgment of the board of supervisors will be benefited by the improvement or development of the harbor; provided, that no land shall be added to or included in the proposed harbor district until notice is served upon the owner or owners of the lands proposed to be added to or included in the harbor district.

The notice may be personally served upon the owner or owners of such lands or be published for the same period of time and in the same paper as the original petition and notice of hearing.

The notice shall state the day, hour, and place at which said owner or owners will be heard and shall generally describe the lands proposed to be added to and included in the harbor district. Notice.

CHAPTER 837.

An act to add a new section to the School Code to be numbered 2.990, relating to the powers and duties of governing boards of school districts.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code to be numbered 2.990, to read as follows:

2.990. The governing board of any elementary school district having an average daily attendance therein of one thousand or more pupils and an assessed valuation of twenty million dollars or more may, and upon petition signed by twenty-five per centum of the heads of families resident in the district, must call an election to determine whether or not, the board shall have the rights, powers and duties of a city board of education and the district shall for all purposes be deemed to be a district governed by a city board of education. New section See also Ch 1178, Stats 1931. Elementary district board change in powers.

Notice and proceedings of such election shall be in accordance with the provisions of this code relating to the election for school trustees, so far as applicable, and there shall be elected at such election, to take office if the change in the rights, Election

powers and duties of the board is approved by majority vote of the qualified electors in the district, two additional members to the board, one to hold office until the last Friday of March next succeeding the election and one to hold office until one year after the last Friday in March next succeeding the election and until the election and qualification of their respective successors who shall hold office for three years. Thereafter, if the change in the rights, powers and duties of the board is approved, the number of school trustees for any such elementary school district shall be five, and they shall be elected in the same manner and for the same term as provided by law for trustees of elementary school districts, except that two trustees may be elected at the same time when the terms of their predecessors terminate in the same year. If the change is approved by a majority vote of the qualified electors of the district, the board shall have the rights, powers and duties of a city board of education, and the district shall for all purposes be deemed to be a district governed by a city board of education.

CHAPTER 838.

Stats. 1913,
p 815,
amended

An act to amend an act, entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the California bond certification commission of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by the California bond certification commission; providing for the approval of said bonds and such transfers, or contracts providing therefor by the California bond certification commission in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians,

executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; providing for the dissolution of said districts for nonuser of corporate power; and providing for the annexation of lands to and the exclusion of lands from such districts," approved June 13, 1913, as amended, by amending section 1a thereof to repeal the provision permitting a water district to be organized within the boundaries of an irrigation district.

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1a of "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the California bond certification commission of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by the California bond certification commission; providing for the approval of said bonds and such transfers, or contracts providing therefor by the California bond certification commission in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; providing for the dissolution of said districts for nonuser of corporate power; and providing for the annexation of lands to and the exclusion of lands from such districts," as amended, is hereby amended to read as follows:

Sec. 1a. No water district organized under the terms of this act may issue bonds in excess of such an amount as may be

Stats 1927,
p. 1536.

Bonds
limitation
on issuance.

Stats 1913,
p. 778

authorized and designated by the California bond certification commission created by the act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, or such other state commission, department or agency that may supersede said commission or succeed to its functions.

CHAPTER 839.

An act to amend section 542 of the Code of Civil Procedure, relating to the method of levying an attachment upon real or personal property.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 852

SECTION 1. Section 542 of the Code of Civil Procedure is hereby amended to read as follows:

Attachment
of real and
personal
property

542. How real and personal property shall be attached. The sheriff to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the judgment creditor, or his attorney of record, and containing a description of the property and in the case of real property, a statement as to whether or not it is registered under the land title law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in section 540 of this code be not given, as follows:

Real
property

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by leaving a similar copy of the writ, description and notice with an occupant of the property, if there is one; if not, then by posting the same in a conspicuous place on the property attached.

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached; and by leaving with the occupant, if any, and with such other person, or his

agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ with a similar description and notice. If there is no occupant of the property, a copy of the writ, together with such description and notice, must be posted in a conspicuous place upon the property. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands on the records.

3. Personal property, capable of manual delivery, must be attached by taking it into custody. Personal property

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ. Shares or stocks

5. In cases where the sheriff is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff may require, as a prerequisite to the taking of such property, that in addition to written instructions the attaching party or judgment creditor, or the attorney of record of each, deposit with said sheriff a sum of money sufficient to pay the expense of taking and keeping safely said property for a period of not to exceed five days, and that in the event that a further detention of said property is ordered after the period for which the fees have been deposited, the sheriff may, from time to time make a written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. The demand above provided to be given to his attorney may be given by serving the same as provided in section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid within five (5) days after service of said demand given as herein provided, the sheriff may release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff to take or hold personal property unless the provisions of this section shall have been fully complied with. Personal property fee for keeping

6. Debts and credits and other personal property, not capable of manual delivery, must be attached by leaving with the person owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, or in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in Debts and credits

pursuance of such writ, except in the case of attachment of growing crops, a copy of the writ, together with a description of the property attached, and a notice that it is attached shall be recorded or registered the same as in the attachment of real property; provided, however, that debts owing to the defendant by a banking corporation or association, building and loan association or title insurance company, maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such banking corporation or association, building and loan association or title insurance company, must be attached by leaving a copy of the writ and the notice with the manager or any other officer of such banking corporation or association, building and loan association or title insurance company at the office or any branch thereof situated within the boundaries of the municipal corporation in which is located the office or branch at which the account evidencing such indebtedness of the defendant is carried, or at which such banking corporation or association, building and loan association or title insurance company has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such banking corporation or association, building and loan association or title insurance company if the account evidencing such indebtedness is carried at an office or branch thereof situated outside of the boundaries of the municipal corporation in which such service is made unless such office or branch thereof has also been served. No attachment shall be effective as to any credits or other personal property in the possession or control of any such office or branch situated outside of the boundaries of the municipal corporation in which such service is made unless such office or branch shall itself be served.

Torrens
registration

7 If real property sought to be attached is registered under said land title law, an additional copy of the writ, together with a description of the Torrens title certificate, a description of the property and a notice that it is attached shall be filed with the registrar of titles of the county.

CHAPTER 840.

An act to amend section 628e of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats. 1921,
p. 173

SECTION 1. Section 628e of the Penal Code is hereby amended to read as follows:

628e. Every person who at any time buys, sells, offers or exposes for sale, or takes, catches or kills, except with hook and line in the manner commonly known as angling, any California whiting (*Menticirrhus undulatus*), or any yellow-fin croaker, or any spot-fin croaker, or any golden croaker, is guilty of a misdemeanor. Protection of whiting, etc.

Every person who at any time takes, catches or kills, or has in possession any California halibut (*Paralichthys californicus*) of less than four pounds in weight in the round, or less than three and one-half pounds dressed with heads on, or less than three pounds dressed with heads off, or who brings any California halibut ashore in such condition that either of the above weights can not be determined, is guilty of a misdemeanor. Provided, however, that a total of not to exceed thirty pounds of halibut of less than the minimum weights provided above, may be caught or had in possession, but such halibut are not to be sold or offered for sale or had in possession for sale. Halibut.

Every person who at any time takes, catches or kills, or has in possession any barracuda of less than three pounds, or who, at any time, sells or has in possession for sale any albacore of less than nine pounds in weight, or any yellow-fin tuna of less than nine or more than one hundred fifty pounds in weight, or any blue-fin tuna of less than nine or more than one hundred fifty pounds in weight, or any skipjack of less than five pounds in weight, or who brings ashore any barracuda in such condition that its weight can not be measured, or who brings ashore any albacore, or blue-fin tuna, or yellow-fin tuna, or skipjack, in such condition that their individual weight can not be determined, is guilty of a misdemeanor. Barracuda.

Provided, however, that not to exceed five barracuda weighing less than three pounds, may be taken or held in possession, but such barracuda must not be bought or sold or offered for sale.

All fines collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 841.

An act to recognize the right of the United States commissioner of fisheries and his duly authorized agents to conduct fish hatching, fish culture, and all operations connected therewith in this state.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The United States commissioner of fisheries and his duly authorized agents are hereby accorded the right to conduct fish cultural operations and scientific investigations in Fish culture

the waters of this state in such manner and at such times as may be jointly considered necessary and proper by the said commissioner and his agents, and the fish and game commission of the State of California.

CHAPTER 842.

Stats 1917,
p 1047.
amended *An act to add two new sections numbered 55½, and 62½ to and to amend sections 4, 6, 7, 12, 23, 28, 30, 40, 47, 55, 58, 62, 68 and 71, and to repeal sections 17 and 70 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 15, 1915," approved May 28, 1917, as amended.*

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p. 1181. SECTION 1. Section 4 of said act is hereby amended to read as follows:

District one
and three-
fourths SEC. 4. Fish and game district one and three-fourths shall consist of and include all those portions of Modoc and Lassen counties not included in other fish and game districts, and all that portion of Siskiyou county lying east of the Pacific highway between the southern line of Siskiyou county and the town of Weed and east of the Weed-Klamath Falls highway between the town of Weed and the northern line of Siskiyou county; provided, however, that in incorporated cities and towns through which said highway right of way passes the eastern boundary line of said incorporated city or town shall be the westerly boundary of said fish and game district one and three-fourths.

Stats 1929,
p 1181 SEC. 2. Section 6 of said act is hereby amended to read as follows:

District
"1A." SEC. 6. Fish and game district "1A" shall consist of and include all lands lying within the county of Siskiyou within the following boundaries: Beginning at the junction of Beaver creek road and the south township line of township forty-seven north, range eight west, M. D. B. and M., on the south line of section thirty-one of said township, thence following westerly the said township line and the said township line extended across the south line of township forty-seven north, range nine west, M. D. B. and M. and the south line of township forty-seven north, range ten west, M. D. B. and M. to its junction with Buckhorn creek on the south line of section thirty-four, township forty-seven north, range ten west, M. D. B. and M.; thence following Buckhorn creek to its

source; thence due north to the summit of the Siskiyou mountains; thence following the summit of said Siskiyou mountains to the head of the west fork of Beaver creek, thence following the trail down the west fork of Beaver creek and the trail down Beaver creek to the point of beginning.

SEC. 3. Section 7 of said act is hereby amended to read as follows: Stats. 1929,
p. 1181.

Sec. 7. Fish and game district one "B" shall consist of and include all lands within the county of Modoc lying within the following boundaries: Commencing at the northeast corner of section thirty-three, township forty-five north, range nine east, thence following the east line of said section due south through township forty-four north, range nine east and township forty-three north, range nine east on the east side of section four, to township forty-two north, range nine east, to the southeast corner of said section four. Thence due west two miles to the southwest corner of section five, township forty-two north, range nine east, thence due north following said section line approximately two and one-half miles to the northern side of Deer hill and Canby road on the west line of section twenty-nine, township forty-three north, range nine east. Thence northwesterly along the northerly side of said road to its intersection with the west line of section thirty-three, township forty-four north, range seven east, thence due north a fraction of a mile to the northwest corner of said section thirty-three, this being the fence line of the Potter ranch lease. Then following said fence line on the south line of section twenty-nine through section twenty-nine on the west side of sections twenty, seventeen and eight, through sections eight, five and four, on the northerly line of sections four and three. All sections mentioned in township forty-four north, range seven east, thence through sections thirty-four, thirty-five and thirty-six of township forty-five north, range seven east and section thirty-one, township forty-five north, range eight east, to the section line on the easterly side of said section thirty-one, thence north one-half mile to the northeast corner of section thirty-one, thence due east following the section line on the north of sections thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, township forty-five north, range eight east of sections thirty-one, thirty-two, and thirty-three, township forty-four north, range nine east, to point of beginning. District
one "B."

All townships and ranges mentioned herewith being referred to Mount Diablo base and meridian.

SEC. 4. Section 12 of said act is hereby amended to read as follows: Stats 1929,
p 1181.

Sec 12 Fish and game district one "G" shall consist of and include all lands within the counties of Plumas and Tehama within the following boundaries. Commencing at a point in section eighteen where Deer creek crosses the west township line of township twenty-five north, range two east; thence north along the west township line of townships District
one "G."

twenty-five, twenty-six and twenty-seven north, range two east, to the northeast corner of section thirty-six, township twenty-seven north, range one east. thence west along the north line of said section thirty-six to its intersection with Mill creek; thence northerly and easterly along Mill creek to the state highway in section twenty-three, township twenty-nine north, range four east, thence following the northerly side of said highway easterly to the section line on the easterly side of said section twenty-three; thence northerly following said section line four and a fraction miles to the south boundary of Mount Lassen volcanic national park; thence due east to where said boundary crosses Rice creek on the north line of section thirty-one, township thirty north, range five east. thence southerly following Rice creek and the north fork of the Feather river to the Red Bluff-Susanville state highway in section twenty-one, township twenty-nine north, range five east; thence westerly following the north side of said highway to the junction of Lost creek road; thence southerly following the westerly side of said road to its junction with the north line of the survey for the new state highway in approximate section twenty-five, township twenty-eight north, range five east; thence westerly following said survey to where said survey crosses the north fork of Deer creek; thence southerly and westerly following said north fork of Deer creek and Deer creek to the point of beginning. All townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

Stats 1929,
p. 1181

District
one "R"

Sec. 5. Section 23 of said act is hereby amended to read as follows:

Sec. 23. Fish and game district one "R" shall consist of and include all lands within the county of Tuolumne lying within the following boundaries: Commencing at Forebay near the northeasterly corner of section six, township three north, range fifteen east, M. D. B. and M.; thence following easterly the Pacific Gas and Electric Company's flume to its junction with the middle fork of the Stanislaus river; thence easterly following the northerly bank of said river to the mouth of Shu-fly creek in approximate section nine, township five north, range eighteen east, M. D. B. and M.; thence northerly following the westerly bank of said creek to its junction with Whit's Basin creek; thence westerly following the southerly and westerly bank of said Whit's Basin creek to its junction with the Sands Meadow trail in section thirty-six, township six north, range seventeen east, M. D. B. and M.; thence northwesterly following said Sands Meadow trail to its junction with the government trail in section twenty-three, township six north, range seventeen east, M. D. B. and M.; thence westerly following the government trail to its junction with Little Rattlesnake creek, thence westerly following the southerly bank of said creek to its junction with the north fork of the Stanislaus river; thence southerly following the

easterly bank of said river to a point due north of the place of beginning; thence due south to the point of beginning.

SEC. 6. Section 28 of said act is hereby amended to read as follows: Stats. 1920,
p 1181

Sec 28. Fish and game district three shall consist of and include all those portions of the following counties not included in other fish and game districts: San Francisco, Contra Costa, Alameda, San Mateo, Ventura, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, Santa Barbara, San Joaquin, Stanislaus, Merced, Fresno, Kings and Kern. District
three

SEC. 7. Section 30 of said act is hereby amended to read as follows: Stats. 1920,
p 1181.

Sec 30 Fish and game district three "B" shall consist of and include the following described lands within the counties of San Benito and Monterey: All of sections twenty to twenty-nine, inclusive, all of sections thirty-three, thirty-four and thirty-five and the west half of section thirty-six of township sixteen south, range seven east; the west half of section one, all of sections two and three, the east half of section four, the east half of section nine, all of sections ten and eleven, the west half of section twelve, the west half of section thirteen and all of sections fourteen and fifteen of township seventeen south, range seven east. All townships and ranges mentioned herein being referred to Mount Diablo base and meridian. District
three "B "

SEC. 8. Section 40 of said act is hereby amended to read as follows: Stats 1920,
p 1181.

Sec. 40. Fish and game district four "B" shall consist of and include all lands lying in Los Angeles and San Bernardino counties within the following boundaries: Beginning at the junction of the Tujunga canyon road and the Angeles national forest boundary in the northeast corner of township two north, range fourteen west, San Bernardino meridian, thence following the easterly side of said road to the Mount Gleason trail near Ybana ranch, thence northerly following the said trail to the summit of Mount Gleason, thence easterly following the summit of the divide between the Los Angeles river watershed and the Santa Clara river watershed to its intersection with the Pacifico road on the approximate west township line of township four north, range eleven west, S. B. B. and M., thence following said Pacifico road easterly and southerly to its intersection with the summit of the range between the Los Angeles river watershed and the Santa Clara river watershed in section ten, township three north, range eleven west, S. B. B. and M., thence following the summit of the range between the Los Angeles river watershed to the Santa Clara river watershed to the summit of North Baldy near the range line between ranges eight and nine west, thence north approximately one-half mile, thence east one-half mile to the boundary of the Los Angeles county park, thence following said park boundary north approximately one mile, east one-half mile, north one and one-half miles, east two and one-half miles, south one-half mile, east three and one-half miles to the northeast corner of District
four "B."

section thirty-one, township four north, range seven west, San Bernardino meridian, thence south following the section line through township four north, range seven west, San Bernardino meridian, and township three north, range seven west, approximately six miles to the summit of Pine mountain and the east boundary of the Angeles national forest as it was established January 1, 1929, thence southerly and westerly following said national forest boundary to the point of beginning.

Stats. 1929,
p. 1181. **SEC. 9.** Section 47 of said act is hereby amended to read as follows:

District six **Sec. 47.** Fish and game district six shall consist of and include the ocean waters and tidelands of the state to the high water mark lying between the northern boundary of the State of California and a line extending due west from the west end of the north jetty at the entrance to Humboldt bay, and shall also exclude all sloughs, streams and lagoons.

Stats 1929,
p 1181. **SEC. 10.** Section 55 of said act is hereby amended to read as follows:

District
twelve "B." **Sec. 55.** Fish and game district twelve "B" shall consist of and include all waters and tidelands to high water mark of the Carquinez straits not included within fish and game district twelve, the waters and tidelands to high water mark of Suisun bay, all waters of the Sacramento river flowing within the main channel between the mouth thereof and the drawbridge across said river at Rio Vista; and the waters of New York slough and Broad slough; also all waters of the San Joaquin river flowing in the main channel thereof, between its mouth and a line drawn from Criminal point on Venice island directly across said river to the beacon light on the opposite shore.

New section **SEC. 11.** A new section to be numbered 55½ is hereby added to said act.

District
twelve "C." **Sec. 55½.** Fish and game district twelve "C" shall consist of and include all the waters of the Sacramento river flowing within the main channel between the drawbridge across said river at Rio Vista and the M street bridge at Sacramento; and the main channel of Steamboat slough and Sutter slough; also all waters of the San Joaquin river flowing in the main channel thereof, between a line drawn from Criminal point on Venice island directly across said river to the beacon light on the opposite shore and the Santa Fe railroad bridge across said river near Stockton; all waters of Old river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river, all waters of Connection slough between the main channel of Old river and the main channel of Middle river; all waters of Columbia cut flowing therein between the main channel of Middle river and the main channel of the San Joaquin river; all waters of Latham slough flowing therein between the main

channel of Middle river and Empire cut; all waters of Burns cut-off around Rough and Ready island

SEC. 12 Section 58 of said act is hereby amended to read as follows: Stats 1929,
p 1181

Sec. 58 Fish and game district fifteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the north of a line drawn from the extreme westerly point of Point Santa Cruz to the extreme westerly point of Soquel point. District
fifteen

SEC. 13 Section 62 of said act is hereby amended to read as follows: Stats 1929,
p 1181

Sec 62. Fish and game district nineteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between the south boundary of Santa Barbara county and the southern boundary of San Diego county, excepting therefrom fish and game district nineteen "A," and shall include all islands and waters adjacent thereto belonging to the State of California and lying off the coast of southern California, south of a line extending due west into the Pacific ocean from the north boundary of Santa Barbara county, exclusive of Santa Catalina island and state waters adjacent thereto; exclusive of all rivers, streams, lagoons and bays. District
nineteen

SEC. 14. A new section to be numbered 62½ is hereby added to said act. New section

Sec. 62½. Fish and game district nineteen "A" shall consist of and include the ocean waters and tidelands to high water mark of the state lying between the southerly extremity of Malibu Point and the westerly extremity of Rocky Point, exclusive of all rivers, streams and lagoons. District
nineteen
"A"

SEC. 15. Section 68 of said act is hereby amended to read as follows: Stats 1929,
p. 1181.

Sec. 68. Fish and game district twenty-four shall consist of and include the waters of Silver lake, Twin lakes, Twin lake, Blue lakes, Meadow lake, Wood lake, Winnemucca lake and Scott's lake, Burnside lake, the Carson river, the West Fork of said Carson river, Willow creek and Markleeville creek and all tributaries of said streams and all streams flowing into said lakes and all lands lying within the drainage basin of said lakes, rivers, and streams, all the waters of the Cosumnes river and its tributaries, and all lakes lying within the watershed of said river and tributaries above the bridge on the mother lode highway between Plymouth and Nashville, and the south fork of the American river and all its tributaries above the Chili Bar bridge on the Placerville-Georgetown highway all being within the counties of Alpine, Amador, and El Dorado District
twenty-four

SEC. 16 Section 71 of said act is hereby amended to read as follows. Stats 1929,
p 1181

Sec 71 Fish and game district one "S" shall consist of and include all lands lying within the county of Lassen within the following boundaries: District
one "S"

Beginning at the old Haydenhill post office in the approximate center of section thirty-six, township thirty-seven north, range nine east, Mount Diablo base and meridian; thence following westerly along the old Juniper road through Windmill flat to the junction of the Summit spring road near Meyers spring; thence south through Lost valley along the Lost valley-Dixie valley road to the junction of the Dixie valley-Grasshopper road, thence east to the junction of the old Haydenhill-Slate creek road located approximately in section twenty-four, township thirty-five north, range nine east, Mount Diablo base and meridian; thence north along the Haydenhill-Slate creek road to place of beginning.

Repeal

SEC. 17. Sections 17 and 70 of said act are hereby repealed.

CHAPTER 843.

Stats. 1901,
p. 645,
amended.

An act to amend section 1 of "An act to create a state board of accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide for the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, relating to tenure of office of board members.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1901,
p 645

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Board of
accountancy

Section 1. Within thirty days after the passage of this act the governor shall appoint five persons, at least three of whom shall be competent and skilled public accountants who shall have been in practice as such in this state for not less than five consecutive years, to constitute and serve as a state board of accountancy. The members of such board shall, within thirty days after their appointment, take and subscribe to the oath of office as prescribed by the Political Code, and file the same with the secretary of state. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; one member, January 15, 1932; two members, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The

Terms

terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. All appointments made after the first year must be made from the roll of certificates issued and on file in the office of the governor

CHAPTER 844.

An act to amend section 2 of "An act regulating the practice of civil engineering," relating to the tenure of office of the members of the board of registration of civil engineers. Stats 1929,
p 1645,
amended

[Approved by the Governor June 12, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 2. There is hereby created a state board of registration for civil engineers, hereinafter called the "board," consisting of three (3) members to be appointed by the governor within sixty (60) days after the date upon which this act becomes effective. All members of the board shall be civil engineers. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; one member, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The term commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Each member of the board shall be a citizen of the United States and a civil engineer of at least twelve (12) years active experience and of good standing in his profession and shall be at least thirty (30) years of age, and shall have been a resident of this state for at least five (5) years immediately preceding his appointment. Each member of said board, except the members first appointed hereunder, shall be registered as a civil engineer under this act. Each member of the board shall receive twenty-five dollars (\$25) per day for the time actually spent in traveling to and from and in attending sessions of the board and its committees, and each member shall receive all necessary expenses incident to the performance of his duties under this act.

CHAPTER 845.

Stats 1929,
p 258,
amended. *An act to amend sections 1, 2, 3, 5, 7, 8, 10, 12, 14, and 15 and to repeal section 11 and to add a new section numbered 3a to chapter 140, statutes of 1929, entitled "An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a state board therefor, providing penalties for violations thereof, and repealing the act entitled 'An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof,' approved April 16, 1915, as amended," approved April 20, 1929, relating to and regulating the business of funeral directors and embalmers.*

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 258
See also
Ch. 852.
Stats 1931

SECTION 1. Section 1 of chapter 140, statutes of 1929, entitled "An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a state board therefor, providing penalties for violations thereof, and repealing the act entitled 'An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof,' approved April 16, 1915, as amended," approved April 20, 1929, is hereby amended to read as follows:

Board of
embalmers

Section 1. There is hereby created a board to be known as the state board of funeral directors and embalmers, consisting of five members, with a minimum of five consecutive years' experience, immediately preceding their appointment, in the preparation and disposition of dead human bodies and in the practice of embalming, appointed by the governor to four-year terms, and removable by him for incompetency or improper conduct. During their respective terms under the provisions of the act hereby repealed the present members of the state board of embalmers shall continue to serve and act as members of the board hereby created.

Stats 1929
p 258

SEC. 2. Section 2 of chapter 140, statutes of 1929, is hereby amended to read as follows:

Meetings,
etc

Sec. 2. The said board shall meet annually, and at such other times as it may determine, and shall elect from its members, each for a term of one year, a president, a vice president, a secretary, and a treasurer. The salary of the secretary shall be fixed by said board with the approval of the

department of finance. Each member other than the secretary shall receive as compensation for his services the sum of ten dollars for each day's actual attendance upon a board or committee meeting, and each member shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties hereunder.

SEC. 3. Section 3 of chapter 140, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p 258.

Sec. 3. The term "funeral director," as herein used, is a person, partnership, corporation, association, or other organization engaged in or conducting, or holding out himself or itself as engaged in or conducting as an established business, the business of (a) preparing, other than by embalming, for the burial or disposal and directing and supervising the burial or disposal of dead human bodies, (b) providing for or maintaining a place for the preparation for the disposition or for the care of dead human bodies, and (c) who shall, in connection with his or its name or business, use the words "funeral director," or "undertaker" or "mortician," or any other title implying that he or it is engaged in the business of a "funeral director," as herein defined. An "established business," as the term is used herein, shall be understood to mean a place of business conducted at a specific street address or location devoted exclusively to the care and preparation for burial or transportation of human dead bodies and consisting of (a) a chapel wherein funeral services may be conducted, (b) a preparation room equipped with tile or cement floor, necessary drainage and ventilation, and containing necessary instruments and supplies for the preparation and embalming of human dead bodies for burial or transportation, and (c) a display room containing a suitable stock of funeral caskets and shipping cases. The said board may adopt such rules as may be reasonable and proper to define what shall be deemed to be necessary drainage and ventilation, and what instruments, supplies and merchandise shall be deemed to be necessary and suitable in such place of business. Funeral
director
defined

The term "embalmer," as herein used, is a person engaged, or holding himself out as engaged, in the practice of disinfecting or preserving dead human bodies, or preparing for the transportation by a railroad, express company, or common carrier of human bodies dead of contagious or infectious disease. Embalmer

The term "apprentice" as herein used is a person engaged in the science of embalming under the instruction and supervision of a regularly licensed embalmer of and practicing in the State of California. Before such apprenticeship shall begin, the person desiring to so engage must register with the board on such forms as it shall prescribe, and a certificate of apprenticeship shall thereupon be issued to him. The fee for registration as an apprentice shall be one dollar. On or before January first of each year of said apprenticeship, a renewal fee of one dollar shall be paid to the board. Apprentice If said renewal

fee is not paid within thirty days from the date due, a penalty of five dollars for delinquency shall attach and become a part of the total fee due said board for such renewal. No person shall be permitted to register as an apprentice who has not attained his eighteenth birthday, nor shall anyone be permitted to qualify for a license as an embalmer unless he shall hold a high school certificate or its equivalent and unless he has attained his twenty-first birthday.

New section

SEC. 4. A new section is hereby added to chapter 140, statutes of 1929, to be numbered section 3a, to read as follows:

One funeral director to establishment.

Sec. 3a. Not more than one person, partnership, corporation, association, or other organization engaged in business as a funeral director shall transact business in one specific establishment.

Stats. 1929, p. 258.

SEC. 5 Section 5 of chapter 140, statutes of 1929, is hereby amended to read as follows:

Applicants qualifications

Sec. 5. In order to qualify for a license as an embalmer, the applicant must be over twenty-one years of age, of good character, must hold a certificate from a high school, or its equivalent, must have first completed a two-year course of training under an embalmer licensed and engaged in practice as an embalmer in this state, and must have completed a full course of instruction in an embalming school of the class A type as rated by the "Conference of Embalmers Examining Boards of the United States, Inc."

Examination

The board shall require the applicant to pass an examination, which shall include the subjects of: embalming; anatomy, including histology, embryology and dissection; pathology; bacteriology; hygiene, including sanitation and public health; chemistry, including toxicology; and restorative art, including plastic surgery and demisurgery.

Application fee

The application must be in writing, and verified, on a form provided by and addressed to said board, and must be accompanied by a fee of twenty-five dollars and by affidavits of at least two reputable residents of the county in which the applicant proposes to engage in the practice of an embalmer to the effect that the applicant is of good character.

Embalmers licensed in other states

Said board shall have authority, from time to time, to examine the requirements for the issuance of licenses to embalmers in other states of the United States, and to cause a record to be kept of those states in which standards for embalmers, not lower than those provided in this act, are maintained. Said board is hereby empowered to arrange for the issuance of reciprocal licenses in this state to licensed embalmers from other states so recorded; and said board, upon presentation to it by any person of satisfactory evidence that such person holds an unexpired license issued to such person by the proper authorities in any state, recorded as herein provided, which state grants full and equal reciprocal rights and privileges to licensees of this state, and that such person is of good character, shall upon the payment of a fee of fifty dollars (\$50.00), no part of which shall be refunded by the

board, issue to such person a license as an embalmer in this state; provided that in case any doubt exists as to the qualifications as an embalmer of any such person the board may, before issuing a license, require such person to submit to the regular examination provided in this act.

SEC. 6. Section 7 of chapter 140, statutes of 1929, is hereby amended to read as follows: Stats 1929, p. 258

Sec. 7. The business of a funeral director must be conducted and engaged in at a fixed place or establishment; and no funeral director shall open or maintain a place or establishment at which to engage in or conduct, or hold out himself or itself as engaging or conducting, the business of a funeral director, unless first licensed so to do by said board. Location of business

An application for such license shall be in writing, and verified, on a form provided and addressed to said board. The applicant, or in case the applicant is an association, corporation or partnership, the president or corresponding officer appearing therefor, must be at least twenty-one years of age, a regularly licensed embalmer of the State of California and of good character. The application must specify the address at which the applicant proposes to engage in or conduct a place of business as a funeral director, and must be accompanied by the affidavits of at least two reputable residents of the county in which the applicant resides, or proposes to engage in or conduct a place of business as a funeral director, to the effect that the applicant, or the president or corresponding officer, if the applicant is an association, corporation or partnership, is of good character. The applicant shall also furnish the board satisfactory proof that the establishment in which he intends to conduct business as a funeral director is or will be constructed and equipped in all respects as an established business as defined in section 3 hereof. License, application

The application must also be accompanied by a fee of twenty five dollars, and by a bond to the people of the State of California, duly executed by a surety or sureties approved by said board, in the amount of two thousand dollars, conditioned for the faithful performance of applicant's duties as a funeral director. Fee, bond

Any person damaged by the failure of a funeral director to faithfully perform said duties, or to comply with the provisions of this act, or with the rules of said board enacted under section 15 hereof, shall have the right in his own name to commence an action in a court of competent jurisdiction against the funeral director and such surety company for the recovery of the amount of such damage. It shall be the duty of said board to see that such bond remains and is kept good. Action on bond

If the applicant for such license proposes to engage in or conduct said business at more than one place the applicant must make separate applications and procure separate licenses therefor. Licenses for two or more establishments

Any funeral director desiring to change his place of business must make application therefor on forms furnished by the Change of place of business

board at least thirty days prior to time that said change in location is to take effect. The application for such change of location must be accompanied by a fee of five dollars.

Stats 1929,
p 258.

SEC. 7. Section 8 of chapter 140, statutes of 1929, is hereby amended to read as follows:

Investigation
of applicants
for license

SEC. 8. Upon receipt of an application for a license hereunder said board may cause an investigation to be made as to the proposed place of business of the applicant and as to the character of the applicant, including its officers, or members if the application is by or in behalf of an association, corporation or partnership, and may require such other showing as will reasonably prove the good character of the applicant; may subpoena witnesses, administer oaths and take testimony with respect to the character of the applicant, and, upon proper notice and after proper hearing, may refuse to grant a license.

Every application must be granted or refused within ninety days from the date of the meeting of the board next held after the filing of such application.

Stats 1929,
p 258

SEC. 8. Section 10 of chapter 140, statutes of 1929, is hereby amended to read as follows:

Annual
license fee

SEC. 10. Every licensed funeral director and every licensed embalmer shall pay annually, a fee for the renewal of his or its license. The renewal fee payable by a licensed funeral director shall be fifteen dollars and by a licensed embalmer five dollars. Before the renewal of any funeral director's license now in force the holder thereof must have on file with the board a bond in all respects the same and subject to the same conditions as that required by section 7 of this act in the case of the issuance of an original license. The board shall mail on or before the first day of January of each year to each licensed funeral director and to each licensed embalmer addressed to him at his last known address, a notice that his renewal fee is due and payable and that if such fee is not paid by the first of February the penalty of ten dollars will be added to the renewal fee, and in no case shall said penalty or additional fee upon account of such delinquency be waived. Upon the receipt of such fees the board shall cause the renewal certificate to be issued.

Repeal

SEC. 9. Section 11 of chapter 140, statutes of 1929, is hereby repealed.

Stats 1929
p 258

SEC. 10. Section 12 of chapter 140, statutes of 1929, is hereby amended to read as follows:

Lapsed
licenses

SEC. 12. When a licensee has for any reason allowed his license to lapse, said board is hereby given power of reinstatement, provided application therefor is made within a period of three years from the lapse and is accompanied by all fees, including penalties, from the time of the lapse to date of reinstatement.

SEC. 11. Section 14 of chapter 140, statutes of 1929, is hereby amended to read as follows: Stats. 1929,
p. 258

Sec. 14. No embalmer's license shall be assignable, and only the licensee may engage in the practice of embalming under the license. Embalmer's
license not
assignable

Whenever the name or license number of any licensed embalmer is subscribed to any certificate, the purport of which shall be to state that said licensed embalmer performed any act mentioned in such certificate, such name must be actually signed by such licensed embalmer.

A funeral director's license may be assigned, if said board acts favorably upon the application for the assignment, after a showing, or investigation, or hearing with respect to the character of the proposed assignee, as provided in section 7 hereof in the case of an original application for a license. A fee of five dollars must accompany each application for assignment. Funeral
director's
license
assignable.

SEC. 12. Section 15 of chapter 140, statutes of 1929, is hereby amended to read as follows: Stats. 1929,
p. 258.

Sec. 15. The said board shall have power to adopt and enforce reasonable rules and regulations relating to the practice of embalming, to the business of a funeral director, to the sanitary condition of places where such business or practice is conducted, with particular regard to plumbing, sewage, ventilation and equipment, and generally to carry out the various provisions of this act in the protection of the health and morals of the public. Rules and
regulations.

The said board shall have the power to inspect the premises in which the business of funeral director is conducted or where embalming is practiced, and for that purpose may employ inspectors, and prosecuting attorneys to aid in the enforcement of this act and rules adopted pursuant thereto, payable only out of the fees collected hereunder. Inspection

The board shall also have the power to suspend or revoke licenses after proper hearing and notice to the licensee, for violation of any of the provisions of this act, for violation of any rule or regulation made by the board hereunder, for the commission of a crime involving moral turpitude, or for "unprofessional conduct," which is hereby defined to include misrepresentation or fraud, the buying of business or the direct or indirect payment of a commission for the purpose of securing business. Suspension
or revocation
of licenses.

CHAPTER 846.

An act granting certain tidelands and submerged lands of the State of California to the county of Santa Barbara in said state upon certain trusts and conditions.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Tidelands
grant to
Santa Bar-
bara county

SECTION 1. There is hereby granted to the county of Santa Barbara, and to its successors all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all that portion of the tidelands and submerged lands extending from Sandy Land point to Rincon creek in the county of Santa Barbara, to be forever held by Santa Barbara county and by its successors in trust for the uses and purposes and upon the express conditions following, to wit:

Use

(a) Said lands shall be used by said county and by its successors solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ways and streets, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said county. And said county or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm, or corporation for any purposes whatever. But the county or its successors may grant franchises thereon for a period not exceeding fifty years for wharves and other public uses and purposes, and may lease said lands or any part thereof for a period not exceeding fifty years for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

Harbor

(b) Said harbor shall be improved by said county without expense to the state and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

Rates, etc.

(c) In the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges, or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county, or

by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

(d) That there is excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

Reservation
of minerals,
etc.

CHAPTER 847.

An act to add section 4327 to the Political Code, relating to vacations of county officers and employees.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4327 is hereby added to the Political Code to read as follows:

New section

4327. County officers and employees shall be entitled to a vacation of not exceeding fifteen full working days with pay for each year of full-time service, which vacations may not be cumulated from year to year. Elected county officers under bond shall not themselves be subject to the limitations of this section.

Vacation of
county of-
ficers and
employees.

CHAPTER 848.

An act repealing chapter 677, statutes of 1911, entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended.

Stats 1911,
p. 1306,
repealed

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 677, statutes of 1911, entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended is hereby repealed.

Repeal.

SEC. 2. All moneys remaining in the department of agriculture fund to the credit of stallion registration, at the time this act becomes effective, shall be credited to the general fund

Disposition
of funds.

CHAPTER 849.

An act to amend sections 3 and 7 of chapter 598, statutes 1913, entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry,

Stats 1913,
p. 1097,
amended

define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, relating to the board of optometry and fees for practicing optometry.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1913,
p 1097.

SECTION 1. Section 3 of chapter 598, statutes of 1913, entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, is amended to read as follows:

Board of
optometry.

Sec. 3. A board is hereby created to be known as the state board of optometry which shall consist of three members appointed by the governor. No person shall be eligible to appointment who is not a registered optometrist of the State of California and actually engaged in the practice of optometry at the time of such appointment. Except as herein provided, each of the members shall hold office for a term of four years or until his successor is appointed and qualified. The terms of the members of the board in office when this amendment takes effect shall expire as follows: One member, September 15, 1931; one member, January 15, 1933; one member, January 15, 1934. The members on such board when this amendment takes effect shall determine by lot the order of expiration of their terms. The term commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. No person shall be eligible to membership in the said state board of optometry who shall be a stockholder in, or owner of, or a member of the faculty of or of board of trustees of any school of optometry or who shall be financially interested directly or indirectly in any concern manufacturing or dealing in optical supplies at wholesale. No member of the board shall be financially interested in any purchase or contract in which the board is interested. No member of the board shall be financially interested in the sale of any property or optical supplies to any prospective candidate for examination before the board.

Term

Stats 1923.
p. 384.

SEC. 2. Section 7 of chapter 598, statutes of 1913, is hereby amended to read as follows:

Notice of
place of
business.

Sec. 7. Before engaging in the practice of optometry, it shall be the duty of each registered optometrist to notify the board in writing of the place or places where he is to engage, or intends to engage, in the practice of optometry and of any changes in his place of business, and any notice required to be given by the board to any registered optometrists may be given by mailing to such address, through the United States mail, postage thereon prepaid.

Each registered optometrist shall annually, between the first day of January and the first day of February of each year, pay to the director of the department of professional and vocational standards, Sacramento, California, a fee of ten dollars, for a renewal of his registration certificate, and shall keep such certificate conspicuously posted in his office or place of business at all times. Failure, neglect or refusal of any person who is a regularly licensed optometrist to pay in advance on or before February first of each year, said license fee of ten dollars, during the time his license remains in force, shall ipso facto work a forfeiture of his license and it shall not be restored except upon a written application therefor and the payment to said board of the sum of twenty-five dollars, in addition to all delinquent annual license fees, except that such person shall not be required to submit to any examination.

Annual registration fee.

From each annual renewal license fee of ten dollars there shall be paid to the University of California by the director of the department of professional and vocational standards, Sacramento, California, on or before the tenth day of March of each year, the sum of eight dollars, said sum to be used at and by said University of California solely for the advancement of optometrical research, and the maintenance and support of a department at said University of California, in which the science of optometry shall be taught. The balance of each said annual renewal fee amounting to two dollars as required hereby, shall be paid into the state treasury. Any registered optometrist who shall temporarily practice optometry outside or away from his regular registered place of business shall deliver to each client or person there fitted or supplied with glasses a receipt which shall contain his signature and show his permanent registered place of business and the number of his certificate, together with a specification of the lenses furnished and the amount charged therefor.

Payment to University of California.

CHAPTER 850.

An act providing for the exhibit of the products and resources of the State of California at the Chicago world's fair centennial celebration to be held at Chicago, Illinois, in 1933, creating the California world's fair centennial celebration commission and defining its powers and duties, and making an appropriation therefor.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The California world's fair centennial celebration commission is hereby created to consist of five members to be appointed by the governor, one of whom shall be

World's fair commission.

selected from the membership of the board of directors of the state agricultural society and another, from the membership of the state board of agriculture. Each member within thirty days after his appointment shall execute an official bond to the State of California in the penal sum of ten thousand dollars conditioned upon the faithful performance of his duties. The members of the commission shall receive no compensation for their services but each shall be allowed their actual, necessary traveling expenses incurred in the performance of their duties hereunder. The governor shall designate the chairman of the commission and shall fill vacancies occurring for any cause in the membership thereof. Each and all the commissioners appointed hereunder are hereby authorized to be absent from the state for such period, or periods, as may be necessary in carrying out the provisions of this act, and they are hereby granted leave of absence from the state for a longer period than sixty days.

Powers.

SEC. 2 The commission shall have the exclusive charge and control of the expenditure of all moneys appropriated by the State of California for the purposes hereof, including the acquisition, collection, transportation, and maintenance of an exhibit or exhibits of the resources and products of the State of California at the Chicago world's fair centennial celebration to be held at Chicago, Illinois, in 1933, and shall have power to employ and fix the compensation of such expert, clerical and other assistants as may be necessary.

Appropriation.

SEC. 3 Out of any money in the state treasury not otherwise appropriated, the sum of one hundred thousand dollars is hereby appropriated, to be expended in accordance with law upon order of the chairman of the commission in carrying out the provisions of this act, including the acquisition, collection, transportation and maintenance of an exhibit or exhibits of the resources and products of the State of California at the Chicago world's fair centennial celebration to be held at Chicago, Illinois, in 1933. All expenditures hereunder are exempt from the provisions of section 669 of the Political Code.

CHAPTER 851.

**Stats. 1929,
p. 1108,
amended.**

An act to amend section 3 of the "California Nautical School act," relating to members of the board of governors of the California Nautical School.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

**Stats. 1929,
p. 1108**

SECTION 1 Section 3 of the act cited in the title hereof is hereby amended to read as follows:

**Board term
of office**

Sec. 3. Except as herein provided, the term of office of the appointive members of the board shall be four years and

they shall hold office until the appointment and qualification of their successors. The terms of the appointive members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; one member, January 15, 1932; one member, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such appointive members as the terms for which they hold office before this amendment takes effect, except that appointive members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

CHAPTER 852.

An act to amend section 1 of "An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a state board therefor, providing penalties for violations thereof, and repealing the act entitled 'An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof,' approved April 16, 1915, as amended," approved April 20, 1929, as amended, relating to the tenure of office of the members of the state board of embalmers and funeral directors.

Stats 1929,
p 258,
amended

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

See Ch 845,
Stats. 1931.

Section 1. There is hereby created a board to be known as the state board of embalmers and funeral directors, consisting of five members, with a minimum of five consecutive years' experience, immediately preceding their appointment, in the preparation and disposition of dead human bodies and in the practice of embalming, appointed by the governor and removable by him for incompetency or improper conduct. Except as herein provided, the term of office of the members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member September 15, 1931; one member January 15, 1932; two members January 15, 1933; one member January 15, 1934. Such terms

Board of
embalmers.

Term

shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

CHAPTER 853.

Stats. 1913, p. 626, amended. *An act to amend section 1 of an act entitled "An act to establish a legislative counsel bureau and making an appropriation therefor," approved May 23, 1913, as amended, relating to the legislative counsel of California.*

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1917, p. 1398.

SECTION 1. Section 1 of an act entitled "An act to establish a legislative counsel bureau and making an appropriation therefor," approved May 23, 1913, is hereby amended to read as follows:

Creation of bureau; selection of counsel

Section 1. A bureau is hereby created to be known as the legislative counsel bureau, which shall be in charge of a chief, who shall be a civil executive officer and who shall be known as the legislative counsel of California. He shall be selected as soon as may be after the passage of this act and biennially thereafter before the first Wednesday after the first Monday after the first day of January in each odd-numbered year by the Senate and Assembly in joint session. The legislative counsel in office at the time of the approval of this act shall, until an election is held under this act, hold the office of legislative counsel of California created by this act, subject to removal by the Legislature. If a vacancy should occur while the Legislature is not in session, a committee consisting of the speaker of the Assembly, the speaker pro tempore of the Assembly, the president pro tempore of the Senate and the chairman of the finance committee of the Senate shall select the legislative counsel to serve until the Legislature in joint session makes a selection for the office. The legislative counsel shall be chosen without reference to party affiliations and solely on the ground of fitness to perform the duties of his office.

CHAPTER 854.

An act to amend section 737b of the Political Code, relating to the salary of the superior judge in and for the county of Alpine.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737b of the Political Code is hereby amended to read as follows: Stats 1927, p 559.

737b. The annual salary of the judge of the superior court in and for the county of Alpine is five thousand dollars. Superior Judge, Alpine county.

CHAPTER 855.

An act providing for the sale or trade of property used by the California Polytechnic School and providing for the purchase of property for the use of said school.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The director of education, with the consent of the director of finance, is hereby authorized to sell or trade such of the property belonging to the state and used for the California Polytechnic School as may in his judgment be disposed of advantageously. The proceeds of the sale must be used for the purchase of such other land for the use of the said California Polytechnic School as the director of education and the director of finance may deem necessary. Sale of property of California Polytechnic School.

CHAPTER 856.

An act to provide for the investigation and study of methods for the control of pear blight (Bacillus amylovorus) under the direction of the regents of the University of California, and for the dissemination of the knowledge gained through such investigation and study, and making an appropriation therefor.

[Approved by the Governor June 12, 1931, with reduction hereunder noted. In effect immediately.]

[I object to the item of \$20,000 in section 1 of Assembly Bill No. 1876, and reduce the amount thereof to \$15,000. With this reduction I approve the bill. Dated June 12, 1931. JAMES ROLPH, JR., Governor.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended in accordance with Appropriation control of pear blight

law under the direction of the regents of the University of California for and in an investigation and study of methods of control of pear blight (*Bacillus amylovorus*) and the dissemination among the fruit growers of the state of the knowledge gained through such investigation and study.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of article four of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of the facts constituting such necessity:

There are nearly one hundred thousand acres of pears in California according to statistics issued by the state department of agriculture, which places this industry among the large agricultural enterprises of the state. This acreage is distributed very widely throughout California, and the devastation caused by blight during 1930 was so serious that the loss compares with the tremendous suffering that resulted from the foot and mouth disease epidemic a few years ago. Unless relief is obtained, the prosperity of this basic industry will not only be threatened, but thousands of fruit growers with large investments at stake will actually be forced out of business. After a most careful survey on the part of state authorities, it has been estimated that the total cost of the disease and its control during the season of 1930 amounted to \$2,268,260 made up of the following items:

- (1) Crop reductions \$1,125,260.
- (2) Actual cost of blight control \$825,000.
- (3) Expenditures of county funds \$18,000.
- (4) Expenditures in blight control during the fall of 1930 \$300,000.

This tremendous drain on the industry is of state-wide significance, and a very careful program has been worked out by authorities of the University of California at a series of state-wide conferences with producers, which will be given authority by this act. The figures are extremely conservative, are based on a most careful analysis of the problem and must be made immediately available if this unusual and virulent outbreak of blight is to be stopped before it wipes out the pear industry of the State of California.

CHAPTER 857.

An act to amend section 2524 of the Political Code, relating to the jurisdiction, powers and duties of the board of state harbor commissioners or its successor.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2524 of the Political Code is hereby amended to read as follows: Stats 1919,
p 343

2524. The commissioners shall have possession and control of that portion of the bay of San Francisco, together with all the improvements, rights, privileges, easements, appurtenances connected therewith, or in anywise appertaining thereto, for the purposes in this article provided (excepting such parcels thereof as are held by the lessees, or their assigns, on valid leases, which parcels so held it is hereby made the duty of the commissioners to take possession of, together with the improvements thereon, as soon as said leases terminate, and also to see that the lessees, or their successors or assigns, do not exercise rights and privileges that are not conferred by said leases), bounded as follows, to wit: Commencing at the point where the easterly line of the Presidio reservation intersects the water-line front, as established by the board of state tideland commissioners; thence easterly along said water-line front to the center of Webster street; thence southerly along the center of Webster street to the center of Lewis street; thence easterly along the center of Lewis street to the center of Polk street; thence easterly along the center of Jefferson street to the center of Tonquin street; thence easterly along the center of Tonquin street to the center of Larkin street; thence southerly along the center of Larkin street to the center of Jefferson street; thence easterly along the center of Jefferson street to the center of Powell street; thence southerly along the center of Powell street to the center of Beach street; thence easterly along the center of Beach street to the center of Dupont street; thence southerly along the center of Dupont street to the center of North Point street; thence easterly along the center of North Point street to the center of Kearny street; thence southerly along the center of Kearny street to the center of Francisco street; thence easterly along the center of Francisco street to the center of Montgomery street; thence southerly along the center of Montgomery street to the center of Chestnut street; thence easterly along the center of Chestnut street to the center of Sansome street; thence southerly along the center of Sansome street to the center of Lombard street; thence easterly along the center of Lombard street to the center of Battery street; thence southerly along the center of Battery street to the center of Greenwich street; thence easterly along the center of Greenwich street to the center of Front street; thence

Jurisdiction
of harbor
commis-
sioners.

Same

southerly along the center of Front street to the center of Vallejo street; thence easterly along the center of Vallejo street to the center of Davis street; thence southerly along the center of Davis street to the center of Pacific street; thence easterly along the center of Pacific street to the westerly line of East street; thence southerly along the westerly line of East street to the center of Folsom street; thence westerly along the center of Folsom street to the center of Steuart street; thence southerly along the center of Steuart street to the center of Harrison street; thence southerly on a direct line with said Steuart street two hundred fifty-three feet nine inches, to the center of a street the name of which is not on the map; thence at right angles westerly along the center of said street to the center of Spear street; thence southerly along the center of Spear street to the center of Bryant street; thence westerly along the center of Bryant street to the center of Beale street; thence southerly along the center of Beale street to the center of Brannan street; thence westerly along the center of Brannan street to the center of First street; thence southerly along the center of First street to the center of Townsend street; thence westerly along the center of Townsend street five hundred fifty feet, to the center of a street the name of which is not on a map; thence at right angles southerly along the center of said street to the center of King street; thence westerly along the center of King street to the center of Second street; thence southerly along the center of Second street to the center of Berry street; thence westerly along the center of Berry street to the center of Third street; thence southerly along the center of Third street to the northerly line of Channel street; thence westerly along the last-mentioned line to the easterly line of Fifth street; thence southerly along said last-mentioned line to the southerly line of said Channel street; thence easterly along said last-mentioned line to the center of Kentucky street; thence southerly along the center of Kentucky street to the center of Fourth street; thence along the center of Fourth street to the center of Louisiana street; thence southerly along the center of Louisiana street to the center of El Dorado street; thence westerly along the center of El Dorado street to the center of Illinois street; thence southerly along the center of Illinois street to the center of Solano street; thence easterly along the center of Solano street to the waterfront line established by the board of state tideland commissioners; thence southerly along said last-mentioned line to the center of Tulare street; thence westerly along the center of Tulare street to the center of Texas street; thence southerly along the center of Texas street to the center of Islais street; thence easterly along the center of Islais street to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of India street; thence westerly, southerly and easterly along the center of said India street to the center of Waterfront street, to the center of China street; thence westerly along the center of China street to the

center of Third avenue; thence southerly along the center of Third avenue to the northerly line of the property of the California Dry Dock Company; thence easterly along said last-mentioned line to the waterfront established by the board of state tideland commissioners; thence southerly along and around said Dry Dock Company's land to the southeasterly corner thereof; thence westerly along the line of said land to the center of Waterfront street; thence southerly along the center of Waterfront street to the center of Nineteenth avenue; thence westerly along the center of Nineteenth avenue to the center of Dock street; thence southerly along the line of Dock street to the center of Twenty-third avenue; thence westerly along the center of Twenty-third avenue to the center of H street; thence southerly along the center of H street to the center of Twenty-fourth avenue; thence easterly along the center of Twenty-fourth avenue to the center of Waterfront street; thence southerly along the center of said Waterfront street to the southern boundary of the city and county of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point due north of the place of commencement, and thence south to the place of commencement. But no harbor embankment or seawall shall be constructed outside of the following-named points and lines, to wit: Commencing at the point where the eastern boundary line of the Presidio reservation, extended in a northerly direction, intersects the three-fathom contour line shown upon the chart of the United States survey, and running thence in an easterly and southerly direction, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as described in an act to provide for the disposition of certain property of the State of California, passed March twenty-sixth, in the year of our Lord eighteen hundred and fifty-one, to a point at or near the intersection of Second and Berry streets; thence continuing southerly, upon straight or curved lines, in such a manner as to approach as near as practicable the extreme outer projections of the water-line front, as established by the board of state tideland commissioners, to the southerly boundary of said city and county of San Francisco; and said commissioners, in addition to a general control over said premises shall have authority to use for loading and landing merchandise, with a right to collect dockage, wharfage and tolls thereon, such portion of the streets of the city and county of San Francisco, ending or fronting upon the waters of said bay as may be used for such purposes without obstructing the same as thoroughfares; and authority to rent an office in the city and county of San Francisco, between Montgomery, Market and Pacific streets and the city front; and purchase from time to time suitable books for the records of the secretary and accounts of the wharfingers, together with such stationery as may be required by the board; and to fix

Seawalls.

General
authority.
tolls, etc.

Wharves

and regulate, from time to time, the rates of dockage, wharfage, cranage, tolls and rent; and collect such an amount of revenue therefrom as will enable the commissioners to perform the duties required of them by authority of this article. The commissioners shall construct such number of wharves as the wants of commerce shall require, and shall locate such wharves at such points and upon such lines as the board may deem most suitable for the best interests of commerce, and shall repair and maintain all the wharves, piers, quays, landings and thoroughfares the wants of commerce may require, and generally to erect all such improvements as may be necessary for the safe landing, loading and unloading, and protection of all classes of merchandise, and for the safety and convenience of passengers passing into and out of the city and county of San Francisco by water. And for the purpose of repairing said wharves, piers, quays and landings, the commissioners are hereby authorized and empowered to purchase or construct pile drivers, and the necessary machinery to be used therewith, and employ men for operating the same; nor shall any such wharf be constructed upon such place or line as will cause any slip or dock to be less than one hundred thirty-six feet wide at the most narrow point between the wharves.

Piles.

The commissioners are hereby authorized and empowered to purchase or construct works for preserving piles and timber, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men and purchase chemicals, or such other materials as may be necessary for the preserving of piles and timber. The purchase of chemicals can be made without advertising for proposals therefor. When they determine that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile drivers, scows, steam tugs, or any necessary machinery or material obtained, the costs of which shall exceed three thousand dollars, they shall advertise for sealed proposals for a period not less than ten days, in one or more of the daily newspapers in the city and county of San Francisco. Every proposal shall be accompanied by a certified check for an amount equal to five per cent of the amount of such proposal, such check to be made payable to the order of the secretary of said board; conditioned, if the proposal is accepted and the contract awarded, and if the bidder shall fail or neglect to execute the contract and give the bond required within six days after the award is made, in that case, the said sum mentioned in said check shall be paid into the state treasury by said secretary, as liquidated damages for such failure and neglect, as a portion of the San Francisco harbor improvement fund. Such advertisement shall contain a general description of the work to be done, the material to be used, the place where to be used, and must refer to specifications, which must contain a full and accurate description of the work to be performed, the material to be used, and where it is to be used; which specifications shall be kept in the office of the secretary of the

Contracts
for work:
proposals,
bids, etc.

board in such manner that all persons may inspect the same during the usual business hours of all days except Sundays and holidays. On a day named in the advertisement, the commissioners shall open the bids in the presence of such bidders as are present, and award the contract to the lowest bidder, who shall furnish sufficient sureties to guarantee the performance of the work. If, in the opinion of the commissioners, the bids are too high, they may reject them, and advertise anew in like manner as before. If, in the opinion of the commissioners, the second bids are too high, they may reject them likewise, and enter into contract with responsible parties without giving further notice. Any contract entered into without giving public notice and receiving bids, must be at least ten per cent lower than the lowest rejected bid. The board may construct such harbor embankment or seawall as shall be necessary to protect the harbor of San Francisco, and dredge such number of slips and docks as the commerce of the port of San Francisco may require, to a depth that will admit of the easy and free ingress and egress of all classes of watercraft that load and discharge cargoes at the wharves, piers, quays, landings, and thoroughfares in the harbor of San Francisco; to perform which dredging the board of state harbor commissioners are hereby authorized and empowered to purchase or construct dredging machines, scows, steam tugs, and the necessary machinery, and employ men for operating the same. When any portion of the premises described in this article shall be dredged, the sand, mud, or other substance shall be deposited in a place designated by the board, in not less than fifteen fathoms of water.

Provided that the board of state harbor commissioners may enter into an agreement with the owner of any property, lying adjacent to the waterfront property under the jurisdiction of the state harbor commission, for the purpose of determining the precise location of any seawall, thereafter to be built, adjacent to or upon such privately owned property and may accept grants of land from such private property owners in consideration thereof. When such agreement has been entered into between the owner of the property adjacent to the waterfront property under the jurisdiction of the harbor commission, and the State of California through the state harbor commission in pursuance to the language of this act, such determination of the location shall be binding on all succeeding boards of harbor commissioners.

All classes of water craft that uses or makes fast to any wharf, pier, quay, landing, or thoroughfare, and lands upon or loads therefrom any goods, wares, or merchandise, shall be liable and must pay the commissioners such rates of dockage as shall be fixed by authority of this article; and all such water craft as shall discharge or receive any goods, wares, or merchandise, while moored in any slip, dock or basin within the jurisdiction of the commissioners, shall pay one-half the regular rates of dockage. Any water craft that shall leave any

Contracts
with prop-
erty owners.

Dockage
charges

Lien.

Rules and
regulationsDocks for
federal use

wharf, pier, quay, landing, thoroughfare, slip, dock, or basin, unless forced to do so by stress of weather, without first paying the dockage due from such vessel, shall be liable to pay double the regular rates. The charge for wharfage and tolls shall be a lien upon all goods, wares and merchandise landed upon any of the wharves, piers, quays, landings or thoroughfares upon the premises described in this article; and the commissioners, their agents or lessees, may hold possession of any such goods, wares, or merchandise so landed as aforesaid, to secure the payment of such wharfage and tolls; and for the purpose of such lien are deemed to have possession of such goods, wares and merchandise so landed until such charge for wharfage and tolls are paid. The commissioners shall have power to make reasonable rules and regulations concerning the control and management of the property of the state which is intrusted to them by virtue of this article, and said commissioners are hereby authorized and required to make, without delay, and from time to time, and publish not less than thirty days in a daily newspaper of general circulation published in the city and county of San Francisco, all needful rules and regulations not inconsistent with the laws of the state or of the United States in relation to the mooring and anchoring of vessels in said harbor, providing and maintaining free, open, and unobstructed passageways for steam ferryboats and other steamers navigating the waters of the bay of San Francisco and the fresh-water tributaries of said bay so that such steamers can conveniently make their trips without impediment from vessels at anchor or other obstacles. And said commissioners may also make all needful rules and regulations governing the removal of such vessels from the wharves and other landings, and from slips and docks as are not engaged in receiving or discharging cargo, prescribing the time during which goods, wares, and merchandise landed upon any wharf, pier, quay, landing, or thoroughfare shall be permitted to remain thereon, and may divide the same into several classes, and may, by such rules and regulations, provide that in case any such goods, wares, or merchandise remain upon any wharf, pier, quay, landing, or thoroughfare beyond the term so prescribed, the respective wharfinger may, under the order of the commissioners, remove and deposit the same in a suitable place, at the charge, risk, and expense of the owner thereof. When any goods, wares, or merchandise shall have remained upon any wharf, pier, quay, landing, or thoroughfare more than twenty-four hours, the commissioners may, in their discretion, charge such additional rates for each subsequent day as in their opinion is just and equitable. The commissioners may, in their discretion, set apart and assign for the exclusive use of the water craft used by the officers of the federal government, such convenient and safe landings as such officers may require, together with suitable premises near such landings as may be set apart and assigned for their use, upon which premises such officers may cause to be erected offices and storehouses to suit

their convenience; and the commissioners shall charge a reasonable compensation per month for the use of such landings and office and storehouse premises; set apart and assign a suitable and proper locality for the use of the harbor police of the city and county of San Francisco, and also a suitable place for a boathouse station, for the exclusive use of the quarantine and health officers of said city and county, without compensation; set apart and assign, for the exclusive use of steam ferry-boats, suitable slips, in which such structures may be erected as will secure the safe and convenient landing of passengers and safe landing and delivery of freight; set apart and assign suitable wharves, berths, or landings for the exclusive use of vessels; to construct suitable sheds, gates and other temporary structures as may be necessary for the safe and convenient landing of passengers and safe landing and delivery of freight; and set apart and assign, for the sole and exclusive use of the fishermen of the city and county of San Francisco, such place or places as the said commissioners shall deem proper, sufficient, and adapted for the requirements and necessities of said fishermen: provided, the premises set apart by said commissioners shall be used only for the legitimate business of said fishermen, and for no other purpose; and provided, said commission shall charge said fishermen for the use thereof such rates as said commission shall fix from time to time. The commissioners may assign suitable places for the landing of horses, cattle, sheep, swine; and when such places have been assigned, it shall be a misdemeanor for a commander of any water craft to land any greater number than ten at any one time from any water craft at any other place. The commissioners may set apart, for the uses and purposes of dry docks and marine railways, such portions of the waterfront northwesterly of the northerly end of Kearny street, and southerly of the easterly end of Solano street, as the wants of commerce may require. The commissioners shall not have the right to renew any lease, or to lease any premises under their control for any purpose whatever, except as otherwise specially provided, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the commissioners' charge, except such use as shall be terminated as herein provided; and the said commissioners may condemn, purchase, and pay a reasonable compensation for such structures as may have been erected upon the said premises, which structures, in the opinion of the board and engineer may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare situated upon the premises described in this article; nor shall any corporation, firm, association, company or person collect dockage, wharfage, cranage, or toll within the boundaries of the premises described in this

Harbor
police, quar-
antine, etc

Fishermen.

Live stock.

Marine
railways

Leases.

Permission
to dock

Tracks, etc

article, without first obtaining permission to do so from said commissioners. Any use permitted of the property by the commissioners may be terminated at any time by them, on thirty days' previous notice to the party or parties so using the same. Said board may, when the wants of commerce require, lay down such number of tracks along and on any portion of said waterfront as may be necessary to meet such wants, and permit the use thereof to any corporation or association, or any person or persons, under such rules, regulations, and at such compensation as said board may determine; and make such agreements with persons, firms and corporations owning spur or industry tracks relative to the use by the state of such tracks as said board may determine to be necessary; provided, that no special privileges shall be awarded thereon to any corporation, association, person or persons; provided, that nothing herein shall apply to or restrict the use of any premises leased for terminal facilities under or by reason of an act of the Legislature entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to amend section 6 of an act entitled 'An act concerning the waterfront of the city and county of San Francisco,' approved March 15, 1878, and to confer further powers upon the board of state harbor commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon said board," approved March 26, 1895, and which has not been declared forfeited by the board of harbor commissioners; and provided, further, that switches from said railroad track or tracks may, with the permission of said board, and under the limitations and conditions of this act, be constructed by corporations, or any person or persons, leading to any warehouse or place of business. Nor shall any person or company place, or cause to be placed, any obstructions in that portion of the bay of San Francisco described in this article, nor upon any wharf, pier, quay, landing, or thoroughfare, without the consent of the board. Whenever any wharf, pier, quay, landing, or thoroughfare in the harbor of San Francisco shall be incumbered, or their free use interfered with, by goods, wares, merchandise, or other substance, whether loose, or built upon, or fixed to any such wharf, pier, quay, landing, or thoroughfare, it shall be the duty of the commissioners to notify, in writing (which service may be served by a wharfinger, or the secretary or assistant secretary of the board), the owner, agent, or occupant, or person placing or keeping such obstruction thereon, to remove the same within twenty-four hours after the serving of such notice; and in case of failure to comply with such notice, and remove such obstructions, the owner, agent, occupant, or person notified shall be liable to pay the commissioners the sum of twenty-five dollars for each and every day during which such obstruction shall remain upon any such wharf, pier, quay, landing, or thoroughfare; and the commissioners shall have power, in their discretion, to remove any such incumbering substance, and store the same in any suitable,

Obstructions

convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner of such incumbering substance to the commissioners, and such sum and necessary charges shall be a lien on such substance until paid. Dockage shall not be collected on any vessel lying at anchor outside of dock, wharf, or slip. Nothing in this section shall be construed as authorizing the board of harbor commissioners to construct any railroad along and upon any open canal extending inland from said waterfront. But said harbor commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal.

SEC. 2. Wherever the term "board of state harbor commissioners," "board," "commissioners" or any other term designating the board of state harbor commissioners is used in this act, it shall be deemed and construed to mean and include any successor to the board of state harbor commissioners. Definitions

CHAPTER 858.

An act authorizing and empowering any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation in the State of California, to donate and grant to the United States of America any real property owned by it, or which it may hereafter acquire, within its corporate limits, for a site upon which the United States of America may erect post-office and/or federal office buildings or maintain grounds in connection therewith, and also authorizing the incurring of indebtedness for any of the purposes aforesaid, and validating any bonded indebtedness which may be incurred in furtherance of any such purpose.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Any city and county, or county, or city operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to donate and grant to the United States of America any real property owned by it or which it may hereafter acquire within its corporate limits for a site upon which the United States of America may erect post-office and/or federal office buildings and/or maintain grounds in connection therewith. Grants for federal buildings

SEC. 2. Any city and county, or county, or city, operating under freeholders' charter or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to use such part of its funds as Purchase of sites.

Bonds.

deemed necessary toward the acquisition of a site within its corporate limits, upon which the United States of America may erect post-office and/or federal office buildings, and/or maintain grounds in connection therewith. Any city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California, is hereby authorized and empowered to incur indebtedness for any of the purposes mentioned in this act. Where an election has been held in accordance with the laws of the state in any such city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California, and the necessary two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring an indebtedness for any of the purposes specified in this act, all the proceedings leading up to the issuance and the proposed issuance of bonds for any such purpose are hereby legalized, ratified and declared valid to all intents and purposes, and the power to issue such bonds is hereby confirmed, and all bonds that may be sold, in accordance with the provisions of law for not less than their par value, are hereby declared to be legal and valid obligations of and against the city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California so issuing them, and the faith and credit of such city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California, is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds, in accordance with the provisions thereof; provided, that this act shall not operate to legalize any bonds which have been sold for less than their par value, or any bonds which have not, at the time this act shall take effect, been authorized by not less than two-thirds of the qualified electors of such city and county, or county or city operating under freeholders' charter, or otherwise, or any town or any municipal corporation in the State of California voting at such election.

CHAPTER 859.

An act to amend 737ecc of the Political Code, relating to the salary of the judge of the superior court in and for the county of Yolo.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p. 584.

SECTION 1. Section 737eee of the Political Code is hereby amended to read as follows:

737eee. The annual salary of the judge of the superior court in and for the county of Yolo is six thousand five hundred dollars. Superior judge, Yolo county.

CHAPTER 860.

An act to amend section 1033 of the Code of Civil Procedure, relating to the filing of and affidavit to bill of costs.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1033 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1929, p. 846.

1033. The party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court and not later than five (5) days after the verdict or, if the action is tried without a jury, not later than five (5) days after notice of the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five (5) days after service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge thereof at chambers. Filing of bill of costs.

CHAPTER 861.

An act to amend section 24 of the state bar act, approved March 31, 1927, as amended, relating to admission to practice law, and to repeal sections 275, 276, 276a, 277, 279, 280 of the Code of Civil Procedure. Stats. 1927, p. 38, amended.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 24 of the state bar act, approved March 31, 1927, as amended, is hereby amended to read as follows: Stats 1929, p 1965.

Sec. 24. Any citizen of the United States, of the age of at least twenty-one years, of good moral character, who is, and for at least three months prior to the date of the filing of his application continuously has been a bona fide resident of this state, and who possesses the necessary qualifications of learn- Admission to bar qualifications.

ing and ability, as hereinafter provided, is entitled to admission to practice law in this state.

With the approval of the supreme court, and subject to the provisions of this act, the board shall have power to fix and determine the qualifications of applicants for admission to practice law in this state, provided that educational requirements fixed by the board shall not exceed (1) graduation from a four-year high school, or proof satisfactory to the examining committee that the applicant is possessed of the equivalent of a four-year high school education in point of intellectual competency and achievement, and (2) graduation from a law school requiring substantially the full time of its students for three years, or graduation from a law school requiring a part only of its students' time for four years, or proof satisfactory to the examining committee that the applicant has otherwise diligently and in good faith studied law for at least four years.

The board shall have power to constitute and appoint an examining committee which shall have power to examine all applicants for admission, to administer the requirements for admission to practice, and to certify to the supreme court for admission those applicants who fulfill the requirements and successfully pass the examination.

Fees.

With the approval of the supreme court the board shall have power to fix and collect fees to be paid by applicants for admission to practice, which fees shall be paid into the treasury of the state bar.

**Attorneys
from other
states.**

In the case of an applicant who has been admitted to practice law outside of this state it shall be left to the discretion of the examining committee to determine whether or not the applicant shall be required to take an examination.

Upon certification by the examining committee that the applicant has fulfilled the requirements for admission to practice law the supreme court may admit such applicant as an attorney at law in all the courts of this state and may direct an order to be entered upon its records to that effect, and a certificate of such admission thereupon shall be given to him by the clerk of the court.

Repeal.

SEC. 2. Sections 275, 276, 276a, 277, 279, 280 of the Code of Civil Procedure, and all other laws and parts of laws in conflict herewith, are hereby repealed.

CHAPTER 862.*

An act substituting for the existing title one of part four of division first of the Civil Code of the State of California a new title one of said part four consisting of sixteen chapters which shall supersede said existing title one and sections numbered consecutively 1227 to 1235, both num-

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

bers included, of the Code of Civil Procedure of California, all relating to corporations.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new title one consisting of chapters numbered ^{New title.} consecutively from 1 to 16, inclusive, is hereby substituted for the existing title one of part four of division first of the Civil Code of the State of California. The new title so substituted, shall supersede all of the existing title one of said part four and also sections numbered consecutively 1227 to 1235, both numbers included, of the Code of Civil Procedure of California. All parts and provisions of this new title which are the same as parts or provisions now contained in the title and sections superseded shall be considered as continuations of the latter and as having been the law from the time when the latter were enacted; but all parts and provisions of the title and sections hereby superseded which are not contained in this new title are hereby repealed.

The repeal effected by this act shall not affect the existence ^{Construc-} of any corporation formed, nor impair or take away any exist-^{tion.} ing cause of action against any corporation, its stockholders, directors or officers, for any liability incurred prior to the time when this act shall go into effect. Section headings contained in said new title shall not be deemed to govern or limit the scope or meaning of the sections therein contained.

SEC. 2. The new title one hereby substituted for said existing title one is as follows:

TITLE I.

GENERAL PROVISIONS APPLICABLE TO ALL CORPORATIONS.

- Chapter I. General provisions.
- Chapter II. Formation of corporations.
- Chapter III. Issue of shares; options; consideration; capital.
- Chapter IV. By-laws.
- Chapter V. Directors; management.
- Chapter VI. Shareholders' meetings and voting rights.
- Chapter VII. Liability in connection with the issue of shares.
- Chapter VIII. Certificates and transfers of shares.
- Chapter IX. Assessments.
- Chapter X. Powers.
- Chapter XI. Dividends; increase and reduction of stated capital.
- Chapter XII. Corporate records and reports—inspection.
- Chapter XIII. Organic changes; merger, consolidation and amendments.
- Chapter XIV. Liabilities and remedies.
- Chapter XV. Winding up and dissolution.
- Chapter XVI. Foreign corporations.

CHAPTER I.

GENERAL PROVISIONS.

- Short title.** 277. Short title. This title of the Civil Code and all amendments hereof and any section or supplement added hereto shall be known and may be cited as "The general corporation law," and is hereinafter referred to as "this title."
- Definitions.** 278. Construction. The following are definitions of certain terms as used in this title:
- "Articles" includes the articles of incorporation, amendments thereto, amended articles, and agreements of consolidation or merger.
- Unless the context otherwise requires, "shareholder" or "stockholder" or "holder of shares," means "holder of record of shares" or "shareholder of record" and includes a subscriber to shares in cases in which no certificates are outstanding, and a member of a nonstock corporation.
- "Member" includes each person signing the articles of a nonstock corporation and each person admitted to membership therein.
- "Incorporator" includes each person signing the articles of incorporation.
- "Corporation," unless otherwise expressly provided, refers only to a domestic corporation.
- "Domestic corporation" means a corporation formed under the laws of this state, and "foreign corporation" means any other corporation.
- "Stock corporation" means a corporation authorized to issue shares of stock.
- "Nonstock corporation" includes every corporation other than a "stock corporation."
- "To represent shares" means to vote, to give written consent to corporate action, to dissent therefrom, and to execute waivers of notice of meetings.
- "Majority vote" and "two-thirds vote" means votes of the holders of shares or members entitled to exercise, respectively, a majority and two-thirds of the voting power at a shareholders' or members' meeting.
- "Directors" includes persons designated in the articles as such and persons designated, elected or appointed by any other name or title to act as directors and their successors.
- "Directors," when used in relation to any power or duty requiring collective action, shall be construed to mean "board of directors"
- "Mortgage" includes a deed of trust to secure a debt, or any pledge or form of security.
- "Written" includes printed, typewritten, engraved, lithographed, telegraphed, cabled, radiogramed, photographed, photostated, telephotographed, or other form of transmitted and recorded messages.
- "Redemption price" means the amount payable on shares of any class on the redemption of the shares.

“Liquidation price” means amounts payable on shares of any class upon dissolution, liquidation, consolidation, merger or sale of entire assets of the corporation.

Section headings shall not be taken to govern or limit the scope of the sections of this title.

“Shares” and “shares of stock” shall be construed to include membership in nonstock corporations where the context so requires.

“Treasury shares” means shares issued and thereafter acquired by the corporation, but not retired.

A “series” of shares means a subdivision of a class of shares, which shall not be construed to constitute a separate class for the purpose of voting or consent unless specifically so designated.

279. General application. The provisions of this title are applicable to every private corporation, profit or nonprofit, stock or nonstock, now existing or hereafter formed, and the outstanding and future securities thereof, unless such corporation be expressly excepted from the operation thereof, or there be a special provision in relation to any class thereof inconsistent with some provision of this title, in which case the special provision prevails. General application

The existence of corporations heretofore formed or existing shall not be affected by the enactment of this title nor by any change in the requirements for the formation of corporations nor by the amendment or repeal of the laws under which they were formed or created. Existing corporations.

280 Reserved powers; saving clause. This title of the Civil Code, or any chapter or section thereof, may at any time be amended or repealed. Neither the enactment of this title nor the amendment or repeal thereof, nor of any statute affecting corporations, shall take away or impair any liability or cause of action existing or incurred against any corporation, its shareholders, directors or officers. Saving clause.

CHAPTER II.

FORMATION OF CORPORATIONS.

285. Formation and purposes. A corporation may be formed under this title by the execution of articles of incorporation by three or more persons, and the filing thereof, in the manner herein provided, for any lawful purpose or purposes. Formation and purposes.

287. Election to continue existence under the code. Any corporation existing on the first day of January, 1873, formed under the laws of this state, and still existing, which has not already elected to continue its existence under the provisions of this code applicable thereto, may, at any time hereafter, make such election by the unanimous vote of all its directors, or such election may be made at any annual meeting of the stockholders or members, or at any meeting called by the directors especially for considering the subject, if voted by stockholders representing a majority of the voting shares, or Election to continue existence under the code

by majority vote of the members, or may be made by the directors upon the written consent of that number of such stockholders or members.

Certificate
of action:
filing.

A certificate of the action of the directors, signed by them and their secretary, when the election is made by their unanimous vote, or upon the written consent of the stockholders or members, or a certificate of the proceedings of the meeting of the stockholders or members, when such election is made at any such meeting, signed by the chairman and secretary of the meeting and a majority of the directors, must be filed in the office of the secretary of state, and thereafter the corporation shall continue its existence under the provisions of this code which are applicable thereto, and shall possess all the rights and powers, and be subject to all the obligations, restrictions, and limitations prescribed thereby.

Certified
copy.

The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law.

Corporations
existing
prior to
code.

288. Corporations existing prior to code. No corporation formed or existing before twelve o'clock, noon, of the day upon which this code takes effect, is affected by the provisions of part four of division first of this code, unless such corporation elects to continue its existence under it as provided in section 287; but the laws under which such corporations were formed and exist are applicable to all such corporations, and are repealed, subject to the provisions of this section.

Articles of
incorporation.

290. Articles of incorporation. Articles of incorporation shall state:

1. The name of the corporation.
2. The purposes for which it is formed.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.

4. If the corporation is to be authorized to issue only one class of shares of stock, the total number of shares which the corporation shall have authority to issue and the aggregate par value, if any, of all shares, and (a) the par value of each of such shares, or (b) a statement that all such shares of stock are to be without par value; or if the corporation is to be authorized to issue more than one class of shares, the total number of shares which the corporation shall have authority to issue and the aggregate par value of all shares that are to have a par value, and (a) the number of shares of each class that are to have a par value, and the par value of each share of each such class, and/or (b) the number of shares of each class that are to be without par value.

5. If the shares are to be classified, or if any class of shares is to have two or more series, a statement of the preferences, privileges and restrictions granted to or imposed upon the

holders of the respective classes or series of shares, and of the number of shares constituting each series, and, except as to matters and things so stated, no distinction shall exist between said classes or series of shares or the holders thereof; provided, however, that in lieu of a statement of the dividend rate, redemption price and/or liquidation price of shares of any class or of any series of any class or the number of shares constituting any series, the articles may authorize the board of directors, within the limitations and restrictions stated therein, to fix or alter, from time to time, the dividend rate or the redemption or liquidation price of any class or of any series of any class, or the number of shares constituting any series of any class, or all or any of them, in respect of shares then unissued.

6. The names and addresses of the persons, not less than three, who are appointed to act as the first directors. The number of persons so named shall constitute the number of directors until changed by amendment to the articles or by a by-law adopted pursuant to authority contained in the articles.

7. Any provisions which may be desired.

(a) Granting, with or without limitations, the power to levy assessments upon the shares or any class thereof;

(b) Granting to shareholders preemptive rights to subscribe to any or all issues of shares or securities;

(c) Otherwise regulating the business of the corporation and the powers of directors or shareholders, in a manner not in conflict with law.

8. If the corporation is not to be authorized to issue shares of stock, or if it is not formed with a view to pecuniary gain or profit to its members, it shall be so stated.

The authorized number and qualifications of its members, the different classes of membership, if any, the property, voting and other rights and privileges of each class of membership, and the liability of each or all classes to dues or assessments, may be set forth either in the articles or in the by-laws.

290a. Certificate of approval. Before any corporation subject to the bank act may file with the secretary of state its articles, or an amendment to its articles, or an agreement for consolidation or merger, there must be attached thereto the certificate of approval of the superintendent of banks. Certificate of approval.

291. Corporate name. The secretary of state shall not file articles which set forth a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, (1) the name of a domestic corporation, or (2) the name of a foreign corporation which is authorized to transact business in this state, or (3) a name which is under reservation, except to the applicant therefor. Corporate name.

Any applicant therefor may, upon payment of a fee of two dollars, obtain from the secretary of state a certificate of reservation of any name not within any of the above prohibi- Fee.

tions, and upon the issuance of such certificate the name stated therein shall be reserved for a period of thirty days.

The use by a corporation of a name in violation of this section may be enjoined notwithstanding the filing of its articles by the secretary of state.

Words
"bank,"
etc.

The secretary of state shall not file articles setting forth a name in which the words "bank," "trust" or "trustee" or related words appear, unless the certificate of approval of the superintendent of banks is attached thereto.

Execution
and filing
of articles.

292. Execution and filing of articles. Each person named therein as a director shall, and any other persons may, sign the articles. All signatures thereto shall be acknowledged before an officer designated by the laws of this state as one before whom acknowledgments may be made. Any certificate of an acknowledgment taken without the state must be authenticated by the certificate of an officer having the requisite official knowledge of the qualifications of the officer before whom the acknowledgment was made.

If the articles conform to law, the secretary of state shall file them in his office and shall indorse the date of filing thereon. The corporate existence shall begin upon the filing of the articles and shall continue perpetually, unless otherwise expressly provided by law.

Filing of
copy.

A copy of the articles certified by the secretary of state, and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

Filing copy
of articles
in county
where real
property
is held.

293. Filing copy of articles in county where real property is held. Every corporation shall file a copy of its articles, certified by the secretary of state in the office of the county clerk of every county in the state in which it holds real property, except where certified copies have heretofore been filed, or where original articles are on file under an act in force at the time of filing thereof. If any corporation acquires any real property in a county in which its articles, or a certified copy thereof, have not been so filed, it shall within ninety days thereafter file with the clerk of said county a certified copy of its articles. The copies filed with the several county clerks have the same force and effect in evidence as the originals.

Failure
to file.

No corporation failing to comply with the provisions of this section can maintain any action or proceeding in relation to such real property, its rents, issues, or profits, until such certified copy of its articles is filed in the county in which such property is located.

CHAPTER III.

ISSUE OF SHARES; OPTIONS; CONSIDERATION; CAPITAL.

Issue and
classes of
shares.

294. Issue and classes of shares. Stock corporations may, when authorized by their articles, issue one or more classes, series or kinds of shares, any of which classes may be with

par value or without par value, or of different par values for different classes and with full, limited or no voting rights, and with such designations, preferences as to the rates of dividends payable thereon, as to the terms on which the same may be redeemed and as to the amount which shall be paid to the holder in case of liquidation, voluntary or involuntary, or any other distribution of assets, and with such other preferences, restrictions, options, conversion rights and other special rights as are stated or authorized in their articles.

295. Certificates of determination of preferences. Before any corporation shall issue any shares of any class or of any series of any class of which the dividend rate and/or redemption price or liquidation price or the number of shares constituting any series are not set forth in its articles, but are fixed in a resolution adopted by the board of directors pursuant to authority given by its articles, a certificate setting forth a copy of such resolution and the number of shares of such class or series shall be made by its president or a vice president and by its secretary or an assistant secretary and acknowledged by such officers, and shall be filed with the secretary of state and a copy thereof certified by the secretary of state shall be filed with the county clerk of the county where the principal office is located.

Certificates
of determin-
ation of
preferences

296. Options and conversion rights. Subject to the provisions of its articles, a corporation, in connection with the issue, subscription or sale of any shares or securities or independently thereof, may grant (a) rights to convert the same into shares of any class or classes or (b) options to purchase or subscribe for shares of any class or classes, upon such terms and conditions as may be deemed expedient. The corporation may issue stock purchase or subscription warrants or other evidences of such option rights, setting forth the terms, provisions and conditions thereof, and such options may be transferable or nontransferable and separable or inseparable from other securities of the corporation.

Options and
conversion
rights.

The authority to grant any such rights or options, if the terms and authority thereof are not set forth in the articles, shall be exercised by a resolution adopted by the board of directors setting forth in full the terms and provisions of such rights or options.

Same
authority
to grant

If, at the time of granting such options or conversion rights, the corporation be not authorized by its articles to issue all the shares required for the satisfaction thereof, if and when exercised, at least the number of shares required to be issued upon the exercise of such options or conversion rights shall be authorized by an amendment to the articles.

Same:
number of
shares

The contract, certificate, warrant or other instrument evidencing such options or conversion rights shall set forth in full or summarize or incorporate by reference all the terms and provisions thereof. The corporation shall at all times reserve sufficient shares to meet the exercise of all options or conversion rights at the time outstanding.

Terms of
option

Preemptive
rights

297. Preemptive rights. Unless otherwise provided in the articles, the board of directors may issue shares, option rights, or securities having conversion or option rights, without first offering the same to shareholders of any class or classes.

Employee
stock pur-
chase plan.

297a. Employee stock purchase plan. A corporation may, upon such terms and conditions as the articles or by-laws may authorize, provide and carry out a plan for the issue and sale of its unissued shares, or of issued shares purchased, or to be purchased or acquired, to the employees of the corporation or to the employees of subsidiary corporations or to a trustee on their behalf, and for the payment of such shares in installments or at one time, and for such consideration as may be fixed, and may provide for aiding any such employees in paying for such shares by compensation for services or otherwise. And such plan may include, among other features, the fixing of eligibility for participation therein, the class and price of shares to be issued or sold under the plan, the number of shares which may be subscribed for, the method of payment therefor, the reservation of title until full payment, the effect of the termination of employment, an option or obligation on the part of the corporation to repurchase the shares upon termination of the employment, restrictions upon the transfer of the shares, the time limits and termination of the plan. Any shares subject to preemptive rights under the provisions of the articles may be issued and sold under such plan without prior offering to shareholders entitled to preemptive rights, but only with the written consent or vote of the holders of two-thirds of the shares entitled to exercise preemptive rights with respect thereto.

Payment of
consideration
for shares.

298. Payment of consideration for shares. No shares of stock, with or without par value, shall be issued except in consideration of money paid, labor done, or services actually rendered, debts or securities canceled, or tangible or intangible property actually received by the issuing corporation, or amounts transferred from surplus to stated capital upon the issuance of shares as a dividend.

Subdivision
of shares.

Nothing in this section shall be construed to forbid or limit the power of a corporation to split up or subdivide its shares into a larger number of shares without transferring surplus to stated capital.

Partial issue
of shares.

Any corporation, if authorized in its articles or by-laws, may issue the whole or any part of its shares or its certificates for shares prior to full payment under such restrictions as are imposed by this title.

Subscrip-
tion or issue
price for
shares

299. Subscription or issue price for shares.

Par value
shares.

The value of the consideration to be received by a corporation for the issuance of shares having par value shall be at least equal to the par value thereof; provided, however, that the corporation may issue at less than par, as fully paid up, shares having par value, or may issue securities convertible into fully paid shares having par value, or issue securities with an option to purchase fully paid shares having par value

at a price less than the par value of the shares issuable on conversion or on the exercise of such option, if the board of directors determine that such shares can not be sold at par, or that such securities can not be sold unless made convertible into par value shares at the price fixed, less than par, or without the option to purchase par value shares at the price fixed, less than par.

Subject to any limitations in the articles or by-laws, the consideration to be received by a corporation for the issuance of shares without par value or upon the exercise of conversion or option rights shall be such as may be determined to be reasonable by the board of directors.

No par
value shares.

300. Banking corporations without capital stock. Every corporation that has been or may be created under the general laws of this state, doing a banking business therein, and which has no capital stock, may elect to have a capital stock, and may issue certificates of stock therefor, in the same manner as corporations formed under the provisions of chapter one, article one, of the Civil Code, relating to the formation of corporations; provided, that no such corporation shall use or convert any moneys or funds theretofore belonging to it, or under its control, into capital stock; but such funds or moneys must be held and managed only for the purposes and in the manner for which they were created. Before such change is made, a majority of the members of such corporation present at a meeting called for the purpose of considering the proposition whether it is best to have a capital stock, its amount, and the number of shares into which it shall be divided, must vote in favor of having a capital stock, fix the amount thereof, and the number of shares into which it shall be divided.

Banking
corporations
without cap-
ital stock.

Issuance
of stock.
meeting, etc.

Notice of the time and place of holding such meeting, and its object, must be given by the president of such corporation, by publication in some newspaper printed and published in the county, or city and county, in which the principal place of business of the corporation is situated, at least once a week for three successive weeks prior to the holding of the meeting. A copy of the proceedings of this meeting, giving the number of persons present, the votes taken, the notice calling the meeting, the proof of its publication, the amount of capital actually subscribed, and by whom, all duly certified by the president and secretary of the corporation, must be filed in the offices of the secretary of state and clerk of the county where the articles of incorporation are filed.

Notice.

Thereafter such corporation is possessed of all the rights and powers, and is subject to all the obligations, restrictions, and limitations, as if it had been originally created with a capital stock; and provided, further, that no bank in this state shall ever pay any dividend upon so-called guaranty notes, nor upon any stock, except upon the amount actually paid in money into said capital upon such stock, and any payment made in violation of this provision shall render all

officers and directors consenting to the same jointly and severally liable to the depositors to the extent thereof.

Valuation of
consideration
for shares.

300a. Valuation of consideration for shares. The board of directors shall state by resolution its determination of the fair value to the corporation in monetary terms of any consideration other than money for which shares with or without par value are issued. Any determination of the fair value to the corporation of the considerations other than money accepted, or agreed to be accepted, for shares shall be conclusive in any action against directors or shareholders in which it is claimed that the fair value to the corporation of such consideration was less than the amount for which the shares were authorized to be issued, if such determination was entered in the minutes and on the books of account of the corporation, unless the party asserting such claim prove that such determination of value was made by the directors knowingly or without reasonable investigation at an amount greater than the fair value of such consideration to the corporation.

Stated
capital and
paid-in
surplus

300b. Stated capital and paid-in surplus. Every stock corporation shall have and carry upon its books a stated capital, which shall consist of the aggregate par value of the outstanding shares and treasury shares having par value, and the aggregate amount or value of the agreed consideration received or to be received by the corporation for its outstanding shares and treasury shares without par value, except such portion of the consideration for shares without par value expressly designated by the directors prior to the issue of such shares to be paid-in surplus. In the absence of such designation, all the consideration for shares without par value shall be credited to stated capital.

Par value
shares.

In case par value shares are issued for less than par as fully paid up, the discount or difference between the par value and the agreed consideration for the shares shall be charged against the par value of the shares, and the net consideration carried as stated capital represented by such shares.

No par value
shares.

In case of the issue of shares without par value preferred as to assets on liquidation in event of dissolution or otherwise, there shall be credited to paid-in surplus no more than the excess of the consideration received over the lowest aggregate liquidation price of such shares. Stated capital shall also include any amounts transferred from surplus account to stated capital.

Agreed con-
sideration

The agreed consideration shall be construed to mean the amount received or to be received by the corporation from the subscriber or person to whom the shares are originally issued before deducting the charges and expenses of organization and compensation for the sale or underwriting of its shares.

Stated
capital

The amount of stated capital of a corporation shall not be changed upon conversion of shares, split up or consolidation of shares or otherwise, unless proper proceedings to that end are taken in conformity with this title.

CHAPTER IV.

BY-LAWS.

301. Adoption of by-laws. A corporation may adopt, amend or repeal by-laws either at a meeting by the vote of shareholders entitled to exercise a majority of the voting power, or by the written assent of such shareholders. Until by-laws are adopted by the shareholders, the board of directors may adopt by-laws. The authority to adopt, repeal and amend by-laws may by the vote of shareholders entitled to exercise a majority of the voting power, or by the written assent of such shareholders, be delegated to the board of directors subject to the power of the shareholders to adopt, amend or repeal such by-laws or to revoke such delegation of authority in like manner.

Adoption of
by-laws.

The by-laws may require the vote or written assent of the shareholders entitled to exercise more than a majority of the voting power, for the amendment and/or repeal thereof or of particular by-laws and the adoption of new by-laws. The power of the shareholders to adopt, repeal or amend by-laws fixing the number of directors may not be delegated to the directors.

302. Certification and inspection of by-laws. Every corporation shall keep in its principal office for the transaction of its business the original or a copy of its by-laws as amended or otherwise altered to date, certified by the secretary, which shall be open to inspection by the shareholders at all reasonable times during office hours.

Certification
and inspection
of
by-laws.

303. What may be regulated in by-laws. The by-laws of a corporation may make provisions not in conflict with law or its articles for:

What may
be regulated
in by-laws.

1. The time, place and manner of calling, conducting and giving notice of shareholders' and directors' meetings. The by-laws may dispense with notice of all regular meetings of shareholders or directors.

2. The requirements for a quorum for a shareholders' meeting, which shall be not less than a majority of the shares entitled to vote in case of a stock corporation.

3. The manner of execution, revocation and use of proxies.

4. The number and qualifications and duties of directors; the time of their annual election; the requirements of a quorum for a directors' meeting, in no case less than one-third of the authorized number of directors nor less than two. The number of directors may be changed by a by-law fixing or changing the number, duly adopted by the shareholders if authority for such by-laws be given in the articles.

5. The appointment and authority of an executive committee and other committees of the board of directors.

6. The appointment, duties, compensation and tenure of office of officers other than directors, and the compensation of directors.

7. Special qualifications of persons who may be shareholders and reasonable restrictions upon the right to transfer or hypothecate shares.

8. The method of publication of notices of meetings of the shareholders or board of directors when publication is required; the mode of determination of shareholders of record; and the making of annual reports and financial statements to the shareholders or dispensing therewith.

9. The issue of certificates for shares prior to full payment.

10. The qualifications of members and different classes of memberships of nonstock corporations, and the property, voting and other rights, interests or privileges of each class.

11. The admission, election, or appointment, suspension or expulsion of members.

12. The transfer, forfeiture and termination of membership, and whether the property interest of members shall cease at their death and the mode of ascertaining the property interest, if any, at death or termination of membership.

13. The time and manner in which profits arising from the business may be divided or distributed among members of nonstock corporations for profit. Cooperative corporations for profit may in their articles or by-laws provide for the distribution of the profits arising from the business in whole or in part among certain classes of persons other than the members or shareholders, if any, and the persons to whom and the manner in which such distribution may be made.

14. The fees of admission, transfer fees, dues and assessments to be paid by members or different classes of members of nonstock corporations and the method of collection. Such dues or assessments or both may be authorized upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership, and memberships of one or more classes may be made exempt from either dues or assessments or both.

The amount and method of collection of such dues or assessments or both may be fixed in the by-laws, or the by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods as the directors may prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

15. The manner of voting by members of nonstock corporations and whether they have the right of cumulative voting.

16. Any other proper and lawful regulations.

CHAPTER V.

DIRECTORS; MANAGEMENT.

Powers of directors.

305. Powers of directors. Subject to limitations of the articles and of this title as to action to be authorized or approved by the shareholders, all corporate powers shall be exercised by or under authority of, and the business and affairs

of every corporation shall be controlled by, a board of not less than three directors who need not be shareholders unless the articles or by-laws so require. Directors named in the articles shall hold office until the next annual meeting and until their successors are elected either at an annual meeting or at a special meeting called for that purpose. Directors other than those named in the articles shall be elected annually by the shareholders and shall hold office until their successors are elected.

306. Vacancies in the board of directors. Vacancies in the board of directors may be filled by a majority of the remaining directors, though less than a quorum, unless it is otherwise provided in the by-laws, and each director so elected shall hold office until his successor is elected at an annual meeting or at a special meeting called for that purpose.

Vacancies in the board of directors.

A vacancy or vacancies shall be deemed to exist in case of the death, resignation or removal of any director, or if the shareholders shall increase the authorized number of directors but shall fail at the meeting at which such increase is authorized, or an adjournment thereof, to elect the additional directors so provided for, or in case the shareholders fail at any time to elect the full number of authorized directors.

Vacancies when existing.

The shareholders may at any time elect directors to fill any vacancies not filled by the directors, and may elect the additional directors at the meeting at which an amendment of the articles or by-laws is voted authorizing an increase in the number of directors.

Vacancies how filled.

If any director tender his resignation to the board of directors, the board shall have power to elect a successor to take office at such time as the resignation shall become effective.

Resignations.

No reduction of the number of directors shall have the effect of removing any director prior to the expiration of his term of office.

Directors: reduction.

307. Quorum of directors. A majority of the number of directors as fixed by the articles or the by-laws, shall be necessary to constitute a quorum for the transaction of business unless the by-laws provide that a different number shall constitute a quorum, which in no case shall be less than one-third the fixed number of directors, nor less than two.

Quorum of directors

Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present, shall be regarded as the act of the board of directors, unless the articles or by-laws require a greater number. In the absence of a quorum a majority of the directors present may adjourn from time to time until the time fixed for the next regular meeting of the board.

307a. Notice of directors' meetings. Notice shall be given of the time and place of directors' meetings as fixed in the by-laws. Unless otherwise provided in the by-laws, all meetings shall be called by the president, or, if he is absent or is unable or refuses to act, by any vice president or by any two directors.

Notice of directors' meetings

Except in the case of regular meetings notice of which has been dispensed with by the by-laws, written notice of the meetings of board of directors shall be delivered personally to the directors, or sent to each director by letter or by telegram, and, unless otherwise provided in the by-laws, at least seven (7) days before the meeting. If in any case the address of a director is not shown on the records or is not readily ascertainable, notice shall be deemed to be given him by mailing notice addressed to him at the city in which the meetings of the directors are regularly held. Notice of adjournment of a meeting need not be given to absent directors, if the time and place are fixed at the meeting adjourned.

Waiver of
notice of
directors'
meetings

307b. Waiver of notice of directors' meetings. The transactions of any meeting of the board of directors, however called and noticed or wherever held, shall be as valid as though had at a meeting duly held after regular call and notice, if a quorum be present and if, either before or after the meeting, each of the directors not present sign a written waiver of notice or a consent to holding such meeting or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Officers.

308. Officers. After their election the directors shall meet and organize by the election of a president, a vice president, a secretary and a treasurer. A corporation may have such other officers as may be deemed expedient, who shall be chosen in such manner and hold their offices for such terms as may be prescribed by the by-laws. Any two or more of such offices, except those of president and secretary, may be held by the same person. Any vice president, assistant treasurer or assistant secretary respectively may exercise any of the powers of the president, the treasurer, or the secretary respectively as provided in the by-laws or directed by the board of directors, and shall perform such other duties as are imposed upon him by the by-laws or the board of directors.

Executive
committee.

The by-laws may provide for the appointment by the board of directors of an executive committee, and other committees and may authorize the board to delegate to the executive committee, subject to the control of the board, any of the powers and authority of the board except the power to declare dividends and to adopt, amend or repeal the by-laws. Any such executive committee shall be composed of members of the board and shall act only in the intervals between meetings of the board and shall be subject at all times to the control of the board of directors.

Place of
directors
meetings

309. Place of directors meetings. Meetings of the board of directors shall be held at the principal office of the corporation or at any place within or without the state designated in the by-laws or designated from time to time by resolution of the board or by written consent of all members of the board. Any meeting shall be valid wherever held, if held by the written consent of all members of the board of directors, given

either before or after the meeting and filed with the secretary of the corporation.

310. Removal of directors. (1) The entire board of directors or any individual director may be removed from office by a vote of shareholders holding a majority of the outstanding shares entitled to vote at an election of directors. In case the board or any one or more directors be so removed, new directors may be elected at the same meeting.

Removal of
directors.

Unless the entire board be removed, no individual director shall be removed in case the votes of a sufficient number of shares are cast against the resolution for his removal, which if cumulatively voted at an election of the full board would be sufficient to elect one or more directors.

Removal of
individual
directors.

(2) The board of directors may declare vacant the office of a director:

(a) If he be declared of unsound mind by an order of court, or finally convicted of felony;

(b) If within sixty days, or such other time as the by-laws specify, after notice of his election, he does not accept such office either in writing or by attending a meeting of the board of directors and fulfill such other requirements of qualification as the by-laws specify.

(3) The superior court of the county where the principal office is located may at the suit of any shareholder or shareholders holding at least ten per cent of the number of outstanding shares with or without voting rights remove from office any director or directors in case of fraudulent or dishonest acts or gross abuse of authority or discretion with reference to the corporation, and may bar from reelection any director so removed for a period prescribed by the court. The corporation shall be made a party to such actions.

Suit by
shareholder.

311. Fiduciary duty of directors. Directors and officers shall exercise their powers in good faith, and with a view to the interests of the corporation.

Fiduciary
duty of
directors.

No contract or other transaction between a corporation and one or more of its directors, or between a corporation and any corporation, firm or association in which one or more of its directors are directors or are substantially interested, shall be either void or voidable by reason of the fact that such director or directors are present at the meeting of the board of directors or committee which authorizes or approves such contract or transaction, or that his or their votes are counted for such purpose, if (a) the fact of such participation shall be disclosed or known to the board of directors or committee, and noted in the minutes, and the board or committee shall authorize, approve or ratify such contract or transaction in good faith by a vote sufficient for such purpose without counting the vote or votes of such director or directors; or

Transactions
between di-
rectors and
corporation.

(b) If the fact of such participation shall be disclosed or known to the shareholders, and they approve or ratify such contract or transaction in good faith, by a majority vote of holders of shares entitled to vote; or

(c) If the contract or transaction be as to the corporation just and reasonable at the time it was authorized or approved.

Such interested director or directors may be counted in determining the presence of a quorum at such meeting.

CHAPTER VI.

SHAREHOLDERS' MEETINGS AND VOTING RIGHTS.

Share-
holders'
meetings.

312. Shareholders' meetings. Directors of every corporation shall be elected annually at a meeting of the shareholders, known as the annual meeting. Such meeting shall be held at eleven o'clock a.m. on the first Tuesday in April at the principal office of the corporation, unless a different place or time is provided in the by-laws.

When the annual meeting is not held, or the directors are not elected thereat, directors may be elected at a special meeting held for that purpose, and it shall be the duty of the president, vice president or secretary, upon the demand of any shareholder entitled to vote, to call such special meeting.

Special
shareholders'
meetings.

313. Special shareholders' meetings. Special meetings of the shareholders, for any purpose or purposes whatsoever, may be called at any time by the president or by the board of directors, or by any two or more members thereof, or by one or more shareholders holding not less than one-tenth of the voting power of the corporation, or by such other officers or persons as the by-laws may authorize.

Upon request in writing by registered mail to the president, vice president or secretary, or delivered to such officers in person, by any persons entitled to call a meeting of shareholders, it shall be the duty of such officer forthwith to cause notice to be given to the shareholders entitled to vote of a meeting to be held at such time as such officer may fix, not less than ten nor more than sixty days after the receipt of such request. If such notice shall not be given within seven days after the date of delivery or date of mailing of such request, the person or persons calling the meeting may fix the time of meeting and give the notice in the manner provided by law or in the by-laws.

Notice of
shareholders'
meetings.

314. Notice of shareholders' meetings. Notices of meetings, annual or special, shall be given in writing to shareholders entitled to vote by the secretary or an assistant secretary or other person charged by the by-laws with that duty, or, if there be no such officer, or in case of his neglect or refusal, by any director or shareholder.

A notice may be given by the corporation to any shareholder, either personally or by sending a copy of the notice through the mail or by telegram, charges prepaid, to his address appearing on the books of the corporation or supplied by him to the corporation for the purpose of notice. If a shareholder supplies no address, notice shall be deemed to have been given him if mailed to the place where the principal office of the corporation is situated, or published at least once

in some newspaper of general circulation in the county of said principal office.

Notices of all meetings of shareholders shall be sent to each shareholder entitled thereto not less than seven days before such meeting, unless the by-laws provide otherwise.

Notice of any meeting of shareholders shall specify the place, the day and the hour of the meeting, and, in the case of special meetings, the general nature of the business to be transacted.

When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting other than by announcement at the meeting at which such adjournment is taken, unless the by-laws otherwise provide.

315. Contested elections. Upon the application of a shareholder of a domestic or foreign corporation aggrieved by the election or appointment of a director at a meeting of shareholders or directors, the superior court of any county where such meeting was held or where the principal office in this state is located, shall have the power to hear and determine the validity of such election or appointment. The court may determine the person entitled to such office, order a new election to be held, or direct such other relief as may be just and proper.

Upon filing the petition, and before any further proceedings are had, the court shall enter an order fixing a date for hearing, which date shall be within five days unless for good cause a later date is fixed, and requiring notice of the date for the hearing and a copy of the petition to be served upon the corporation and upon the adverse party, or those who may be affected, in the manner in which a summons is required to be served, or if the court shall so direct, by registered mail; and the court may make such other or further requirements as to notice as may appear to be proper under the circumstances.

316. Quorum of shareholders. The presence in person or by proxy of the holders of a majority of the shares entitled to vote at any meeting shall constitute a quorum for the transaction of business unless the by-laws in the case of a nonprofit corporation provide a different number.

Shares, the voting of which at said meeting has been enjoined or which for any reason can not be lawfully voted at said meeting, shall not be counted to make up a quorum for said meeting.

In the absence of a quorum any meeting of shareholders may be adjourned from time to time by the vote of a majority of the shares, the holders of which are either present in person or represented by proxy thereat, but no other business may be transacted.

The shareholders present at a duly called or held meeting at which a quorum is present may continue to do business until

adjournment notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

Consent to shareholders' meetings.

317. Consent to shareholders' meetings. The transactions of any meeting of shareholders, however called and noticed, shall be as valid as though had at a meeting duly held after regular call and notice, if a quorum be present either in person or by proxy, and if, either before or after the meeting, each of the shareholders entitled to vote, not present in person or by proxy, sign a written waiver of notice, or a consent to the holding of such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Any action which, under any provision of this title, may be taken at a meeting of the shareholders, may be taken without a meeting if authorized by a writing signed by all of the holders of shares who would be entitled to vote at a meeting for such purpose, and filed with the secretary of the corporation.

Determination of shareholders of record.

318. Determination of shareholders of record. Unless the articles or by-laws otherwise provide, the board of directors may fix a time, in the future, not exceeding thirty days preceding the date of any meeting of shareholders, or the date fixed for the payment of any dividend or distribution, or for the allotment of rights, or when any change or conversion or exchange of shares shall go into effect, as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting or entitled to receive any such dividend or distribution, or any such allotment of rights, or to exercise the rights in respect to any such change, conversion, or exchange of shares, and in such case only shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting or to receive such dividend, distribution or allotment of rights, or to exercise such rights, as the case may be, notwithstanding any transfer of any shares on the books of the corporation after any record date fixed as aforesaid. The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period.

Place of shareholders' meetings.

319. Place of shareholders' meetings. Meetings of the shareholders shall be held at the principal office of the corporation or at any place within or without the state designated in the by-laws or by written consent of all the shareholders entitled to vote thereat, or designated by the board of directors pursuant to authority in the by-laws.

Any meeting shall be valid wherever held if held by the written consent of all the shareholders entitled to vote thereat, given either before or after the meeting and filed with the secretary of the corporation.

Elections—cumulative voting

320. Elections—cumulative voting. Elections for directors need not be by ballot except upon demand made by a shareholder at the election and before the voting begins or unless by the by-laws so required.

Every shareholder entitled to vote at any election for directors of any corporation for profit shall have the right to cumulate his votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which his shares are entitled, or to distribute his votes on the same principle among as many candidates as he shall think fit.

The candidates receiving the highest number of votes up to the number of directors to be elected shall be elected.

The right of cumulative voting for directors shall not extend to members of nonstock corporations or to members or shareholders in cooperative corporations unless it be so provided in their articles or by-laws.

320a. Voting rights. Only persons in whose names shares entitled to vote stand on the stock records of the corporation on the day three days prior to any meeting of shareholders, or, if some other day be fixed for the determination of shareholders of record, then on such other day, shall be entitled to vote at such meeting. In the absence of any contrary provision in the articles or in any statute relating to the election of directors or to other particular matters, each such person shall be entitled to one vote for each of said shares.

Where written consents are given with respect to any shares they shall be given by and accepted from the persons in whose names such shares stand on the books of the corporation at the time such respective consents are given, or by their proxies; provided, that any shareholder giving a written consent, or his proxy, or his transferee or personal representative, or their respective proxies, may revoke the same prior to the time that written consents of the number of shares required to authorize the proposed action have been filed with the secretary of the corporation.

320b. Voting by fiduciaries, corporations, etc.

(1) Shares standing in the name of any person or persons as pledgee, trustee or other fiduciary may be voted and all rights incident thereto may be exercised by such pledgee, trustee or other fiduciary in person or by proxy without proof of authority.

(2) Shares standing in the name of a person adjudged incompetent may be voted and all rights incident thereto may be exercised by his guardian, in person or by proxy, and of a deceased person by his executor or administrator, in person or by proxy.

(3) Shares standing in the name of a minor may be voted and all rights incident thereto may be exercised by his guardian, in person or by proxy, or in the absence of such representation by his guardian, then by such minor in person or by proxy.

(4) Shares standing in the name of a corporation may be voted or represented and all rights incident thereto may be exercised on behalf of such corporation by any officer of such corporation authorized so to do by resolution of its board of

directors or by its executive committee or by its by-laws, or by any person authorized so to do by proxy or power of attorney duly executed by the president or vice president and secretary or assistant secretary or by authority of the board of directors.

Voting by
joint
holders.

320c Voting by joint holders. Shares standing in the names of two or more persons shall be voted or represented in accordance with the vote or consent of the majority of such persons.

If only one of such persons is present in person or by proxy, he shall have the right to vote all such shares, and all of the shares standing in the names of such persons shall be deemed to be represented for the purpose of determining a quorum.

This section shall apply to the voting of shares by two or more administrators, executors, trustees or other fiduciaries, unless the instrument or order of court appointing them shall otherwise direct.

Proxies

321. Proxies. Every person entitled to vote or execute consents shall have the right to do so either in person or by an agent or agents authorized by a written proxy executed by such person or his duly authorized agent and filed with the secretary of the corporation.

Executors, administrators, guardians, trustees or any fiduciary may give proxies, waive notice of and consent to any meeting of shareholders, or authorize by a writing any action which could be taken by shareholders.

Duration of
term of
proxy.

No proxy shall be valid after the expiration of eleven (11) months from the date of its execution unless the shareholder executing it specifies therein the length of time for which such proxy is to continue in force, which in no case shall exceed seven (7) years from the date of its execution. Any proxy duly executed shall be deemed not to have been revoked, and to be in full force and effect, unless and until an instrument revoking said proxy, or a duly executed proxy bearing a later date, is filed with the secretary of the corporation. Notwithstanding that a valid proxy may be outstanding, the powers of the proxy holder or holders shall be suspended, except in the case of a proxy coupled with an interest, which shall state that fact on its face, if the person or persons executing such proxy shall be present at the meeting and elect to vote in person.

Two or more
persons as
proxy.

In the event that any instrument of proxy designate two or more persons to act as proxy, then, in the absence of any provision in such proxy to the contrary, such persons shall have and may exercise authority as between themselves and with respect to such shares in the same manner as is provided in this title with respect to situations where shares stand on the records of the corporation in the names of two or more persons.

Death of
maker.

A proxy shall not be revoked by the death or incapacity of the maker unless, before the vote is counted or the

authority is exercised, written notice of such death or incapacity is given to the corporation.

321a. Voting trusts. Shares of stock in any corporation may be transferred to a trustee or trustees in order to confer upon them the right to vote and otherwise represent such shares. Voting trusts.

A duplicate of the voting trust agreement may be filed in the office of the corporation, and if so filed shall be open to inspection by any shareholder, or holder of a voting trust certificate, or his agent upon the same terms as the stockbooks of the corporation are open to inspection.

If the voting trust agreement be so filed, the corporation shall take notice of its terms and the limitations on the authority of the trustees thereunder.

Any trust, the sole or principal purpose of which is the voting or representing of shares, may be terminated at any time by the holders of a majority in interest of the beneficial interests therein unless otherwise specified therein. No such voting trust shall be made irrevocable for a period of more than twenty-one years.

321b. Inspectors of election. In advance of any meeting of shareholders the board of directors may appoint inspectors of election to act at such meeting or any adjournment or adjournments thereof. Inspectors of election

If inspectors of election be not so appointed the chairman of any such meeting may, and on the request of any shareholder or his proxy, shall make such appointment at the meeting.

The number of inspectors shall be either one or three. If appointed at a meeting on the request of one or more shareholders or proxies the majority of shares present shall determine whether one or three inspectors are to be appointed. Number.

In case any person appointed as inspector fails to appear or fails or refuses to act, the vacancy may be filled by appointment made by the board of directors in advance of the convening of the meeting, or at the meeting by the person or officer acting as chairman. Vacancies

If there be three inspectors of election the decision, act or certificate of a majority shall be effective in all respects as the decision, act or certificate of all.

The inspectors of election shall determine the number of shares outstanding and the voting power of each, the shares represented at the meeting, the existence of a quorum, the authenticity, validity and effect of proxies, receive votes, ballots, or consents, hear and determine all challenges and questions in any way arising in connection with the right to vote, count and tabulate all votes, or consents, determine the result, and do such acts as may be proper to conduct the election or vote with fairness to all shareholders. Duties.

The inspectors of election shall perform their duties impartially, in good faith, to the best of their ability and as expeditiously as is practical.

Report On request of the chairman of the meeting or of any shareholder or his proxy the inspectors shall make a report in writing of any challenge or question or matter determined by them and execute a certificate of any fact found by them. Any report or certificate made by them shall be prima facie evidence of the facts stated therein.

CHAPTER VII.

LIABILITY IN CONNECTION WITH THE ISSUE OF SHARES.

Subscription liability to corporation

322. Subscription liability to corporation.

Subscriber.

(1) Every subscriber to shares and every person to whom shares are originally issued shall be liable to the corporation for the full consideration agreed to be paid for such shares.

Transferee.

(2) Any transferee of shares who has acquired such shares in good faith, without knowledge that they were not paid in full or to the extent stated in the certificate for such shares, shall not be liable for any amount beyond that shown by such certificate to be unpaid on the shares represented thereby; and any holder who derives his title through such a transferee and who is not himself a party to any fraud affecting the issuance of such shares shall have all the rights of such former holder.

(3) Every transferee of partly paid shares who acquired them under a certificate showing the fact of part payment, and every transferee of such shares (other than a transferee who derives title through a holder in good faith without knowledge, and who is not a party to any fraud affecting the issuance of such shares) who acquired them with actual knowledge that the shares were not paid in full or to the extent stated in the certificate therefor, shall be personally liable to the corporation for calls made or for installments of the amount unpaid becoming due until he transfers them to one who becomes liable therefor.

Discharge of transferor.

(4) When a shareholder makes a transfer of shares in good faith, which is duly registered on the corporate books, to one who becomes liable therefor, he is thereby discharged from liability to the corporation for the portion of the subscription price which remains uncalled for at the time of registration, unless it is otherwise provided in the certificate or agreed by contract in writing. After a transfer has been registered there shall be no lien upon the shares for calls already made or installments of the price due at the time of transfer and registration, except as reserved in the certificate.

This section shall not be construed to release the transferor of shares from liability to the corporation under written contracts for the payment of the subscription or purchase price of the shares.

Subrogation of shareholders.

322a. Subrogation of shareholders. Any shareholder who because of his proportionate stockholder's liability under statutes heretofore in effect and not in discharge of his obligation to pay the full consideration agreed to be paid for his shares, has heretofore made or shall hereafter make any pay-

ment in discharge in whole or in part of any debt or liability of the corporation shall be subrogated to the extent of such payment to the claim of the creditor against the corporation.

323. Liability of fiduciaries and pledgees. Except when he has voluntarily invested the estate or trust funds in such shares, no person holding shares as pledgee, executor, administrator, guardian, trustee, receiver, or in any representative or fiduciary capacity, shall be personally liable as a shareholder by reason of so holding such shares for the subscription price of his shares, or otherwise, or for any call for the unpaid balance of the subscription price, but the estate and funds in the hands of such fiduciary or representative shall be liable, and the shares shall be subject to sale therefor.

Liability of
fiduciaries
and pledgees.

324. Calls and collection of unpaid subscription price. When no provision as to the time or times of payment of the consideration for the issue of shares is made in the agreement of subscription or purchase, shares shall be paid for on the call of the board of directors or of any receiver or any trustee in bankruptcy of the corporation. Thirty days' notice of the amount called and of the time and place of payment shall be given either personally, or by registered mail addressed to each shareholder at his last address, as it appears on the books of the corporation, and if it does not so appear, at the place where the principal office of the corporation is located. When any shareholder fails to pay any installment of the subscription price or any call upon his shares which he is obligated to pay, at the time when such payment is due, the corporation, its receiver or its trustee in bankruptcy may collect the amount due by action, or by sale or forfeiture as in case of assessments upon fully paid shares.

Calls and
collection of
unpaid
subscription
price.

325. Liability to creditors on partly paid shares. No action shall be brought by or on behalf of any creditor to reach and apply the liability, if any, of a shareholder to the corporation to pay the amount due on his shares unless final judgment shall have been rendered in favor of such creditor against the corporation and execution returned unsatisfied in whole or in part, or unless such proceedings would be useless.

Liability to
creditors on
partly paid
shares

All creditors of the corporation, with or without reducing their claims to judgment, may intervene in any such creditor's action to reach and apply unpaid subscriptions, and all or any shareholders who hold partly paid shares may be joined in such action and several judgments may be rendered for and against the parties to said action or in favor of a receiver for the benefit of the respective parties thereto. All amounts paid by any shareholder in such action shall be credited on the unpaid balance due the corporation upon his shares.

Creditors'
intervention

325a. Remedies for fraud. Nothing in this title shall be construed as in derogation of any rights or remedies which any creditor or shareholder may have, against any promoter, shareholder, director, officer or the corporation because of participation in any fraud or illegality practiced upon him by any of such persons or by the corporation in connection

Remedies
for fraud

with the issue or sale of shares or other securities; or in derogation of any rights which the corporation may have by rescission, cancellation or otherwise because of any fraud or illegality practiced on it by any of such persons in connection with the issue or sale of shares or other securities.

CHAPTER VIII.

CERTIFICATES AND TRANSFERS OF SHARES.

Certificates for shares.

326. Certificates for shares. All stock corporations must issue certificates for shares, when fully paid, which shall state:

Contents

(1) The name of the registered holder of the shares represented thereby;

(2) The number, designation, if any, and class or series of shares represented thereby;

(3) The par value, if any, of the shares represented thereby, or a statement that such shares are without par value;

(4) If the corporation is authorized to issue shares of more than one class or series a general statement of the rights, preferences and restrictions granted to or imposed upon the shares of all classes or series or a summary thereof, with a reference to the articles therefor, or a statement of the authority of the board of directors to fix the preferences of classes or series of shares not yet issued;

(5) If redeemable, a statement of that fact and the redemption price;

(6) If convertible, a general statement of the essential terms and period for conversion;

(7) If the shares are subject to liens or restrictions upon transfer or the voting power the fact shall be indicated;

(8) If the shares are assessable, the fact shall be plainly stated on the face of the certificate.

Transferee: rights as determined by certificate.

Subject to the provisions of sections 322, 330.15 and 334a of this title no restriction of the right to transfer shares stated in the articles or by-laws, and no power of assessment, and no liens on shares for assessments or for the unpaid subscription price or other lien in favor of the corporation, shall be effective against a transferee of such shares unless stated on the face of the certificate.

Certificate: signatures on.

Every certificate for shares issued by a corporation must be signed by the president or a vice president and the secretary or an assistant secretary, or must be authenticated by facsimiles of the signatures of its president and secretary or by a facsimile of the signature of its president and the written signature of its secretary or an assistant secretary. Before it becomes effective every certificate for shares authenticated by a facsimile of a signature must be countersigned by a transfer agent or transfer clerk and must be registered by an incorporated bank or trust company, either domestic or foreign, as registrar of transfers.

Death of signer.

In case any officer or officers who shall have signed, or whose facsimile signature shall have been written, printed or stamped on any certificate or certificates for shares, shall cease to be

such officer or officers of such corporation, because of death, resignation or otherwise, before such certificate or certificates shall have been delivered by such corporation, such certificate or certificates shall nevertheless be conclusively deemed to have been adopted by such corporation by the use and delivery thereof and shall be as effective in all respects as though signed by a duly elected, qualified and authorized officer or officers, provided it is or they are countersigned and registered as above provided.

326a. Certificates for partly paid shares. Corporations may provide in their by-laws for issuing certificates prior to full payment under such restrictions as their by-laws may provide with respect to the transfer of such partly paid shares on the books of the corporation. The certificates shall state the amount remaining unpaid and the terms of payment thereof.

Certificates
for partly
paid shares

327. Transfer on the books. Upon surrender to the secretary or transfer agent of the corporation of a certificate for shares duly endorsed or accompanied by proper evidence of succession, assignment or authority to transfer, it shall be the duty of the corporation to issue a new certificate to the person entitled thereto, cancel the old certificate and record the transaction upon its books.

Transfer on
the books

328. Proof of genuineness of transfer. When a transfer of shares on the books is requested and there is a reasonable doubt as to the rights of the person seeking such transfer, the corporation or its transfer agent, before entering the transfer of the shares on its books or issuing any certificate therefor, may require from such person reasonable proof of his rights, and, if there remain a reasonable doubt in respect thereto, may refuse a transfer unless such person shall give adequate security, or a bond of indemnity executed by a corporate surety or by two individual sureties, satisfactory to the corporation as to form, amount and responsibility of sureties. If not satisfactory to the corporation, the surety or sureties shall justify before a judge of any court of record in the county where the transfer is sought and he shall determine the amount of the security or bond, and the responsibility or sufficiency of the sureties, after opportunity has been given the corporation to examine the surety or sureties as to their financial responsibility. The bond shall be conditioned to protect the corporation, its officers and/or its transfer agent or agents and/or registrar or registrars, against any loss, damage, expense or other liability to the owner of the shares by reason of the registration of the transfer.

Proof of
genuineness
of transfer

Bond

If any such proof, security or bond be not furnished when required, as herein provided, neither the corporation nor any officer thereof shall be liable for refusing to enter the transfer on the books of the corporation.

328a. Adverse claims to shares. If shares standing in the name of any person be claimed by a third person the corporation may nevertheless transfer the shares on its books at the instance of the one presenting the certificate therefor, duly

Adverse
claims to
shares.

Bond.

endorsed by the registered holder, without liability to the adverse claimant, unless the adverse claimant shall give written notice of his claim, and unless within five days after giving such notice such claimant shall give adequate security or bond of indemnity, executed by a corporate surety or two individual sureties, satisfactory to the corporation as to form, amount and responsibility of sureties. If not satisfactory to the corporation the surety or sureties shall justify before a judge of a court of record of the county where the transfer is sought and he shall determine the amount of the security or bond, and the responsibility or sufficiency of the sureties, after opportunity has been given the corporation and the person demanding the transfer to examine the sureties. The bond shall be conditioned to protect the corporation, its officers, transfer agents and registrars, and the record holder, if other than the claimant, and the person demanding the transfer, against damage, expenses or other liability by reason of the refusal to make the transfer. The adverse claimant shall commence an action within sixty days to establish his rights in such shares or the certificate therefor. The corporation, its officers and transfer agents shall be exempt from liability to an adverse claimant who fails to give the written notice or the security or bond or commence an action as provided in this section, if the corporation, its officers and/or transfer agent make a transfer at the instance of the holder of a certificate duly endorsed.

Transfers by trustees.

328b. Transfers by trustees. Whenever certificates for shares or other securities of a corporation are to be or have been issued or transferred to a person or corporation as trustee on the books or records of the corporation, whether or not such certificates or other securities or the instrument of transfer describe the trust or identify any beneficiary, it shall be presumed in favor of such corporation and its transfer agent that such trustee has the power to accept and transfer title to such certificates or other securities and there shall be no duty upon the corporation or its registrar or transfer agent to inquire into or determine the existence or validity of any trust or the terms thereof, or whether the trustee is committing a breach of obligation or exceeding his authority. The corporation shall be liable for registering a transfer of such certificates or other securities only if registration is made with actual knowledge of a breach of trust or its invalidity or if it has been enjoined therefrom by a court of competent jurisdiction.

Transfers by married women

328c. Transfers by married women. Shares of stock in domestic or foreign corporations standing on the books of a corporation in the name of a married woman may be transferred by her, her agent or her agents, without the signature of her husband in the same manner as if she were unmarried, and, likewise, dividends may be paid to her, and she may enjoy and exercise all the rights of a shareholder.

328d. Transfers to and by foreign executors, administrators and guardians. If a certificate for shares or a registered bond or other security standing in the name of a deceased person, minor ward, or incompetent, not a resident of this state, is presented for transfer, accompanied by letters testamentary, or of administration, or of guardianship, issued by a court of the decedent's or the ward's domicile, or a certified copy thereof, together with such other instrument or order of court or certified copy thereof as may be required under the law of the decedent's or ward's domicile to authorize a transfer, the shares or bond or other security shall be transferred to the executor or administrator or guardian, or at his order, in pursuance of his authority to make transfers, until there shall be filed with the corporation or its transfer agent a certified copy of an order appointing an ancillary or local executor, administrator or guardian in this state.

Transfers to and by foreign executors, administrators and guardians

No such transfer shall be made except upon the written consent of the state controller or person by him authorized to issue such consent under the inheritance tax laws of this state.

Consent of state controller

328e. Transfers by minors. A corporation shall not be or become liable to a minor in whose name shares are of record on its books because of their transfer on its books at the instance of such minor or the recognition of or dealing with such minor as a competent shareholder, whether or not such corporation shall have had notice, actual or constructive, of the nonage of such minor.

Transfers by minors

329. Lost or destroyed bonds. Whenever a bond, debenture, equipment trust certificate or other security of a domestic corporation or of any foreign corporation doing business in this state has been lost or destroyed, the owner thereof may bring an action against such corporation and all known claimants in the superior court of the county in which is located its principal office or place of business, for the purpose of obtaining a new or duplicate bond or instrument.

Lost or destroyed bonds.

The plaintiff must set forth in a verified complaint (1) the facts and circumstances relating to the loss or destruction of the bond or instrument; (2) that he has not assigned, indorsed, transferred, hypothecated or in any way disposed of said bond or instrument except to a party defendant; (3) that he does not know of any person, firm or corporation that claims any interest in said bond or instrument, or may claim one, who is not specifically named as a defendant.

Complaint

Summons must be issued and served on all defendants as in other civil actions. If anyone appears and answers or intervenes in the action the trial must proceed as in other civil cases and the court must enter such judgment as from the facts established may be proper; but if no one appears within the time allowed by law after the service of such summons the court must hear such evidence as may be offered in support of the allegations of the complaint and make and file its decision thereon.

Summons

New bond The court shall order such corporation, upon payment to it of all costs incurred by it (including the expenses of the execution and issue of the duplicate bond or other instrument), and without costs against the corporation or mortgagee or trustee, to issue to the plaintiff a new or duplicate bond or instrument upon the said plaintiff giving adequate security or an indemnity bond to the said corporation, its registrar, and the said mortgagee or trustee, with sureties approved by the court, against damage, expense or other liability which may be suffered by them by reason of the issuance of said duplicate instrument or by the original instrument still remaining outstanding.

Uniform stock transfer act. 330. Uniform stock transfer act. Sections 330.1 to 330.22, both inclusive, are herein designated as "Uniform stock transfer act," and wherever in said sections reference is made to "the transfer act," said reference shall be deemed to refer to such "Uniform stock transfer act."

Certificates transfer of title. 330.1. How title to certificates and shares may be transferred. Title to a certificate and to the shares represented thereby can be transferred only—

Indorsed certificate (a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby; or

Certificate and assignment. (b) By delivery of the certificate and a separate document containing a written assignment of the certificate, or a power of attorney to sell, assign or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person; or

Indorsement by trustee, etc. (c) By delivery of the certificate with an assignment indorsed thereon or in a separate instrument signed by the trustee in bankruptcy, receiver, guardian, executor, administrator or other person duly authorized by law to transfer the certificate on behalf of the person appearing by the certificate to be the owner of the shares represented thereby.

The provisions of this section shall control although the charter or articles of incorporation or by-laws of the corporation issuing the certificate, or the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Powers of representatives. 330.2. Powers of representatives. Nothing in the transfer act shall be construed as enlarging or diminishing the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, guardian, trustee in bankruptcy, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Registered holder. 330.3. Corporation not forbidden to treat registered holder as owner. Nothing in the transfer act shall be construed as forbidding a corporation—

(a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive dividends and to vote as such owner; or

(b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

330.4. Title derived from certificate extinguishes title derived from a separate document. The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value, in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the written assignment or power of attorney of such person, though contained in a separate document.

Title derived from certificate effect.

330.5. Who may deliver a certificate. The delivery of a certificate to transfer title in accordance with the provisions of section 330.1 of the transfer act is effectual, except as provided in section 330.7 of the transfer act though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Who may deliver a certificate.

330.6. Indorsement effectual in spite of fraud, duress, mistake, revocation, death, incapacity or lack of consideration or authority. The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual except as provided in section 330.7, though the indorser or transferor—

Effect of indorsement.

(a) Was induced by fraud, duress or mistake to make the indorsement or delivery; or

(b) Has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate; or

(c) Has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate; or

(d) Has received no consideration.

330.7. Rescission of transfer. If the indorsement or delivery of a certificate—

Rescission of transfer.

(a) Was procured by fraud or duress; or

(b) Was made under such mistake as to make the indorsement or delivery inequitable; or

If the delivery of a certificate was made—

(c) Without authority from the owner; or

(d) After the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless—

(1) The certificate has been transferred to a purchaser for value, in good faith, without notice of any facts making the transfer wrongful; or

(2) The injured person has elected to waive the injury or has been guilty of laches in endeavoring to enforce his rights.

Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Effect of
rescission on
subsequent
transfer.

330.8. Rescission of transfer of certificate does not invalidate subsequent transfer by transferee in possession. Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Unindorsed
certificates
effect of
delivery.

330.9. Delivery of unindorsed certificates imposes obligation to indorse. The delivery of a certificate by the person appearing by the certificate to be the owner thereof, without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Ineffectual
transfer:
effect.

330.10. Ineffectual attempt to transfer amounts to a promise to transfer. An attempted transfer of title to a certificate or to the shares represented thereby, without delivery of the certificate, shall have the effect of a promise to transfer, and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Warranties
on sale of
certificate

330.11. Warranties on sale of certificate. A person who, for value, transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants—

- (a) That the certificate is genuine;
- (b) That he has a legal right to transfer it; and
- (c) That he has no knowledge of any fact which would impair the validity of the certificate or show that the certificate has been illegally issued.

In the case of an assignment of a claim secured by a certificate, the liability of the assignor upon such warranty shall not exceed the amount of the claim.

Pledgee,
etc., of
certificate:
payments to.

330.12. No warranty implied from accepting payment of a debt. A mortgagee, pledgee, or other holder for security of

a certificate who, in good faith, demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

330.13. Issue of new certificates. Except where a certificate is lost or destroyed, a corporation shall not be compelled to issue a new certificate for shares until the old certificate is surrendered to it. Issue of new certificates.

330.15. Effect of liens. A corporation shall be under no obligation to transfer shares upon its books or to issue a new certificate for shares which are subject to the lien of an attachment or execution unless and until the lien shall be discharged, but the corporation may in its discretion issue a new certificate with the notation thereon of the fact that it is claimed that the shares are subject to the lien of an attachment or execution. Effect of liens

A corporation may require as a condition of the transfer of shares upon its books the payment of all calls previously made or installments of the purchase or subscription price due at the time of registration, if such calls or installments are a lien thereon effective as against the person demanding registration, and of all assessments which have been levied and made a lien upon such shares.

330.16. Alteration of certificate does not divest title to shares. The alteration of a certificate, whether fraudulent or not, and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby. Alteration of certificate.

330.17. Voluntary replacement of lost or destroyed instruments. Every corporation may issue a new certificate for shares or a new bond, debenture, equipment trust certificate or other security in the place of any such instrument theretofore issued by it, or by any corporation of which it is the lawful successor, alleged to have been lost or destroyed, and the directors authorizing the issue of such new instrument may, in their discretion, require the owner of the lost or destroyed instrument, or his legal representative, to give the corporation a bond or other security, in an adequate amount, as indemnity against any claim that may be made against such corporation. A new instrument may be issued without requiring any bond or security when, in the judgment of the directors, it is proper to do so. Lost instruments: voluntary replacement.

330.18. Compulsory replacement of lost certificates. Whenever a certificate for shares issued by a domestic corporation or by a foreign corporation maintaining an office or agency for the transfer of shares in this state has been lost or destroyed, the owner thereof may bring an action against such corporation and all known claimants in the superior Same compulsory replacement

court of the county in which is located its principal office, for the purpose of obtaining a new certificate.

Complaint. The plaintiff must set forth in a verified complaint (1) the facts and circumstances relating to the loss or destruction of the certificate; (2) that he has not assigned, indorsed, transferred, hypothecated or in any way disposed of said certificate except to a party defendant; (3) that he does not know of any person, firm or corporation that claims any interest in said certificate, or may claim one, who is not named specifically as a defendant; (4) a description of the certificate, giving so far as known the number of the certificate and the number of shares, and the name of any person in whose name the same may be registered.

Summons Summons must be issued and served on all defendants as in other civil actions. If anyone appears and answers or intervenes in the action the trial must proceed as in other civil cases and the court must enter such judgment as from the facts established may be proper; but if no one appears within the time allowed by law after the service of such summons the court must hear such evidence as may be offered in support of the allegations of the complaint and make and file its decision thereon.

New certificate The court may order the issuance of a new certificate and the cancellation of the one lost or destroyed.

Bond The court shall order, as a condition of the judgment, that the plaintiff shall deposit adequate security, or deliver to the court such bond, approved by the court, as will be sufficient to protect and indemnify the corporation, its transfer agents and registrars, and also any person having any rights under the certificate alleged to be lost or destroyed, against loss, expense or liability.

Effect of replacement. The issue of a new certificate, under an order of court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate or the fact that he has purchased a lost certificate.

Rights of holder of original certificate. The sole right and remedy against the corporation of any person claiming rights under the old certificate canceled by decree of the court shall be a claim for damages for conversion as of the date of the issue of the new certificate, and in an amount not greater than the amount of any such bond or security, which claim shall be barred at the expiration of the period prescribed for the commencement of an action for conversion of personal property.

Definition of indorsement 330.19. Definition of indorsement. A certificate is indorsed when an assignment or a power of attorney to sell, assign or transfer the certificate or the shares represented thereby is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or his legal representative, or when the signature of such person is written, without more, upon the back of the

certificate. In any of such cases a certificate is indorsed though it has not been delivered.

330.20. Definition of person appearing to be the owner of certificate. The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Apparent owner defined.

330.21. Other definitions.

Other definitions.

(a) In the transfer act, unless the context or subject-matter otherwise requires—

“Certificate” means a certificate for shares in a domestic or foreign corporation.

“Delivery” means voluntary transfer of possession from one person to another.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“To purchase” includes to take as mortgagee or as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Shares” mean a share or shares of stock in a domestic or foreign corporation.

“State” includes state, territory, district and insular possession of the United States.

“Transfer” means transfer of legal title.

“Title” means legal title, and does not include a merely equitable or beneficial ownership or interest.

“Value” is any consideration sufficient to support a simple contract. An antecedent or preexisting obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor.

(b) A thing is done “in good faith,” within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

330.22 The application of the transfer act. The provisions of the transfer act shall apply to certificates for shares whether issued before or after the taking effect of the transfer act, and to transfers made in this state whether of certificates for shares of domestic or foreign corporations, and also, so far as applicable, to voting trust certificates and stock purchase or subscription warrants which shall be transferable in the same manner and with the same effect as certificates for shares.

Application of transfer act

330.23. Transfers pursuant to judgment or court order. The setting aside, modification, or reversal of a judgment or order of court pursuant to, and in accordance with which, a transfer of a certificate for shares or a registered bond or other security has been registered by a corporation or its transfer agent shall not subject the corporation, its transfer agent or registrar to any liability whatsoever, unless, prior to the registration of the new certificate, registered bond or other security,

Transfers pursuant to judgment or court order.

written notice was served upon the corporation or its transfer agent in the manner provided for the service of summons in section 411 of the Code of Civil Procedure, stating that an appeal or other further court proceeding had been or was to be taken from or with regard to such judgment or order of court. After the service of such notice neither the corporation nor its transfer agent shall have any duty to register the requested transfer or deliver the new certificate, or registered bond or other security until the corporation or its transfer agent shall have been given a certificate of the county clerk of the county in which such judgment or order of court was given or made, showing that the judgment or order of court has become final.

Mutual
water
companies

330.24. Mutual water companies. Any corporation organized for, or engaged in, the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may, in its by-laws, provide that water shall only be so sold, distributed, supplied or delivered to owners of its shares, and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate shall be so issued and a certified copy of such by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith.

CHAPTER IX.

ASSESSMENTS.

Assessments,
how levied

331. Assessments, how levied. (1) Shares issued by stock corporations are not assessable except as provided in this article. If the articles expressly confer such authority upon the corporation or the board of directors, and subject to any limitations therein contained, the directors may in their discretion, levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is additional to that of making calls for the unpaid subscription price of shares.

Nonstock
corporations

(2) Nonstock corporations may levy dues or assessments or both upon their members, if such authority is conferred either by the articles or by their by-laws, and subject to any limitations therein contained. Such dues or assessments or both may be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership and memberships of one or more classes may be made exempt from either dues or assessments or both, in the manner and to the extent provided either in the articles or the by-laws.

Amount
of levy

The amount of the levy and method of collection of such dues or assessments or both may fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods of collection as the directors may

prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

(3) Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or domestic use, and not as a public utility and which provides in its by-laws that water shall only be sold, distributed, supplied, or delivered to owners of its shares and that such shares shall be appurtenant to certain lands described in the certificate issued therefor, may levy assessments upon its shares, whether or not fully paid, unless otherwise provided in its articles or by-laws. If any shares of any such corporation which have been made appurtenant to any land as provided in this code, become delinquent in the payment of assessments, the right to receive water or dividends thereon may be denied, and they may be sold and transferred without said lands as if not appurtenant thereto, and the purchaser shall acquire the right to receive water as provided in the articles or by-laws of the corporation, or they may be forfeited to the corporation.

Water
distributing
corporations

332. Resolution levying assessment, what to specify. Every resolution of a stock corporation levying an assessment must specify the amount thereof, to whom and where payable; fix a day, at least ten days subsequent to the actual service or publication of the assessment notice on which the unpaid assessments shall be delinquent, not less than thirty nor more than sixty days from the time of passing the resolution levying the assessment; and a day for the sale of delinquent shares not less than fifteen nor more than sixty days from the date the shares become delinquent. Said resolution shall also fix the hour and place of sale which must be in the county where the principal office of the corporation is located.

Resolution
levying
assessment,
what to
specify.

333. Notice of levy and sale. Upon the passing of the resolution levying an assessment by a stock corporation, the secretary shall cause to be personally served or to be mailed and published a notice thereof in substantially the following form:

Notice of
levy and
sale

(Name of corporation in full. Location of principal office.)

Notice is hereby given that at a meeting of the board of directors held on the (date) an assessment of (amount) per share was levied upon the shares of the corporation payable (to whom and where). Any shares upon which this assessment remains unpaid on the (day fixed) will be delinquent, and unless payment is made in the meantime, the said shares, or so many of said shares as may be necessary, will be sold at the (particular place) on the (date) at (the hour) of such day, to pay the delinquent assessment, together with five per cent penalty. (Name of secretary with location of office.)

334. Service of notice. The notice shall be personally served upon each shareholder, or, in lieu of personal service shall be sent through the mail addressed to each shareholder at his last address, as it appears on the books of the corporation, and if it does not appear, at the place where the principal

Service
of notice

office of the corporation is located, and shall be published once in some newspaper of general circulation published at the city or town of the principal office of the corporation. If there be no newspaper published in the city of the principal office of the corporation, then the publication must be made in some newspaper of the county if there be one, and if there be none then in some newspaper published in an adjoining county.

Lien for
assessments

334a. Lien for assessments. The liability for an assessment shall attach and the assessment shall be a lien upon the shares assessed from the time of personal service or the publication of the notice of assessment, unless the articles or by-laws provide for such liability and/or lien from the time of the resolution levying the assessment. A transfer of the shares on the books after the lien of an assessment has attached shall be a waiver of such lien.

Extension
of time of
delinquent
stock sale;
notice.

335. Extension of time of delinquent stock sale; notice. The date of sale of delinquent shares fixed in any resolution levying an assessment may be extended from time to time for not more than thirty days at a time by order of the directors entered on the records of the corporation, or when delinquent sale is restrained by order of a court. Notice of such extension shall be given by announcement by the secretary, assistant secretary, or other person authorized to conduct such sale, made at the time of sale last theretofore fixed.

Sale.

336. Sale. At the place and time appointed in the notice of levy and sale, the assistant secretary, secretary or any officer or an attorney of the corporation, shall, unless otherwise ordered by the directors, sell or cause to be sold to the highest bidder for cash so many shares of each shareholder of the assessed shares of stock as may be necessary to pay the assessment and charges thereon according to the notice; if payment is made after delinquency and before the sale, the shareholder shall pay a penalty of five per cent in addition to the assessment. The person offering at such sale to pay the assessment and penalty for the smallest number of shares is the highest bidder, and the stock purchased must be transferred to him on the stock books of the corporation on the payment of the assessment and penalty. No corporation shall be required to accept an offer for a fraction of a share. If no bidder can be found to pay the amount due on the shares, together with the penalty of five per cent thereof, the shares shall be declared forfeited to the corporation in satisfaction of the assessment and penalty thereon, and shall have the status of authorized but unissued shares. The only remedy for the collection of any assessment on fully paid shares shall be by sale or forfeiture unless the remedy by action is expressly authorized in the articles but calls or installments of the unpaid balance of the subscription price may be collected when due either by action or, after the notice hereinbefore provided, by sale or forfeiture.

Surrender
of old
certificate

337. Surrender of old certificate. After a sale or forfeiture of shares for nonpayment of an assessment or of a call for the unpaid balance of the subscription price, the delinquent

shareholder shall surrender his certificate for shares to the corporation for cancellation. This duty may be enforced by order or decree of court and the delinquent shareholder shall be liable for damages to the corporation for failure to surrender the certificate for cancellation upon demand without good cause or excuse.

338. Assessments shall not be invalidated. No assessment is invalidated by a failure to make publication of the notice hereinbefore provided for, nor by the nonperformance of any act required in order to enforce the payment of the same; but in case of any substantial error or omission in the course of proceedings for collection, all previous proceedings, except the levying of the assessment, are void, and publication must be begun anew.

Assessments shall not be invalidated.

339. Action for recovery of stock, and limitation thereof. No action shall be sustained to recover stock sold for delinquent assessments, upon the ground of irregularity in the assessment, irregularity or defect of the notice of sale, or defect or irregularity in the sale, unless the party seeking to maintain such action first pays or tenders to the corporation, or the party holding the stock sold, the sum for which the same was sold, together with all subsequent assessments which may have been paid thereon and interest on such sums from the time they were paid; and no such action shall be sustained unless the same is commenced by the filing of a complaint and the issuing of a summons thereon within six months after such sale was made.

Action for recovery of stock, and limitation thereof.

340. Affidavit of publication. Certificate of sale. The publication of notice required by this chapter may be proved by the affidavit of the printer, foreman, or principal clerk of the newspaper in which the same was published; and the certificate of the secretary or assistant secretary is prima facie evidence of the time and place of sale and any postponement thereof, of the quantity and particular description of the stock sold, and to whom, and for what price and of the fact of the purchase money being paid. The certificate must be filed in the office of the corporation, and copies of the same, certified by the secretary thereof, are prima facie evidence of the facts therein stated.

Affidavit of publication. Certificate of sale.

CHAPTER X.

POWERS.

341. Powers of corporations. Every corporation heretofore or hereafter organized has power:

Powers of corporations.

- (1) To sue and be sued in any court;
- (2) To adopt, use and at will alter a corporate seal, but failure to affix a seal shall not affect the validity of any instrument;
- (3) To acquire, hold, lease, encumber, convey or otherwise dispose of real and personal property within or without the state and to take real and/or personal property by will, gift or bequest;

(4) To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation;

(5) When authorized in its articles, to issue shares, and to sell such shares for the nonpayment of assessments;

(6) To enter into any obligations or contracts or to do any acts incidental to the transaction of its business, or expedient for the attainment of the purposes of the corporation;

(7) To make by-laws;

(8) To borrow money and to issue bonds, debentures, notes, and evidences of indebtedness, and to secure the payment or performance of its obligations by mortgage, deed of trust, pledge or otherwise;

(9) To qualify to do business in any other state, territory, dependency or foreign country and to conduct business within or without the state;

(10) To acquire, subscribe for, hold, own, pledge and otherwise dispose of and vote shares of stock, bonds and securities of any other corporation, domestic or foreign.

No corporation shall be deemed to possess the power to issue bills, notes or evidences of debt for circulation as money.

Purchase
by a corpo-
ration of its
own shares.

342. Purchase by a corporation of its own shares. No corporation shall purchase or agree to purchase, or cause or permit any corporation which it controls to purchase or agree to purchase, or employ or assist any person or corporation to purchase or agree to purchase for its account any of its shares except as follows:

(1) To collect or compromise in good faith, a debt, claim or controversy with any shareholder;

(2) From shareholders who by reason of dissent are entitled to be paid the fair cash value of their shares;

(3) From one who as an employee other than as an officer or director has purchased such shares from the corporation under an agreement reserving to the corporation the option to repurchase or obligating it to repurchase;

(4) To eliminate fractional shares;

(5) To purchase shares subject to redemption at prices not exceeding the redemption price thereof;

(6) To carry out provisions of its articles authorizing conversion of its shares; and

(7) Subject to limitations, if any, contained in its articles, only from earned surplus.

A corporation shall not purchase its own shares of any class in any case when there is reasonable ground for believing that the corporation is unable, or, by such purchase, will be rendered unable, to satisfy its debts and liabilities when they fall due. Nothing in this section shall be construed to prevent a corporation from acquiring its own shares by gift or bequest or upon a merger with or distribution of the assets of another corporation.

Effect of
acquisition
of shares.

342a. Effect of acquisition of shares. When a corporation acquires its shares under authority of section 342 (7) of this

code, the earned surplus shall be reduced by an amount equal to the purchase price thereof, but the stated capital shall not be affected thereby. When a corporation acquires its shares by gift or bequest or upon the distribution of the assets of another corporation, such shares shall be restored to the status of authorized but unissued shares, and the stated capital shall not be reduced thereby.

When a corporation acquires its own shares under authority of any of the subdivisions other than (7) of section 342 of this code, such shares shall be restored to the status of authorized but unissued shares; provided, however, that if the articles prohibit the reissue of such shares, the authorized number of shares of the class to which such shares belong shall, upon such redemption, purchase, conversion or exchange, be reduced to the extent of the shares so retired.

342b. Treasury shares. Treasury shares shall not carry voting or dividend rights and shall not be counted as outstanding shares for voting purposes. Unless otherwise provided in the articles such shares may be disposed of for such consideration as the board of directors may fix, and the amount of such consideration received shall be added to stated capital or paid-in surplus, in accordance with section 300b of this code.

343. Sale or transfer of entire assets. No corporation may sell, lease, convey, transfer, exchange or otherwise dispose of all or substantially all of its property and assets except under authority of a resolution of its board of directors, approved by the vote or written consent of the shareholders entitled to exercise a majority of the voting power on such proposal before or after the adoption of the resolution by the directors. Such sale, lease, exchange, transfer or disposition may be made upon such terms and conditions and for such considerations, which may be money, property, shares of stock and/or other securities of any corporation or corporations, as its board of directors may deem for the best interests of the corporation. Written notice of the directors' resolution and the date of adoption thereof shall be mailed to each shareholder, whether entitled to vote or not, within five days after the adoption of the resolution. The articles may require on such proposal the vote or consent of a larger proportion of the shareholders and the separate vote of a majority or a larger proportion of any class of shareholders of record.

343a. Plan of distribution of shares or securities upon sale of assets. The directors and shareholders, in authorizing and approving a sale or other disposition of all or substantially all of the property and assets pursuant to section 343 of this code, may also authorize and approve a plan for the distribution of all or a part of the consideration to be received, including shares or other securities of any corporation or corporations, domestic or foreign.

Shareholders who approve such sale or other disposition and such plan of distribution, and shareholders who do not

Treasury shares.

Sale or transfer of entire assets.

Sale of assets: distribution of shares.

Shareholders who approve.

dissent therefrom and do not exercise their rights as dissenting shareholders as hereinafter provided, shall be deemed to have waived and surrendered such distributive rights as they may have upon a liquidation or dissolution or winding up of the corporation and to have agreed to accept in lieu thereof, and to have accepted, the shares or securities or other considerations to which they are entitled under such plan of distribution.

Dissenting
share-
holders.

Dissenting shareholders, whether or not entitled to vote, shall be entitled to compensation under the conditions hereinafter provided.

Effect of
distribution.

Any distribution under such plan shall be subject to the provisions of this title, including but not limited to those as to reduction of stated capital, distribution of surplus after reduction of stated capital and to the manner of dissolving and winding up of corporations.

Conveyance
or transfer
of entire
assets.

343b. Conveyance or transfer of entire assets. Any deed or instrument conveying or otherwise transferring all, or substantially all, the assets of a corporation may have annexed to it the certificate of the secretary or an assistant secretary of the corporation, setting forth the resolution of the board of directors and stating the fact of approval thereof by the vote or written consent of the shareholders as provided in the preceding sections. Such certificate shall be prima facie evidence of the existence of the facts authorizing a conveyance or other transfer of the entire assets and conclusive evidence in favor of any innocent purchaser or incumbrancer for value.

Corporate
mortgages.

344. Corporate mortgages. The board of directors may authorize any mortgage, deed of trust, pledge or other hypothecation of all or any part of a corporation's property, real or personal, for the purpose of securing the payment or performance of any contract, note, bond or obligation. Unless the articles otherwise provide, no vote or consent of shareholders shall be necessary to authorize such action by the board of directors.

Effect of
ultra vires
acts.

345. Effect of ultra vires acts. The statement in the articles of the objects, purposes, powers and authorized business of the corporation shall have the effect as between the corporation and its directors, officers or shareholders, of an authorization to the directors and a limitation upon the actual authority of the representatives of the corporation. Such limitations may be asserted in an action by a shareholder or at the suit of the state, to enjoin the doing or continuation of unauthorized business by the corporation and/or its officers in cases where third parties have not acquired rights thereby, or to dissolve the corporation, or in an action by the corporation or by the shareholders suing in a representative suit, against the officers or directors of the corporation for violation of their authority.

No limitation upon the business, purposes or powers of the corporation or upon the powers of the shareholders, officers or directors, or the manner of exercise of such powers, contained in or implied by the articles or by chapter fifteen of this title,

shall be asserted as between the corporation or any shareholder and any third person.

Any contract or conveyance made in the name of a corporation which is authorized or ratified by the directors, or is done within the scope of the authority, actual or apparent, given by the directors, except as their authority is limited by law other than by chapter fifteen of this title, shall bind the corporation, and the corporation shall acquire rights thereunder, whether the contract be executed or wholly or in part executory.

This section shall extend to contracts and conveyances made by foreign corporations in this state and to all conveyances of real property situated in this state by foreign corporations.

CHAPTER XI.

DIVIDENDS; INCREASE AND REDUCTION OF STATED CAPITAL.

346. Cash or property dividends. A corporation may declare dividends in cash and/or in property only as follows Cash or property dividends.

(1) Out of earned surplus;

(2) Despite impairment of stated capital, out of net profits earned during the next preceding accounting or dividend period which shall not be less than six months nor more than one year in duration;

(3) Out of paid-in or contributed surplus and/or surplus arising from reduction of stated capital only upon shares entitled to preferential dividends; provided that the shareholders receiving such dividends shall be given notice of such source prior to or concurrently with payment thereof;

If the value of the net assets has been impaired, through depreciation in the value of its properties, losses, depletion, or otherwise, to an amount less than the aggregate amount payable to holders of shares having any preferential claim to assets upon liquidation following dissolution or otherwise, no dividends shall be declared or paid except upon such shares until the value of its net assets has been restored to such highest aggregate amount. Impaired assets.

No dividends shall be declared under the preceding paragraphs when there is reasonable ground for believing that its debts and liabilities would thereupon exceed its assets, or that it would be unable to meet its debts and liabilities as they mature.

No dividends shall be declared out of the mere appreciation in the value of its assets, not yet realized.

A corporation engaged solely or substantially in the exploitation of mines, oil wells, gas wells, patents or other wasting assets, or organized solely or substantially to liquidate specific assets, may distribute the net income derived from the exploitation of such wasting assets or the net proceeds derived from such liquidation without making any deduction or allowance for the depletion of such assets incidental to the lapse of time, consumption, liquidation or exploitation; subject, however, to adequate provision for meeting liabilities and fixed preferences Mining, etc., corporations.

of outstanding shares as to assets on liquidation, and to notice to shareholders that no deduction or allowance has been made for such depletion.

Share
dividends.

346a. Share dividends. The board of directors may declare dividends in shares of the corporation only as follows:

(1) Out of earned surplus;

(2) Out of paid-in or contributed surplus and/or surplus arising from reduction of stated capital; provided that notice shall be given to shareholders receiving such dividends of the source thereof prior to or concurrently with payment thereof.

Upon declaration of a share dividend the amount of surplus out of which such dividend is declared shall be transferred to stated capital. If a dividend is declared in shares having a par value, the aggregate par value of such shares shall be transferred from surplus to stated capital.

Nonpar
shares.

If the dividend is declared in shares without par value, then if such shares are preferred shares they shall be valued at the redemption or liquidation price or the lower of two or more redemption or liquidation prices if there be several; or if such shares are common shares they shall be valued on the basis of the estimated fair value of such shares upon issue, the aggregate of which shall be transferred from surplus to stated capital. Notice shall be given to the shareholders of the amount per share transferred from surplus upon the declaration of such dividend in shares without par value.

Nothing in this section shall be construed to forbid or limit the power of a corporation to split up or subdivide its shares into a larger number of shares without transferring surplus to stated capital; provided, however, that upon the issue of additional shares without par value the shareholders be given notice of the book value of each share prior to the split-up or subdivision, and the book value of each share subsequent to each split-up or subdivision.

Dividends
on partly
paid shares.

346b. Dividends on partly paid shares. Dividends on partly paid shares may be declared and paid upon the basis of the percentage of the consideration actually received thereon.

Application
of surplus
to deficit.

346c. Application of surplus to deficit. A corporation may, by action of its board of directors, apply any part or all of any paid-in or contributed surplus or any surplus created by reduction of stated capital to the reduction or writing off of any deficit arising from losses or diminution in value of its assets. In case any such action is taken under this section a disclosure thereof shall be made in the next annual statement of the corporation and reported at the next annual meeting of the shareholders.

Redemption
of shares.

347. Redemption of shares. A corporation may, if so authorized by its articles, issue a class or classes of shares which are, at the option of the corporation, subject to be redeemed by the corporation on such terms and conditions as

shall be stated in the articles, or in a resolution providing for the issue of such shares adopted by the directors pursuant to authority in the articles.

The corporation may apply to the redemption or purchase of such shares, any surplus and/or an amount out of its stated capital equal to (a) the aggregate par value of shares so redeemed or purchased having a par value, and (b) the redemption or purchase price of such shares without par value and the stated capital shall be reduced by the amount of capital so applied, provided that if the cost of such shares exceeds the stated capital in respect thereof, the excess shall be treated as having been paid out of earned surplus, or if there be no such surplus then existing, out of any other surplus.

No redemption of shares shall be made if there is reasonable ground to believe that the assets of the corporation remaining after such redemption would be insufficient to pay all the debts and liabilities of the corporation as they mature except such debts and liabilities as have been otherwise adequately provided for, or if the net assets would be reduced to an amount less than the aggregate amount payable to holders of shares having prior or equal claim to assets upon dissolution or otherwise.

Redemption.
limitation
on.

348. Reduction of stated capital. A reduction of stated capital may be authorized by a resolution of the board of directors approved by the vote or written consent of the holders of shares representing a majority of the voting power. The resolution of the directors shall set forth the amount of reduction of stated capital and the method by which outstanding par value shares, if any, shall be adjusted to the new stated capital.

Reduction
of stated
capital.

No such reduction shall be made in the stated capital of the corporation to an amount less than the aggregate amount of its debts and liabilities plus the aggregate par value of all shares having par value, and the greatest aggregate liquidation price of preferred shares without par value to remain outstanding after such reduction.

348a. Adjustment of shares to reduction. Adjustment of outstanding par value shares to correspond with stated capital as reduced may be effected:

Adjustment
of shares
to reduction.

(1) By the surrender by each or any holder of all or a part of his certificates for shares and the issuing to him in lieu thereof of certificates for a different number of shares, or shares of a different par value pursuant to an amendment of the articles;

(2) By redemption or purchase of shares subject to redemption in accordance with the provisions of this title;

(3) By the change of shares of one or more classes having par value into shares without par value pursuant to an amendment of the articles;

(4) In any other way not repugnant to law.

348b. Distribution of surplus after reduction. If the amount of stated capital be reduced, and there be a surplus of assets over debts and liabilities plus the amount of stated

Distribution
of surplus
after
reduction.

capital as reduced any surplus resulting from reduction shall be transferred to a special surplus account and may be applied by the directors as follows:

Shares:
one class.

(1) If there be but one class of shares outstanding, such surplus may be distributed pro rata in cash or in kind to the shareholders.

Preferred
shares
subject to
redemption.

(2) If there be preferred shares, which are subject to redemption, then such surplus may be applied to the redemption or purchase of such preferred shares at not to exceed their redemption price, or to the payment of dividends upon preferred shares, in the order of priority of such shares.

Preferred
shares not
subject to
redemption.

(3) If there be no preferred shares which are subject to redemption, such surplus may be applied to the purchase of any preferred shares which are not subject to redemption upon reasonable terms, not exceeding the lowest liquidation price thereof, under a pro rata offer to all the holders of such shares, or to the payment of dividends upon preferred shares in the order of their priority.

Resolution
for dis-
tribution.

(4) In any case, such surplus may be distributed pursuant to a resolution adopted by vote of the holders of two-thirds of the shares of each class outstanding, regardless of limitations on the voting power of any of such classes. If the shareholders or directors do not dispose of such surplus or any part thereof in any of the ways hereinabove authorized, such surplus shall be subject to disposition by the board of directors in the same manner as surplus paid in by the shareholders.

Filing of
financial
statement
before dis-
tribution.

At least fourteen days before any such distribution of surplus of assets upon reduction of stated capital, except by way of redemption or purchase of shares subject to redemption, or by way of dividends upon preferred shares or by way of share dividends, there shall be filed with the secretary of state a certificate signed and acknowledged by its president or vice president and also by the treasurer or an assistant treasurer and signed by a majority of the board of directors, containing a financial statement setting forth the condition of the corporation's affairs as shown by its books of account, the amount of its debts and liabilities and the estimated fair present value of its assets, and that the board of directors has determined that the proposed distribution of assets will not reduce the value of the assets of the corporation taken at their fair value to an amount less than the aggregate of the debts and liabilities of the corporation, plus the amount, as reduced, of the stated capital. After such certificate is filed with the secretary of state, a certified copy thereof shall be filed in the office of the county clerk in the county in which the corporation has its principal office.

Increase of
stated
capital.

348c. Increase of stated capital. The stated capital of the corporation may be increased from time to time by resolution of the board of directors directing that a portion of the surplus of the corporation be transferred to the stated capital account.

CHAPTER XII.

CORPORATE RECORDS AND REPORTS—INSPECTION.

352. Corporate minutes. Every corporation shall keep a book of minutes at the principal office, or such other place as the board of directors may order, of all meetings of its directors and shareholders or members with the time and place of holding, whether regular or special, and, if special, how authorized, the notice thereof given, the names of those present at directors' meetings, the number of shares or members present or represented at shareholders' or members' meetings and the proceedings thereof.

Corporate minutes

353. Books of account. Every corporation shall keep and maintain adequate and correct accounts of its properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, surplus, and shares. Any surplus including earned surplus, paid-in surplus and surplus arising from a reduction of stated capital shall be classified according to source and shown in a separate account. The books of account shall at all reasonable times be open to inspection by any director.

Books of account.

354. Share register. Corporations for profit shall keep at the principal office, or at the office of the transfer agent, a share register, or a duplicate share register, showing the names of the shareholders and their addresses; the number and classes of shares held by each; the number and date of certificates issued for the same; and the number and date of cancellation of every certificate surrendered for cancellation.

Share register.

355. Inspection of corporate records. The share register or duplicate share register, the books of account, and minutes of proceedings of the shareholders and directors of every corporation shall be open to inspection upon the written demand of any member or shareholder or holder of a voting trust certificate at any reasonable time, and for a purpose reasonably related to his interests as a shareholder, and shall be produced at any time when required by the demand of ten per cent of the shares represented at any shareholders' meeting.

Inspection of corporate records.

Such inspection may be made in person or by agent or attorney, and includes the right to make extracts. The right of the shareholders to inspect the corporate records may not be limited in the articles or by-laws.

Demand of inspection other than at a shareholders' meeting shall be made in writing upon the president, secretary, assistant secretary or general manager of the corporation. Every such demand, unless granted, shall be referred by him to the board of directors.

357. Investigation by order of court. Upon refusal of a lawful demand for inspection or upon petition of the holders of ten per cent (10%) of the issued and outstanding shares, the superior court of the county in which the principal office or in which the records are located may enforce the right

Investigation by order of court.

of inspection with just and proper conditions, or may appoint one or more competent inspectors or accountants to audit the books and records and to investigate the property, funds and affairs of any corporation, and to report thereon in such manner as the court may direct.

It shall be the duty of all officers and agents of the corporation to produce to the inspectors or accountants so appointed all books and documents in their custody or power, under penalty of punishment for contempt of court.

All expenses of the investigation or audit shall be defrayed by the applicant unless the court shall order them to be paid or shared by the corporation.

Annual
report.

358. Annual report. The directors of every corporation shall cause to be sent to the shareholders not later than one hundred twenty days after the close of the fiscal or calendar year, a balance sheet as of the closing date of the last such year, together with a statement of income and profit and loss, for the year ended on that date, unless such reports be expressly dispensed with in the by-laws. These financial statements shall be certified to by the president, secretary, treasurer or a public accountant.

Contents.

Such annual report shall give a summary of assets and liabilities; the amount of dividends paid or declared during the past year; the condition as to surplus or deficit and how acquired or created; the number of shares issued and outstanding; together with any such particulars as are necessary to disclose the general nature of liabilities and assets of the corporation; and the names and addresses of all its principal officers and directors. When any assets are stated at values other than cost to the corporation, the bases of such values shall be indicated.

The statement of income and profit and loss shall be prepared in the form ordinarily used by accountants for the particular kind of business carried on by the corporation.

Where any of the assets of the corporation consist of shares in or amounts owing from a subsidiary company or subsidiary companies the aggregate amount of those assets, distinguishing shares and indebtedness, shall be set out in the balance sheet separately from all the other assets. Where a corporation is indebted to a subsidiary company the aggregate amount of that indebtedness shall be set out in the balance sheet separately from other liabilities.

There shall be a statement showing how far and to what extent profits and losses of a subsidiary corporation have been taken into account in arriving at the profit and loss of the holding company as disclosed in its accounts.

Financial
statement
to share-
holders.

359. Financial statement to shareholders. Shareholders holding at least five per cent of the number of shares of any corporation other than a bank, a building and loan association, an insurance company, a public utility, or a nonprofit corporation, may make a written request to the officers of the cor-

poration for a statement of its affairs in case no full or adequate statement has been given in written form to its shareholders within six months.

The statement shall be in the form prescribed for the annual report and shall be certified in like manner and delivered to the person or persons making the request within thirty days thereafter, and a copy thereof shall be kept on file in the principal office of the corporation for twelve months, and at all times during business hours shall be exhibited or mailed to any shareholder demanding an examination thereof. Except upon order of court, for good cause shown, the corporation shall not be required to prepare more than one such statement in any one year. The superior court upon application, for good cause shown, may extend the time for delivering such financial statement. Form.

The corporation shall, upon the written request of any shareholder, mail to him a copy of the last profit and loss statement and balance sheet, together with a copy of the report, if any, of the company's auditors on said balance sheet.

CHAPTER XIII.

ORGANIC CHANGES; MERGER, CONSOLIDATION AND AMENDMENTS.

361. Merger and consolidation of corporations. Any two or more corporations may be: (a) merged into one of such constituent corporations, which is herein designated as "the surviving corporation"; or (b) consolidated into a new corporation, which is herein designated as "the consolidated corporation," as follows: Merger and consolidation of corporations.

(1) The board of directors of each corporation by resolution shall approve an agreement which shall set forth the terms and conditions of merger or consolidation, and the mode of carrying the same into effect, as well as the manner and basis of converting the shares of the constituent corporations into the shares of the consolidated or surviving corporation. The agreement may also provide for the distribution of cash, property, or securities, in whole or in part, in lieu of shares to shareholders of the constituent corporations or any class of them; provided, however, that upon such distribution of cash, property or securities, the liabilities of the consolidated or surviving corporation, including those derived by it from the constituent corporations, plus the amount of the stated capital of the consolidated or surviving corporation, shall not exceed the value of the assets of such consolidated or surviving corporation. Approval by board.

If the agreement is for a consolidation, it shall state the matters required to be stated in articles of incorporation, and these statements shall be deemed to be the articles of incorporation of the corporation created by the agreement. Statements in agreement

If the agreement is for a merger, it shall state any matters with respect to which the articles of the surviving corporation are amended, and the articles shall be deemed to be amended accordingly upon the filing thereof with the secretary of state.

Signatures. (2) The agreement shall be signed by the president or a vice president and the secretary or an assistant secretary of each corporation, and acknowledged by the officers executing the same on behalf of their respective corporations.

Approval by shareholders. (3) The agreement must be approved by the vote of the holders of not less than two-thirds of the issued and outstanding shares of each class, even though their right to vote be otherwise restricted or denied, of each of the constituent corporations, at a meeting duly called upon notice of the time, place and purpose thereof, mailed to the last known post-office address of each shareholder at least twenty days prior to the date of such meeting. There shall be mailed with the notice of such meeting a statement of the general terms of the proposed agreement. In lieu of the vote of such shareholders of any of said corporations it may be approved with like effect by the written consent of such shareholders, upon at least twenty days' notice to all shareholders, which consent or consents shall be filed with the secretary of such corporation. Different series of the same class of shares shall not be construed to constitute different classes of shares for the purposes of voting or consent by classes.

The approval of the shareholders may be given either before or after the approval of the agreement by the board of directors.

Certificate: contents. After such approval by the directors and shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each corporation shall execute a certificate, which shall be verified by their oath and shall set forth:

(a) The time and place of the meeting of the board of directors;

(b) A copy of the resolution adopted thereat;

(c) The vote in favor of such resolution;

(d) The time and place of the meeting of the shareholders, and the total vote by which such resolution was approved, or, if the approval was by written consent, the number of shares represented by the consents and the fact that such consents have been filed with the secretary of the corporation;

(e) The total number of outstanding shares of each class.

Amendments to agreement.

(4) Any amendment to the agreement may be adopted, and the agreement so amended may be approved, by like vote at such meeting, or like written consent of the shareholders of any of the constituent corporations, and if the agreement so amended be approved by like vote at such meeting, or like written consent of the shareholders of the other constituent corporation or corporations, and by the board of directors of each of the constituent corporations, the agreement so amended shall be signed and acknowledged and shall have certified therewith the approval of the directors and of the shareholders in the same manner as provided for the original agreement, and shall then be considered the merging or consolidating agreement.

(5) The agreement so approved, executed and acknowledged and the certificates of its approval shall be filed with the secretary of state, and shall thereupon become effective, and the several parties thereto shall be one corporation. A copy of said agreement, certified by the secretary of state, shall be filed with the county clerks of the counties in which the principal office of each corporation is located and a copy thereof, so certified, shall be recorded in the office of the county recorder of each county in which each corporation holds real property. A copy of such agreement certified by any public official shall have the same force in evidence as the original, and, except as against the state, shall be conclusive evidence of the performance of all conditions precedent to such consolidation or merger, and the creation or existence of the new or surviving corporation.

Filing of agreement

(6) The surplus appearing on the books of the constituent corporations, to the extent to which it is not capitalized by the issue of shares or otherwise, may be entered as earned or paid-in surplus, as the case may be, on the books of the consolidated or surviving corporation, and may thereafter be dealt with as such.

Surplus

(7) Upon the merger or consolidation, as provided herein, the separate existence of the constituent corporations shall cease, except that of the surviving corporation in case of merger, and the consolidated or surviving corporation shall succeed, without other transfer, to all the rights and property of each of the constituent corporations, and shall be subject to all the debts, liabilities and duties of each, in the same manner as if the surviving or consolidated corporation had itself incurred them.

Cessation of separate existence

All rights of creditors and all liens upon the property of each of said former corporations shall be preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the consolidation or merger.

Rights of creditors.

Any action or proceeding pending by or against any of such constituent corporations may be prosecuted to judgment, which shall bind the new or surviving corporation, or the new or surviving corporation may be proceeded against or substituted in their place.

Actions pending.

361a. Consolidation or merger of domestic and foreign corporations. The merger or consolidation of any number of domestic corporations with any number of foreign corporations may be effected if such foreign corporations be authorized by the laws of the state or government under which they are formed to effect such a merger or consolidation.

Domestic and foreign corporations: consolidation.

In the consolidation or merger agreement the laws of any jurisdiction under which one of the consolidating or merging corporations was organized may be selected as the laws which shall govern the consolidated or merged corporations, and such merger or consolidation, provided the laws of such state provide for compensation for shareholders who dissent from such consolidation or merger, or provided such consolidation or

Law regulating.

merger be approved by the unanimous vote or consent of the shareholders of the corporations involved, entitled to vote or dissent.

Filing of agreement.

The agreement of consolidation or merger must be filed in this state in the manner required in section 361 before such consolidation or merger shall become effective in this state.

Restrictions.

The provisions of this section shall not permit the merger or consolidation of one or more corporations organized under the laws of this state, with one or more foreign corporations where the laws of this state prohibit the doing by a foreign corporation in this state of the business being done or to be done by such foreign corporation or corporations so merging or consolidating.

Consolidation, conveyance of real estate.

361b. Conveyance of real estate upon merger or consolidation. Whenever a foreign corporation having any real property in this state shall consolidate or merge with another foreign corporation pursuant to the laws of the state or government in which it was incorporated, and the laws of such state or government provide substantially that the making and filing of the agreement of consolidation or merger shall operate to vest in the corporation formed by such consolidation, or the corporation into which the other or others are merged, all the real property of the constituent or merging corporation, the filing for record in the office of the recorder of any county in this state in which any of the real property of such constituent or merging corporations is located of a copy of such agreement of consolidation or merger, certified by the secretary of state or other official of the state pursuant to the laws of which such consolidation or merger is effected, shall operate to vest in the corporation formed by such consolidation, or the corporation into which the other or others are merged, all interest of the consolidating or merging corporation in and to the real property located in said county.

Amendment of articles.

362 Amendment of articles. By complying with the following provisions, a corporation may amend its articles for any or all of the following purposes:

Purposes.

(1) To adopt a new name, subject to the restrictions contained in section 291 of this code;

(2) To change or add to its powers or purposes; or to set forth different or additional powers or purposes;

(3) To change the location of its principal office or place of business to any other county or city and county within the state; provided, that no amendment need be made to change the principal office from one location to another in the same county or city and county;

(4) To remove any provision of its articles limiting its term of existence and to provide for perpetual existence;

(5) To increase or decrease the authorized number of its shares of any class, issued or unissued, or the par value thereof; or to increase or decrease the authorized number of shares of any series, issued or unissued;

(6) To provide for the classification of its shares, or for the subdivision of any class or classes of shares into series, in which event there must be set forth a statement of the number of shares of each class or series and of the preferences, privileges and restrictions granted to or imposed upon the holders of the respective classes or series of shares;

(7) To change the statement, as to shares issued or unissued, of the classification of shares and/or of the subdivision of any class of shares into series, and/or of the preferences, rights, privileges or restrictions of the shares of any class or series, or to repeal such statement of classification of shares, or subdivision of any class of shares into series;

(8) To authorize the board of directors, within limitations and restrictions stated in the amendment, to fix or alter, from time to time, the dividend rate or the redemption or liquidation price of any class or of any series of any class, or the number of shares constituting any series of any class, or all or any of them, in respect of shares then unissued;

(9) To change shares having par value into the same or a different number of shares without par value; to increase or reduce the par value of shares; to change shares without par value into the same or a different number of shares with or without any par value;

(10) To create classes of par value shares along with classes of shares without par value, or to create classes of shares of different par values; or to restrict, limit, create or enlarge the voting rights of certain classes of shares, or to grant to any class or classes of shares preemptive rights to subscribe for shares, or to enlarge or restrict or revoke existing preemptive rights of any class or classes of shares;

(11) Generally, to add to, omit from, remove or otherwise alter the provisions thereof in any respect lawful at the time of the amendment and not inconsistent with the law under which the corporation exists.

No corporation shall amend its articles to alter the statements which appear in the original articles of the names and addresses of the first directors or of the number of shares subscribed and by whom.

362a. Vote required to amend articles. A resolution providing for any amendment of the articles must be adopted by the vote of a majority of the directors of the corporation, and must be approved by the vote or written consent of shareholders or members holding at least a majority of the voting power either before or after the adoption of the resolution by the board of directors. Such resolution must establish the language of the proposed amended articles by providing that the articles shall be amended so as to read as therein set forth in full, or that any provision thereof, which shall be identified by stating the numerical or other designation given it in the articles or by stating the language thereof, be amended so as to read as therein set forth in full, and/or that the matter stated in the resolution be added to or stricken from the articles.

Vote
required to
amend
articles.

Change in
shares

If the purpose of an amendment of the articles is to change the preferences or restrictions of any class or series of issued shares, or to authorize the corporation to levy assessments on fully paid shares, then in any such case the amendment must be adopted by the vote or consent of the holders of at least two-thirds of the issued shares of each class regardless of limitations or restrictions on the voting power thereof. Different series or subdivisions of the same class of shares shall not be construed to constitute different classes of shares for the purpose of voting or consent by classes except when such series is adversely affected by an amendment in a different manner than other shares of the same class.

Change in
number of
directors.

If the purpose of an amendment is to change the number of directors or to authorize the corporation to change such number by amending its by-laws the board of directors shall not be entitled to vote thereon and the requirement of section 362b that the certificate of amendment shall show the action of the board of directors shall be inapplicable to such an amendment.

Approval of
change, what
to contain

The resolution or consents of such shareholders approving any amendment must contain a copy of the resolution of the directors or shall establish the wording of the proposed amended articles by providing that the articles shall be amended so as to read as therein set forth in full, or that any provision thereof, which shall be identified by the numerical or other designation given it in the articles or by stating the wording thereof, be amended so as to read as therein set forth in full, and/or that the matter stated in the resolution or consent be added to or stricken from the articles, and state the fact of approval thereof.

Certificate
of amend-
ment.

362b. Certificate of amendment. After such approval has been given, the president or a vice president and the secretary or an assistant secretary shall execute a certificate, which shall be verified by their oath and shall set forth:

Contents.

(1) The time and place of the meeting of the board of directors;

(2) A copy of resolution adopted thereat;

(3) The vote in favor of such resolution;

(4) The time and place of the meeting of the shareholders or members and the total vote by which such resolution was approved, or, if the approval was by written consent, the number of shares or members represented by the consent and the fact that such consents have been filed with the secretary of the corporation and that such vote or consent set forth the wording of the resolution of the board of directors or of the proposed amendment of the articles;

(5) The total number of issued and outstanding shares, the holders of which are entitled to vote on amendments to the articles; provided, that two-thirds of the incorporators of any stock corporation which has accepted no subscriptions for shares since the filing of its articles or two-thirds of the incorporators of any nonstock corporation which has admitted no

new members since the filing of its articles, may adopt any such amendment by executing a certificate stating, respectively, that no subscriptions for shares have been accepted by the corporation, or that no new members have been admitted, since the filing of the articles, and that the signers thereof, thereby adopt the amendment therein set forth. Such certificate must establish the language of the amended articles in the same manner as must a resolution by the board of directors, as hereinabove prescribed, and shall be verified by the oath of each signer thereof.

The certificate shall be submitted to the secretary of state, who shall file the same and put an indorsement of filing thereon if he finds that it shows a compliance with the provisions of this section. Thereupon, the articles of incorporation shall be deemed amended in accordance with such certificate and a copy of such amendment and the certificate thereto, certified by the secretary of state, shall be evidence of the performance of the conditions necessary to the adoption thereof.

Filing of certificate

A copy of said certificate certified by the secretary of state shall be filed with the county clerk of the county in which the principal office of the corporation is located and in every county in which the corporation holds real property.

362c. Extension of existence. Every corporation formed under the laws of this state for a limited period may at any time prior to the expiration of the term of its corporate existence extend such term by an amendment to its articles removing any provision limiting the term of its existence and providing for perpetual existence.

Extension of existence

Such amendment may be made if authorized or approved by the vote or written consent of shareholders holding at least a majority of the voting power and by resolution of the board of directors either before or after the vote or consent of the shareholders.

CHAPTER XIV.

LIABILITIES AND REMEDIES.

363 Unlawful dividends and distributions. Except as provided in this title, the directors of a corporation shall not authorize or ratify the purchase by it of its shares with corporate funds nor declare or pay dividends nor authorize or ratify the withdrawal or distribution of any part of its assets among its shareholders.

Unlawful dividends and distributions

In case of any wilful or negligent violation of the provisions of this section, the directors under whose administration the same shall have happened, except those who may have caused their dissent therefrom to be entered on the minutes of the meeting at which such action was authorized, or who were not present at the time, shall be jointly and severally liable to the corporation and to shareholders and subscribers for the full amount of any loss sustained by the corporation, the shareholders, and/or subscribers.

Liability of directors.

In case of the insolvency of the corporation the directors shall be jointly and severally liable to the corporation or its

Same when corporation insolvent.

receiver, liquidator or trustee in bankruptcy to the full amount of any loss sustained by the shareholders or creditors by reason of such unauthorized dividend, withdrawal or distribution.

Contribution among directors.

Any director against whom a claim is asserted under or pursuant hereto, except in case of participation in a fraud, shall be entitled to contribution from other directors who are liable, pro rata according to the number of such directors. Any two or more directors may be sued in the same action.

When directors not liable.

A director shall not be held to have been negligent within the meaning of this section if he relied and acted in good faith upon a balance sheet or profit and loss statement of the corporation represented to him to be correct by the president or the officer of the corporation having charge of or supervision of its accounts, or certified to be correct and according to the books of the corporation by a public accountant or firm of public accountants selected with reasonable care.

Liability of shareholders for improper dividends.

364. Liability of shareholders for improper dividends. Any shareholder who knowingly receives any dividend or distribution of assets not authorized by this title shall be individually liable to the corporation for the amount so received by him, with interest from date of receipt, in the event that the corporation is unable to meet its debts and liabilities as they mature. Any two or more shareholders may be sued in the same action.

Unauthorized purchases of shares.

365. Unauthorized purchases of shares. Except when shares are purchased in accordance with this title, shareholders selling to the corporation shares issued by the corporation shall be and remain liable to the corporation, or to its receiver or its trustee in bankruptcy to the extent of payments made therefor and for the unpaid balance of the subscription price due thereon, if any, for the payment of existing liabilities of the corporation at the time of such sale.

Loans to officers or shareholders or on corporation's shares

366. Loans to officers or shareholders or on corporation's shares. No corporation shall make any loan of money or property to, or guarantee the obligation of, and director or officer of such corporation directly or indirectly. No loan shall be made to any shareholder without security or upon the security of the shares of the corporation, and no corporation shall take as security for any debt a lien upon a transfer of any shares of its stock, unless such lien or transfer shall be to secure payment of a debt previously contracted.

Loans when may be made

Any loan or guaranty prohibited by this section may be made by the vote or written consent of the holders of two-thirds of the shares of all classes regardless of limitations on voting rights, other than the shares held by the benefited director, officer or shareholder; or if permitted under any statute regulating banks, building and loan associations, credit unions or other special class of corporations.

Loans: liability for.

If any such loan be made, the director, officer or officers who make it or assent thereto shall be jointly and severally liable to the corporation as guarantors until the repayment or return of the sum or value so loaned with interest thereon.

Any officer or director who shall be held liable under this section shall be entitled to contribution from any other officer or director who shall participate in authorizing, making or allowing such loan, and shall be subrogated to any or all rights of the corporation against the borrower.

Loans:
contribution
between
officers.

367. Liability for false statements and entries. Any officers, directors, employees, or agents of a corporation, who: (1) make, issue, deliver or publish any prospectus, report, circular, certificate, financial statement, balance sheet, public notice or document respecting the corporation or its shares, assets, liabilities, capital, dividends, business, earnings, or accounts which is false in any material respect, knowing it to be false, or who knowingly participate therein; or (2) make or cause to be made in the books, minutes, records or accounts of a corporation any entry which is false in any material particular, knowing such entry is false; or remove, erase, alter or cancel any entry therein with intent to deceive, shall be liable jointly and severally for all the damage resulting therefrom to the corporation and/or any person injured thereby who relied thereon.

Liability
for false
statements
and entries.

368. Penalty for failure to comply with various requirements. Every corporation which shall neglect, fail or refuse: (a) to keep or cause to be kept or maintained the share register or the books of account required by this title to be kept or maintained; or (b) to prepare or cause to be prepared or submitted the financial statements required by this title to be prepared or submitted; or (c) to transfer shares upon its books or to issue a certificate or certificates therefor to the transferee as provided in this title, shall be subject to a penalty of one hundred dollars and the further penalty of ten dollars for each day up to a maximum of one thousand dollars, beginning three days after written request, that such failure or refusal shall continue, to be paid to the shareholder or shareholders jointly making such request therefor and damaged thereby, if suit therefor shall be commenced within ninety days after making such written request.

Penalty for
failure to
comply with
various re-
quirements

This remedy shall be in addition to any remedy by injunction or action for damages or by writ of mandate for the non-performance of acts and duties enjoined by law upon the corporation or its directors or officers.

Scope of
remedy.

The court in which any such action is brought may reduce, remit or suspend such penalty on such terms and conditions as it may deem reasonable when it is made to appear that the neglect, failure or refusal was inadvertent or excusable.

Reduction
of penalty.

369. Compensation of dissenting shareholders. At any time until the expiration of the twentieth day after authorization has been given by the shareholders of a corporation in the manner provided in this title for the corporation to merge or consolidate, any holder of either voting or nonvoting shares who has not theretofore approved such merger or consolidation, either by vote or written consent, may make written demand upon the corporation for the payment to him of the

Compensa-
tion of
dissenting
share-
holders.

fair cash value of his shares as of the day prior to that on which the directors' authorization was given.

Demand.

Such demand shall state the number and description of the shares held of record by such shareholder and shall contain a request that the corporation state what it claims to be the fair cash value of such shares as of said day.

Indorsement
of certifi-
cates

Upon making such demand, the certificate or certificates representing such shares shall be duly indorsed by the shareholder and deposited either with the corporation or with a bank or trust company in this state for delivery to or upon the order of the corporation upon payment of the fair cash value of such shares, as determined in accordance with this section. The corporation shall be notified of any such deposit with a bank or trust company and the name and address of such bank or trust company.

Offers to
purchase

Within five days after the receipt by the corporation of such demand, the corporation shall mail to the demanding shareholder at his last known address a written offer to purchase his shares, at a price or prices deemed by the corporation to represent the fair cash value thereof as of said day. Any demanding shareholder, who does not within twenty days after the mailing of such offer transmit by registered mail or deliver his written rejection thereof to the corporation at its principal office, stating what he claims to be the fair cash value of such shares, shall be conclusively taken to have accepted such offer and shall be bound thereby.

Acceptance.

Determina-
tion of
value.

Either one or more of those rejecting the offer as herein provided, or any interested corporation, may petition the superior court of the county in which the principal office of the corporation is located, to determine the fair cash value of such shares. Such determination shall bind the corporation and all parties to the proceeding and all shareholders rejecting such offer who have been notified by mail of such proceeding, whether or not they intervene therein.

Appraisers.

The court shall appoint three impartial appraisers to value the shares. The award of a majority of the appraisers, if not opposed within ten days after it has been filed in court, shall be confirmed by the court and, when confirmed, shall constitute a final judgment. If opposed, such opposition shall be tried summarily and judgment rendered thereon by the court.

Costs.

The costs of such appraisal, including a reasonable fee to the appraisers to be fixed by the court, shall be borne by the corporation unless in the opinion of the court the action of any shareholder in rejecting such offer of the corporation has been arbitrary, vexatious or in bad faith, in which case, costs shall be assessed in the discretion of the court.

Payment.

Any judgment shall be payable only upon the surrender to the corporation of the certificates for shares described in such judgment, and shall be a liability of the corporation and/or its successor or successors in interest.

Any party shall have the right of appeal from such judgment of the court, provided the appeal be taken within ten days after notice of rendition and entry of the judgment. Appeal

Unless such proposed merger or consolidation shall be abandoned as herein provided, any demanding shareholder shall cease to be a shareholder as to such shares, as of the date on which the corporation mails its offer as aforesaid and shall have no rights with respect to such shares after said date, except the right to receive payment therefor as herein provided. Status of shareholder as affected by offer to purchase.

In the event that the corporation shall fail to pay the amount of said judgment within five days after the same shall become final, said judgment may be collected and enforced in the manner prescribed by law for the enforcement of judgments. Interest shall be paid the shareholder on the amount of the award at the rate of seven per cent from the date on which the corporation mails its offer as aforesaid. Enforcement of payment

The rights and remedies of any shareholder at law or in equity to object to or litigate as to any such merger or consolidation shall be and are hereby limited to the right to receive the fair cash value of his shares in the manner and upon the terms and conditions provided in this section, except suits to test whether the number of legal votes or consents of shareholders required by statute to authorize or approve the proposed action of the corporation has been given. Shareholders limitation of rights.

If litigation shall be instituted to test the sufficiency or regularity of the votes or consents of the shareholders in authorizing such merger or consolidation, the effect of the demand for compensation shall be suspended and dissenting shareholders shall be entitled to vote and to receive dividends declared until the final determination of such litigation. Demand for compensation as affected by litigation

After the authorization by directors and shareholders as aforesaid of any such merger or consolidation directors may, in their discretion, abandon such merger or consolidation subject to the rights of third parties under any contracts relating thereto, without further action or approval by the shareholders of the corporation, and nothing contained in this title shall be deemed to limit such right of abandonment. Abandonment of merger.

370. Proof of existence. In any action at law, other than one in the nature of quo warranto, the original articles or certificate of incorporation of a corporation, or a copy of either thereof, duly certified by the secretary of state, shall be conclusive evidence of its formation and prima facie evidence of its corporate existence. Proof of existence

370a. Proof of existence of foreign corporations. In any action or proceeding, civil or criminal, in any court of this state, a copy of the articles or certificate of incorporation of a foreign corporation duly certified by the secretary of state or other proper official of the state under the laws of which such corporation purports to be incorporated shall be prima facie evidence of the incorporation, existence and powers of such corporation, but such presumption may be rebutted by Proof of existence of foreign corporations

a statement under oath by such secretary of state or other official, or otherwise by competent evidence.

A certified copy of the articles or certificate of incorporation of a foreign corporation issued by the secretary of state or other officer of this or any other state in whose office the incorporation papers are filed as required by law shall be admitted in evidence by all courts and shall be prima facie evidence of the corporate existence and capacity of the corporation.

Proof of
corporate
proceedings

371. Proof of corporate proceedings. The original or a copy of the by-laws or of the minutes of any incorporators', shareholders', members', directors', or executive committee or other meeting of any corporation, certified to be a true copy by a person purporting to be the secretary or an assistant secretary thereof, shall be received in the courts of this state as prima facie evidence of the adoption of such by-laws and of the due holding of such meetings, and of the facts or actions stated therein.

Judicial
notice of
foreign law

372. Judicial notice of foreign law. In any action or proceeding, the court shall take judicial notice without proof in court of the constitution and statutes applying to foreign corporations, and any interpretation thereof, the seals of state and state officials and notaries public, and of the official acts affecting corporations of the legislative, executive and judicial departments of the state, territory or country under the laws of which said corporation purports to be incorporated.

Designation
of person
upon whom
process may
be served.

373. Designation of person upon whom process may be served. Every domestic corporation may file with the secretary of state a designation of a natural person, residing at a stated address in this state, as its agent for the purpose of service of process, and the delivery to such agent of a copy of any process against such corporation shall constitute valid service on such corporation. Such corporation shall file with the secretary of state notice of any change in the address of the person thus designated, and may revoke any such designation by filing notice thereof with the secretary of state.

Service by
delivery to
secretary
of state

If such designation has not been filed with the secretary of state, or if process against any domestic corporation can not, with the exercise of due diligence, be served upon the person designated or in any other manner provided by law, service may be had upon such corporation by delivering to the secretary of state, or to any person employed in his office in the capacity of a deputy, duplicate copies of such process, together with a fee of five dollars, which shall be included in the taxable costs of the suit, action or proceeding. Upon the receipt of such process and fee, the secretary of state shall forthwith give notice of the service of such process to the corporation at its principal office in this state, and shall forward to such office, by registered mail with request for return receipt, a copy of such process. The defendant shall appear and answer within thirty days after the secretary of state gives notice as aforesaid.

The secretary of state shall keep a record of all process served upon him under this or any other law of this state, and

shall record therein the time of such service and his action with reference thereto.

This section shall not apply to banks, trust companies, insurance companies or any corporation subject to the jurisdiction of the railroad commission.

374. Corporate seals as prima facie evidence of execution. Contracts, conveyances, certificates for shares and other instruments purporting to be executed by a corporation, foreign or domestic, and bearing a seal which purports to be the corporate seal, setting forth the name of the corporation, and the state and date of incorporation, engraved, lithographed, printed, stamped, impressed upon or affixed to the instrument, shall be deemed prima facie evidence that any such instrument is the act of the corporation, that it was duly executed and signed by persons who were officers or agents of the corporation acting by authority duly given by the board of directors, and that the seal is the duly adopted corporate seal of the corporation, and that it has been affixed as such by a person duly authorized so to do, and such instrument shall be admissible in evidence without further proof of execution.

375. Constitutionality. If any provision of this act, or the application thereof to any existing or future corporation or person, or to any foreign corporation or as to any shares or securities issued by any corporation, shall be held invalid as to any such corporation or the rights of any person therein, the remainder of the act and the application thereof to other corporations now existing or subsequently created shall not be affected thereby.

CHAPTER XV.

WINDING UP AND DISSOLUTION.

399. Continuation of corporation after dissolution. All corporations, whether they expire by their own limitation, by forfeiture of existence by order of court, or are otherwise dissolved, shall nevertheless continue to exist for the purpose of winding up their affairs, prosecuting and defending actions by or against them, and of enabling them to collect and discharge obligations, to dispose of and convey their property, and to collect and divide their assets, but not for the purpose of continuing business except in so far as necessary for the winding up thereof. No action or proceeding to which a corporation is a party shall abate by the dissolution of such corporation.

Any assets inadvertently or otherwise omitted from the winding up shall continue in the dissolved corporation for the benefit of the persons entitled thereto upon dissolution of the corporation, and on realization shall be distributed accordingly.

399a. Corporations heretofore dissolved. Nothing in this title shall be taken to have terminated the authority, powers or liability of directors or other persons as trustees of the creditors, stockholders or members of any corporation whose

term of existence has heretofore expired or which has heretofore been dissolved and whose corporate existence has not been continued by law for winding up the affairs of such dissolved corporation.

Continuation
of dis-
solution
proceedings

They shall have authority to sue for and recover all assets and property of the corporation, defend suits, collect and pay debts and liabilities, sell the assets thereof and after paying debts and liabilities, to distribute the remaining assets to the shareholders, and in general shall have full powers to settle the affairs of the corporation.

Trustees
organiza-
tion, etc.

The trustees shall organize by the election of a president, vice president and secretary. Instruments of conveyance shall be executed in the name of the dissolved corporation by the president or vice president, and secretary or an assistant secretary, or by authority of a majority of the directors or trustees. Any act authorized or consented to by a majority of the trustees shall be valid and binding as if authorized and consented to by all the trustees. A majority of the remaining trustees may accept resignations of trustees and fill vacancies in the office of trustee.

Deeds, etc

Any deed executed in the name of a corporation, heretofore dissolved, by the president or a vice president, and the secretary or an assistant secretary, or by authority of a majority of the directors or trustees after dissolution thereof, duly recorded, in the proper book of records of the county in which the land or any portion thereof so conveyed is situated, for a period of three years, shall have the same force and effect as if executed and delivered prior to such dissolution or suspension.

Voluntary
winding up

400. Voluntary winding up. If it is deemed advisable and for the benefit of any corporation that it be wound up and dissolved, it may elect to terminate its business, wind up its affairs and/or voluntarily dissolve as follows:

Proceedings

(1) By consent in writing executed by shareholders entitled to exercise a majority of the voting power and filed with the secretary of the corporation; or at a meeting called for the purpose, by a resolution adopted by the votes of shareholders entitled to exercise a majority of the voting power, declaring that the corporation elects to wind up and/or dissolve; or

(2) (a) If the corporation has been adjudged to be a bankrupt; or

(b) Has not begun the business for which the corporation was created, it may elect to wind up and/or dissolve by resolution of the board of directors.

(3) If the period, if any, fixed for the duration of the corporation has expired or it has been otherwise dissolved, without extension of its existence, it shall be the duty of the directors to terminate the business and wind up its affairs.

Certificate
of notice

A certificate giving notice that the corporation has elected to wind up and/or dissolve, signed and acknowledged by the president or a vice president and the secretary or an assistant secretary or by at least three shareholders authorized to do so,

or by a majority of the directors, shall be filed in the office of the secretary of state, and of the county clerk of the county in which the principal office of the corporation is located.

A notice of the election to wind up and/or dissolve shall be mailed to shareholders whose addresses appear upon the records of the corporation and to known creditors and claimants, except in the cases provided for in subdivisions (2) and (3) of this section. An affidavit of such mailing shall be filed with the secretary of state and with the county clerk of the county in which the principal office of the corporation is located. Election

400a. Commencement and effect of winding up proceedings. Proceedings for winding up shall be deemed to commence: Commencement and effect of winding up proceedings

(1) At the time of the adoption of the resolution for winding up, or the written consent thereto, if the proceeding is voluntary;

(2) At the time of the making of the order for winding up, if the proceeding is involuntary.

When a proceeding for winding up has commenced the corporation shall cease to carry on business, except in so far as may be necessary for the beneficial winding up thereof.

401. Directors: powers and duties. The board of directors, in event of either voluntary or involuntary winding up or dissolution, shall continue to act as a board and shall have full powers to wind up and settle its affairs. Directors: powers and duties.

They shall have, without prejudice to the generality of their authority, the power and duty in the name and on behalf of the corporation:

(1) To sue, in the name of the corporation, for all sums due or owing to the corporation, or to recover any of its property;

(2) To carry out contracts, and collect, pay, compromise and settle debts and claims for or against the corporation; and to defend suits brought against the corporation;

(3) To sell and convey, at public or private sale, the assets and property of the corporation, on such terms and conditions as they shall deem best, and execute bills of sale and deeds of conveyance in its name;

(4) To collect as much as may be necessary of any amounts remaining unpaid on subscriptions to shares, or overpayments that may be made in winding up;

(5) To discontinue the conduct of the business except in so far as necessary for the winding up thereof;

(6) To fill vacancies, in the board of directors, elect officers, employ agents and attorneys to liquidate or wind up its affairs;

(7) In general, to make contracts and to do any and all things in the name of the corporation which may be proper or convenient for the purposes of winding up, settling and liquidating the affairs of the corporation.

401a. Final distribution to shareholders. The directors, after the determination by them that all the known debts and Final distribution to shareholders.

liabilities of the corporation have been paid or adequately provided for, shall distribute the corporate assets among the shareholders according to their respective rights and preferences. Such distribution shall not be made until after the expiration of the period for the presentation of claims, if such period has been prescribed by order of court. Distribution may be made either in money or in property or securities, if this can be done fairly and ratably, and in conformity with the provisions of the articles and rights of the shareholders.

A distribution among shareholders in accordance with the terms and conditions and on the basis set forth in a plan of distribution authorized and approved by the directors and shareholders as provided in section 343a or 401c, shall be deemed to be a fair and ratable distribution and a distribution in accordance with the respective rights and preferences of the shareholders and in conformity with the provisions of the articles.

Partial distribution to shareholders.

401b. Partial distribution to shareholders. A corporation in process of winding up may distribute a portion of its assets among the shareholders before all the known debts and liabilities of the corporation have been paid not less than fourteen days after the filing of a certificate signed by all the directors that the corporation is being wound up as authorized in this title and that it is not engaged and does not propose to engage in business other than that incidental to such winding up. The certificate shall set forth the number and par value if any of the issued and outstanding shares; the total fair value of the assets; the total amount of the existing indebtedness and liabilities, and shall state that after the proposed distribution the assets of the corporation taken at their reasonable value will be amply sufficient to pay and discharge all the existing debts and liabilities of the corporation and all future anticipated indebtedness. At least fourteen days before any such partial distribution of assets is made the certificate shall be filed in the office of the secretary of state, and a copy certified by the secretary of state shall be filed in the office of the county clerk of the county in which the principal office of the corporation is located.

Sale of assets for securities by liquidating corporation

401c. Sale of assets for securities by liquidating corporation. In winding up the affairs of any corporation, the directors or other persons in charge thereof, upon paying or adequately providing for the liabilities and obligations of the corporation, may sell, exchange or dispose of all or any part of the remaining assets to a corporation, domestic or foreign, for a consideration including shares of stock and/or other securities of such corporation, if such sale, exchange or other disposition has been approved by the vote or written consent of the holders of shares entitling them to receive more than half of the value of such remaining assets. The directors may distribute such consideration or its proceeds among the shareholders in proportion to their interests therein, subject

however, to the provisions of section 369 of this title as to dissenting shareholders.

402. Liability for unpaid debts. After final distribution of the corporate assets by the directors, any creditor, whose claim has not been paid in full may sue the corporation, its directors, and any or all of its shareholders in one proceeding and compel the corporation either to pay any amount due or to set aside the distribution and recover from the shareholders ratably to the extent of the property and assets distributed to them, according to the inverse order of the priorities of the different classes of shares, so far as needed to satisfy the liabilities of the corporation and the costs of the proceeding. Directors who shall have authorized the same shall be personally jointly and severally liable to creditors for amounts or values distributed to shareholders without payment or adequate provision for payment of known debts and liabilities.

Liability for unpaid debts.

The directors shall be deemed to have adequately provided for all debts and liabilities of the corporation if upon any sale or other disposition of substantially all of the property and assets of the corporation pursuant to sections 343 and 401c of this code, a financially responsible purchaser or transferee shall assume all of the contracts, debts, liabilities and obligations of the corporation.

402a. Service of summons or process. Summons or process against a dissolved corporation may be served by delivering a copy to an officer, director or person having charge of its assets, or if no such person can be found, to any person who is, or at time of dissolution was, an agent for service of process. If no such person can be found, summons or process may be served upon the secretary of state or the assistant secretary of state with the effect and as provided in section 373 of this code.

Service of summons or process.

403. Supervision of the court over winding up. If a corporation is in the course of winding up or dissolution, the corporation or any one or more of its shareholders may by petition apply to the superior court of the county where the principal office of the corporation is located at any stage of the proceedings, to order and adjudge as to the following matters in and for the winding up of the affairs of the corporation:

Supervision of the court over winding up.

(1) The presentation and proof of all claims and demands against the corporation, whether due or not yet due, or contingent, or unliquidated or sounding only in damages, and the barring from participation of creditors and claimants failing to make and present claims and proofs as required by any order.

Presentation of claims.

All creditors and claimants may be barred from participation in any distribution of the general assets if they fail to make and present claims and proofs within such time as the court may direct which shall not be less than four nor more than six months after the first publication or service of notice

Failure to present.

to or upon creditors. If it is made to appear that the claimant had not received notice by reason of being out of the state, his claim may be filed or presented at any time before distribution is completed.

Service
of notice.

The court may prescribe the manner of service of notice, either by publication, mailing or otherwise, of the time fixed for the filing or making proof of claims. In general the court in making its orders shall follow the same procedure, as nearly as convenient, as in the presentation, payment and suit upon claims against the estates of deceased persons.

Secured
claims

Holders of secured claims may prove for the whole debt in order to realize any deficiency. If such creditors fail to present their claims, they shall be barred only as to any right to claim against the general assets for any deficiency in the amount realized on their security. Holders of unmatured claims may, if permitted by order of court, participate in the distribution of the assets of the corporation with the other creditors to the extent of the present value of such claims, unless adequate provision shall have been made for their payment when they fall due. Such an acceleration of maturity shall be effective only as against a corporation being wound up. A just estimate may be made by mutual consent of the present value of such debts or claims as may be subject to any contingency or sound only in damages or for some other reason do not bear a certain value.

Rejected
claims suit

Suits against the corporation on claims which shall have been rejected or which have not been acted upon shall be commenced within thirty days after the rejection thereof and notice of rejection given.

Other
matters

(2) The settlement or determination of all claims of every nature against such corporation or its property or any of it, or the amount of money or assets required to be retained to pay or provide for the payment of such claims, or any claim, or the amount of money or assets available for distribution among shareholders from time to time, making new parties so far as shall be deemed proper for the determination of all questions and matters.

(3) The determination of the rights of shareholders and of all classes of shareholders in and to the assets of the corporation.

(4) The presentation and the filing of intermediate and final accounts of the directors and hearings thereon, and the allowance, disallowance or a settlement thereof, and the discharge of the directors from their duties and liabilities.

(5) The appointment of a referee to hear and determine any or all matters with such power or authority as the court or such judge may deem proper.

(6) The filling of any vacancies in the number of directors which the directors or shareholders are unable to fill.

(7) The removal of any director if it is made to appear that he has been guilty of dishonesty, misconduct, neglect or abuse of trust in conducting the winding up, or if he be unable

to act. The court may order an election to fill the vacancy so caused.

(8) The notice to be given of any hearing or any order Any notice, if so ordered, may be given by mail

403a. Vacancies in office of director. A vacancy occurring by death, resignation or failure or inability to act or otherwise in the office of director during the dissolution or winding up, voluntary or involuntary, may be filled by vote or written consent of the holders of shares representing a majority of the voting power, and until such action of the shareholders by a majority of the remaining directors, though less than a quorum, subject to the power of removal and appointment of the directors by the court as provided in this title.

Vacancies in office of director

403b. Determination of identity of directors. Upon the dissolution of any corporation whether by forfeiture of charter, expiration of term of existence, dissolution by order of court or otherwise, or after the commencement of dissolution or winding up proceedings, whether heretofore or hereafter occurring, if the identity of the directors, or their right to hold office is in doubt, or if they are dead or unable or fail or refuse to act or their whereabouts can not be ascertained, any director, trustee, creditor, shareholder or member, or their assigns or successors in interest, whether of record or not, may petition the superior court in and for the county in which the principal office of such corporation was located at the time of dissolution or commencement of dissolution proceedings, setting forth the facts of dissolution or a commencement of dissolution or winding up proceedings and the names and addresses of the persons who were directors of such corporation so far as known to the petitioner, or the fact that they are dead, unknown or unable to act in the winding up of the affairs of the corporation, with a request that the court appoint directors or trustees to act in the winding up of the affairs of the corporation.

Determination of identity of directors

Appointment of trustees.

Upon the filing of such petition, the court shall prescribe by order the giving of such notice as may be reasonable by posting, publication, mailing, personal service or otherwise, to the corporation and to the known directors and officers and persons named in such petition as directors of the corporation at the time of its dissolution, or to the persons having charge of its assets.

Petition notice, etc

Any person claiming to be a director or trustee or receiver for such corporation, or named in such petition, may answer such petition and may be heard thereon by the court.

Answers

The court shall have power to remove from office any director whose identity or whereabouts can not be determined, or who has failed or refused to act or who has left the state, or who for any other reason should be removed, and to appoint some fit and proper person nominated by the person petitioning, or by a majority of the persons interested as shareholders or creditors, to act as director or trustee in winding up the affairs of the corporation.

Removal of directors

The provisions of this section shall not impair or affect any remedy or proceedings otherwise provided by law for winding up the affairs of a corporation.

Order or
certificate of
dissolution.

403c. Order or certificate of dissolution.

(1) When a corporation has been completely wound up, and all its known debts have been paid, and its known property distributed, the court, if application is made to the court, may make an order declaring the corporation wound up and dissolved. If the proceeding is out of court, a majority of the directors shall sign and acknowledge a certificate stating that the corporation has been completely wound up and is dissolved.

Filing of
order.

(2) A copy of such order certified by the clerk of court shall be filed in the office of the secretary of state and of the county clerk in which the principal office of the corporation is located unless the original order is on file therein. Such certificate of winding up shall be filed in the office of the secretary of state, and a copy, certified by him, shall be filed in the office of the county clerk of the county in which the principal office of the corporation is located. Thereupon all corporate activities shall terminate except for purposes of further winding up if needed.

Unclaimed
shares and
debts

403d. Unclaimed shares and debts. Deposit of distributive shares of unknown claimants or shareholders. In case the holders of shares are unknown or shall fail or refuse to accept their distributive shares in the property or assets of the corporation or their whereabouts can not be ascertained after diligent inquiry, or in case the ownership of any shares is in dispute, the board of directors shall deposit the distributive shares of such claimants or shareholders with some savings bank or trust company of good standing in the county in which the principal office of the corporation is located, at interest if possible, for the benefit of those who may be lawfully entitled thereto. Such distributive shares shall be paid over by such bank or trust company to the lawful owners of the said shares, their representatives or assigns, upon satisfactory proof of title being made.

Deposit.

Distribution

If no claimants have appeared or been found after three years the property so unclaimed shall be distributed pro rata among those others who were shareholders at the time of distribution and their successors. Such unclaimed property may be distributed at any time among the known and existing shareholders upon a suitable bond or security being given to a bank or trust company for the payment of any claimants who may appear and establish their claims against the corporation within three years.

Unclaimed
deposits or
dividends

If a corporation is being wound up or dissolved and there is any unclaimed deposit or dividend or any debt owed by it to any person whose whereabouts is unknown to the directors or trustees or other persons conducting the winding up, they shall deposit the amount due such person in the state or county treasury or with some bank or trust company in this

state accompanied with a statement of the name of the person making such deposit or entitled to such dividend or debt, the time when the deposit was made or the dividend declared, or debt created, and any information possessed as to the residence of the person entitled to the deposit or dividend or debt.

All unclaimed deposits or dividends or debts so paid into the state or county treasury or deposited with some bank or trust company shall be deposited at interest if possible for the benefit of those who may appear and establish their claim thereto within three years, after which time any such deposits shall be dealt with in the same manner as deposits of distributive shares of unknown claimants or shareholders as provided in this section.

Deposit at
Interest, etc

404. Involuntary winding up. A petition for involuntary winding up of a corporation other than one subject to the bank act, the public utility act or the building and loan act may be filed in the superior court of the county where the principal office is located either by a majority of the directors or by a shareholder or shareholders, who have been registered holders for a period of not less than three months, of not less than twenty-five per cent of the number of outstanding shares or by any shareholder under subdivision (4) of this section.

Involuntary
winding up.

The court may, upon filing of a petition duly verified, entertain proceedings for the involuntary winding up of a corporation, when it is made to appear:

(1) That the corporation has abandoned its business for more than one year;

Causes for
winding up

(2) That there is internal dissension and that two or more factions of shareholders in the corporation are so deadlocked that its business can not longer be conducted with advantage to its shareholders;

(3) That the directors or those in control of the corporation have been guilty of persistent fraud or mismanagement or abuse of authority, or persistent unfairness toward minority shareholders, or that its property is being misapplied, wasted or lost by its directors or officers;

(4) That the period for which the corporation was formed has terminated without extension of the period of existence.

404a. Procedure and jurisdiction. Upon the filing of a verified petition for involuntary winding up, the court shall enter an order requiring the corporation to show cause why the corporation should not be wound up. A certified copy of the petition and of the order to show cause shall be served on the corporation as a summons is served in civil actions.

Procedure
and juris-
diction

At any time prior to the trial of the action any shareholder or creditor may intervene therein. The court may direct that a copy of the order shall be personally served upon any of the creditors or published for such time as it may prescribe.

Intervention
of creditor
or share-
holder

The superior court of the county of the principal office shall have jurisdiction of said petition and of the proceedings thereon, and may make such orders for dissolution and winding

Order of
dissolution,
etc

up as justice and equity shall require, including those providing for the presentation of claims of creditors and the barring from participation of creditors and claimants failing to make claims and present proofs as required, as in case of proceedings for voluntary dissolution.

Directors to
wind up

Unless other persons are appointed by the court on good cause shown to conduct the winding up, the board of directors shall conduct the winding up of the affairs of the corporation, subject to the supervision of the court. They or the directors appointed by the court shall have such powers and authority in general as in case of voluntary dissolution and may, subject to any restrictions imposed by the court, exercise all their powers through the regular officers without any order of court.

Action by
state to
forfeit
corporate
existence.

404b. Action by state to forfeit corporate existence.

(1) The attorney general may bring an action against any corporation or purported corporation, in the name of the people of this state upon his own information, or upon complaint of a private party, to procure a judgment annulling, vacating or forfeiting corporate existence upon the ground that:

Grounds

(a) The corporation has seriously offended against any provision of the statutes regulating corporations, or has fraudulently abused or usurped corporate privileges or powers; or

(b) The corporation has violated any provision of law whereby it has forfeited its right to exist.

Correction
of errors.

(2) If the cause of action be a matter or act which the corporation has done or omitted to do that can be corrected by amendment of its articles or by other corporate action, then such suit shall not be maintained unless and until the attorney general, thirty days prior to the institution of such suit, shall give the corporation written notice of the matter or act done or omitted to be done, and the corporation has failed, neglected or refused to institute proceedings to correct the same within said thirty-day period.

Court order.
Receivers
etc

(3) In any such action, the court may grant the relief asked for, or such other or partial relief as to it seems just and expedient; and the court may also appoint a receiver or receivers for winding up its affairs or may order that such corporation be wound up by its board of directors as in case of voluntary dissolution.

Filing copy
of decree.

404c. Filing copy of decree. Whenever a corporation is dissolved or its existence forfeited by decree or judgment of court, a copy of the decree or judgment, certified by the clerk of court, shall be forthwith filed in the office of the secretary of state and in the office of the county clerk of the county in which the principal office of the corporation was located, unless the original is already on file therein.

CHAPTER XVI.

FOREIGN CORPORATIONS.

Articles and
statement
to be filed

405. Articles and statement to be filed. In this chapter the term "foreign corporation" means a corporation not in

incorporated under the laws of this state. The term "articles" includes the articles or certificate of incorporation or of association filed for the purpose of creating the corporation with the secretary of state or proper official of the state, territory, or government, under the laws of which such corporation is created, and any amendments thereof, and any certificates supplemental thereto, or any charter, statute, or governmental act creating it, and any charter, statute or governmental act amendatory thereof or supplemental thereto.

No foreign corporation shall transact intrastate business in this state or enter into repeated and successive transactions of its business in this state, other than interstate or foreign commerce, until it has filed with the secretary of state a copy of its articles duly certified by the secretary of state or other proper official of the government under the laws of which it was created, together with a verified translation of any part thereof in a foreign language, and a statement setting forth:

(1) The location and address of its principal office;

Statements to be filed

(2) The location and address of its principal office within this state;

(3) The name of some person residing within the state upon whom process directed to such corporation may be served, and his complete business or residence address, which must be in the county in which the principal office of the corporation in this state is to be located;

(4) Its irrevocable consent to such service, and to service of process on the secretary of state, in the event that the agent so designated or his successor is no longer authorized to act or can not be found at the address given. A copy of such articles, and any translation thereof, duly certified by the secretary of state of this state, must be filed with the county clerk of the county in this state in which the principal office of the corporation is located, and with the county clerk of any other county in this state in which the corporation owns real property.

There shall be paid to the secretary of state a fee of one hundred dollars for filing such certified copy of the articles and a fee of five dollars for filing such statement.

Fee.

Corporations organized for educational, religious, scientific or charitable purposes, and not issuing shares, and foreign nonprofit corporations, shall pay a fee of five dollars for filing their articles.

Religious, etc., corporations

405a. Restrictions on name. No foreign corporation having a name which is likely to mislead the public or having the name of a domestic corporation or a name which is under reservation for a proposed corporation, or the name of a foreign corporation which is authorized to transact business in this state, or having a name so similar to that of any such corporation or to any such reserved name as to tend to deceive, shall be entitled to transact business in this state or to qualify to do so by complying with the provisions of this chapter until it obtains an order from a court of competent

Restrictions on name

jurisdiction permanently restraining the other corporation from doing business in this state under such name and unless it files with the secretary of state a copy of such order of court, duly certified by the clerk of said court.

Designation,
change and
resignation
of agent.

406. Designation, change and resignation of agent. No foreign corporation which has filed with the secretary of state a designation of an agent for the service of process, pursuant to the requirements of any law in force at the time of such filing, need file with the secretary of state the statement provided for in section 405, except for the purpose of designating a new agent. A statement of the new business or residence address of its agent, or of the new location of its principal office or its principal office within this state may be executed by any foreign corporation or by the agent of such foreign corporation, and filed with the secretary of state, whereupon the secretary of state shall endorse such new address or location upon the designation on file in his office, together with the date of filing of such statement.

New agent

Any foreign corporation may designate a new agent for the service of process by filing with the secretary of state a statement setting forth its revocation of the designation of the person last named as such agent and containing the name of the new agent and all other matters required by section 405, and any foreign corporation may revoke any designation of such agent, without naming a new agent, by filing with the secretary of state a statement of such revocation.

Resignation
of agent

Any person who has been designated by a foreign corporation as such agent may file with the secretary of state a signed statement that he is unwilling to continue to act as the agent of such corporation for the service of process, the execution of which statement must be duly acknowledged, and, upon the filing of such statement with the secretary of state, the capacity of such person as such agent shall terminate and the secretary of state shall forthwith give written notice, by mail, to such corporation of the filing of such statement, and the effect thereof, which notice shall be addressed to such corporation at its home office.

Service of
process.

406a. Service of process. Process directed to any foreign corporation may be served on the person so designated as its agent for service of process or authorized to receive service of process, or the president or other head of the corporation, a vice president, a secretary, an assistant secretary, the general manager in this state, or the cashier or assistant cashier of a bank; in the event that no agent so designated can be found at the address given with due diligence, or if no person has been designated and if no one of the foregoing officers or agents of the corporation can be found after diligent search, then on the secretary of state. A copy of such designation, certified by the secretary of state, is sufficient evidence of the appointment of such agent for the service of process.

Whenever process against a foreign corporation is served upon the secretary of state such service shall be made by delivering to the secretary of state, or to an assistant or deputy secretary of state, duplicate copies of such process, and a fee of five dollars, and, if the corporation has not filed with the secretary of state the statement required by section 405, there shall also be delivered to the secretary of state a statement of the address of such corporation to which notice, and a copy of such process, shall be sent. Upon receipt of such process and fee the secretary of state shall forthwith give notice to the corporation by telegraph, charges prepaid, both to its principal or home office and to its principal office in the state, of the service of such process, and shall forward to each of such offices by registered mail, a copy of such process, or in case he has no record of such corporation or such offices, then such notice shall be telegraphed and such copies shall be mailed to the corporation, at the address given in the statement delivered to the secretary of state at the time of such service. The corporation shall appear and answer within thirty days after the secretary of state gives notice as aforesaid. The certificate of the secretary of state, under his official seal, of such service shall be competent and sufficient proof thereof. The secretary of state shall keep a record of all process served upon him and shall record therein the time of such service and his action in respect thereto.

Service on secretary of state.

Notice of service.

406b. Change of office or agent. If a foreign corporation shall change the location of its principal office in this state, it shall file with the secretary of state a certificate setting forth the new location. If such new location be in a different county, the corporation shall appoint an agent for service of process and any such certificate shall designate his name and complete address which shall be in the county to which the principal office of the corporation in this state is changed.

Change of office or agent.

If a designated agent dies or removes from the county, the corporation, within thirty (30) days thereafter, shall file with the secretary of state a certificate setting forth the name and complete address of a newly designated agent.

407. Exemptions from application of chapter. The requirements of this chapter as to foreign corporations shall not apply to corporations engaged solely in interstate or foreign commerce.

Exemptions from application of chapter.

No foreign corporation need comply with the requirements of this chapter merely because a subsidiary corporation owned or controlled by it is engaged in the transaction of intrastate business in this state.

408. Penalties on corporations. Any foreign corporation required to comply with the provisions of this chapter, which transacts intrastate business in this state without complying therewith shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars, nor to exceed one thousand dollars, to be recovered in any court of

Penalties on corporations.

competent jurisdiction. Prosecution under this section may be brought by the attorney general or by any district attorney, and if brought by the latter, one-half of the fine collected shall be paid to the treasurer of the county in which the conviction was had, and one-half to the state treasurer. If brought by the attorney general, the entire amount of fine collected shall be paid to the state treasurer to the credit of the general fund of the state.

Additional penalty.

In addition to the penalty herein provided, no such foreign corporation shall maintain any action or proceedings upon any intrastate business or transaction in any court of this state until it shall have complied with the provisions of this chapter, and shall have paid to the secretary of state a penalty of two hundred fifty dollars in addition to the fees due for filing the copy and statement required by section 405, and shall file with the clerk of the court in which the action is pending, receipts showing the payment of said fees and penalty and all franchise taxes and any other taxes on business or property in this state that should have been paid for the period during which it transacted intrastate business. In case of the wilful or persistent violation of the provisions of this chapter the court may also adjudge a forfeiture to the other party of one-fourth of the amount of the recovery that may be obtained in any such action or proceedings.

Penalty on agents

409. **Penalty on agents.** Any person who transacts business in this state on behalf of a foreign corporation which is not authorized to transact business in this state, shall be guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars nor more than three hundred dollars.

Withdrawal from state

411. **Withdrawal.** A foreign corporation which has qualified to transact business in this state may withdraw and surrender its right to engage in business within this state, by filing in the office of the secretary of state a certificate executed and acknowledged by its president or vice president, and secretary or treasurer, setting forth:

Certificate contents.

(1) That it surrenders its authority to transact intrastate business in this state.

(2) That it consents that process against it in an action upon any liability or obligation incurred within this state prior to the filing of the certificate of withdrawal may be served upon the secretary of state.

(3) A post-office address to which the secretary of state may mail a copy of any process against such corporation that may be served upon him.

The revocation of authority to transact business shall not affect any action pending at the time. The mere retirement from transacting business within this state without filing a certificate of withdrawal shall not revoke the appointment of any agent upon whom process may be served within this state.

Liabilities of directors.

412. **Liabilities of directors.** The directors of a foreign corporation transacting business in the state shall be liable to the corporation, its shareholders, creditors, receiver or trustee

in bankruptcy for the making of unauthorized dividends or distributions or false certificates, reports or public notices according to the laws of the state of incorporation. Such liabilities may be enforced in the courts of this state.

413. Construction and application. Nothing contained in this chapter shall be construed to repeal, alter or amend the provisions of section 616 of the Political Code, or to prevent any foreign insurance company from carrying out the provisions of contracts made before the surrender of its right to engage in intrastate business in this state, nor the right to carry out contracts made with citizens of other states who may subsequently become citizens of or residents in this state.

The provisions of this chapter requiring the filing of copies of articles with the secretary of state and with county clerks shall not be applicable to foreign corporations which, prior to the eighth day of March, 1901, complied with the provisions of the act entitled "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872," approved March 17, 1899, but any such corporation and any other corporation which is qualified to do intrastate business in this state, upon the adoption, hereafter, of any amendment to its articles or any certificate supplemental thereto, or any act amendatory of or supplemental to the act creating it, must forthwith file with the secretary of state a copy thereof, certified by the proper official of the government under the laws of which it was created, and a verified translation thereof, if in a foreign language, and must file a copy thereof, certified by the secretary of state, with the county clerk of the county in which its principal office in this state is located and with the county clerk of any other county in which it owns real property.

SEC. 3. Any vote, consent, certification or action by directors, officers, shareholders, or members of a corporation or by any such persons on behalf of the corporation, or any articles of incorporation executed by persons desiring to form a corporation, which are in accordance with the provisions of this act, if duly taken, given or made before this act becomes effective with a view to complying with the requirements of this title, and if required to be filed in any public office of this state, may be duly filed under this act on or after the date when this act has become effective.

Construc-
tion and
application

Proceedings
prior to
effective
date of act

CHAPTER 863.

An act to amend section 411 of the Code of Civil Procedure, relating to service of summons.

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

*The people of the State of California do enact as follows:*Stats 1921,
p 100.

SECTION 1. Section 411 of the Code of Civil Procedure is hereby amended to read as follows:

Service of
summons.

411. The summons must be served by delivering a copy thereof as follows:

Suit against
domestic
corporation.

1. If the suit is against a domestic corporation; to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the state after diligent search, then to the secretary of state as provided in section 373 of the Civil Code, unless the corporation be of a class expressly excepted from the operation of that section.

Suit against
foreign
corporation.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this state; in the manner provided by section 406a of the Civil Code.

Suit against
minor.

3. If against a minor, under the age of fourteen years, residing within this state: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

Suit against
incompetent
person

4. If against a person residing within this state who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: to such person, and also to his guardian.

Suit against
city or
town.

5. If against a county, city or town: to the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

Suit against
corporation
whose char-
ter forfeited

6. In all cases where a corporation has forfeited its charter or right to do business in this state, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in section 402a of the Civil Code.

All other
cases.

7. In all other cases to the defendant personally.

CHAPTER 864.

An act to repeal chapter 34, statutes of 1921, entitled "An act concerning corporations of this state and the issue to employees and to persons actively engaged in the conduct of their business of their stock," approved April 2, 1921, relating to the issue of shares of stock to employees. Stats. 1921, p. 32, repealed.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 34, statutes of 1921, entitled "An act concerning corporations of this state and the issue to employees and to persons actively engaged in the conduct of their business of their stock," approved April 2, 1921, is hereby repealed. Stats. 1921, p. 32, repealed.

CHAPTER 865.

An act adding chapter three to title nine of part two of the Code of Civil Procedure, consisting of sections 724a to 724e inclusive and repealing sections 388 to 393 inclusive of the Civil Code, relating to the sale of franchises on execution.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new chapter is hereby added to title nine of part two of the Code of Civil Procedure, to be numbered chapter three, to consist of sections 724a to 724e inclusive, and to read as follows: New chapter.

CHAPTER III.

SALE OF FRANCHISES.

724a. Franchise may be treated as property, and sold under execution.

724b. Purchaser to transact business of corporation; redemption.

724c. Purchaser may recover penalties, etc.

724d. Corporation to retain powers after sale.

724e. Sale, where made.

724a. For the satisfaction of any judgment against any person, company, or corporation having any franchise other than the franchise of being a corporation, such franchise, and all the rights and privileges thereof, may be levied upon and sold under execution, in the same manner, and with the same effect, as any other property. Franchise subject to execution.

724b. The purchaser at the sale must receive a certificate of purchase of the franchise, and be immediately let into the possession of all property necessary for the exercise of the Purchaser to transact business of corporation

Redemption powers and the receipt of the proceeds thereof, and must thereafter conduct the business of such corporation, with all its powers and privileges, and subject to all its liabilities, until the redemption of the same, which redemption may be had as provided in this code in the case of redemption from sales of real estate on execution.

Purchaser may recover penalties, etc. 724c. The purchaser or his assignee is entitled to recover any penalties imposed by law and recoverable by the corporation for an injury to the franchise or property thereof, or for any damages or other causes, occurring during the time he holds the same, and may use the name of the corporation for the purpose of any action necessary to recover the same. A recovery for damages or any penalties thus had is a bar to any subsequent action by or on behalf of the corporation for the same.

Corporation to retain powers after sale. 724d. The person, company, or corporation whose franchise is sold, as in this chapter provided, in all other respects retains the same powers, is bound to the discharge of the same duties, and is liable to the same penalties and forfeitures, as before such sale.

Sale, where made. 724e. The sale of any franchise under execution must be made in the county in which the corporation has its principal place of business, or in which the property, or some portion thereof is situated.

Repeal. SEC. 2. Article four of chapter three of title one of part four of division one of the Civil Code, consisting of sections 388 to 393, inclusive, is hereby repealed.

CHAPTER 866.

An act to amend section 560 and to repeal sections 565, 569, and 570 of the Penal Code, relating to directors and officers of corporations.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Pen C of 1872.

SECTION 1. Section 560 of the Penal Code is hereby amended to read as follows:

Penalty for voting fraudulent dividends

560. Every director of any stock corporation who concurs in any vote or act of the directors of such corporation or any of them, knowingly and with dishonest or fraudulent purpose, to make any dividend, or distribution of assets, except in the cases and in the manner allowed by law, either with the design of defrauding creditors or shareholders or of giving a false appearance to the value of the stock and thereby defrauding subscribers or purchasers; and every director of a stock corporation who knowingly concurs in any vote or act of the directors of such corporation to issue any shares of stock beyond the amount authorized by its articles of incorporation, is guilty of

a misdemeanor, and upon conviction shall be fined not more than one thousand dollars or imprisoned for not more than one year, or, in the discretion of the court both fined and imprisoned.

SEC. 2. Any promoter, director or officer of a corporation who knowingly and wilfully issues or consents to the issue of shares or certificates for shares in violation of the provisions of title one of part four of division one of the Civil Code with intent to defraud present or future shareholders, subscribers or purchasers thereof, or creditors, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars or imprisoned for not more than one year, or, in the discretion of the court, both fined and imprisoned.

Penalty for
illegal
issuance
of shares

SEC. 3. Sections 565, 569, and 570 of the Penal Code are hereby repealed.

Repeal.

CHAPTER 867.

An act to repeal titles nineteen and twenty of part four of division one of the Civil Code of the State of California, including sections 653a, 653b, 653c, 653d, 653e, 653f, 653g, 653h, 653i, 653j, 653k, and 653l of the Civil Code of the State of California, relating to cooperative associations and cooperative business corporations, and making the general corporation law apply to such corporations

[Approved by the Governor June 12, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Titles nineteen and twenty of part four of division one of the Civil Code of the State of California, including sections 653a, 653b, 653c, 653d, 653e, 653f, 653g, 653h, 653i, 653j, 653k and 653l, and each of said sections, are hereby repealed, and all nonprofit cooperative business corporations and cooperative business associations organized and existing under and by virtue of said titles are to be deemed organized and existing under and by virtue of the general corporation law of the State of California

Repeal.

CHAPTER 868.

An act to repeal title twenty-one of part four of division one of the Civil Code of the State of California, including sections 653m, 653n, 653o, 653p, 653q, 653r, 653s, 653sa, 653sb, and 653sc of the Civil Code of the State of California, relating to nonprofit cooperative, agricultural, viticultural and horticultural associations, and making title twenty-

three of part four of division one of the Civil Code apply to such associations.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeal.

SECTION 1. Title twenty-one of part four of division one of the Civil Code of the State of California, including sections 653m, 653n, 653o, 653p, 653q, 653r, 653s, 653sa, 653sb, and 653sc, and each of said sections, is hereby repealed, and all non-profit cooperative, agricultural, viticultural and horticultural associations organized and existing under and by virtue of said title twenty-one are to be deemed organized and existing under and by virtue of title twenty-three of part four of division one of the Civil Code of the State of California.

CHAPTER 869.

An act to repeal title twenty-two of part four of division one of the Civil Code of the State of California, including sections 653t, 653u, 653v, 653w, 653x, 653y, 653z, 653za, 653zb, 653zc and 653zd of the Civil Code of the State of California, relating to nonprofit cooperative corporations, and making the general corporation law apply to such corporations.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Title twenty-two of part four of division one of the Civil Code of the State of California, including sections 653t, 653u, 653v, 653w, 653x, 653y, 653z, 653za, 653zb, 653zc and 653zd, and each of said sections, is hereby repealed, and all nonprofit cooperative corporations organized and existing under and by virtue of said title twenty-two are to be deemed organized and existing under and by virtue of the general corporation law of the State of California.

CHAPTER 870.

An act to amend sections 653bb, 653cc, 653hh, 653ii, 653jj, 653kk, 653mm, 653qq, 653tt, and 653vv of title twenty-three of part four of division one of the Civil Code of the State of California, relating to nonprofit cooperative marketing associations, and to add to said title twenty-three new sections to be known as section 653hh (1), section 653hh

(2) and section 653yy of the Civil Code of the State of California.

[Approved by the Governor June 12, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 653bb of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows: Stats. 1923,
p. 223.

653bb. Definitions. As used in this act: Definitions

(a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, live stock, poultry, bee and any farm products.

(b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with shares of stock.

(c) The term "association" means any corporation organized under this act; and

(d) The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed "non-profit," inasmuch as they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers.

(c) For the purposes of brevity and convenience, this act may be indexed, referred to and cited as "The cooperative marketing act."

SEC. 2. Section 653cc of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows: Stats. 1923,
p. 223.

653cc. Who may organize. Five (5) or more persons, a majority of whom are residents of this state, engaged in the production of agricultural products, may form a nonprofit, cooperative association, with or without shares of stock, under the provisions of this act. Who may
organize.

SEC. 3. Section 653hh of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows: Stats. 1929,
p. 1386

653hh. Articles of incorporation. The articles of incorporation of any such association shall state: Articles of
Incorporation

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The county in this state where the principal office for the transaction of the business of the corporation is to be located.

(d) The number of directors thereof, which must be not less than three (3) and may be any number in excess thereof; the term of office of such directors; and the names and residence of those who are to serve as directors for the first year, or until election and qualification of their successors.

(e) If organized without shares of stock, whether the voting power and the property rights and interest of each member shall be equal or unequal; and if unequal, the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed; and providing for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules.

(f) If organized with shares of stock, the number of shares which may be issued and if the shares are to have a par value, the par value of each share, and the aggregate par value of all shares; if the shares are to be without par value, it shall be so stated.

If the shares are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock; and except as to the matters and things so stated no distinction shall exist between said classes of stock or the holders thereof. One class of stock shall always be known as common stock and voting power may be restricted to holders of common stock.

Stats 1923,
p 226.

SEC. 4. Section 653ii of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

Amendments
to articles
of incorpo-
ration

653ii. Amendments to articles of incorporation. The articles of incorporation of any association incorporated under this act may be altered or amended in the manner and for the purposes prescribed in section 362 of this Civil Code and by the general corporation laws of this state covering domestic corporations.

Stats 1927,
p 569

SEC. 5. Section 653jj of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

By-laws

653jj. By-laws. Each association incorporated under this act shall within thirty days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this act. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

Meetings

(a) The time, place and manner of calling and conducting its meetings. Meetings of members or stockholders shall be

held at the place as provided in the by-laws; and if no provision be made, then in the city where the principal place of business is located at a place as designated by the board of directors. Meetings of the board of directors may be held at any place within or without the state fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws.

(b) The number of stockholders or members constituting a quorum. Quorum of members

(c) The right of members or stockholders to vote by proxy or by mail or both; and the conditions, manner, form and effects of such votes; the right of members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting. Proxies

(d) The number of directors constituting a quorum. Quorum of directors

(e) The qualifications, compensation and duties and term of office of directors and officers and the time of their election. Directors

(f) Penalties for violations of the by-laws. Penalties

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used. Fees

(h) The amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign. Additional fees and compensation.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the non-profit character of any association organized hereunder. Dividends.

(j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceased to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their Membership

disqualification as stockholders. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

Stats. 1927,
p. 568.

SEC. 6. Section 653kk of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

Directors:
election.

653kk. Directors: Election. The affairs of the association shall be managed by a board of not less than three (3) directors, elected by the members or stockholders from their own number.

District
represent-
ation.

The by-laws may provide that the territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws may also provide that primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association. The by-laws may also provide that the territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisors, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisors to be elected by each district, the manner and method of reapportioning the representatives or advisors and of redistricting the territory covered by the association. The by-laws may also provide that directors shall be elected for terms of from one to five years; provided, that at each annual election the same fraction of the total number of directors shall be elected as the year bears to their term of office. The by-laws may also provide that one or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such director shall represent primarily the interest of the general public in such associations. The directors so nominated need not be members or stockholders of the association; but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

Terms.

Represent-
ation of
general
public.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee.

The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of

the board of directors, subject to the general direction and control of the board.

When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board by a majority vote, shall fill the vacancy, provided that when the by-laws provide for an election of directors by districts, the vacancy shall be filled by the election of a director from the district in which the vacancy occurs; or the board of directors may call a special meeting of the members or stockholders in that district to fill the vacancy.

Filling of vacancies

SEC. 7. Section 653mm of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

Stats 1923, p. 228.

653mm. Stock. Membership certificate. When issued. Limitations on transfer and ownership. When a member of an association established without shares of stock has paid his membership fee in full, he shall receive a certificate of membership.

Stock Membership certificate.

Payment for stock. No association shall issue a certificate for stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note; but such retention as security shall not affect the member's right to vote.

Payment for stock.

Limit. An association, in its by-laws, may limit the amount of common stock which one member may own.

Limit

Transfer restricted. The by-laws shall prohibit the transfer of the common stock or membership certificates of the associations to persons not engaged in the production of the agricultural products handled by the association; and such restrictions must be printed upon every certificate of stock subject thereto.

Transfer restricted

Association may buy in common stock. The association may, at any time, as specified in the by-laws, except when the debts of the association exceed fifty (50) per cent of the assets thereof, buy in or purchase its common stock at the book value thereof, as conclusively determined by the board of directors, and pay for it in cash within one (1) year thereafter.

Association may buy in common stock

Liability for debts. No member or stockholder shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory note given in payment thereof.

Liability for debts

SEC. 8. Section 653qq of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

Stats 1923, p. 230

653qq. Issue of preferred stock in payment for property. Purchasing business of other associations, persons, firms or corporations—payment—stock issued. Whenever an association, organized hereunder with preferred shares of stock, shall

Issue of preferred stock in payment for property

purchase the stock or any property, or any interest in any property of any person, firm or corporation or association, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred stock to an amount which at par value would equal the fair market value of the stock or interest so purchased, as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

Stats 1923,
p. 231.

SEC. 9. Section 653tt of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

Interest in
other cor-
porations or
associa-
tions

653tt. Interest in other corporations or associations. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing or selling of the agricultural products handled by the association, or the by-products thereof.

Warehouse
receipts as
collateral

Warehouse receipts as collateral. If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association against the commodities delivered by it, or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the usual and current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this state or the United States, its warehouse receipt delivered to the association on commodities of the association or its members, or delivered by the association or its members, shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Merger and
consolida-
tion

Merger and consolidation. Any two or more corporations organized hereunder may be merged into one such constituent corporation or consolidated into a new corporation, such merger or consolidation to be made in the manner prescribed by the general laws of the State of California covering domestic corporations.

Stats 1923,
p. 231.

SEC. 10. Section 653vv of title twenty-three of part four of division one of the Civil Code of the State of California is hereby amended to read as follows:

Associations
heretofore
organized

653vv. Associations heretofore organized. Any corporation or association organized under previously existing statutes for the purpose of cooperatively marketing agricultural or horticultural products as defined in this act shall be deemed organized and existing under and by virtue of the terms of this act and all of the provisions of the terms of this act, and any of the restrictions and benefits thereof shall apply in all of their terms to such corporation. The repeal of any acts under which such corporation or association has been incorporated shall not dissolve such corporation or association,

but such corporation or association shall continue in existence as if organized under the provisions of this act.

SEC. 11. A new section is hereby added to title twenty-three of part four of division one of the Civil Code of the State of California, to be numbered 653hh (1) and to read as follows:
653hh. (1) Nonpar value stock—issuance of. If an association organized hereunder issues nonpar value stock, the issuance of such stock shall be governed by the terms of all general laws covering the issuance of nonpar value stock in domestic corporations.

SEC. 12. A new section is hereby added to title twenty-three of part four of division one of the Civil Code of the State of California, to be numbered 653hh (2) and to read as follows:
653hh. (2) Articles of incorporation must be signed, acknowledged and filed in the manner prescribed by the general laws of this state for domestic corporations.

SEC. 13. A new section is hereby added to title twenty-three of part four of division one of the Civil Code of the State of California, to be numbered 653yy, and to read as follows:
653yy. Corporate securities act not to apply. No corporation organized or existing under or by virtue of the terms and provisions of this act shall be subject in any manner to the terms of the corporate securities act of the State of California as approved May 18, 1917, and all amendments thereto and any and all corporations organized under and by virtue of the terms of this act may and shall issue their membership certificates or stock or other securities as provided herein without the necessity of any permit from the commissioner of corporations of the State of California.

CHAPTER 871.*

An act to revise title twelve of part four of division first of the Civil Code, embracing sections 593 to 606, inclusive, relating to nonprofit corporations.

[Approved by the Governor June 12, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Title twelve of part four of division first of the Civil Code, embracing sections 593 to 606, inclusive, is hereby revised to read as follows:

TITLE XII.

NONPROFIT CORPORATIONS.

Article I—General Provision.

593. Formation and purposes. A nonprofit corporation may be formed by any number of persons, not less than

* A cross-reference table showing the origin of each section appears in the appendix to this volume.

three, for any lawful purposes such as religious, charitable, social, educational, recreational, cemetery or for rendering services, which do not contemplate the distribution of gains, profits or dividends to the members thereof, and for which individuals lawfully may associate themselves, subject to laws and regulations applicable to particular classes of nonprofit corporations or lines of activity. The carrying on of business at a profit incidental to the main purposes of the corporation and the distribution of assets to members on dissolution shall not be deemed forbidden to nonprofit corporations.

Incorporation of unincorporated associations.

594. Incorporation of unincorporated associations. A nonprofit corporation may be formed for the purpose of incorporating an existing unincorporated association. As used herein the term unincorporated association shall signify and include: society, library, school, college, club, church, trustees of a charitable trust, chamber of commerce or any other unincorporated association or organization.

Articles of incorporation. Contents

595. Articles of incorporation. Contents. The articles of incorporation shall state:

1. The name of the corporation
2. The purposes for which it is formed and that it is a corporation which does not contemplate pecuniary gain or profit to the members thereof.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.
4. The names and addresses of three or more persons who are to act in the capacity of directors until the selection of their successors and who may be given such titles as may be deemed appropriate, but who shall be subject to all laws of this state relating to directors except as otherwise in this title provided. The number of persons so named shall constitute the number of directors of the corporation, until changed by an amendment to the articles or by a by-law adopted pursuant to authority contained in the articles.
5. The authorized number and qualifications of its members, the different classes of membership, if any, the property, voting and other rights and privileges of each class of membership, and the liability of each or all classes to dues or assessments and the method of collection thereof, may be set forth either in the articles or in the by-laws.

6. The name of the existing unincorporated association, if any, which is being incorporated.

7. If desired, any lawful provision for the regulation of the affairs of such corporation, including restrictions upon the power to amend all or any part of the articles of incorporation.

Articles—execution and filing.

596. Articles—Execution and filing.

1. The persons who are to act in the capacity of first directors must subscribe the articles of incorporation, and the signatures of any other persons desiring to associate with said persons for the purpose of forming such corporation may also be subscribed thereto, and such execution shall be acknowl-

edged before an officer designated by the laws of this state as one before whom an acknowledgment may be made. Any other signatures to the articles must be acknowledged in the same manner. Any certificate of acknowledgment taken without the state must be authenticated by the certificate of an officer having the requisite official knowledge of the qualification of the officer before whom the acknowledgment was made.

2. In the case of the incorporation of an unincorporated association which has a presiding officer, president or other head, and a secretary or an acting secretary, clerk, scribe or other similar officer, the articles of incorporation need be subscribed and acknowledged only by such officers, and there shall be attached thereto an affidavit by said officers that such association has duly authorized its incorporation, and that the officers have executed the articles by authority of such association.

3. The articles shall be submitted to the secretary of state for filing in his office and if they conform to law he shall file the same and place thereon an endorsement of the date of filing.

4. The secretary of state shall not file articles of incorporation which set forth a name which is likely to mislead the public or which is the same as or resembles so closely as to tend to deceive,

(1) The name of a domestic corporation, or

(2) The name of a foreign corporation which is authorized to transact business in this state, or

(3) A name which is under reservation with the secretary of state for another corporation.

The use by a corporation of a name in violation of this section may be enjoined, notwithstanding that its articles may have been filed by the secretary of state.

5. A copy of the articles certified by the secretary of state and bearing the endorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

6. When filed, the articles or certified copies thereof shall have the same force and effect in evidence as do the properly certified articles of a stock corporation.

597. Duration and powers. Upon the filing of the articles by the secretary of state the corporation shall be created and shall continue to exist perpetually, unless otherwise provided by law, and shall possess the following powers:

1. To sue and be sued;

2. To contract and be contracted with;

3. To receive property by devise or bequest, subject to the laws regulating the transfer of property by will, and to otherwise acquire and hold all property, real or personal, including shares of stock, bonds and securities of other corporations;

4. To act as trustee under any trust incidental to the principal objects of the corporation, and to receive, hold,

administer, and expend funds and property subject to such trust;

5. To convey, exchange, lease, mortgage, encumber, transfer upon trust or otherwise dispose of all property, real or personal;

6. To borrow money, contract debts, and issue bonds, notes and debentures, and secure the same;

7. To do all other acts necessary or expedient for the administration of the affairs and attainment of the purposes of the corporation.

By-laws.

598. By-laws. By-laws may be adopted, amended or repealed (1) by any means provided in the articles or by-laws; (2) by the directors, subject always to the power of the members to change or repeal such by-laws; (3) by the vote or written assent of a majority of the members entitled to vote, or the vote of a majority of a quorum at a meeting duly called for the purpose according to the articles or by-laws.

**By-laws
recording;
contents.**

All by-laws shall be recorded in a book which shall be kept in the principal office of the corporation and may contain, among other things, provisions for:

1. The time and manner of calling, giving notice of and conducting regular and special meetings of members or directors, which may be held outside the state. The by-laws may dispense with notice of all regular members' and directors' meetings.

2. The place of holding such meetings

3. The requirements of a quorum of directors or members, which may be greater or less than a majority.

4. The admission, election, appointment, withdrawal, suspension and expulsion of members.

5. The transfer, forfeiture and termination of membership, and whether the property interest of members shall cease at their death or the termination of membership and the mode of ascertaining the property interest, if any, at death or the termination of membership.

6. The number, time and manner of choosing, qualifications, terms of office, official designations, powers, duties and compensation of the directors and other officers; the making of annual reports and financial statements to the members.

7. The manner of voting by members and whether cumulative voting and proxy voting shall be allowed.

8. The appointment and authority of executive or other committees of the board of directors.

9. The qualifications of members and different classes of memberships, and the property, voting and other rights, interests or privileges of each class.

10. The fees of admission, transfer fees, dues and assessments to be paid by members or different classes of members and the methods of collection thereof. Such dues or assessments or both may be authorized to be levied upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership

and memberships of one or more classes may be made exempt from either dues or assessments or both.

The amount and method of collection of such dues or assessments or both may be fixed in the articles or by-laws, or the articles or by-laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods as the directors may prescribe. They may be made enforceable by action or by the sale or forfeiture of membership, or both, upon reasonable notice.

Collection of
dues and
assessments

599. Directors Except as otherwise provided by the articles of incorporation or the by-laws, the powers of a nonprofit corporation shall be exercised, its property controlled and its affairs conducted by a board of not less than three persons herein referred to as directors. The articles or by-laws may provide for the number and tenure of office of the directors and may specify their powers, duties, compensation and the manner in which they shall be chosen.

Directors

Unless otherwise provided in the articles or by-laws, any vacancy in the board of directors caused by death, resignation or any disability shall be filled by a majority of the remaining members thereof, though less than a quorum.

600. Members—Membership book A nonprofit corporation shall have such memberships or classes thereof as may be specified in the articles or by-laws, but unless otherwise provided there shall be but one class of members whose rights and interests shall be equal.

Members
Membership
book

Where neither the articles nor by-laws of a nonprofit corporation heretofore or hereafter incorporated provide for members thereof as such, and in any case in which any nonprofit corporation has, in fact, no members, other than the persons constituting its board of directors, by whatever name they may be called, the persons for the time being constituting its governing body or board shall, for the purpose of any statutory provision or rule of law relating to nonprofit corporations, be taken to be the members of such corporation and exercise all the rights and powers of members thereof.

The corporation shall keep a membership book containing the name and address of each member and in any case where membership has been terminated such fact shall be recorded in the book, together with the date on which the membership ceased.

601. Members—Reduction below stated number. Whenever the members of a nonprofit corporation having a stated number of members shall be reduced below such number by death, withdrawal or otherwise, the corporation shall not on that account be dissolved; but it shall be lawful for the surviving or continuing members, or member, to fill vacancies and continue the corporate existence, unless it is otherwise provided in the articles or by-laws.

Members
Reduction
below stated
number.

602. Membership—Termination and transfer thereof. Memberships may be terminated in the manner provided in the

Membership.
Termination
and
transfer
thereof

articles or by-laws and unless otherwise provided therein or secured under the law under which the corporation was formed, all the rights of a member in the corporation, or in its property, shall cease on death or other termination of his membership.

No member may transfer his membership or any right arising therefrom, unless it is so provided in the articles or by-laws.

Voting

603. Voting. Unless otherwise provided in the articles or by-laws every member of a nonprofit corporation shall be entitled to one vote and may vote or act by proxy. The manner of voting may be by ballot, mail or any reasonable means provided in the articles or by-laws. No member may cumulate his votes unless it is so provided in the articles or by-laws.

Membership certificates.

604. Membership certificates. A nonprofit corporation shall not issue shares of stock, but membership in such corporation may be evidenced by certificates. Upon the face of such certificates there must be printed in clear type a statement that the corporation is not one for profit.

Liability of directors and members

605. Liability of directors and members. Neither the members nor directors of a nonprofit corporation shall be personally liable for the debts, liabilities or obligations of the corporation.

Meetings

605a. Meetings. Meetings of members or directors of nonprofit corporations shall be called and held as may be ordered by the directors, or as may be provided in the articles or by-laws.

Incorporation of unincorporated associations.

605b. Incorporation of unincorporated associations. If an unincorporated association is incorporated hereunder, the members thereof shall be members of the corporation so created, unless they file their dissent in writing with the secretary thereof.

Supervision by attorney general.

605c. Supervision by attorney general. A nonprofit corporation which holds property subject to any public or charitable trust shall be subject at all times to examination on behalf of the state to ascertain the conditions of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purposes for which it is formed. Such right of examination shall pertain ex officio to the attorney general. In case of any such failure or departure the attorney general shall institute, in the name of the state, the proceedings necessary to correct the same.

Application of general corporation law.

605d. Application of this title and of the general corporation law. A nonprofit corporation may amend its articles, or dispose of all or substantially all its assets, or it may be dissolved and/or wound up in the same manner and with the same effect as a stock corporation under the general corporation law existing at the time thereof.

Application of general nonprofit corporation law

The provisions of article one of this title, which shall be known as the general nonprofit corporation law, shall extend to all nonprofit corporations now existing or hereafter formed.

so far as applicable, unless there be a special statutory provision in relation to any class thereof inconsistent with the provisions of this title, in which case the special provision shall prevail.

The provisions of the general corporation law, title one of part four of division first of the Civil Code, as now existing or as hereafter amended, substituted, revised or added to, shall apply to corporations formed under this title, except as to matters specifically covered by this title. For this purpose the term "shareholder" or "holder of shares" shall include "member," and the term "shares" or "shares of stock" shall include memberships in nonprofit corporations.

Terms.

605e. Disposition of assets. Upon the dissolution or winding up of a nonprofit corporation, after paying or adequately providing for the debts and obligations of the corporation, the directors or persons in charge of the liquidation shall divide any remaining assets among the members in accordance with their respective rights therein; provided, however, that if the corporation holds its assets on any trust, such assets shall be disposed of in such manner as may be directed by decree of the superior court of the county in which the dissolved corporation had its principal office, upon petition filed for that purpose by the attorney general or any party concerned in the liquidation.

Disposition of assets.

Article II—Corporations Sole.

605g. Formation. A corporation sole may be formed hereunder by the bishop, chief priest, presiding elder or other presiding officer of any religious denomination, society or church, for the purpose of administering and managing the affairs and property of such religious organization.

Corporations sole Formation.

605h. Articles of incorporation. The articles of incorporation shall state:

Articles of incorporation.

1. The name of the corporation.
2. That the officer forming the corporation is duly authorized by the religious organization to take such action.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.
4. The manner in which any vacancy occurring in the office of the bishop, chief priest, presiding elder or other presiding officer is required to be filled by the rules, regulations or constitution of the denomination, society or church.
5. If desired, any lawful provision for the regulation of the affairs of such corporation, including restrictions upon the power to amend all or any part of the articles of incorporation.

The articles shall be subscribed and verified by the bishop, chief priest, presiding elder or other presiding officer forming the corporation and shall be submitted to the secretary of state for filing in his office. If they conform to law he shall file the same and place thereon an indorsement of the date of filing.

A copy of the articles of incorporation, certified by the secretary of state and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office

When filed, the articles or certified copies thereof shall have the same force and effect in evidence as do properly certified articles of other nonprofit corporations.

Perpetual
existence
and powers

605i. Perpetual existence and powers. Upon the filing of the articles with the secretary of state the corporation sole shall be formed and shall have perpetual existence, notwithstanding vacancies in the incumbency thereof, and during the period of any such vacancy, such corporation shall have the same capacity and right to receive and take any gift, bequest, devise or conveyance of property, either as grantee for its own use, or as trustee, and to be or be made the beneficiary of a trust, as though there were no vacancy. No agency created by a corporation sole by a written instrument which in express terms provides that the agency thereby created shall not be terminated by a vacancy in the incumbency of such corporation, shall be terminated or affected by the death of the incumbent of such corporation or by a vacancy in the incumbency thereof, however caused.

Powers

A corporation sole shall have all the capacity and powers possessed by a natural person, and may take and hold by gift, purchase, devise or bequest any real or personal property and dispose of the same, subject, however, to the laws regulating the transfer of property by will.

Corporations
sole hereto-
fore formed

605j. Corporations sole heretofore formed. Any corporation sole heretofore formed and existing under the laws of this state may elect to continue its existence hereunder by filing a certificate to that effect, under its corporate seal, if any, and the hand of its chief officer, or amended articles of incorporation in the form required herein; and from and after the filing of such certificate or amended articles, such corporation shall be entitled to all the privileges and subject to the duties, and provisions herein expressed.

Access to
books

605k. Access to books. Any judge of the superior court in the county in which a corporation sole has its principal office shall at all times have access to the books of such corporation.

Amendment
of articles

605l. Amendment of articles. The chief officer of a corporation sole may at any time amend the articles of incorporation of said corporation by changing the name of said corporation or the term of its existence or its territorial jurisdiction or the manner of filling any vacancy in the office thereof, and may by amended articles of incorporation make provision for any act or thing for which provision is authorized in original articles of incorporation of corporations sole by any law of this state.

The chief officer of the corporation shall draft or have drafted and shall subscribe and verify a statement setting forth the provisions of the amendment and stating that such

amendment has been duly authorized by the religious organization governed by the corporation.

The amendment shall be submitted to the secretary of state for filing in his office and if it conforms to law he shall file the same and place thereon an indorsement of the date of filing. Thereupon the articles shall be deemed amended in the manner set forth in the statement.

A copy of the amendment, certified by the secretary of state and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation has its principal office or in which it holds real property.

When filed, the amendment or certified copies thereof shall have the same force and effect in evidence as do properly certified articles of a nonprofit corporation.

605m. Dissolution. A corporation sole may be dissolved and its affairs wound up voluntarily as follows: Dissolution

1. The chief officer of the corporation shall execute, subscribe and verify a declaration of dissolution which shall set forth: the name of the corporation; the reason for its dissolution or winding up; that such dissolution has been duly authorized by the religious organization governed by the corporation sole and the name or names and address or addresses of the person or persons who are to supervise the winding up of the affairs of the corporation.

2. The declaration shall be submitted to the secretary of state for filing in his office and if it conforms to law he shall file the same and place thereon an indorsement of the date of filing. Thereupon the corporation shall cease to carry on business, except for the purpose of adjusting and winding up its affairs.

A copy of the declaration certified by the secretary of state and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation has its principal office.

605n. Disposition of assets. After the debts and obligations of the corporation are paid or adequately provided for any assets remaining shall be transferred to the religious organization governed by the corporation sole, or to trustees in its behalf, or disposed of as may be decreed by the superior court of the county in which the dissolved corporation had its principal office upon petition filed for that purpose by the attorney general or any person connected with the organization Disposition of assets.

606. Twenty-five or more persons may organize a nonprofit corporation for the purpose of receiving, acquiring, holding, managing, administering and expending property and funds for charitable and eleemosynary purposes, including the assistance and support of charitable and eleemosynary institutions, associations and undertakings. Nonprofit corporations for charitable and eleemosynary purposes

Such corporation shall, as an incident of its purpose and without any necessity for expressing the same in its articles Powers.

of incorporation, have the following powers which it may exercise in full measure without the necessity of obtaining any order of court of authorization, approval or confirmation:

Trustee.

1. To act as trustee under charitable and eleemosynary trusts, receiving, holding, managing, administering and expending property and funds in accordance with the respective trusts upon which the same are acquired and held.

Receipt,
management,
etc., of
property.

2. To receive, hold, manage, administer and expend property and funds upon the general charitable and eleemosynary trust that the same, either as to principal or income or both, shall be applied to the assistance and support of such charitable or eleemosynary institutions or objects, and at such times and to such extent as the corporation may in its judgment deem most conducive to the public welfare. No bequest, devise, gift or transfer of property or funds to such corporation for a charitable or eleemosynary purpose shall be invalid because of indefiniteness or uncertainty as to the purposes of the beneficiaries thereof, but, to the extent to which such indefiniteness or uncertainty exists, the same shall be resolved by the corporation in the manner which, in its judgment, is most consonant with the purpose of the donor and most conducive to the public welfare.

Taking prop-
erty for
charitable
purposes.

3. Subject to the provisions of section 1313 of the Civil Code, to take property and funds by will, gift or otherwise and with or without specification of any charitable or eleemosynary purpose, but in case no charitable or eleemosynary purpose is specified, the property or funds so received shall, nevertheless, be held upon the trust that the same shall be used for charitable and eleemosynary purposes. Such corporation shall not have the power to take or hold property or funds for any purpose other than a charitable or eleemosynary one.

Property in
own name.

4. To hold, in its own name and right, real and personal property of every nature and description without limitation as to extent, character or amount and with all the powers of control, management, investment, change and disposal incident to the absolute ownership of property or funds by a private person, subject only to the terms of particular trusts and to the general trust that all its properties and funds shall be held for charitable and eleemosynary purposes.

Borrowing
money.

5. To borrow money, either upon or without security, giving such promissory notes or other evidences of indebtedness and such pledges, mortgages or other instruments of hypothecation as it may be advised.

Officers and
agents

6. To appoint and pay officers and agents to conduct and administer the affairs of the corporation, but no member of the board of trustees shall receive any compensation.

By-laws.

7. To adopt by-laws prescribing the duties of the officers and agents of the corporation, the detail of its organization, the time and manner of its meetings, and any and all detail incident to its organization and the efficient conduct and management of its affairs.

8. To do any and all things which a natural person might do necessary or desirable for the general purpose for which the corporation is organized.

Powers of
natural
person

The exercise of the powers of the corporation, with the right to delegate to officers and agents the performance of duties and the exercise of powers, shall be vested in a board of trustees of not less than nine nor more than twenty-five persons; provided, that the articles of incorporation may prescribe that the matter of controlling, managing, investing and disposing of the property of the corporation for the purpose of earning an income therefrom, as distinguished from the matter of applying property and funds to charitable and eleemosynary purposes, shall be exclusively in a finance committee consisting of not less than three members of the board, designated or appointed in some particular manner; and provided, also, that the matter of controlling, managing, investing and disposing of the property of the corporation for the purpose of earning an income therefrom may be delegated either in whole or in part to one or more trust companies or banks duly authorized to conduct a trust or banking business in this state.

Board of
trustees

The articles of incorporation shall specify how the trustees shall be chosen and their terms of office, which shall not exceed six years. It shall be permissible that some or all of the trustees be chosen by specified associations or corporations or by those who are officers thereof and by public officials. As the articles of incorporation may prescribe, the board of trustees may constitute the corporation, or the corporation may have a membership distinct from the board of trustees. In the latter case the by-laws shall prescribe the terms and qualifications of membership.

Trustees,
how chosen

The corporation shall be subject at all times to examination on behalf of the state to ascertain the condition of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purpose for which it is formed. Such right of examination shall pertain ex officio to the attorney general. In case of any such failure or departure the attorney general shall institute, in the name of the state, the proceedings necessary to correct the same. Except as specially approved by the attorney general there shall be no accumulation of income by such corporation for a period longer than five years.

Examination
by state

The expenses of the corporation may be apportioned to the extent necessary against the various trust funds and property held by it, in the manner which seems just and equitable to the corporation, and the meeting of such expenses shall be deemed a charitable or eleemosynary purpose.

The articles of incorporation of each such corporation shall set forth:

Articles of
incorpora-
tion.

(a) Its name;

(b) That it is a nonprofit corporation organized solely for general charitable and eleemosynary purposes under section 606 of the Civil Code of California;

(c) The county in this state where the principal office for the transaction of the business of the corporation is to be located;

(d) The number of trustees, their terms of office and how they are to be chosen;

(e) The names and residences of the members of the first board of trustees;

(f) Any other matter which it is provided herein may or should be set out in the articles of incorporation.

Saving
clause

SEC. 2 This revision shall not affect the existence of any corporation heretofore formed, nor take away or impair any cause of action now existing against any corporation, its members, directors or officers, for any liability incurred prior to the time this act goes into effect.

Construc-
tion

In so far as this act does not add to, take from or alter any of the provisions of the title hereby revised it shall be construed as a continuation of such provisions.

Section headings herein contained shall not be taken to govern or limit the scope or meaning of the sections of this title

CHAPTER 872.

An act relating to deer-tight fences and providing for state cooperation in the construction thereof.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

State aid
for deer-
tight fences

SECTION 1 Any person who believes that his crops or growing trees are in danger of being damaged by deer, may apply to either member of a committee consisting of (1) the farm adviser, or if there be no farm adviser, then the agricultural commissioner, of the county, and (2) the nearest officer of the fish and game commission, to have the committee determine whether or not the likelihood of such damage and the agricultural character of the land covered by the crops or growing trees would justify the protection of said crops or growing trees by the construction of a deer-tight fence, to the cost of construction of which the state would contribute not over ninety cents a rod. If the committee can not agree, the inheritance tax appraiser for the county shall be added to the committee, and the decision of two members shall control. It is hereby made the duty of the officers named in this section to serve on the committee as herein provided.

Committee
to determine
justification
of deer-
tight fences.

SEC. 2. If the committee herein described determines that the construction of the deer-tight fence is justified, it shall certify its decision to the state controller giving the name of the owner of the land and of the person whose crops or growing trees are involved, describing briefly the land covered by said crops or growing trees, giving the length in rods of the

fence approved by the committee, and naming the amount, not exceeding ninety cents a rod, which said committee approves as the state's share of the cost of constructing the fence.

SEC. 3. A deer-tight fence is defined for the purpose of this act as a suitably enclosing fence at least eight feet high with six feet of woven wire surmounted by two strands of barbed wire, with good posts not over twelve feet apart, and with properly closing gates. Deer-tight fence defined

SEC. 4. When the fence is completed the committee herein described shall examine the same, and if it finds that the fence is deer-tight as herein defined, the person at whose expense the fence was built may present a claim to the state controller, verified by the committee, for a sum not exceeding ninety cents for each rod of fence built, nor exceeding the amount approved by the committee as the state's share in certifying its approval of the building of the fence. Claims arising under this act shall be payable in accordance with law out of any moneys in the fish and game preservation fund, not exceeding ten thousand dollars in any calendar year. The fish and game commission shall determine the priority of the approval of any application made hereunder. Claim against state

CHAPTER 873.

An act making an appropriation to pay the claim of W. R. Whyte against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of thirteen thousand three hundred seventy-five dollars (\$13,375) is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of W. R. Whyte against the State of California. Special appropriation

CHAPTER 874.

An act to amend section 2322x51 of the Political Code, relating to the salary of the agricultural commissioner in counties of the fifty-first class.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x51 of the Political Code is hereby amended to read as follows:

2322x51 In counties of the fifty-first class, the commissioner shall receive a salary of one dollar per annum.

Stats 1927, p 424 (formerly Sec 2322x47)
Inyo county agricultural commissioner

CHAPTER 875.

An act to amend sections 258, 261 and 261a of the Code of Civil Procedure, relating to employees of the superior court in counties or cities and counties having a population of nine hundred thousand inhabitants and over.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 1411

Employees
of the
superior
court

SECTION 1. Section 261a of the Code of Civil Procedure is hereby amended to read as follows:

261a. In each county, or city and county, having a population of nine hundred thousand inhabitants and over, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, may appoint the following employees: Two stenographic secretaries at a salary of one thousand nine hundred twenty dollars per annum; fifteen stenographers, each at a salary of one thousand six hundred eighty dollars per annum; two assistant stenographers, each at a salary of one thousand five hundred dollars per annum; two investigators of domestic relations cases, each at a salary of two thousand four hundred dollars per annum and necessary expenses incurred while engaged in the discharge of the duties of their office, two messengers, each at a salary of one thousand twenty dollars per annum.

The salaries and expenses in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county, or city and county, are paid, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited.

Stats 1929
p 1937

Court com-
missioners

SEC. 2. Section 258 of the Code of Civil Procedure is hereby amended to read as follows:

258. The superior court of any city and county, and the superior court of every county having a population of nine hundred thousand inhabitants, or more, may appoint not exceeding eight commissioners, and the superior court of every other county in the state may appoint one commissioner, to assist said court in disposing of its business connected with administration of justice. Each person so appointed shall be designated as "court commissioner" of such county, or city and county, as the case may be. Every court commissioner must be a citizen of the United States, a resident of this state, and shall hold office during the pleasure of the courts appointing him. The judges of the superior courts of two or more counties may appoint the same person as court commissioner.

The appointment of a court commissioner shall be made by order entered in the minutes of the court.

SEC. 3. Section 261 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929,
p 1411.

261. In any county or city and county having a population of nine hundred thousand or over in which the superior court shall appoint eight court commissioners, each commissioner shall receive a salary of forty-eight hundred dollars per annum. The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against said county or city and county are required by law to be allowed and audited. Court com-
missioners.

CHAPTER 876.

An act to amend section 16x5 of the "Weights and measures act," relating to sealers of weights and measures in counties of the fifth class Stats 1913,
p 1086;
amended.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 16x5 of the "Weights and measures act" is here amended to read as follows: Stats 1927,
p 1835
(formerly
Sec 16x6)

Sec. 16x5. The sealer of weights and measures in counties of the fifth class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed. Santa Clara
county
sealer

CHAPTER 877.

An act to provide for the funding and refunding of the indebtedness of, and for the issue and sale or exchange of funding bonds and the retirement of outstanding bonds of districts organized under and in pursuance of the acquisition and improvement act of 1925, and to provide for payment of such bonds and for proceedings to test the validity of the refunding proceeding, and for such funding or refunding to levy assessments and reassessments and enforce the liens thereof.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Whenever the owners of all of the unpaid bonds issued for any acquisition and improvement district Refunding
of unpaid
bonds

Stats 1925,
p 849.

formed under the provisions of the "Acquisition and improvement act of 1925" and all of the owners of lands to be assessed to pay the principal and interest of said bonds shall in writing filed with the legislative body which conducted the proceedings for the acquisition or improvement, or the acquisition and improvement, in which said bonds were issued, agree that said bonds and any unpaid loans to the interest and sinking fund of said district may be refunded as in this act provided, then such legislative body, if it shall find that the public interest, convenience and necessity require that said unpaid bonds and unpaid loans be refunded, shall proceed to levy a reassessment upon said lands and to issue new bonds for the refunding of such unpaid bonds and unpaid loans, all as in this act provided. Said agreement shall state the period over which said refunding bonds shall extend.

Definitions.

The words "unpaid bonds" as used in this act, shall be deemed to include all unpaid interest coupons of such bonds.

The words "unpaid loans" or "unpaid loans to the interest and sinking fund of said district" as used in this act, shall be deemed to mean all sums transferred from the general fund of the county or municipality to the interest and sinking fund of said district under the authority of that portion of section 41 of said acquisition and improvement act of 1925 which substantially states that the amount of money so transferred "shall be deemed a loan to said interest and sinking fund," which have not been repaid.

The words "owners of land" or "landowners" as used in this act, shall include a trustee of an express trust in land, other than as security for the payment of money, of the land held in such trust, a trustee in bankruptcy of the lands of the bankrupt, a guardian of the lands of his ward, and an executor or administrator of the lands comprising the estate of the decedent, and any of such persons is authorized to sign any agreement or petition provided for in this act.

When legis-
lative body
has juris-
diction to
proceed

SEC. 2. Whenever twenty per cent or more of the interest payable in any one calendar year, or twenty per cent or more of the principal payable in any one calendar year, upon bonds issued for any district formed under the provisions of the acquisition and improvement act of 1925 is due and unpaid because of the delinquency of all or any portion of the property assessed to pay such principal or such interest, or both, and such principal or such interest has been due and unpaid for a period of at least thirty days, the legislative body which conducted the proceedings for the issuance of such bonds may determine that the public interest, convenience and necessity require that the unpaid bonds of such district and any unpaid loans to the interest and sinking fund of said district be refunded and that it is the intention of said legislative body to refund the same, and that a reassessment for the refunding of such bonds and loans be made and levied as in this act provided; provided, however, that no such bonds or loans may be refunded or a reassessment for the refunding thereof be made

unless and until all owners of the unpaid bonds of said district have filed with said legislative body an agreement in writing assenting to the refunding of such bonds and loans and the making of said reassessment, and stating the names of the person or persons to whom the refunding bonds and any moneys collected on the reassessments or in the interest and sinking fund of said district shall be paid and delivered and the amount and proportions in which the same shall be paid and delivered. Said legislative body shall also state in the resolution declaring its intention to refund said unpaid bonds and unpaid loans the period over which said refunding bonds shall extend. After said legislative body has declared its intention to refund such unpaid bonds and unpaid loans and the owners of such unpaid bonds have agreed in writing to such refunding, no payment of delinquent assessments thereafter shall deprive said legislative body of jurisdiction to proceed with said refunding, and notwithstanding the payment thereafter of any or all of such delinquent assessments said legislative body shall proceed to refund all unpaid bonds of said district and all such unpaid loans as in this act provided.

Agreement
by unpaid
owners

SEC. 3. Whenever the owners of a majority of the area of the lands to be assessed to pay the principal and interest of bonds issued for any acquisition and improvement district formed under the provisions of the acquisition and improvement act of 1925 file with the legislative body which conducted the proceedings for the issuance of said bonds a petition requesting that the unpaid bonds of said district and any unpaid loans to the interest and sinking fund of said district be refunded in accordance with the provisions of this act, said legislative body may determine that the public interest, convenience and necessity require that said bonds and loans be refunded and that a reassessment for the refunding of such bonds and loans be made and levied as in this act provided; and may proceed to levy a reassessment and issue refunding bonds as in this act provided; provided, however, that no such bonds or loans may be refunded or a reassessment for the refunding thereof made unless and until all owners of the unpaid bonds of said district have filed with said legislative body an agreement in writing assenting to the refunding of such unpaid bonds and unpaid loans and the making of said reassessment, and stating the names of the person or persons to whom the refunding bonds and any moneys collected on the reassessments or in the interest and sinking fund of said district shall be paid and delivered and the amount and proportions in which the same shall be paid and delivered. When fifty per cent or more of the special assessment tax levied in any year for the payment of the interest or the principal and interest of outstanding bonds of any district formed under the provisions of said acquisition and improvement act is delinquent and has been delinquent for at least ninety days if said legislative body determines that the public necessity,

Petition.

Levy of re-
assessment

convenience and interest require the refunding of the unpaid bonds and unpaid loans of such district, it shall proceed therewith as provided in this act; provided all owners of the unpaid bonds of said district file the agreement in writing provided in this action. And if, in such case of fifty per cent or more unpaid special assessment tax, the owners of a majority in area of the lands upon which the special assessment tax was levied petition for such refunding and all owners of unpaid bonds file their said agreement assenting thereto, such legislative body shall proceed with such refunding and reassessment under the provisions of this act. If seventy-five per cent or more of said special assessment tax levied in any year upon the lands in any such district is delinquent and has been delinquent for at least ninety days, said legislative body shall proceed to refund the unpaid bonds and unpaid loans of such district under the provisions of this act and to levy the reassessment therefor; provided all owners of the unpaid bonds of such district file the agreement in writing provided in this section. In its resolution determining that the public interest, convenience and necessity require the refunding of such bonds and loans, said legislative body shall also state the period over which the refunding bonds shall extend.

Where district lies within a municipality

SEC. 4 If in any case the acquisition and improvement district for which the bonds are to be refunded lies entirely within a municipality, all agreements and petitions to be filed with a legislative body under sections 1, 2 and 3 of this act shall be filed with the legislative body of such municipality, and such legislative body shall conduct the refunding proceedings notwithstanding that it may not be the legislative body which conducted the original proceedings for the issuance of the bonds of said district. If in any case the assessment district lies entirely within the unincorporated territory of the county, said agreements and petitions shall be filed with the legislative body of the county and it shall conduct such refunding proceedings notwithstanding that the original proceedings for the issuance of bonds of said district were not conducted by said legislative body. In any case in which the assessment district lies within two or more municipalities, or partly within unincorporated territory of a county and partly within one or more municipalities, the legislative body which conducts the refunding proceedings shall obtain the consent of the legislative body or bodies of the other municipality or municipalities or county in which part of the district lies to the refunding of said unpaid bonds and unpaid loans and the levying of a reassessment therefor. Such consent shall be expressed by resolution, a certified copy of which shall be filed with the legislative body which conducts the refunding proceedings, prior to the order or direction to prepare a diagram of the property to be reassessed. It is the intent of this section that in all cases of annexation of territory to municipalities or consolidation of municipalities or exclusions of territory from

municipalities or the dissolution of municipalities, the authority, powers, duties and obligations which would, under this act, have been vested in or imposed upon the legislative body which conducted the original proceedings for the issuance of the bonds of the acquisition and improvement district shall be and are vested in and shall be exercised by the legislative body which by reason of such consolidation, annexation, exclusion or dissolution is the successor of said legislative body which conducted the original proceedings.

SEC. 5 If the refunding proceedings are to be conducted by the legislative body of a city, said legislative body shall direct the city engineer, or some other competent person who shall be designated "engineer of work," to prepare a diagram of the property included within the district to be assessed to pay the principal and interest of said unpaid bonds; and if the refunding proceedings are to be conducted by the legislative body of a county, said legislative body shall direct the county surveyor to prepare such diagram. If in the original proceedings for the formation of said district and the issuance of bonds thereof, any lots, pieces or parcels of land therein were excepted from the levy of the special assessment tax to pay the principal and interest of said bonds, said lots, pieces and parcels of land shall be shown upon said diagram but no reassessment shall be levied thereon. Said diagram shall show each separate lot, piece or parcel of land in said district and the dimensions of each said lot, piece or parcel of land and the relative location of the same to the work done or to the acquisition made, or to both said work and acquisition if the original proceedings included both acquisition and improvement. When said diagram is completed, the county surveyor, if the legislative body of the county conducts the refunding proceedings, or the superintendent of streets if the legislative body of the city conducts the refunding proceedings, shall proceed to make the reassessment as herein provided.

The total amount for which said reassessment shall be made shall include the principal amount of all bonds issued for said district in the original proceedings, with interest thereon at the rate stated in such bonds from the date of such bonds to the date of the hearing on the reassessment, as stated in the notice of hearing provided in section 9 hereof. and the estimated expenses of the reassessment and refunding proceedings which shall include the expense of making the reassessment and of issuing the refunding bonds. The person or persons to whom the cash amounts collected upon the reassessments are to be paid, and to whom the refunding bonds are to be delivered, shall pay to the city treasurer or the county treasurer, as the case may be, the amount of such estimated expenses of the proceedings prior to or concurrently with receiving such refunding bonds or cash collected.

Said reassessment shall be made upon all such lots, pieces or parcels of land within the assessment district, as were to

Diagram
of included
property.

What
diagram
shall show

Amount of
reassess-
ment

Apportion-
ment of re-
assessment

be assessed under the original proceedings to pay the principal and interest of the bonds issued therein and the total amount to be reassessed shall be apportioned upon said lots, pieces or parcels of land in proportion to the assessed value thereof, as shown by the city assessment roll (if said roll would be the basis for the levy and computation of the special assessment tax to be levied to pay the principal and interest of such bonds), or by the county assessment roll (if said roll would be the basis for the levy and computation of the special assessment tax to be levied to pay the principal and interest of such bonds), last equalized at the date of the hearing on the reassessment as specified in the notice provided for in section 9 hereof. If the assessment district was divided into zones and percentages were fixed for such zones, then the total amount to be reassessed shall be apportioned among the respective zones in accordance with the percentages fixed for such zones, and upon the lands within any zone in accordance with the assessed value of said lands as shown upon said assessment roll. In any case in which a lot, piece or parcel of land upon which a reassessment is to be levied is not assessed as a separate parcel upon said assessment roll, upon request of the county surveyor or of the superintendent of streets, as the case may be, the city assessor or the county assessor, as the case may be, shall make and file with said superintendent of streets or county surveyor, an assessed value for such parcel and such assessed value shall be subject to objection or protest and to change or modification at the hearing herein provided and as made or as changed at such hearing shall be deemed the assessed value of such parcel for the purpose of the reassessment and refunding proceedings, and the reassessment shall be apportioned upon such parcel in proportion to such assessed value. The reassessment apportioned as in this act provided is hereby determined to be in accordance with the benefits derived and to be derived from the acquisition or improvement or acquisition and improvement to pay the costs and expenses of which the bonds to be refunded were issued.

Zones

Credit for
prior as-
sessments

SEC. 6. When said reassessment has been made upon the various lots, pieces and parcels of land to be reassessed, there shall be credited upon such reassessment any sum paid for any lot, piece or parcel of land upon assessments theretofore levied to pay the principal and interest of bonds of said district. In case any such lot, piece or parcel of land was a portion of a larger parcel of land for which a payment was made, the portion of such payment to be credited to said smaller lot, piece or parcel of land shall be the proportion of such payment that the assessed value of said smaller lot, piece or parcel of land bears to the total assessed value of all of the parcels which comprised said larger parcel of land, as said assessed value is shown upon the aforesaid assessment roll, or as made by the city assessor or county assessor under the provisions of section 5 of this act. In any case not covered by the foregoing provisions if, in order to credit to any smaller

lot, piece or parcel of land its proportion of a payment for a larger parcel of land of which said smaller parcel of land formed a part, it is necessary to make an assessed value for any parcel or parcels of land, whether within or without the district, at the request of the county surveyor or of the superintendent of streets, as the case may be, the city assessor or the county assessor. as the case may be, shall make and file with the said superintendent of streets or county surveyor an assessed value for such parcel, and such assessed value shall be subject to objection or protest and to modification or change at the hearing herein provided and as made or as changed or modified shall be deemed the assessed value of such parcel for the purpose of the reassessment and refunding proceedings

SEC. 7. The lots, pieces and parcels of land upon which such reassessment shall be levied shall include all parcels of lands in the assessment district upon which an assessment would have been levied to pay the principal and interest of the bonds issued in the original proceedings, and shall include all public property in such district that may lawfully be assessed under the provisions of the acquisition and improvement act of 1925 and that was not omitted in the resolution of intention adopted in the original proceedings for the issuance of the bonds which are to be refunded.

Lands to be reassessed

SEC. 8. Said reassessment need not be in any particular form, but shall briefly refer to the district for which said reassessment is to be made by its number or other suitable designation, and shall contain a brief reference to the work or improvement done or acquisition made, or both if both were included in one proceeding, and shall show the total amount for which said reassessment shall be made. Such reassessment shall also show the amount of each reassessment against each lot, piece or parcel of land and the description thereof, and shall have attached thereto a plat or diagram showing the public way or public property, right of way or easement on which any of said work was done or which was acquired in the proceedings, or both, and the relative location of each such lot, piece or parcel of land to such work done or acquisition made, or both, and each such lot, piece or parcel of land shall be numbered to correspond with the numbers of the reassessments. Said reassessment shall also show the sum or sums credited upon any reassessment for any lot, piece or parcel of land and the net amount of the reassessment to be levied against, and to constitute a lien upon, any such lot, piece or parcel of land said reassessment shall be filed with the clerk of the legislative body.

What reassessment shall show.

SEC. 9. When said reassessment has been filed with the clerk, the legislative body shall direct said clerk to give notice of the filing of said reassessment and of a time and place when and where all persons interested in such reassessment will be heard by said legislative body. Such notice shall be substantially in the following form (filling blanks):

Filing of reassessment

Form of
notice of
hearing

Notice of hearing on proposed reassessment for refunding of unpaid bonds and unpaid loans of acquisition and improvement district No. _____ of the (city or county) of _____.

Notice is hereby given that a reassessment for the refunding of the unpaid bonds and unpaid loans of the above-entitled district has been filed with the clerk of the _____ (naming the legislative body) of _____ (city or county) of _____, and may be examined by any person interested. The work and improvement or acquisition or both (use whichever of the foregoing words applies) to pay the costs and expenses of which said bonds were issued, is described in general terms as follows: (Here insert a statement in general terms of the location and extent of the work and improvement or acquisition, or both, as stated in the resolution of intention in the original proceedings, and refer to said improvement or acquisition in place).

The district of the lands benefited by said _____ (work and improvement or acquisition, or both) is described in general terms as follows: (Here insert description in general terms of the district as shown upon the plat or diagram attached to the reassessment, excepting therefrom any lands not to be reassessed).

Reference is hereby made to the diagram contained in said reassessment for the extent of said assessment district, and said diagram shall govern for all details as to the extent thereof. Said diagram shows each lot, piece or parcel of land reassessed, and said reassessment shows the amounts proposed to be reassessed upon each such lot, piece or parcel of land.

Notice is further given that it is proposed to levy said reassessment for the refunding of said unpaid bonds and unpaid loans of said district. The total amount of the proposed reassessment is the sum of \$ _____. The sum of \$ _____ has been paid upon the annual special assessment taxes levied upon the lands in the district and is credited upon such reassessment to the respective parcels of land for which same was paid. The amounts to be paid upon the reassessment proposed to be levied are in the total sum of \$ _____.

Notice is further given that on the _____ day of _____, 19____, at the hour of _____ o'clock ____m., at the chambers of the _____ (designating the legislative body) of the _____ (city or county) in the city of _____, is the time and place the said _____ (designating the legislative body) will hold the hearing upon said reassessment. Protests or objections to said reassessment, or to any proceedings taken in said matter, or to any part thereof, or to any specific reassessment, upon any ground whatsoever, may be filed in writing with the clerk of _____ (designating the legislative body) at or before the time of said hearing. Upon the confirmation and recording of said reassessment the respective amounts reassessed shall be immediately due and payable. The reassessment proceedings are under, and serial bonds shall be issued in the manner and form

provided in (here set out the title of this act) to represent each reassessment remaining unpaid after the expiration of thirty days from the date of recording said reassessment. Such bonds shall bear interest at the rate of ----- per cent from the date of recording of such reassessment and shall be payable in ----- installments extending over a period of ----- years from the second day of January next succeeding the fifteenth day of the next November following their date.

 Clerk of the-----
 (designating the legislative body)
 of ----- (here designate
 name of city or county).

SEC. 10 If the legislative body of a city is conducting the proceedings for such refunding, said notice shall be published by at least two insertions in a newspaper of general circulation printed and published in such city, and if there is no newspaper of general circulation published in such city, then in a newspaper published in the county in which said city lies. If the legislative body of a county is conducting such proceedings for refunding, said notice shall be published by at least two insertions in a newspaper of general circulation published in said county. Copies of such notice shall also be posted upon all open streets within the district of lands proposed to be reassessed. Such notices shall be not more than three hundred feet in distance apart and not less than three of such notices shall be posted. The heading upon such posted notices shall be in letters at least one-half inch in height. The posting and publication of such notices must be completed at least fifteen days prior to the date of hearing stated in such notice. The affidavits of publication and posting shall be filed in the office of the clerk of said legislative body.

Publication
of notice

SEC. 11. Protests or objections to the said reassessment or to any of the reassessments upon the respective lots, pieces or parcels of land reassessed or to any action or determination in the making of said reassessment or in the proceedings for said reassessment and refunding, including objections to the amounts of the reassessments, to the credits allowed upon the various parcels of land for which payments have been made or to the validity or legality of any of the proceedings for said reassessment and refunding may be made in writing and filed with the clerk of said legislative body at or before the time fixed for the hearing on said reassessment. Such protests or objections may be made by any person interested in the reassessment and refunding proceedings. It is the intent of this section that protests or objections upon any ground whatsoever may be made as provided by this section. Such protests or objections need not be in any particular form, but if protest against or objection to the regularity or legality of the proceedings for the reassessment or refunding is made,

Filing of
protests.

r

such protest must clearly set forth the particular alleged irregularities or invalidities. Any objection or protest upon any ground whatsoever not made at the time and in the manner hereinbefore provided shall be deemed to be waived voluntarily by any person who might have made such a protest or objection, and the proceedings for the said reassessment and refunding may not thereafter be attacked upon any ground not stated in an objection or protest so filed, and any landowner or any person otherwise interested in any lands within the said district or in the reassessment and refunding proceedings shall be estopped to attack the said reassessment and refunding proceedings upon any ground not stated in a protest filed by him in accordance with the provisions of this section. At the time fixed for the hearing any person interested may appear and be heard upon any of the matters set forth in his protest or objection. Protests and objections may be taken up in such order as the legislative body deems advisable and any evidence offered thereon by any property owner or person otherwise interested in the proceedings for said reassessment and refunding shall be heard by said legislative body. Said legislative body may also hear any evidence offered in support of the said reassessment and refunding proceedings. The determination of said legislative body upon any of the matters presented in any of said protests or objections and upon all matters involved in said reassessment and refunding proceedings and upon the reassessment shall be final and conclusive. Said hearing may be adjourned from time to time by an order entered upon the minutes of the legislative body, provided that the hearing must be finally completed within sixty days from the date thereof stated in the published notice of hearing. At the said hearing said legislative body shall have power to revise, correct or modify the said reassessment in such manner as may be just and in accordance with the facts in respect of the property to be reassessed, the amounts of the respective reassessments, the credits allowed for the various parcels of land for which payments have been made, the incidental expenses of said reassessment and refunding proceedings and any other matter affecting the regularity or validity of said reassessment. Said reassessment may be confirmed as filed or as revised, corrected or modified. Confirmation of said reassessment shall be made by resolution of the legislative body entered upon its minutes and such resolution shall declare the findings of said legislative body. If no changes are made in any of the matters contained in said reassessment, it shall be sufficient in said resolution to declare that said reassessment is confirmed, but if any changes are made such changes shall be mentioned in said resolution of confirmation and said resolution shall declare that the said reassessment as revised, corrected or modified by the said changes is confirmed. Said legislative body shall also have power at said hearing to correct any of its previous actions,

Hearing
of protests

Evidence.

Confirmation
of assess-
ment

determinations, resolutions or orders and any of the proceedings for the reassessment and refunding. Any resolution confirming the said reassessment as filed, or as revised, corrected or modified, shall also determine that the reassessment and refunding proceedings have been regularly and legally taken. The findings and determinations of said legislative body upon all matters herein mentioned and upon all matters in connection with said reassessment and refunding proceedings shall be final and conclusive upon all persons and in all actions or proceedings as to all matters expressly found and determined and as to the regularity and sufficiency of the reassessment and refunding proceedings, and said resolution confirming the said reassessment shall be conclusive evidence that said reassessment and all proceedings prior thereto are valid and sufficient. No defect in the form of such reassessment and no omission, failure or neglect of, or action or determination of any officer, body or person in the reassessment and refunding proceedings and no error in the amounts to be reassessed upon any of the lots, pieces or parcels of land and no error in the amounts of the credits upon said reassessments shall invalidate the said reassessment or any of the reassessments therein contained, and each of the reassessments in said reassessment shall become a lien upon the property upon which the same is levied, notwithstanding any error, defect or omission therein or in any of the proceedings therefor and notwithstanding that the proceedings for the making of said reassessment are not in full conformity with the requirements of this statute, and any action or determination necessary or convenient in the making of said reassessment or reassessment proceedings not expressly set forth in this statute is hereby authorized and the same when made shall be valid and sufficient.

SEC. 12 If the refunding proceedings are conducted by the legislative body of a city, said reassessment as confirmed shall be recorded with the superintendent of streets of said city. If the refunding proceedings are conducted by the legislative body of a county, said reassessment as confirmed shall be recorded with the county surveyor of said county. When so recorded, the several amounts reassessed upon the lots, pieces or parcels of land in said reassessment shall be a lien thereon as of the date of such recordation. Such lien shall continue until said reassessment and all interest and penalties thereon are paid or until it is discharged of record. Such lien shall be subordinate to all special assessment liens imposed upon the same property prior to the date of such recordation, but the lien of said reassessment shall be superior to and have priority over all special assessment liens created against the same property subsequent to the date of such recordation. Any foreclosure of said reassessment lien or sale of property for said lien shall convey the said property to the purchaser free and clear of all encumbrances, except general taxes and special assessment liens imposed upon the same property which

Recordation
of reassessment

Lien

Effect of
foreclosure

Notice of
recording

Notice to
owners

are by the terms of this section expressly made superior to said reassessment lien. From and after the date of the said recording of said reassessment all persons shall be deemed to have notice of the contents thereof. The amounts assessed in said reassessment shall be payable to the said superintendent of streets or county surveyor with which said reassessment is recorded, and said superintendent of streets or county surveyor is authorized to receive the amount due upon any reassessment and give a good and sufficient discharge therefor, provided a bond has not been issued to represent such reassessment. The officer with which said reassessment is recorded shall give notice by publication for ten days in a daily newspaper of general circulation printed and published in the county in which the lands reassessed lie or by three successive insertions in a weekly newspaper of general circulation printed in such county that said reassessment has been recorded in his office and that all sums assessed therein became due and payable upon the recordation of said reassessment, stating the date of such recordation and that the payment of the said sums is to be made to him within thirty days after the date of such recordation. Said notice shall also contain a statement that for any assessment not paid before the expiration of said thirty days, a bond will issue in the manner and form provided in this act and shall state the period over which said bond or bonds shall extend and the rate of interest which shall be payable thereon. Notice shall also be given by mailing a post card to the owner of each lot, piece or parcel of land reassessed according to the name and address appearing on the last equalized assessment roll for county taxes prior thereto or as known to the superintendent or surveyor; provided that a failure of the superintendent or surveyor to give such notice by mailing or of the person addressed to receive the same shall not affect the validity of the proceedings or the validity of the lien of any reassessment or of any bond issued thereon. Upon payment of any reassessment, the superintendent of streets or the county surveyor with which the said reassessment is recorded shall mark upon the said reassessment note of the said payment and shall cancel the said reassessment, and upon request, said superintendent of streets or county surveyor shall also give a receipt to the person paying the said reassessment. Any reassessment upon public property shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such property, and said reassessment shall be an enforceable obligation against the owner of or the governing body controlling the said property. If for any reason there are no moneys available for the payment of said reassessment, then the board or officer whose duty it is to levy taxes for the said owner of said public property shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay said reassessment and the interest thereon from the date the reassessment is recorded at the rate to be stated in the refunding bonds, and when the

moneys received from said tax levy are available, said reassessment and such interest thereon shall be paid by the officer or board having charge of the disbursement of the funds of the owner of such land. Any reassessment upon public property not in use in the performance of a public function may be foreclosed in the manner provided in section 27 of the "Improvement act of 1911" as amended; provided, however, that the notice to be given upon the tax bill need not be given or made and that such action may be brought at any time after thirty days after the recording of such reassessment, and in any such foreclosure action the said reassessment and diagram with proof of nonpayment shall be prima facie evidence of the right of plaintiff to recover in the action. Said action shall be brought in the name of the city or county the legislative body of which levied said reassessment upon the request of any person entitled to any portion of the moneys to be derived from said reassessment. The person requesting that said foreclosure action be brought must advance the plaintiff's costs and expenses thereof and said action may be brought by any competent attorney appointed by the legislative body which levied said reassessment. In any case in which the reassessment is levied by the legislative body of a county, the same shall be foreclosed as hereinbefore provided, except that the various officers designated in said section 27 shall be the corresponding county officers as designated in the county improvement act of 1921 as amended. No refunding bond shall issue against public property, and the list of unpaid reassessments to be filed with the treasurer shall not include any unpaid reassessment upon public property.

Foreclosure
of reassess-
ment upon
public
property.
Stats 1929,
p 1664.

Stats 1921,
p 1658.

SEC. 13. No action, suit or proceeding to set aside, cancel, avoid, annul or correct any reassessment hereunder or to review any of the proceedings, acts or determinations made in the proceedings for said reassessment and refunding or to question the validity of or enjoin the collection of said reassessment or any reassessment therein or to enjoin the issuance of any bond or bonds to represent the same shall be maintained by any person unless such action or actions shall have been commenced within thirty days after the date of recording of said reassessment, and thereafter all persons shall be barred from any such action, suit or proceeding or any defense of the invalidity of said reassessment or any of the reassessments therein contained or any bonds issued thereon.

Actions to
cancel any
reassess-
ment, etc

SEC. 14. After the full expiration of thirty days from the date of recording said reassessment, the superintendent of streets, if the reassessment was recorded with him, shall make and certify to the city treasurer a complete list (except for reassessments upon public property) of all reassessments therein unpaid. If the reassessment was recorded with the county surveyor said county surveyor shall make and certify to the county treasurer a complete list (except for reassessment upon public property) of all reassessments therein unpaid. The principal of each of said unpaid reassessments

List of
unpaid re-
assessments

on said list shall thereafter become due and payable to the treasurer with whom said list is filed in equal annual payments on the fifteenth day of each November succeeding the recordation of the reassessment until fully paid. The number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of the bonds issued to represent said unpaid reassessments. The interest on said unpaid reassessments shall be payable on each fifteenth day of May and November succeeding the recordation of such reassessments, the last interest payment coming due forty-five days before the last annual payment of the principal of the bonds issued to represent said unpaid reassessments. Said bonds and the interest thereon shall be paid at the office of the said treasurer, who shall keep a fund designated by the name of said bonds into which he shall place all sums paid him for the principal of said bonds and the interest thereon, together with all penalties thereon, and from which he shall disburse such sums upon the presentation of the interest and principal coupons, and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said treasurer shall keep a register in his office which shall show the series number, date, amount, rate of interest, payee and indorsees of each bond and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid. An even annual proportion of the principal sum of each bond shall be payable by coupon on the second day of January every year after the fifteenth day of the next November following their date until the whole of said principal is paid.

Payment to
owners of
original
bonds.

SEC. 15. All moneys collected on the reassessments, all moneys in the interest and sinking fund of the district for which the bonds are refunded, and all refunding bonds shall be paid and delivered to the owners of the original bonds as provided in their agreement or assent on file with the legislative body; provided, however, that prior to said payment and delivery or concurrently therewith, said bond owners must pay to said legislative body the incidental expenses of the refunding proceedings as stated in the reassessment and all unpaid loans which are refunded in such proceedings and deliver up the unpaid refunded bonds for cancellation, and same shall forthwith be canceled. When the said payments are made and refunding bonds delivered as provided in said agreement or assent, all unpaid special assessment taxes levied to pay principal and interest of the bonds refunded and all penalties and interest thereon shall be deemed canceled and annulled, and the clerk of the legislative body which conducted such refunding proceeding, shall notify the proper city officials or the proper county officials or both as the case may be that the bonds of said district have been refunded and that said special assessment taxes, penalties and interest are canceled and annulled, and such officials shall thereupon proceed to make the necessary entries, showing the cancellation thereof.

SEC 16. The said treasurer shall, at least fifteen days before each respective fifteenth day of May and November until the said reassessments be paid in full, mail, postage prepaid, to each owner of property described in said reassessment at his last known address as it appears upon the tax rolls of said city or county, as the case may be, a postal card notifying him of the amount due and the date when payment is due from him on said reassessment, and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons; provided that the failure of the said treasurer to mail said cards or the failure of the property owner to receive the same shall in nowise affect the validity of any penalty or invalidate any act or proceeding. Should any payment of principal of said unpaid assessments or of interest thereon be not paid on the date upon which the coupon or coupons representing it are payable, the said treasurer shall, after the close of business on said due date, add to the amount of principal or interest so delinquent a penalty of five per cent of the total amount of such delinquency, and at the beginning of business on the first day of each succeeding month, until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent of the amount of such delinquency, and said treasurer shall collect such penalties with and as a part of such delinquent payments

Notice of
date of
payment

Delin-
quencies

SEC 17. The treasurer shall, upon the filing of said list of unpaid assessments, make out, sign and issue to the owners of said unpaid bonds as provided in the agreement or assent on file a separate bond representing upon each lot, piece or parcel of land upon the list the net amount of the reassessment against the same as thereon shown. If said lot, piece or parcel of land is described upon said assessment and diagram by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality or upon any map on file in the office of the county recorder of the county in which said municipality is situated, or for which the legislative body conducting the reassessment proceedings is the board of supervisors, then it shall be in said bond a sufficient description of said lot, piece or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map. Each of said bonds shall bear interest at the rate stated in the original bond issue from the date of the recording of the reassessment until the said bond is fully paid, and coupons for the various payments of interest on each of said bonds to the date of the maturity of such bonds shall be attached to each such bond. Said bonds shall be substantially in the following form:

Separate
bonds for
each parcel
reassessed

Form of
bond

Acquisition and improvement district No.-----
of the ----- (city or county) of -----
refunding bond.

No ----- Series ----- \$-----

Under and by virtue of an act of the Legislature of the State of California entitled (here quote title of this act). I, out of the fund for the above designated acquisition and improvement district No ---- of the ----- (city or county) of ----- refunding bond, series -----, will pay to -----, or order, the sum of ----- dollars (\$-----). with interest at the rate of ----- per cent per annum, all as is hereinafter specified, and at the office of the treasurer of the ----- of -----, State of California.

This bond is issued to represent a reassessment for the refunding of unpaid bonds (add, and unpaid loans, if any) in the matter of acquisition and improvement district No. ----- of the ----- (city or county) of ----- . Said reassessment is recorded in the office of the ----- (county surveyor or superintendent of streets). Its amount is the amount assessed in said reassessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number -----, and which now remains unpaid, but until paid, with accrued interest, is a lien upon the property affected thereby, as the same is described herein and in said recorded reassessment with its diagram, to wit, the lot or parcel of land in said ----- (city or county) of -----, State of California, described as follows:

This bond is payable exclusively from said fund and neither the ----- (city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is ----- years from the second day of January next succeeding the fifteenth day of the next November following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year following the fifteenth day of the next November, after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest thereon at the rate of ----- per centum per annum.

Terms

Interest.

The interest is payable semiannually, to wit, on the second days of January and July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next school day of -----, and thereafter the interest coupons are for semiannual interest.

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed and this bond is by law made conclusive evidence thereof.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale or foreclosure, upon payment to the ----- (city or county) treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid, together with interest for six months at the rate named in said bond.

Redemption
by owner.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law, or the lien of the reassessment foreclosed. In case of such default, there shall be immediately added to such defaulted amount five per cent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of one per cent of such defaulted amount. The ----- (city or county) shall be entitled to one-half the penalty first imposed, namely, two and one-half per cent, and the other two and one-half per cent and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

Sale upon
default.

Dated at said ----- (city or county) of -----
----- this ----- day of -----, in the year
one thousand nine hundred and -----.

Treasurer of the ----- (city or
county) of -----, State of
California.

Said bonds shall be payable to the party to whom they issue, or order. Said bonds shall be dated as of the date of the recording of said reassessment and shall extend over a period not to exceed twenty-eight years from the second day of January next succeeding the fifteenth day of the next November following their date, and an even annual proportion of the principal sum of each bond shall be payable, by coupon, on the second day of January every year after the fifteenth day of the next November following their date, until the whole is paid, and the interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after their date, at the rate stated in the bonds to be refunded and if more than one issue of bonds is refunded in the same proceeding at the average rate of interest of all of the bonds to be refunded considering the rates of interest, the amounts of bonds and the maturities of such bonds; provided further, that such average rate shall be that whole number per cent or one-half per cent (such for example as

Coupons

five or five and one-half or six or six and one-half or seven or seven and one-half per cent), nearest to the actual average. In the absence of actual fraud the rate of interest fixed by said legislative body shall be final and conclusive. Upon any of such bonds dated after the fourteenth day of May of any year and on or before the fourteenth day of the following November, the first interest coupon shall become due and payable on the second day of the next succeeding January, and upon such bonds dated after the fourteenth day of November of any year and on or before the fourteenth day of the following May, the first interest coupon on said bonds shall become due on the second day of the next succeeding July. Said legislative body shall also determine the period over which the refunding bonds shall extend.

The said refunding bonds or any thereof shall be conclusive evidence of the regularity and validity of all of the proceedings for the issuance of such refunding bonds and the levying of the reassessment therefor and of the legality and validity of the lien of said reassessment

Records to be kept by treasurer

SEC. 18. The treasurer shall, in addition to his other duties, keep a record of all bonds issued by him, of all payments on said bonds with the dates thereof, and of all penalties accruing thereon, and he shall report all payments of coupons or penalties upon said bonds with the dates thereof to the superintendent of streets or the county surveyor, as the case may be, who shall forthwith indorse the same upon the margin of the record of the reassessment to the credit of which the same are paid, and until paid the said reassessment with accrued interest thereon and penalties, if any, shall be and remain a lien upon the property affected thereby and shall have priority and superiority as hereinbefore defined in this act. Whenever payment either upon the principal or of the interest upon any bond issued hereunder has not been made when the same has become due, the holder of the bond may foreclose the said bond as herein provided, or may demand in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in said bond as hereinafter provided. The owner of or any person interested in any lot, piece or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale or foreclosure, pay off such bond and discharge the land described in the bond from the lien of the reassessment by paying to the said treasurer for the holder of such bond the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate named in the bond, and all penalties accrued and unpaid, together with interest for six months at the rate named in such bond. Upon such payment being made to the treasurer, he shall report the same to the superintendent of streets or the county surveyor, as the case may be, who shall forthwith mark paid on the margin of the record of the reassessment, the reassessment to represent which such bond was

Holder may foreclose or demand sale

issued, and thereupon the lien of said reassessment shall cease and the treasurer shall forthwith notify the holder of the bond and call in the same. Said treasurer shall enter in his record of such bond the amount paid and the date of payment and upon the lien of the reassessment being extinguished, as aforesaid, shall cancel the said bond and file it in his office.

SEC. 19. It shall be the duty of the city treasurer one month prior to the date it is provided by law or by ordinance or charter of the municipality that taxes are due, or, in case taxes are collected by the county, for the city on or before the fourth Monday in September of each year to certify to the city tax collector, or, in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city upon which any payment either of principal or interest has not been paid when due upon any bond issued by said city treasurer under this act. The tax collector shall cause to be pasted or attached to or stamped or printed upon the tax bill or tax receipt a notice which shall in substance be as follows:

Notice of
delin-
quency.

Notice of Delinquency.

There is a street improvement bond chargeable against this property, payment upon which is delinquent, which must be paid to the city treasurer without delay to avoid foreclosure.

In case the county collects city taxes, the notice herein provided to be attached to or pasted to the tax bill or tax receipt shall, if the county tax collector so requires, be prepared by the city treasurer and shall be forwarded to the county tax collector on or before the dates herein provided for forwarding said list, and the city treasurer shall, if the county tax collector so requires, stamp or attach said notices to the tax bill or receipt. If the refunding bonds are issued by the county treasurer, the county treasurer shall certify the list herein required to the proper tax collector and the notice shall show that payment is to be made to the county treasurer. In case the assessment district is partly within one or more cities and partly within unincorporated territory of the county or partly within two or more cities, the city or the county treasurer, whichever issued the refunding bonds, shall certify such delinquent list to the county tax collector who shall cause the said notice to be given.

SEC. 20. In the event of the nonpayment of any installment of the interest or principal and by way of a separate, distinct and cumulative remedy, the holder of any refunding bond upon which any payment either upon the principal or of the interest has become delinquent may, at any time after three months after the date it is provided by law or ordinance or charter of the city, the treasurer of which issued the bond, that taxes are due, or in case the bond was issued by the county treasurer or taxes are collected by the county for the city, at any time after four months next succeeding the fourth Monday of September, following the date of delinquency of principal or

Suits to
foreclose

interest and prior to the expiration of four years after the due date of the last installment upon any bond or of the last principal coupon attached thereto, file and maintain a suit to foreclose the lien of the bond and recover the amount due thereon; provided, however, that suit may be brought at any time following the expiration of thirty days after the service of personal demand for payment as herein provided upon the owner of the premises. Such demand shall be served in the manner provided by law for the making of personal service of summons; if suit be brought costs for the service thereof shall be allowed in an amount equivalent to the fees prescribed by law for the service of summons. Said demand shall be in substantially the following form:

Demand for Payment of Street
Improvement Bond.

Demand for
payment

You are hereby notified that bond No. _____ series No. _____ for an improvement in the _____ (city or county) of _____ is delinquent. Unless the amount of the unpaid principal on said bond together with interest and penalties is paid to the _____ (city or county) treasurer on or before thirty days after the service on you of this demand, the date of such service being this _____ day of _____, 19____, the undersigned will institute suit to foreclose the lien of said bond in the manner prescribed by law.

Form of
demand for
payment

The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and appropriate allegations be made therein regarding the payments made upon the principal and interest of such bond. If personal demand for payment be made as herein provided the complaint shall so allege. Such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued or the superior court of the county, the treasurer of which issued the bond, and in case the owner of the lot, piece or parcel of land covered by said bond can not with due diligence be found, the service of summons in such action may be had in the manner prescribed in the codes and laws of this state.

Allegations
of com-
plaint

Evidence

The said bond, together with proof, either orally by the said treasurer of the said city or county or by a certificate signed by him showing the nonpayment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action; provided, that if personal demand for payment be made proof of service of the demand as herein provided shall be required. The court in said suit shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to cause said premises to be sold as in other cases of the sale of real estate by the process of said court to satisfy and discharge such bond and lien, and the amount of interest and penalties due shall be calculated in the same manner set forth in this act up to the date of the judgment. On appeal, the appellate courts shall have the same power to adjudge and decree a lien

and order such premises to be sold as is conferred on the court from which an appeal is taken. The court having jurisdiction of said cause shall also fix and allow a reasonable attorney's fee for the prosecution of said suit.

The plaintiff in the suit may also recover the cost of any abstract or report of search of title procured in good faith, in order to determine ownership, such search to be by a reputable abstractor or title company, and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action. Costs

Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also, when not in conflict herewith, by the codes of this state.

A written notice of the pendency of any action for recovery on a bond shall be filed with the treasurer. After the filing of such notice the treasurer shall not receive any money on account of said bond and he shall have no authority to cancel the entries on said bond in his register or give a discharge of said bond without the written consent of the owner thereof until judgment has been rendered in such action or the same has been dismissed. Lis pendens.

Should suit be brought for recovery on any bond prior to the time provided herein, the plaintiff shall not recover in such suit and the defendant in such suit shall be entitled to have and recover such attorney fees as the court may deem reasonable, in addition to all taxable costs.

SEC. 21. Whenever payment either upon the principal, or of the interest, upon any bond issued under this act has not been or shall not be made when the same has become, or shall become due, and the holder of the bond demands in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in said bond as being that upon which the assessment represented by said bond was levied, then said treasurer shall proceed as provided in the next section. Advertisement and sale of property.

SEC. 22. The treasurer shall publish by two insertions in a newspaper of general circulation, published in the city in which said bond was issued, or if no newspaper is published in said city, then in some newspaper having general circulation therein, a notice which shall be substantially (filling in all blanks) as indicated following, to wit: In the matter of acquisition and improvement district No. ----- of the ----- (city or county) of ----- Publication of notice of sale

Notice of sale of property delinquent for nonpayment of refunding bond No. -----, series No. -----, issued for an ----- (acquisition or improvement or acquisition and improvement). Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the city treasurer of the city of ----- proceed to advertise and Form of notice.

sell the lot or parcel of land mentioned in the said bond. Now, therefore, I give notice that I will on the _____ day of _____, 193__, at the hour of _____ o'clock __m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, \$_____ dollars; due on account of interest, \$_____ dollars (here set forth the interest calculated and compounded semiannually up to the day on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid); due on account of penalties, \$_____ dollars. Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required, together with the cost of publications made before such payment and the additional interest accruing up to the date of payment.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The _____ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated _____, 19___

Treasurer of the city of _____

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice.

If the bond was issued by the county treasurer of a county, the county treasurer shall publish the aforesaid notice in some newspaper of general circulation published in the county, and wherever the words "city treasurer" or "treasurer of the city" appear in said notice such words shall be changed to "county treasurer" and "treasurer of the county," and wherever the word "city" appears in such notice, the word "county" shall be substituted therefor

Affidavit of
publication

SEC. 23 An affidavit of the publisher of the newspaper in which the notice was published, or of someone in behalf of said publisher, setting forth a copy of the publication and stating

that the publication was made in the said newspaper on specified dates shall be filed with the city treasurer or the county treasurer, as the case may be, and shall be primary evidence of the due publication of the notice.

SEC. 24. The treasurer shall collect the sum of one dollar ^{Sale.} as hereinbefore mentioned for the issuance of the certificate of sale, which sum shall belong to, and be subject to the disposition of the city or county, as the case may be; any person interested in the lot or parcel of land described in the notice of sale may at any time prior to the sale, pay the whole amount of principal of said bond remaining unpaid, the interest thereon compounded semiannually up to the date of such payment, at the rate named in said bond upon such amount of said principal remaining unpaid for the whole period for which interest has not been paid, and all penalties which have accrued, together with the cost of the publication of the notice of sale; in such event the payment being made, the bond shall be canceled; but if such payment be not made, the sale shall be made as advertised; the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of said lot or parcel and pay all of the sums specified in the notice of sale given by the treasurer. In the event that through error or otherwise the total amount for which said sale shall be made is less than that which may be required by the provisions hereof, and the holder of the bond is the purchaser at the sale and elects to accept the certificate of sale hereinafter mentioned, or if he accepts from the treasurer such sum derived from said sale made to some other purchaser, then the fact that the sale may have been made for less than the amounts specified herein shall not affect or invalidate the sale, and such receipt of said certificate or said sum shall be a waiver on the part of the holder of said bond, and the said ^{Waiver by holder of bond} deficient amount of sale shall be the amount upon which redemption from the sale shall be calculated to all effects the same as if the sale had been made for the full amount authorized hereby

SEC. 25. The treasurer, before delivering any certificate, ^{Record of sale} must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description of the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words, "Canceled by sale of the property," giving the date of such sale.

SEC. 26. Immediately on the sale, the purchaser shall ^{Delivery of certificate} become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the treasurer of the purchase money, including costs herein provided for, inclusive of moneys paid for taxes,

Recordation
of duplicate

street improvement assessments, or other tax or statutory lien or to redeem from sale as hereinafter specified, and the fee of the recorder for recording the certificate of sale, with interest thereon at the rate of one per cent per month from the date of sale; the treasurer shall issue for each sale an original and a duplicate certificate of sale reciting therein the date, number and series of the bond under which the sale was made, describing the land sold, and giving the date of sale, purchaser's name, amount paid, and the number of the certificate. He shall deliver the original certificate to the purchaser and shall record the duplicate in the office of the recorder of the county in which the land sold is situated. At any time after delivery to him by the treasurer of said certificate of purchase the legal holder thereof may pay any general taxes, street improvement assessments, or any other tax or statutory lien upon the property described in said certificate of purchase which may be prior to his or redeem said property from any sale made in collection or enforcement of such general taxes, foreclosing street improvement assessments or other tax or statutory lien and the treasurer, upon production by the holder of said certificate of purchase of the official receipt for the amounts so paid by him shall make an endorsement upon said certificate of purchase showing that said receipts have been so produced stating the nature of the lien paid, and the amount thereof and he shall make a like entry upon the book as provided in section 25 of this act, and shall collect the amount thereof as a part of the amount represented by said certificate of purchase together with interest thereon at the same rate as provided in the certificate of purchase.

Redemption

SEC. 27. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided; redemption must be made in lawful money of the United States, and when made to the treasurer he must mark the word "Redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any.

Purchaser's
deed

SEC. 28. If the property is not redeemed within the time allowed by section 27 hereof for its redemption, the treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the city or county treasury, as the case may be, for the use of the city or county after payment has been made

therefrom for the acknowledgment of said deed; provided, however, that the purchaser of the property, or his assignees, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

Notice to
owner and
occupant

Affidavit of
service

SEC. 29. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county and municipal taxes, and special assessments having priority thereover under the provisions of this act.

Effect of
deed.

SEC. 30. At any time within thirty days after the recording of the reassessment, any person interested in any of the bonds to be refunded or in any of the lands reassessed may bring an action in the superior court of the county the legislative body of which conducted the reassessment proceedings, or the county in which the city the legislative body of which conducted the reassessment proceedings lies, to determine the validity or invalidity of such reassessment. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for four weeks in some newspaper of general circulation published in the county where the action is pending, such paper to be designated by the court having

Action to
determine
validity
of bonds.

Procedure.

jurisdiction of the proceedings. Said summons shall contain a general description of the boundaries of the district of the lands upon which said reassessment is levied. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such reassessment or uphold the same. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party shall have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. The motion for a new trial of any such proceeding must be heard and determined within ten days from the filing of the notice of intention.

The court hearing the said proceeding, in inquiring into the regularity, legality or correctness of such reassessment, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to the proceeding herein provided for. The costs of the legal proceedings provided for in this section may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. After said reassessment has been recorded, it shall not be contested in any way other than at the time and in the manner specified in this section, and in any such action all findings, conclusions and determinations of the legislative body which conducted the reassessment proceedings shall be conclusive in the absence of actual fraud.

Effect of
decree.

SEC. 31. If in any action or proceeding any reassessment or any refunding bond is held illegal or invalid, then the unpaid bonds refunded and for the refunding of which the reassessment was levied shall be deemed to be in full force and effect from the date of such final judgment or decree, and if said unpaid bonds have been canceled or destroyed, the proper officials of the city or county which issued the original bonds shall issue new bonds of the same tenor, force and effect as such canceled or destroyed unpaid bonds, and all of the provisions of the acquisition and improvement act of 1925 relative to the payment of bonds issued thereunder and the levy, collection and enforcement of special assessment taxes therefor shall apply to such unpaid bonds or to any bonds issued to replace such unpaid bonds. Until all unpaid bonds issued under the provisions of the acquisition and improvement act of 1925 for any district organized under said act have been fully paid or have been legally refunded under the provisions of this act, it shall be and remain the duty of the legislative body empowered and directed to levy the special assessment taxes for the payment of such bonds to proceed under

the provisions of said acquisition and improvement act of 1925 as amended to levy the said taxes provided in said acquisition and improvement act of 1925 in accordance with the provisions of said act and said special assessment taxes shall be levied, collected and enforced as is provided in said act.

SEC. 32. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

Constitution
Constitutionality.

CHAPTER 878.

An act to amend title, section 7 and section 8, of chapter 202, statutes of 1919, entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, relating to the enforcement of the act and permitting individual actions for wages and penalties.

Stats 1919,
p 294,
amended

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The title of chapter 202, statutes of 1919, entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction

Title
amended

of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, is hereby amended to read as follows:

An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing that notices as to pay days must be kept posted by the employer and making failure to keep such notices posted prima facie evidence of violation of the act, providing criminal penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys and prosecuting attorneys of cities relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner for failure to maintain regular pay days and the disposition of penalties so collected, providing a civil penalty for failure of the employer to pay discharged employees or employees who quit and permitting such employees to sue directly or through an assignee for such penalties as well as permitting the said commissioner to sue for same in such cases as he may deem proper; repealing an act entitled "An act providing for the time of payment of wages," approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled "An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act," approved June 8, 1915.

Stats 1919,
p. 294

SEC. 2. Section 7 of the said act, as amended, is hereby amended to read as follows:

Enforcement
of act

Sec. 7. It shall be the duty of the commissioner of the bureau of labor statistics to inquire diligently for any violations of this act, and to institute the actions for penalties provided for in section 4 hereof, as well as actions for penalties under section 5 hereof in such cases as he may deem proper, and to enforce generally the provisions of this act.

Stats 1919,
p. 294.

SEC. 3. Section 8 of the said act, as amended, is hereby amended to read as follows:

Construc-
tion.

Sec. 8. Nothing herein contained shall be construed to limit the authority of the district attorney of any county or city and county, or the prosecuting attorney of any city, to prosecute actions, both civil and criminal, for such violations of this act as may come to his knowledge, or to enforce the provisions hereof independently and without specific direction of

the commissioner of the bureau of labor statistics, or to limit the right of any wage claimant to sue directly or through an assignee for any wages or penalty due him or her under the provisions of this act.

CHAPTER 879.

An act to amend section 909 of the Political Code, relating to the filing of oaths of office.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 909 of the Political Code is hereby amended to read as follows:

Code
Amnds
1880, p 20
Oath of
office

909. Every oath of office certified by the officer before whom the same was taken, must be filed within the time required by law, except when otherwise specially provided, as follows:

1. The oath of all officers, whose authority is not limited to any particular county, in the office of the secretary of state.

2. The oath of all officers, elected or appointed for any county, and of all officers whose duties are local, or whose residence in any particular county is prescribed by law, in the offices of the clerks of their respective counties, and a copy thereof in the office of the county auditor of their respective counties.

3. Each judge of a superior court and county clerk must, so soon as he has taken and subscribed his official oath, file a copy thereof, signed with his own proper signature, in the office of the secretary of state.

CHAPTER 880.

An act to amend section 4024 of the Political Code, relating to appointment of deputies.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4024 of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 786.

4024. Every county, township or district officer, except a supervisor or judicial officer, and every marshal of municipal court or clerk of municipal court, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk, and a copy thereof, in the case of such deputies receiving compensation for their official duties, filed in the office of the county

Appointment
of deputies

auditor. Until such appointment is so made and filed, and the copy thereof, when herein required, is so filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy. Upon the revocation of the appointment of any such deputy, such revocation must be made and filed in the same manner as is herein provided for the making and filing of his appointment.

CHAPTER 881.

Stats 1923, p. 1067, amended. *An act to amend the act known as "Palo Verde irrigation district act," approved June 21, 1923, as amended, by amending section 28 thereof, relating to levy of taxes.*

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

See Ch. 51, Stats 1931. SECTION 1. Section 28 of an act known as "Palo Verde irrigation district act," approved June 21, 1923, as amended, is hereby amended to read as follows:

Annual tax levy

Sec. 28. On or before the first Monday after the eighteenth day of August of each year the board of trustees, taking as a basis the detailed statement required in section 26 of this act and the valuation of the lands and improvements thereon within the district and the personal property within said levee district in accordance with the district assessment roll, must levy a tax sufficient to raise the amount set forth in said detailed statement, which tax shall be levied as follows:

1. A rate shall be fixed for raising the amount necessary to meet the principal and the accruing interest on the outstanding bonds of said levee district, which said rate shall be levied upon and in accordance with the assessed value of the lands, improvements and personal property within the boundaries of said levee district.

2. A separate rate shall be fixed for raising the amount necessary for the maintenance, repair and operation of the levees constructed by said levee district, which said rate shall be levied upon and in accordance with the assessed value of the lands, improvements and personal property within the boundaries of said levee district.

3. A separate rate shall be fixed for raising the money necessary to meet the principal and accruing interest on the bonds of said drainage district, which said rate shall be levied upon and in accordance with the assessed value of all lands within said drainage district.

4. A separate rate shall be fixed for raising the amount necessary for maintenance, repair and operation of the drainage and reclamation system installed or constructed by said drainage district, which said rate shall be levied upon and in

accordance with the assessed value of all lands within said drainage district.

5. A separate rate shall be fixed for raising the amount necessary to maintain, repair and operate the irrigation system of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the boundaries of this district.

6. A separate rate shall be fixed for raising the amount necessary to meet the principal and accruing interest on the bonds of this district, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within this district.

7. A separate rate shall be fixed for raising all other amounts set forth in said detailed statement required in section 26 of this act, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within this district.

Notwithstanding any other provision of this act, it shall be mandatory for the board of trustees to make the tax levy each year for said rates numbered 1, 3, and 6, of this section in accordance with the estimates made as to the requirements under said rates under the provisions of section 26 of this act.

There shall be four funds of said district kept by the county treasurer: the levee district bond and interest fund; the drainage district bond and interest fund; the irrigation district bond and interest fund; and the general fund. Moneys collected from the levies for principal and accruing interest on the bonds of the levee district, drainage district and irrigation district shall be placed in the appropriate funds and used only for said respective purposes. All other moneys collected from the other levies shall be placed in the general fund.

Funds of district.

All properties acquired by this district after its organization and all construction work and improvements in the way of providing, maintaining and operating protection work or reclamation work in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands and improvements within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed value of the real estate and improvements thereon within the district, but all construction work and improvements in the way of maintaining and operating the irrigation system in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands (excluding improvements) within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed valuation of the lands (excluding improvements) within the district.

In ascertaining the above mentioned rates of taxation, fifteen per cent shall be deducted for anticipated delinquencies from the aggregate value of the property to be levied on in respect to each separate rate, as shown by the assessment roll of the

Determination of rate of taxation

district, and then the sum necessary to be raised shall be divided by the remainder of the proper aggregate assessed value. The secretary of the board must forthwith compute and enter in a separate column of the assessment roll the respective sums in dollars and cents to be paid on the respective properties therein enumerated.

CHAPTER 882.

Stats 1929,
p 910,
amended

An act to revise chapter 529, statutes of 1929, entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the state or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," approved May 28, 1929.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 910

SECTION 1. Chapter 529, statutes of 1929, entitled "An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the state or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act," is hereby revised to read as follows:

Appropriation to counties

Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated to each and every county or city and county in the state, maintaining, supporting, or caring for, as hereinafter provided in this act, any needy blind person, resident of such county or city and county, and not an inmate of any institution supported in whole or in part by the state or any of its political subdivisions, aid not in excess of three hundred dollars per annum for each such needy blind person, who is being maintained, supported and cared for by such county or city and county.

"Needy blind person" defined.

Sec. 2. As used in this act, the term "needy blind person" shall be construed to mean any person who by reason of loss or impairment of eyesight is of such condition that he is unable to provide himself with the necessities of life and who has not sufficient income of his own to maintain himself as further set forth in section 5 of this act.

Support by friend or relative

Free board and lodging supplied to an applicant by a friend or relative not responsible for his support or who is financially unable to support said applicant, because of the applicant's necessity therefor, shall not be a ground for refusing aid or for granting a less amount than would have been granted if such free board and lodging were not supplied; provided, however, that said free board and lodging, if continued while the applicant is receiving aid hereunder, may be deducted from the amount of aid granted.

Sec. 3. In order that any person who may have become blind while a resident of the State of California may be entitled to aid under the provisions of this act, such person must be sixteen years of age and a resident of the county or city and county in which his application is filed for a period of six months immediately preceding the filing of his application; and in order that any person, who became blind while he was not a resident of the State of California, may be entitled to aid under the provisions of this act, such person must be sixteen years of age and a resident of the county or city and county, in which his application is filed, for a period of one year immediately preceding the filing of his application and a resident of the State of California for a period of ten years immediately preceding the filing of his application; provided, however, that no applicant shall receive such aid while he is an inmate of any institution supported in whole or in part by the state or any of its political subdivisions; provided, however, that if any applicant receiving aid under the provisions of this act, have residing within the state a spouse, parent, adult child, grandparent or adult grandchild pecuniarily able to support said applicant, the district attorney, or other civil legal officer of the county or city and county granting aid may, on behalf of said county or city and county, maintain an action in the superior court of the county or city and county granting such aid, against said relatives, in the order named, to recover for said county or city and county such portion of said aid granted as the court may find said relative or relatives pecuniarily able to pay; provided that the receipt of aid by the applicant hereunder shall not be contingent upon such recovery by said legal officer. Such sums so recovered shall be credited by the county in its semi-annual settlement with the state; and provided, further, that no one shall receive aid under this act who owns property, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of three thousand dollars; and provided, further, that in estimating the income of an applicant under this act property owned by such applicant not bearing an income nor used as his actual residence shall be deemed to yield an income of five per cent per annum on its valuation as determined by the county assessor or assessors less all encumbrances thereon of record; and provided, further, that no person shall be eligible to receive aid under this act who publicly solicits alms in any part of the state. The term "publicly solicits" shall be construed to mean either the wearing, carrying or exhibiting of signs denoting blindness for the securing of alms, or the carrying of receptacles, for the purpose of securing alms, or the doing of the same by proxy; or stationary or house to house begging; or any other means of publicly seeking alms; and provided, however, that no applicant shall be denied the aid provided for in this act by reason of the fact that such applicant is attending or intends to attend

Who may
receive
benefits
of act

Term
"publicly
solicits"
defined.

any public high school in this state, the University of California, or any other institution of higher learning in this state.

Applications
for aid.

Sec. 4. To receive aid under this act, the applicant shall file his application with the county clerk of the county or city and county in which he resides, accompanied by an affidavit, signed by himself, stating, if known, his age, sex, counties of residence during the preceding ten years, his financial resources and income, the name and address of his spouse, parent, adult child, grandparent or adult grandchild, degree of blindness, how long blind, what employment and education he has had and his general physical condition and such other statistical data as may be deemed necessary by the department of social welfare.

The county clerk shall forthwith transmit such application to the county board of supervisors of such county or city and county.

Investiga-
tion

The county board of supervisors shall immediately investigate into the merits of all applications for aid under this act. The county board of supervisors shall be free to select its own investigators. Any county board of supervisors may request the field workers or the home teachers of the industrial home for the adult blind to investigate and report upon the qualifications of any applicant for aid under this act. The field workers or the home teachers of the industrial home for the adult blind may, without expense to the county, make such investigations and submit their reports to the county board of supervisors together with their recommendations as to what action should be taken by the county board of supervisors.

When aid
may be
granted

Sec. 5. No certificate of qualification for aid under this act shall be granted until the county board of supervisors shall be satisfied that the applicant is entitled to aid from the evidence of two reputable citizens of California that they know the applicant to be blind, and that he has the residential qualifications to entitle him to the aid asked for, and from the evidence of a duly licensed and practicing physician that the applicant is blind. The physician shall describe the condition of the applicant's eyes and testify to his blindness. The evidence of each person shall be in writing, and signed by him, and he shall be subject to cross-examination by the county board of supervisors or any other persons.

Procedure.

If the county board of supervisors is satisfied upon such testimony that the applicant is entitled to aid hereunder, it shall, without delay, issue an order therefor, in such sum as it finds needed, not to exceed six hundred dollars per annum, to be paid monthly, in advance, out of such county funds as may be designated by the board of supervisors on warrant of the county auditor of the county or city and county; provided, however, that the yearly income of the applicant from all sources taken together with the aid granted by the county board of supervisors shall not exceed one thousand dollars per annum.

The board of supervisors of each county or city and county shall file in the office of the chief of the division for the blind in the department of social welfare a record of the action of such county or city and county in granting or refusing to grant aid to each blind applicant.

Any blind applicant, who is dissatisfied with the action of the county board of supervisors regarding his application for aid, may appeal to the state board of control. The chief of the division for the blind in the department of social welfare shall set such appeal for hearing before the state board of control and shall give all parties concerned written notice of the time and place of such hearing. At such hearing the applicant may appear in person and/or by counsel of his own choosing.

The state board of control shall consider the appeal, and shall award such aid as it deems proper; provided, that said award shall not exceed six hundred dollars per annum, and that the total yearly income of the applicant together with the award shall not exceed one thousand dollars. The county board of supervisors shall then pay to such blind person the sum awarded by the state board of control.

Sec. 6. The county board of supervisors shall investigate, annually or oftener, the qualifications of the blind persons receiving aid hereunder, and may increase or decrease the allowance within the limits prescribed in this act, or, if said board is satisfied that any person so on the list is not entitled to aid hereunder, said board shall entirely remove him from said list and shall forthwith notify the county auditor and the chief of the division for the blind in the department of social welfare of such action; provided, however, that the person receiving aid shall have the right of appeal to the state board of control from such action.

Sec. 7. The board of supervisors of each county or city and county in this state is hereby authorized and empowered to levy, in addition to the taxes now levied by law for other purposes than these herein provided, a tax not exceeding two-tenths of one mill per dollar on the assessed value of the property of their respective counties or cities and counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the aid of the needy blind of their respective counties or cities and counties.

Sec. 8. Any person qualified for and receiving aid hereunder, in any county or city and county of the state, who removes to another county or city and county in the state, shall be entitled to aid under the provisions of this act after one year of residence in the county or city and county to which he has removed; and the removal of any person receiving aid hereunder from one county or city and county to another within this state shall not work a forfeiture during such one year period of the state aid previously awarded under this act. Any blind person who leaves his county for the

purpose of attending an institution of learning located in California shall not be deemed, for the purposes of this act, to have moved from his county.

Financial
report

Sec. 9. The board of supervisors of each county or city and county shall, at times to be named by the state department of social welfare, certify to said department the sums of money paid out to blind persons under the provisions of this act during the preceding six months. Such certified claims shall be audited by the state department of social welfare and the state controller. The state controller shall draw warrants therefor in the sum of one-half the amount paid out by said county or city and county to blind persons under the provisions of this act during the period for which the claim is made, and the amount of such warrants shall be paid by the state treasurer to the treasurer of said county or city and county. Any claim certified by the county board of supervisors pursuant to this act shall be disallowed only on the ground that the aid was granted contrary to the provisions of this act.

Rules and
regulations

Sec. 10. The department of social welfare shall have power to make purely administrative rules and regulations to enforce this act, which rules and regulations shall not conflict with the provisions of this act. Said department shall create a division which shall be devoted exclusively to carrying out the provisions of this act, which shall be headed by a chief, who is a trained social worker experienced in work for the blind, said chief to be appointed by the governor and to hold office at his pleasure.

Record of
applicants.

It shall be the duty of the chief of the division for the blind in the department of social welfare to keep in the office of the division a complete list of all applicants for aid under this act and to prepare application blanks for use of applicants for aid, which shall be printed by the state printer and supplied to the county clerk of each county and city and county.

The county clerk shall mail without charge application blanks for aid under this act to any resident of his county immediately upon request therefor.

All papers and records on file in the office of the chief of the division for the blind in the department of social welfare and all papers and records pertaining to the administration of this act on file in the office of any county clerk or elsewhere shall be open to inspection at any time during business hours by the applicant or his attorney or agent.

Supervision
by division
for the
blind

Sec. 11. The chief of the division for the blind in the department of social welfare is hereby authorized on behalf of the state at any time to inquire into the management of aid to blind persons hereunder by any county or city and county; and shall notify the controller of all claims granted contrary to the provisions of this act, specifying in each case the section or sections of this act deemed violated.

Any county or city and county refusing, upon due demand, to permit such inquiry or refusing to comply with any of the provisions of this act, shall not thereafter receive any aid or

reimbursement from the state under the provisions of this act until it has complied with all the requirements hereof.

Sec. 12. Any person who, in order to secure for himself or another the aid provided in this act, makes a false statement under oath, shall be deemed guilty of perjury. Unlawful acts

Sec. 13. It shall be unlawful for any person concerned with the administration of this act to dictate how any applicant shall expend the aid granted to him. Same

Sec. 14. No blind person shall be deemed a pauper by reason of receiving aid under this act, and this act shall be construed separate and apart from the pauper act. Paupers

Sec. 15. The purpose of this act is to relieve blind persons from the distress of poverty, to enlarge the economic opportunities of the blind and to stimulate the blind to greater efforts in striving to render themselves self-supporting. Purpose

Sec. 16. The provisions of this act are to be liberally construed to effect its objects and purposes. If any section, subsection or subdivision of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. Constitutionality

CHAPTER 883.

An act to amend section 53 of the California irrigation district act, relating to contracts. Stats 1897,
p. 254,
amended.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 53 of the California irrigation district act is hereby amended to read as follows: Stats. 1919,
p. 668.

Sec. 53. Before the construction of any work to be paid for with the proceeds of the sale of bonds, or a special assessment levied in accordance with section 34 or section 59 of this act, the board of directors shall give notice, by publication thereof three times, to wit, once a week for three successive weeks, in a newspaper published in the county in which the office of the district is located, or, if no newspaper is published therein, then in such publication as the board may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor and that the contract will be let to the lowest responsible bidder, or bidders, but that any or all bids may be rejected, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work, either in por-

Bids for construction of works

tions or as a whole, to the lowest responsible bidder or bidders; but the board may reject any bid or bids or may reject all bids and readvertise for proposals or may proceed to construct the work under its own superintendence; provided, that in case of emergency or urgent necessity for any such work, the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts therefor without advertising for bids, but the cost of such work shall not exceed five hundred dollars and such additional amount as shall be equal to five cents for each acre of land in the district. Contracts for the purchase of material to be furnished or used by the district in any such work shall be awarded to the lowest responsible bidder or bidders after such notice as the board of directors may deem proper. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for at least twenty-five per cent of the amount of the estimated contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer of the district and be subject to approval by the board.

CHAPTER 884.

An act to amend section 413 of the Code of Civil Procedure, relating to the publication of summons.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1873-
74, p. 299.

Manner of
publication
of summons

SECTION 1. Section 413 of the Code of Civil Procedure is hereby amended to read as follows:

413. The order must direct the publication to be made in a newspaper, to be designated, as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, at least once a week; but publication against a defendant residing out of the state, or absent therefrom, must not be less than two months, except in proceedings instituted pursuant to the provisions of chapter four, title three, part three, of this code. In case of publication, where the residence of a nonresident or absent defendant is known, the court or judge must direct a copy of the summons and complaint to be forthwith deposited in the post office, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the state is equivalent to publication and deposit in the post office, and in either case the service of the summons is complete at the expiration of the time prescribed by the order for publication.

CHAPTER 885.

An act to add a new section to the Code of Civil Procedure to be numbered 1179a, relating to proceedings for forcible entry, forcible detainer or unlawful detainer.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1179a, to read as follows: New section.

1179a. In all proceedings brought to recover the possession of real property pursuant to the provisions of this chapter all courts, wherein such actions are or may hereafter be pending, shall give such actions precedence over all other civil actions therein, except actions to which special precedence is given by law, in the matter of the setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined. Precedence over other actions

CHAPTER 886.

An act to amend section 737vv of the Political Code, relating to the salary of the judge of the superior court in and for the county of Solano.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737vv of the Political Code is hereby amended to read as follows: Stats 1927, p. 563.

737vv. The annual salary of the judge of the superior court in and for the county of Solano is seven thousand dollars. Superior judge. Solano county

CHAPTER 887.

An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1723 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929, p 1018

1723. Whenever title to or an interest in real property is affected by the death of any person, any person who claims any interest in such real property, which interest is affected by the death of such person, may, and a surviving joint tenant Establishment of fact of death

or surviving joint tenants must. file in the superior court of the county of which the decedent was a resident at the time of his death, or if the decedent was a nonresident at the time of his death, in any county in which any part of such real property is situated, a verified petition setting forth those facts, and particularly describing the real property and his interest therein.

The clerk must set the petition for hearing by the court and give notice thereof by causing a notice of the time and place of the hearing to be posted at the courthouse in the county where the court is held, at least ten days before the hearing, provided the court may order such further notice to be given as in his judgment may seem proper.

The court shall take evidence for or against the petition and may render judgment thereon establishing the fact of such death, which judgment shall be prima facie evidence of the fact of such death.

Any inheritance tax which becomes payable by reason of such death must be paid before such decree is made, and one of the inheritance tax appraisers provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceedings may be determined. If the said inheritance tax appraiser reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which said proceeding is pending.

A certified copy of the decree may be recorded in the office of the recorder of each county in which any part of the land is situated.

CHAPTER 888.

An act to amend section 4316 of the Political Code, relating to county officers and their deputies.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1911,
p 1093

Sheriffs,
etc., may
not practice
law

SECTION 1. Section 4316 of the Political Code is hereby amended to read as follows:

4316. Sheriffs, clerks and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, or as collectors or for any collection agency, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys, treasurers, and public administrators shall be eligible to the office of notary public, or perform the duties of the same.

CHAPTER 889.

An act to amend section 737g of the Political Code, relating to the salaries of judges of the superior court in and for the county of Contra Costa.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737g of the Political Code is hereby amended to read as follows: Stats. 1929,
p 1178

737g. The annual salary of each of the judges of the superior court in and for the county of Contra Costa is eight thousand dollars. Superior
judges,
Contra Costa
county.

CHAPTER 890.

An act appropriating money to pay the claim of the county of Ventura against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-five and 18/100 dollars (\$25.18) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the county of Ventura against the State of California. Special ap-
propriation

CHAPTER 891.

An act to amend chapter 801, statutes of 1929, entitled "An act regulating the practice of civil engineering," approved June 14, 1929, by amending sections 1, 11, 12, 13, 14, 15, 16, and 17 thereof, relating to the purpose of the act and to the registration of practitioners thereunder, and by adding a new section thereto, to be numbered 1a, embracing a definition of terms. Stats 1929,
p. 1645

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of chapter 801, statutes of 1929, entitled "An act regulating the practice of civil engineering," is hereby amended to read as follows: Stats 1929,
p 1645

Section 1. In order to safeguard life, health, property, and public welfare, any person practicing, or offering to practice civil engineering in any of its branches in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter Registration
required

provided, and from and after twelve months after this act becomes effective, it shall be unlawful for any person to practice or offer to practice as a civil engineer in this state, unless such person has been duly registered or specifically exempted as required by the provisions of this act.

New section.

SEC. 2. A new section is hereby added to chapter 801, statutes of 1929, to be numbered 1a, and to read as follows:

"Civil engineering" defined

Sec. 1a. The term "civil engineering" shall mean that branch of professional engineering which deals with any or all of the following studies and/or activities: the economics of, the use and design of, materials of construction and the determination of their physical qualities, the supervision of the construction of engineering structures; the investigation of the laws, phenomena, and forces of nature; and appraisals and valuations; in connection with fixed works for any or all of the following divisions and/or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings and bridges.

Said term shall include city and regional planning in so far as any of the above features are concerned therein, and geodetic, cadastral, municipal and topographic surveying, but nothing in this act contained shall be construed to repeal, alter or modify that certain act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891," approved March 16, 1907.

Stats. 1907, p. 310.

"Civil engineer" defined.

The term "civil engineer" shall mean one who practices or offers to practice civil engineering in any of its branches.

"Responsible charge of work" defined.

The phrase "responsible charge of work" shall mean the control and direction of the investigation, design, and construction of works involving some feature of civil engineering, and requiring initiative, skill, and independent judgment.

Stats. 1929, p. 1645.

SEC. 3. Section 11 of chapter 801, statutes of 1929, is hereby amended to read as follows:

Engineers from other states, etc

Sec. 11. The board shall, from time to time, examine the requirements for the registration of civil engineers in other states, territories and countries and shall record those in which, in the judgment of the board, standards not lower than those provided by this act, are maintained. The board is hereby empowered to arrange for reciprocal registration in this state of civil engineers from other states, territories or countries so recorded under terms mutually agreed upon. The board, upon the presentation to it by any person, of satisfactory evidence that such person holds an unexpired certificate of registration issued such person by proper authorities in any state, territory, or country, recorded as herein provided, which state, territory or country grants full and equal reciprocal registration rights and privileges to registrants of this board, shall, upon the payment of a fee of five dollars (\$5) to

be retained by the board, issue to such person a certificate of registration under this act.

SEC. 4. Section 12 of chapter 801, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 1645.

Sec. 12. (a) It shall be the duty of the board to inquire into the identity of any person not registered as provided in this act and practicing as or claiming to be a civil engineer. The board shall have the power by a two-thirds ($\frac{2}{3}$) vote to suspend for a period not to exceed two years, or to revoke the certificate of any civil engineer registered hereunder who has been convicted of a felony or who has not a good character or who has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud or gross incompetency in his practice, or guilty of any fraud or deceit in obtaining his certificate. Revocation
and reissu-
ance of
certificates

(b) Proceedings for the suspension or revocation of certificate of registration shall be begun by filing with the secretary of the board written charges against the accused, such charges shall be in detail, and sworn to under oath by the complainant. The board shall designate a time and place for a hearing and shall notify the accused of this action and furnish him a copy of all charges at least thirty (30) days prior to the date of hearing. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses or to produce witnesses in his defense. The board shall have the power to compel the attendance of witnesses and the production of necessary papers and documents.

The board may reissue a certificate of registration to any person whose certificate has been revoked; provided, two (2) or more members of the board vote in favor of such reissue for reasons the board may deem sufficient.

SEC. 5 Section 13 of chapter 801, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p. 1645.

Sec. 13. (a) Any certificate issued under the provisions of this act shall remain in effect until the thirtieth (30th) day of June following the date of issuance. Renewal

(b) Every civil engineer registered under this act who desires to continue the practice of his profession beyond the thirtieth (30th) day of June following the date of issuance of his original certificate shall on or before the thirtieth (30th) day of June of each year pay to the secretary of the board a fee of five dollars (\$5) to be retained by the board, for which fee a renewal certificate of registration for the current year shall be issued. Certificates of registration which have expired for failure to pay renewal fee may be reinstated within one year under rules and regulations prescribed by the board. An unsuspended, unrevoked or unexpired certificate and endorsement of registry, made as provided in this act, shall be presumptive evidence in all courts and places that the person named therein is legally registered.

Stats. 1929,
p. 1645.

SEC. 6. Section 14 of chapter 801, statutes of 1929, is hereby amended to read as follows:

Registrant's
seal

Sec. 14. Each registrant hereunder may, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name, number of certificate, and the legend "registered civil engineer." Plans, specifications, plats, reports and other documents issued by a registrant may be stamped with the said seal during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other documents with said seal after the certificate of the registrant named thereon has expired or has been suspended or revoked, unless said certificate shall have been renewed or reissued.

Stats 1929,
p. 1645

SEC. 7. Section 15 of chapter 801, statutes of 1929, is hereby amended to read as follows:

Registration
not required,
when

Sec. 15. Nothing in this act shall be construed as prohibiting a civil engineer from practicing or offering to practice his profession through the medium of or as employee of a partnership or a corporation, provided that the plans, specifications, and reports of such partnership or corporation be signed and be stamped with the seal of each registered civil engineer in specific and responsible charge of the preparation of the same. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act; provided, however, that nothing in this act shall be construed as requiring registration for the purpose of practicing or offering to practice civil engineering, by an individual, firm, partnership or corporation on or in connection with property owned or leased by said individual, firm, partnership or corporation, unless the same involves the public health or safety or the health and safety of employees of said individual, firm, partnership or corporation; provided, however, no one shall represent himself as, or use the title of registered civil engineer, or any other title whereby such person could be considered as practicing or offering to practice civil engineering in any of its branches, unless he is qualified by registration under this act. Nothing in this act shall be construed as in any way repealing or abrogating any provision of that certain act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, or in any way repealing or abrogating any amendments to said act.

Stats 1901,
p. 641

Stats 1929,
p. 1645

SEC. 8. Section 16 of chapter 801, statutes of 1929, is hereby amended to read as follows:

Persons
exempted

Sec. 16. The following shall be exempt from the provisions of this act:

(a) Officers and employees of the United States of America practicing solely as such officers or employees.

(b) A subordinate to a civil engineer registered under this act or a subordinate to a civil engineer exempted under this act, in so far as he is acting in such capacity.

(c) Any architect registered in this state under the provisions of any act to regulate the practice of architecture, in so far as he practices architecture, in its various branches.

(d) Any person, firm or persons, or corporation furnishing, either alone or with subcontractors, labor and materials (with or without plans, drawings, specifications, instruments of service or other data covering such labor and materials), for store fronts, interior alterations or additions, fixtures, cabinet work, furniture or other appliances or equipment, or for any work necessary to provide for their installation, or for any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment.

(e) Any person not a resident of the State of California, qualified as a civil engineer, offering to practice but not practicing civil engineering in this state who does not have or maintain a regular place of business in this state.

(f) Any person practicing civil engineering in this state who does not maintain a regular place of business in this state and who does not practice for more than sixty days in any one calendar year, providing that such person shall be qualified as a civil engineer and shall, before engaging in such practice, notify the board in writing of his intention so to do, stating in said notice the approximate date when he intends to commence such practice and the approximate length of time he expects to continue in such practice. In which event the secretary of the board, after having determined that the applicant is qualified, and after the payment by the applicant of a fee of ten dollars (\$10) is hereby empowered to issue a temporary license to practice for a period of not to exceed sixty (60) days.

(g) Any person, firm or corporation holding a license as real estate broker or real estate salesman, when making appraisals and valuations of real estate properties, while engaged in the business or acting in the capacity of a real estate broker or a real estate salesman, within the meaning of the California real estate act.

SEC. 9. Section 17 of chapter 801, statutes of 1929, is hereby amended to read as follows:

Stats 1929,
p 1645

Sec. 17. (a) Any person, who is not legally authorized to practice civil engineering in this state according to the provisions of this act and shall so practice, or offer to practice except he be exempt under this act, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate or use the seal of any other practitioner, of like or different name, or who shall use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not

Penalties

more than five hundred dollars (\$500) or by imprisonment not to exceed three months, or by both fine and imprisonment.

Duty of enforcement

(b) It shall be the duty of the respective officers charged with the enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid such officers in the enforcement of this act.

CHAPTER 892.

An act relating to the extermination of rats by mosquito abatement districts.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Mosquito abatement district may elect to destroy rats

SECTION 1. Any mosquito abatement district hereafter organized under the laws relating to such districts, and any such district heretofore organized which elects to come under the provisions of this act by a vote taken at an election called and conducted as provided for elections for a tax to raise additional funds for such districts, may provide for the destruction and extermination of rats in said district, and may include suitable sums for the purpose in its expense estimates, which sums shall be raised in the manner provided by law for the raising of other sums for such district.

Supervision.

SEC. 2. The board of trustees of any mosquito abatement district shall supervise and manage the destruction and extermination of rats by said district, and the officers, agents, and employees of said district shall have power to do all necessary and proper acts for such destruction and extermination.

CHAPTER 893.

Stats 1915, p 1011.

An act to amend section 7b of chapter 584, statutes of 1915, entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, relating to mosquito abatement district tax levies.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929, p 1676.

SECTION 1. Section 7b of chapter 584, statutes of 1915, entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the

assessment, levy, collection and disbursement of taxes therein," as added by chapter 804, statutes of 1929, is hereby amended to read as follows:

Sec. 7b. The board of supervisors of each county wherein is situated a mosquito abatement district or any part thereof must annually, at the time of levying county taxes, levy a tax to be known as the "_____ mosquito abatement district tax," sufficient to raise the amount reported to them by the district board of trustees as herein provided. The board of supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to said board of supervisors by the board of trustees as required in that county to be raised, by the remainder of such total assessed value, provided that the maximum rate of the tax must not be greater than fifteen cents on each one hundred dollars of taxable property of the district in that county.

CHAPTER 894.

An act to amend sections 5 and 11½ of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, as amended, relating to the amount of bonds that may be issued by such district, and the disposition of a surplus if one remains after the completion of the municipal improvement for which bonds were voted.

Stats. 1915,
p. 89,
amended.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements, and for the acquisition or construction of such improvements," approved April 20, 1915, as amended, is hereby amended to read as follows:

Stats 1925,
p. 179

Sec. 5. At any time after said legislative body shall have so acquired jurisdiction, it may call an election to be held within the district described in the ordinance or resolution calling the election, which description shall conform with any changes in boundaries that may have been made under section 4 hereof, and provide for the submission to the qualified voters thereof, the proposition of incurring a debt by the issuance of bonds of such district, for the purposes set forth in the

Bond
election

ordinance of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the improvement, work or public utility, contemplated thereby, the estimated cost thereof, the estimated cost of the incidental expense in connection therewith, the amount of the principal of the indebtedness to be incurred therefor, which principal of indebtedness shall not exceed twenty-five per cent of the assessed value of the taxable land in said district as shown by the assessment roll of such city last equalized at the time such election is held, and the rate of interest to be paid on such indebtedness; provided, however, that in its discretion said legislative body may recite in such ordinance or resolution a maximum rate of interest to be paid on such indebtedness, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which such election shall be held, the manner of holding the same and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be six per centum per annum, payable semiannually.

Rate of
interest.

Stats 1925,
p 181.

Use of sur-
plus funds.

SEC. 2. Section 11½ of said act is hereby amended to read as follows:

Sec. 11½. Whenever the legislative body of any municipality in which a municipal improvement district has been formed hereunder, shall by resolution declare that it is no longer necessary to expend the money raised by the sale of bonds of such municipal improvement district for the purpose for which said bonds were voted, by reason of the fact that such purpose has been accomplished by other means, or if a surplus remains in said bond fund after the completion of such municipal improvement for which said bonds were voted, the legislative body of said municipality shall by resolution order that said money be placed into a sinking fund for the purpose of paying the principal and interest of said bonds.

CHAPTER 895.

Stats 1929,
p 811,
amended.

An act to amend the title of and to revise chapter 448, statutes of 1929, entitled "An act to provide relief for owners of crops damaged by protected game animals, approved May 24, 1929," limiting the operation of this act to deer and providing an alternative method for the issuance of permits for taking deer destructive to crops.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 811

SECTION 1. The title of chapter 448, statutes of 1929, entitled "An act to provide relief for owners of crops dam-

aged by protected game animals, approved May 24, 1929," is hereby amended to read as follows:

"An act to provide relief for owners of crops damaged by deer." ^{Title}

SEC. 2. Chapter 448, statutes of 1929, entitled "An act to provide relief for owners of crops damaged by protected game animals, approved May 24, 1929," is hereby revised to read as follows: ^{Stats 1929, p. 811.}

Section 1. Any owner or his tenant of growing or harvested crops, which are being damaged or destroyed or are in danger of being damaged or destroyed by deer, may apply to the fish and game commission for a permit to kill such deer, whereupon said fish and game commission, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking or killing of such deer under regulations which the fish and game commission is hereby authorized to promulgate. Deer so taken or killed shall not be sold, nor shall they be shipped from the premises on which they are taken or killed except under instructions of the fish and game commission or its duly authorized regularly paid deputies. ^{Killing of deer damaging crops}

CHAPTER 896.

An act to amend section 4191 of the Political Code, relating to purposes for which law library fund may be used.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4191 of the Political Code is hereby amended to read as follows: ^{Stats 1907, p. 408.}

4191. All moneys collected as provided in the preceding sections shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "law library fund," and shall be drawn therefrom as in this article provided, but only to be used and applied to the purposes herein authorized. ^{Use of law library fund}

CHAPTER 897.

An act to amend section 38 of the state bar act, relating to the admission of applicants.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 38 of the state bar act is hereby amended to read as follows: ^{Stats 1927, p. 38.}

Review by
the supreme
court.

Sec. 38. A review by the supreme court of the action of the board of governors, or of any committee authorized by it to make a determination on its behalf, pursuant to the provisions of this act, may be had by the person complained against, or by any person who has been denied admission to practice, and the procedure upon such review shall be such as the supreme court shall prescribe. Any unsuccessful applicant for admission to practice, after he has taken any examination and within four months after the results thereof have been declared, has the right to inspect any examination papers written by him in the city in which such applicant wrote his examination, either at the office of the state bar or at such place as the board of governors shall designate. Such applicant shall have a right to inspect the grading of the papers whether the record thereof is marked upon the examination or otherwise.

Applicant's
right to
inspect
examination
papers and
grading

CHAPTER 898.

An act to amend section 3805a of the Political Code, relating to cancellation of assessments.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1905,
p. 90.

SECTION 1. Section 3805a of the Political Code is hereby amended to read as follows:

Assessment
of public
lands.

3805a. Whenever land belonging to the United States has been or may hereafter be assessed for state, local or county taxes, and when at the time of such assessment final payment had not been or may not have been made to the United States or no final certificate for a patent thereto had been or may have been issued, and whenever land belonging to the state has been or may hereafter be assessed for state, county or local taxes and when at the time of such assessment the full purchase price had not been or may not have been paid; and said taxes have not been paid or said land has been or may hereafter be sold to the state for the nonpayment thereof, the board of supervisors shall, upon verified application of the owner of the land, by an order entered upon its minutes, direct the auditor to cancel such assessment; and if the property under such assessment has been sold to the state, and a certificate of sale or deed thereon issued to the state, such order of the board shall further direct the recorder to cancel such certificate of sale and deed; provided, that no order to cancel any such assessments, certificates of sale or deeds of state lands shall be made where the person or persons to whom such state lands, were assessed his or their successors or assigns, have, after such assessment, obtained from this state a patent or the absolute title to said state lands or retain any interest therein, or remain in possession of said state

Cancellation

Patents

lands; and provided, that no order to cancel any assessment on state lands shall be made whereby the person or persons, his or their successors or assigns, shall be relieved from paying the taxes upon said state lands for the full time he or they have had the possession of said state lands, no matter in whose name said state lands were or had been assessed. Before an order to cancel such assessment, certificate of sale or deed of state lands shall be granted, the applicant shall file with the board a certificate of the register of the state land office showing that the person or persons to whom such assessment of state lands was made, his or their successors or assigns, never received a patent or otherwise acquired title to said state lands. Upon effecting the cancellations provided for in this and the preceding section, all assessments, certificates of sale and deeds the subject of such cancellation shall be null and void.

Effect of
cancellation.

CHAPTER 899.

An act to amend the title and sections 1, 2 and 7 of chapter 729, statutes of 1909, entitled "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909, as amended, relating to protection from fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths.

Stats. 1909,
p 1129,
amended.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The title of chapter 729, statutes of 1909, entitled "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns,

Title
amended

shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909, as amended, is hereby amended to read as follows:

An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers, with relation to fire, diseases, pests, or any other dangers, of any nature, to the safety and encouragement of such growths.

Stats 1927,
p 429

County
boards of
forestry

SEC. 2. Section 1 of chapter 729, statutes of 1909, as amended, is hereby amended to read as follows:

Section 1. The board of supervisors in each and every county or city and county of the State of California, may, in its discretion, appoint a county board of forestry, consisting of five persons, one from each supervisorial district, who shall serve without compensation and who shall have exclusive charge of the protection of the county, outside of municipalities or fire districts organized under state law, from forest, grass, grain, brush or other fires, and who shall also have exclusive charge and control of all shade and ornamental trees, hedges, lawns, shrubs, and flowers growing or to be grown upon the public roads, highways, grounds and property within its respective county.

Stats 1927,
p 429

Appointment
of members

SEC. 3. Section 2 of chapter 729, statutes of 1909, as amended, is hereby amended to read as follows:

Sec. 2. Whenever the board of supervisors of any county or city and county in this state shall, by resolution or ordinance, elect to avail itself of the provisions of this act, such board shall, within two months thereafter, appoint five suitable and competent persons, one from each supervisorial district of such county or city and county, as a county board of forestry in and for such county, who shall serve as such without com-

pensation; and who may also fix the compensation of a county forester, to be appointed as hereinafter provided at a sum not to exceed two hundred fifty dollars per month, and who may employ or authorize the county forester to employ a deputy county forester at a sum not to exceed two hundred dollars per month.

Compensation of foresters

SEC. 4. Section 7 of chapter 729, statutes of 1909, as amended, is hereby amended to read as follows:

Stats 1927, p 429

Sec. 7. Every county board of forestry appointed under the provisions of this act shall, within its respective county, have exclusive charge and jurisdiction, with the exception of such areas as are included within the limits of incorporated municipalities or fire protection districts duly organized under state law, over the protection of the county from brush, grass, grain or other fires, and also have exclusive charge of and jurisdiction to decide upon the variety, kind and character of trees, hedges, shrubs, lawns and flowers that shall be planted upon said roads, highways, grounds and property; and to determine all questions respecting the pruning, cutting and removal of any trees or hedges now growing and to grow thereon and the necessity therefor and the extent of and the manner in which said work shall be done; and, under the authority of the board of supervisors of its respective county, to plant and properly care for such trees, hedges, shrubs, lawns and flowers; and to enforce, carry out and effectuate the provisions of this act; provided, however, that said board, in the exercise of its powers and the performance of its duties hereunder, shall not interfere with the jurisdiction of the board of supervisors over the roads, highways, grounds and property in the improvement, care and general control thereof.

Powers of county boards of forestry

CHAPTER 900.

An act appropriating money to pay the claim of city of Los Angeles against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of seven hundred thirty-two and 68/100 dollars (\$732.68) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the city of Los Angeles against the State of California.

Special appropriation

CHAPTER 901.

An act to amend section 12 of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements,

Stats 1927, p 1351, amended

works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements." approved May 24, 1927, relating to municipal improvement districts.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 1351

SECTION 1. Section 12 of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved May 24, 1927, is hereby amended to read as follows:

Use of surplus bond money for sinking fund

Sec 12. Whenever the legislative body of any municipality in which a municipal improvement district has been formed hereunder, shall by resolution declare that it is no longer necessary to expend the money raised by the sale of bonds of such municipal improvement district for the purpose for which said bonds were voted, by reason of the fact that such purpose has been accomplished by other means, or if a surplus remains in said bond fund after the completion of such municipal improvement for which said bonds were voted, the legislative body of said municipality shall by resolution order that said money be placed into a sinking fund for the purpose of paying the principal and interest of said bonds.

CHAPTER 902.

An act making an appropriation to pay the claim of Minneapolis Steel and Machinery Company against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Special appropriation

SECTION 1. The sum of six hundred eighty-four and 11/100 dollars (\$684.11) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of Minneapolis Steel Machinery Company against the State of California.

CHAPTER 903.

An act making an appropriation to pay the claim of Martha Alice McCartea against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred seventy and 60/100 dollars (\$270.60) is hereby appropriated out of any money in the highway maintenance fund in the state treasury, to pay the claim of Martha Alice McCartea against the State of California. Special ap-
propriation

CHAPTER 904.

An act making an appropriation to pay the claim of Frank Rose against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand one hundred forty-three and 75/100 (\$1,143.75) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of Frank Rose against the State of California. Special ap-
propriation

CHAPTER 905.

An act making an appropriation to pay the claim of the assistant controller general of the United States against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of nine hundred eighty-six and 61/100 dollars (\$986.61) is hereby appropriated out of any money in the motor vehicle fuel fund in the state treasury to pay the claim of the assistant controller general of the United States against the State of California. Special ap-
propriation

CHAPTER 906.

An act making an appropriation to pay the claim of Charles Skelton against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of two hundred twenty-five dollars (\$225) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of Charles Skelton against the State of California.

CHAPTER 907.

An act making an appropriation to pay the claim of John F. Ottoboni against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of eight hundred forty-six and fifteen one-hundredths dollars (\$846.15) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of John F. Ottoboni against the State of California.

CHAPTER 908.

An act making an appropriation to pay the claim of Superior Farms, Incorporated, against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of one thousand dollars (\$1,000) is hereby appropriated out of any money in the highway maintenance fund to pay the claim of Superior Farms, Incorporated, against the State of California.

CHAPTER 909.

An act making an appropriation to pay the claim of Tony Taix, Jr., against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one thousand fifty dollars (\$1,050) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of Tony Taix, Jr., against the State of California. Special appropriation

CHAPTER 910.

An act making an appropriation to pay the claim of Mabel Campbell against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred seventy-eight and 75/100 dollars (\$178.75) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Mabel Campbell against the State of California. Special appropriation

CHAPTER 911.

An act making an appropriation to pay the claim of P. F. Welsh against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of forty-two dollars (\$42) is hereby appropriated out of any money in the highway maintenance fund in the state treasury to pay the claim of P. F. Welsh against the State of California. Special appropriation

CHAPTER 912.

An act making an appropriation to pay the claim of Bertha A. Wilkie against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of seven hundred seven dollars (\$707) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Bertha A. Wilkie against the State of California.

CHAPTER 913.

An act making an appropriation to pay the claim of Frankie M. C. Joseph against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of five hundred twenty-two and 75/100 dollars (\$522.75) is hereby appropriated out of any money in the highway maintenance fund in the state treasury, to pay the claim of Frankie M. C. Joseph against the State of California.

CHAPTER 914.

An act making an appropriation to pay the claim of Charles Evans Skidmore against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation.

SECTION 1. The sum of nine hundred seventy nine dollars (\$979) is hereby appropriated out of any money in the tax land fund in the state treasury to pay the claim of Charles Evans Skidmore against the State of California.

CHAPTER 915.

An act to amend section 11 of chapter 247, statutes of 1913, entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities: for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," approved June 6, 1913, relating to redemption of property sold.

Stats 1913,
p. 421,
amended

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 11 of chapter 247, statutes of 1913, entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby' " is hereby amended to read as follows:

Stats 1913,
p. 421.

Sec. 11. At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, together with an additional penalty at the rate of one per cent of said amount per month until paid. Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

Redemption
of property
sold for
taxes.

CHAPTER 916.

An act to amend section 538 of the Code of Civil Procedure, relating to affidavits of attachment.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 875

Affidavit for
attachment.

SECTION 1. Section 538 of the Code of Civil Procedure is hereby amended to read as follows:

538. The clerk of the court must issue the writ of attachment upon receiving an affidavit by or on behalf of plaintiff showing:

1. The facts specified in section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal set-offs or counterclaims, or the amount claimed as damages; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of subdivision 10 of section 690 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessities of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessities.

CHAPTER 917.

An act to pay the claim of the Frederick W. Snook Company against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of one thousand eight hundred fifty-three dollars is hereby appropriated out of any money in the highway commission general fund to pay the claim of the Frederick W. Snook Company against the State of California.

CHAPTER 918.

An act to validate the organization and existence of municipal utility districts.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Municipal
utility
districts
legalized

SECTION 1. Whenever the board of supervisors of any county has heretofore declared any portion of such county

(whether consisting of any municipality together with unincorporated territory or of any two or more municipalities therein) to be a municipal utility district under the provisions of an act entitled, "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, or under the provisions of such act, as amended, and such district has existed as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such board of supervisors and all acts of all public officers leading up to and including the formation of such district or districts are hereby legalized, ratified and confirmed and declared valid for all intents and purposes, and every such district so organized is hereby declared to be a valid and legally existing municipal utility district.

Stats 1921,
p. 245.

CHAPTER 919.

An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Whenever the legislative branch of any municipality has heretofore called an election under the provisions of an act entitled, "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under said act as amended, for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality the question whether an indebtedness shall be incurred by such municipal improvement district for the acquisition or construction of any public improvement, work or public utility or property or easement to be used in connection with any public improvement, work or public utility, and where at such election not less than two-thirds of all the voters voting thereat shall have heretofore voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed, and declared

Bonds of
municipal
improvement
districts
legalized.

Stats 1915,
p 99

valid to all intents and purposes; and the bonds heretofore issued and sold are declared to be and shall be, in the actual form in which such bonds have been issued, the legal and binding obligations of and against such district; and the bonds heretofore authorized to be issued which may be hereafter issued and sold, are declared to be and shall be the legal and binding obligations of and against such district; and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of all said bonds.

**Levy and
collection
of taxes.**

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of said municipal corporation set apart for that purpose, sufficient to meet all sums coming due for the principal and interest on such bonds, a tax upon the taxable property in such district sufficient to pay the interest on such bonds for that year and such portion of the principal thereof as is to become due before the time for making the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

Exceptions

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, nor to legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such municipal improvement district voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature at a date more than forty years from the time of their issuance.

CHAPTER 920.

An act to amend section 12 of chapter 268, statutes of 1903, entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways and roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement, and providing for aid from the county or municipality for the expense of such improvement," relating to the compensation of referees. Stats. 1903,
p 376,
amended

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 12 of chapter 268, statutes of 1903, entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways and roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement, and providing for aid from the county or municipality for the expense of such improvement," as amended by chapter 684, statutes of 1909, is hereby amended to read as follows: Stats. 1909,
p 1040.

Sec. 12. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court not to exceed the sum of fifty dollars per day, upon the hearing of the report, and their necessary expenses. Condemna-
tion for
streets, etc.

Compensa-
tion of
referees.

CHAPTER 921.

An act to fix the fees to be paid to referees, appraisers or commissioners appointed by the court in condemnation proceedings.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Fee of appraisers, etc

SECTION 1. In any action or proceeding prosecuted under the laws of this state for the purpose of condemning property wherein it is provided that the court may appoint appraisers, referees, commissioners or other persons for the purpose of determining the value of such property and fixing the compensation thereof, and wherein it is provided that the court, in its discretion, may fix the fees or compensation of such appraisers, referees, commissioners or other persons, such fee or compensation shall be limited to a sum not to exceed fifty dollars per day.

CHAPTER 922.

An act to amend section 963 of the Code of Civil Procedure, relating to appeals from the superior court.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1923, p. 750.

When appeal may be taken

SECTION 1. Section 963 of the Code of Civil Procedure is hereby amended to read as follows:

963. An appeal may be taken from a superior court in the following cases:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, or brought into a superior court from another court;

2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict in an action or proceeding tried by a jury where such trial by jury is a matter of right, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or appointing a receiver, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, from any special order made after final judgment, from any interlocutory judgment, order, or decree, hereafter made or entered in actions to redeem real or personal property from a mortgage thereof, or lien thereon, determining such right to redeem and directing an accounting; and from such interlocutory judgment in actions for partition as determines the rights and interests of the respective parties and directs partition to be made, and interlocutory decrees of divorce.

3. From such probate orders and decrees as are made appealable by the provisions of the Probate Code.

CHAPTER 923.

An act to repeal section 1.13 of the School Code, relating to the attendance of Indian children upon public schools.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.13 of the School Code is hereby ^{Repeal} repealed.

CHAPTER 924.

An act to repeal sections 2.1197 and 2.1198 of the School Code, and to amend section 2.961 thereof, relating to the appointments of trustees by superintendents of schools of counties to fill vacancies in school district governing boards.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.1197 of the School Code is hereby ^{Repeals} repealed.

SEC. 2. Section 2.1198 of the School Code is hereby repealed.

SEC. 3. Section 2.961 of the School Code is hereby amended <sup>Sch. C,
D. 82</sup> to read as follows:

2.961. When a vacancy occurs the county superintendent ^{Vacancies} of schools shall appoint a suitable person to fill the vacancy to hold office for the remainder of the unexpired term.

CHAPTER 925.

An act to repeal sections 3.120 and 3.121 of the School Code, relating to the admission of children to kindergarten.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.120 of the School Code is hereby ^{Repeals} repealed.

SEC. 2. Section 3.121 of the School Code is hereby repealed.

CHAPTER 926.

An act to amend section 3.339 of the School Code, relating to the transportation of high school pupils.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. C.,
p. 121.

SECTION 1. Section 3.339 of the School Code is hereby amended to read as follows:

Transporta-
tion of
pupils

3.339. The superintendent of schools shall apportion from the unapportioned county high school fund to each high school district within his county an amount sufficient to reimburse the high school district for money actually expended for transportation of pupils residing in territory in the county not included in any high school district, and attending such high school district during the preceding school year. The amount so apportioned shall not exceed five dollars per month for each pupil so attending.

CHAPTER 927.

An act to repeal section 3.637 of the School Code, relating to the admission of deaf children to schools established for the deaf.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3.637 of the School Code is hereby repealed.

CHAPTER 928.

An act to amend section 2.101 of the School Code, relating to petitions for the changing of school district boundaries.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. C.,
p. 28.

SECTION 1. Section 2.101 of the School Code is hereby amended to read as follows:

School
districts
change of
boundaries

2.101. The boundaries of school districts may be changed only when at least ten heads of families, who are American citizens, or who are eligible to American citizenship, residing in the districts, affected by the proposed change of boundaries, shall present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the same.

CHAPTER 929.

An act to amend the title and sections 2, 3, 4, and 6 of an act entitled "An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature at the forty-ninth session thereof," approved June 10, 1929, further defining the powers and duties of the California code commission and making an appropriation therefor.

Stats 1929,
p. 1427,
amended

[Approved by the Governor June 15, 1931, with reduction hereunder noted.
In effect August 14, 1931.]

[I object to the item of \$50,000 in section 5 of Senate Bill No 259, and I reduce the amount to \$45,000. With this reduction, I approve the bill. Dated. June 15, 1931. JAMES ROLPH, JR, Governor.]

The people of the State of California do enact as follows:

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

Title
amended.

An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature at the fiftieth session thereof, and making an appropriation therefor.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Stats 1929,
p 1427

Sec. 2. Within ten days after the appointment of the commission it shall meet and organize by selecting one of its members chairman.

Organiza-
tion

It shall be the duty of the commission hereby created to immediately enter upon a revision of all the laws of this state including those enacted at the present session of the Legislature. The work of revision shall comprehend the preparation of a statutory record showing the status and disposition of all acts and parts of acts heretofore adopted; the codification, consolidation, compilation or revision of all statutes in force and the express repeal of all statutes heretofore repealed by implication, held unconstitutional by the supreme court of this state, or which will be rendered obsolete by the proposed revision if adopted; and whenever necessary the correction of errors in form or substance including such restatement as will best serve clearly and correctly to express the existing provisions of law, and the suggestion of such substantive changes in the existing law as may be deemed proper. The commission shall prepare a report embodying therein among such other things such legislative measures proposed by it as may be calculated to effect the adoption or enactment of such revision.

Duties

SEC. 3. Sec. 3 of said act is hereby amended to read as follows:

Stats 1929,
p 1427

Sec. 3. The material of the state library shall be made available to said commission, and all offices of the state, and all departments, commissions, and bureaus, and other official state organizations, and all persons connected therewith shall

Cooperation
of state
officers, etc

give said commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control. The commission may cooperate with any of the bar associations of the state, or the American Bar Association in any manner suitable for the fulfilment of their purposes. It is hereby made the duty of the board of governors of the state bar to assist said commission, in any manner the commission may request within the scope of the powers or duties of the said commission. It shall further be the duty of the commission to confer and cooperate with any legislative committee on revision of the law.

Stats 1929,
p. 1427.

Sec. 4. Section 4 of said act is hereby amended to read as follows:

Distribution
of report

Sec. 4. The commission shall submit its report, including its recommendations as to revision of the laws in bill form, to the governor and the Legislature at the fiftieth session of the Legislature, and shall distribute the report to the governor, the members of the Legislature, and the heads of all departments of the state. Said report shall be accompanied by exhibits of various changes, modifications, improvements, and suggest enactments prepared or proposed by it with a full and accurate index thereto.

Stats 1929,
p. 1427

Sec. 5. Section 6 of said act is hereby amended to read as follows:

Secretary

Sec. 6. The legislative counsel shall be the secretary of the commission and the commission shall have power to employ and fix the compensation of such clerical and other assistants as may be necessary. Out of any money in the state treasury not otherwise appropriated the sum of fifty thousand dollars is hereby appropriated to be expended in accordance with law by the commission in carrying out the provisions of this act.

Appropriation

CHAPTER 930.

An act to amend section 138 of the Civil Code, relating to orders respecting custody and maintenance of minor children of the marriage in actions for divorce.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats, 1905,
p. 43

SECTION 1. Section 138 of the Civil Code is hereby amended to read as follows:

Custody of
minors during
action
for divorce

138. In actions for divorce the court may, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such order for the custody, care, education, maintenance and support of such minor children as may seem necessary or proper, and may at any time modify or vacate

the same. In awarding the custody the court is to be guided by the following considerations:

(1) By what appears to be for the best interest of the child in respect to its temporal and its mental and moral welfare; and if the child is of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question;

(2) As between parents adversely claiming the custody, neither parent is entitled to it as of right; but other things being equal, if the child is of tender years, it should be given to the mother; if it is of an age to require education and preparation for labor and business, then to the father.

CHAPTER 931.

An act to amend section 1197 of the Political Code, relating to election ballots.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1197 of the Political Code is hereby amended to read as follows: Stats 1919,
p. 372

1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth. One form
of ballot.

2. The order in which the list of offices shall appear on the ballot shall, as to state offices and district offices, when the district includes more than one county, be determined by the secretary of state, and shall as nearly as may be practicable be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the county clerk. Order of list
of officers

The order in which the list of candidates for any office shall appear upon the ballot shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, State
officers, etc.

however, that the names of candidates for the office of electors for president and vice president shall be arranged in groups as presented in the several certificates of nomination, and the secretary of state shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for president and vice president, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "a cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Officers
voted for in
more than
one county

If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on: and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Certifying
list to
county clerk.

In certifying to each county clerk or registrar of voters the list of names as required in section 23 of the primary election law, the secretary of state shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above

provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; provided, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of state senator or assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "Independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; provided, however, that in the case of judicial officers and school officers the word "Independent" shall be omitted.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the secretary of state. The attorney general shall provide and return to the secretary of state a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section 1 of article four of the constitution, to a vote of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred thirty days before the election at which such question, propo-

sition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the secretary of state, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The secretary of state shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the attorney general. Within ten days after the same is filed with him, said attorney general shall provide and return to the secretary of state a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the attorney general shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the attorney general, the secretary of state shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the attorney general has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the attorney general. Any person who is dissatisfied with the ballot title prepared by the attorney general for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the secretary of state as hereinbefore provided, and within ten days after said notice shall have been mailed by the secretary of state, as above provided, file in writing with the secretary of state his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the attorney general and the said objections thereto, with the board of title commissioners, which board shall consist of the three justices of the district court of appeal of the State of California, in and for the third appellate district, who shall be ex officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said board of title commissioners shall proceed to consider the said title prepared by the attorney general and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the secretary of state within ten days after said written objections have been received by them. The determination by the said board of title commissioners shall be final and conclusive.

Statement
of purposes.

Objections

Title com-
missioners

Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the secretary of state by the said attorney general, or in case a different title has been prepared, certified and filed by the said board of title commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be three inches in width, and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "Vote for One" or "Vote for Two" or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for One" or "Vote for Two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight-point roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight-point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated, the first political party so designated being the party with which such candidate was affiliated thirty-five days before the date of the primary election, as ascertained by the secretary of state from the affidavit of registration of such candidate in the office of the county clerk in the county in which such candidate resides; provided, that when a candidate has been nominated by petition, the word, "Independent," shall be printed to the right of his name, and provided also, that as to candidates for judicial offices, and school offices the designation of the political party or parties, or the word "Independent," if there be an independent candidate, shall be omitted. The name of the candidate and the designation of the political party or parties by which he has been nominated shall be printed in a space three-eighths of an inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof three-eighths of an inch square, which blank space (called the voting square)

shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

Names of candidates

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the lists of candidates for other offices by a double rule, above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "State," "Congressional," "Legislative," "County," or "Municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve-point, each such word being separated from the names of the candidates beneath by a three-point line.

Additional designations

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

a. Words designating the city, county, district or state office which the candidate then holds.

b. If the candidate be a candidate for the same office which he then holds, the word "incumbent."

c. The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of such candidate; provided, however, the word "incumbent" shall be used only under subsection b herein.

In all cases words so used shall be printed in eight point roman bold-face capitals and lower case type.

Border.

6. The left-hand side of each column of names on the ballot, and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide. The ballot shall be so printed as to give each voter a clear opportunity to designate, by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision two of this section. The binding or stitching of each package of ballots shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub not over one and one-half inches in width and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parenthesis, in small type, as follows: (This number is to be torn off by

Binding, etc.

Form of ballot.

inspector); and one-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type at least twelve-point in size, and enclosed in a parenthesis, the following, "(Fold ballot to this perforated line, leaving top margin exposed)." Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type at least twelve-point in size, and, with the four middle words underlined or otherwise made prominent, the following: "MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed immediately below the perforated line along the top of the ballot, and above the instructions to voters, the words in capital type at least twelve-point in size the words "GENERAL TICKET," followed by the respective number of the congressional, senatorial, and assembly district in which the ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of city and county offices, and also all ballots printed by the clerk, registrar of voters, or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner below the perforated line the words "MUNICIPAL TICKET." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

8. If two or more officers are to be elected for the same office for different terms, the terms for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "Full Term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot

Ballots of
same size

Term of
office, when
printed.

under the designation of the office with the words "Short Term" printed immediately thereafter.

Propositions
column.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column, or columns of sufficient width, with voting squares, in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as herein provided for, and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot the following directions shall be printed:

INSTRUCTIONS TO VOTERS:

Instructions
to voters.

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: "To vote for all or a group of persons, stamp a cross (X) in the square opposite such group," this instruction appearing immediately before the words: "To vote for a person not on the ballot."

If you wrongfully stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

10. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

2247

2247

MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP NEVER WITH PEN OR PENCIL

(Fold Ballot to this Perforated Line leaving Top Margin exposed)

GENERAL TICKET 7TH CONGRESSIONAL 38TH SENATORIAL 72ND ASSEMBLY DISTRICT

INSTRUCTIONS TO VOTERS

To vote for a candidate of your selection stamp a cross (X) in the voting square next to the right of the name of such candidate. When two or more candidates for the same office are to be elected stamp a cross (X) after the name of all the candidates for that class for whom you desire to vote, not to exceed however the number of candidates who are to be elected. To vote for a group of persons stamp a cross (X) in the square opposite such group. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any proposition or on any local amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks except the cross (X) are forbidden. All discrepancies, marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface the ballot, return it to the Inspector of Elections and obtain another.

STATE		PRESIDENT OF THE UNITED STATES AND VICE PRESIDENT OF THE UNITED STATES		CONGRESSIONAL		QUESTIONS AND PROPOSITIONS SUBMITTED TO VOTERS BY ELECTORS	
FOR ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES		FOR ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES		UNITED STATES SENATORS		QUESTIONS AND PROPOSITIONS SUBMITTED TO VOTERS BY ELECTORS	
Name	Vote for One	Name	Vote for One	Name	Vote for One	Yes	No
JOHN SMITH, Democrat		EDWARD KING, Republican		PHILIP HANCOCK, Republican			
CHARLES BROWN, Democrat		FRED TYLER, Republican		J. J. SEWELL, Democrat			
JOSEPH CANNON, Democrat		WILLIAM BROOKS, Republican		FRANK WILLARD EMBERSH, Republican			
G. P. HENRY, Democrat		JOHN GORMAN, Republican		REPRESANTATIVE IN CONGRESS SEVENTH DISTRICT			
LEONCE A. HALL, Democrat		FRANK McLELLINE, Republican		A. J. WALLACE, Republican, Progress			
JOHN D. BY, Democrat		HARRY WELCH, Republican		E. A. FENNER, Democrat			
FRANK WOOD, Democrat		CHARLES YOUNG, Republican		LEGISLATIVE			
FUGLEPT HANSON, Democrat		DAVID BALL, Republican		LEGISLATION			
FRANK HANLON, Democrat		EDWARD LAHILL, Republican		THIRTY EIGHTH SENATORIAL DISTRICT			
FRED MARTIN, Democrat		ANDREW GREEN, Republican		W. B. PARRIS, Republican, Progress			
CHARLES B. HAMITTON, Democrat		EDWARD WHITE, Republican		"APPEL" MURPHY, Democrat			
WALTER PERRY, Democrat		JAMES GIBSON, Republican		STEPHEN H. TAFT, Republican			
JOHN GRAHAM, Democrat		GEORGE MERRILL, Republican		MEMBER OF THE ASSEMBLY SEVENTY SECOND DISTRICT			
GEORGE F. GOLDEN, Socialist				R. C. FERNALD, Republican, Progress & Democrat			
THOMAS GIBSON, Socialist				FREDERICK HEAD, Publishing			
HENRY GARDNER, Socialist				JUDICIAL			
CHARLES M. FRENCH, Socialist				JUDGE OF THE SUPERIOR COURT			
DANIEL POWELL, Socialist				LIMBLES S. WHEELER, Democrat			
LOUIS FREEMAN, Socialist				EDWIN E. PADDOCK, Attorney			
JACOB DUNBAR, Socialist				COUNTY			
HENRY DOYLE, Socialist				SUPERVISOR			
HERMAN DAVIS, Socialist				FOURTH DISTRICT			
FRED CLARK, Socialist				ALBERT E. SMITH, Democrat			
ROBERT BURNETT, Socialist							
JOHN BUSHNELL, Socialist							
CHARLES MARTIN, Socialist							
ANDREW LEWIS, Prohibition							
JAMES LAMBERS, Prohibition							
HENRY HOFFMAN, Prohibition							
FRANK CHURCH, Prohibition							
GEORGE WATSON, Prohibition							
FURWARD PEASE, Prohibition							
ROBERT LLOYD, Prohibition							
ROBERT PRINCE, Prohibition							
PHILIP ROBERTSON, Prohibition							
GEORGE CARPENTER, Prohibition							
HENRY SIMMEL, Prohibition							
DANIEL BLOW, Prohibition							
WALTER SCOTT, Prohibition							

3347
3347

MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP. NEVER WITH PEN OR PENCIL

(Fold Ballot to this Perforated Line leaving Top Margin exposed)

GENERAL TICKET—7TH CONGRESSIONAL, 38TH SENATORIAL, 72ND ASSEMBLY DISTRICT

INSTRUCTIONS TO VOTERS:

To vote for a candidate of your selection stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp tear or deface this ballot, return it to the Inspector of Election and obtain another.

STATE		LEGISLATIVE		COUNTY	
Governor <small>Yes to No</small>		Attorney General <small>Yes to No</small>		State Center <small>Yes to No</small>	
JOHN C. KELLY Republican <small>Incumbent</small>		J. T. WILLIAMS Republican <small>Democrat, Prohibition</small>		M. G. CHARIN Democrat, Prohibition <small>Incumbent</small>	
THOMAS C. ADAMS Democrat <small>State Landmark, Governor</small>		JOHN MASTERS Socialist <small>Incumbent</small>		C. S. COLBY Socialist	
FRANK K. BROWN Prohibition		Surveyor General <small>Yes to No</small>		T. E. JONES Republican <small>Physician</small>	
Lieutenant Governor <small>Yes to No</small>		HENRY SULLIVAN Democrat <small>Incumbent</small>		Member of the Assembly <small>San Joaquin District</small> <small>Yes to No</small>	
I. C. STEVENS Republican, Prohibition <small>State Senator</small>		JOHN BENSON Republican		T. J. KEEF Republican, Prohibition <small>Incumbent</small>	
H. DEAN Democrat Socialist <small>Legislative Council</small>		WILLIAM FULLER, Prohibition		A. K. SPALDING Democrat <small>Laborer</small>	
H. DUFFY People's Party		Superintendent of Public Instruction <small>Yes to No</small>		County	
Chief Justice of the Supreme Court <small>Yes to No</small>		C. C. THOMPSON		Judges of the Superior Court <small>Yes to No</small>	
JOHN LAW <small>Incumbent</small>		L. W. MASON		LUCIEN EARLE <small>Incumbent</small>	
HENRY McBRIDE <small>Supreme Justice</small>		A. L. SMITH		SILAS HACKLEY <small>Incumbent</small>	
Associate Justices of the Supreme Court <small>Yes to No</small>		Member State Board of Education, Fourth District <small>Yes to No</small>		Sheriff <small>Yes to No</small>	
ARTHUR CONROY <small>Incumbent</small>		FRANK MATTHEWS Republican		M. C. CONNELLY <small>Incumbent</small>	
KIM WHITE <small>Incumbent</small>		JAMES HANDLEY Democrat		L. MIND Democrat	
KIM WHITE <small>Incumbent</small>		FRANK MARK, Socialist, Prohibition			
Secretary of State <small>Yes to No</small>		CONGRESSIONAL			
CLAYTON STOLE, Democrat, Republican <small>Attorney</small>		United States Senator <small>Yes to No</small>			
ARCH DENNY Socialist <small>Incumbent</small>		JOHN McCULLOUGH Republican, <small>Prohibition</small>			
CLAUDE FEARSON Labor Party		<small>Yes to No</small>			
Controller <small>Yes to No</small>		T. H. BEAUBART Democrat <small>U. S. Representative</small>			
HENRY SIMPSON Democrat		A. L. CURTIS Socialist			
TOMES JONES Socialist, Prohibition		Representative in Congress, Small Congressional District <small>Yes to No</small>			
JOHN MADISON People's Party <small>Incumbent</small>		ALEXANDER WHITE, Republican <small>Incumbent</small>			
Treasurer <small>Yes to No</small>		GEORGE MURRAY Democrat			
EDGAR ALLEN Prohibition <small>Banker</small>		EDGAR MANNON Prohibition			
FREDERICK LUKENS, Republican, <small>Democrat</small>					
Incumbent					

Review Constitutional Amendment
Yes or No - Voting in the
ballot system and support of public
schools.

"For the State Highway Act"

Yes
No
Yes
No

CHAPTER 932.

An act to amend section 457 of the Civil Code, relating to bonds of railroad corporations

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 457 of the Civil Code is hereby ^{C C. 1972.} amended to read as follows:

457. The directors may confer on any holder of any bond ^{Convertible bonds.} the right to convert the principal thereof into stock of such corporations upon such conditions and under such regulations as they may prescribe.

CHAPTER 933.

An act to amend the School Code of the State of California by adding section 4.982 thereto, relating to school bonds.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School ^{New section.} Code of the State of California to be numbered 4.982 and to read as follows:

4.982. No error, irregularity or omission which does not affect the substantial rights of the taxpayers within such ^{Legality of school bonds.} district or the electors voting at any election at which bonds of any district of any kind or class are authorized to be issued hereunder shall invalidate the election or any bonds authorized thereby.

CHAPTER 934.

An act to add a new section to be numbered 4½ to chapter 397, ^{Stats 1911, p 730, amended} statutes of 1911, entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," relating to the laying of water pipes and mains in public streets in cases

where the water is supplied by a public agency other than the city ordering the improvement.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to that certain act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, to be known as section 4½, to read as follows:

Proceedings
for improve-
ments to
domestic
water
supply

Sec. 4½. In every case where the work proposed to be done includes the laying of conduits, pipes, hydrants, or any appliance for the supplying or distributing of a domestic water supply, and the distribution of such domestic water supply in the territory in which the improvement is contemplated is under the management and control of a municipal water district, a municipal utility district, a public utility district, a metropolitan water district, or any public agency other than the city or municipality ordering any work done or improvement to be made which is authorized by this act, the said conduits, pipes, hydrants, or other appurtenances for supplying or distributing such domestic water supply shall be installed under the following proceedings, which must be taken prior to the adoption of the resolution of intention, to wit:

Resolution

Before requiring the plans, specifications and estimates provided for in section 8 of this act the city council shall pass a resolution requesting the public agency having charge of the supplying and distribution of the domestic water supply in the district about to be improved to furnish to the city council plans and specifications for adequate and appropriate conduits, pipes, hydrants and other appurtenances necessary for that purpose. It shall thereupon become the duty of

Plans, etc.

such public agency to furnish said plans and specifications so required, and said plans and specifications shall be submitted to the city council for its approval. The city council may adopt said plans and specifications, but may not modify or change the same except with the consent of the public agency furnishing said plans and specifications, and if no agreement can be reached the said conduits, pipes and other appurtenances for supplying said water shall be omitted from the

contemplated improvement. If the said plans and specifications are adopted by the city council it shall be the duty of the city engineer to incorporate said plans and specifications in the plans and specifications furnished by him to the city council, as required by section 8 of this act, and the said plans and specifications shall thereupon be deemed incorporated in the plans and specifications for doing the work, and the public agency which supplies said plans and specifications may at all times maintain an inspector over the work and improvement to see that the plans and specifications which it has furnished have been complied with, and the cost of such inspection shall form a part of the incidental expenses of the work and be incorporated in the assessment as a part thereof.

After the work has been completed, and accepted the said pipes, conduits and other appliances for supplying or distributing water so installed shall be and become a part of the system of the said public agency so supplying the water, and shall at all times thereafter be used, operated, maintained, and managed by it as a part of such system.

CHAPTER 935.

An act to amend section 25 of the Civil Code, relating to who are minors.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 25 of the Civil Code is hereby amended to read as follows: Stats. 1927,
p. 1116.

25. Minors are all persons under twenty-one years of age; provided, that this section shall be subject to the provisions of the titles of this code on marriage and shall not be construed as repealing or limiting the provisions of section 204 of this code; provided, further, that any female who has contracted a lawful marriage and is of the age of eighteen or over, shall be deemed to be of the age of majority and to be an adult person for the purpose of entering into any engagement or transaction respecting property or her estate, or for the purpose of entering into any contract, the same as if she was twenty-one years of age. Minors
defined.

CHAPTER 936.

An act to amend section 4 of chapter 378 of the statutes of 1915, entitled "An act to provide a central bureau for the preservation of records of marriages, births, and deaths, and to provide for the registration of all births Stats. 1915,
p. 575,
amended.

and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and to fix penalties for violation of this act; to create the officers of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, relating to who shall be ex officio local registrars.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1919,
p 446.

SECTION 1. Section 4 of the act cited in the title is hereby amended to read as follows:

Local
registrars

Sec. 4. The clerk of each city and county, city and incorporated town, having at least five thousand inhabitants at the last federal census shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; provided, however, that in cities and counties, and cities wherein a health officer is provided for by a freeholders' charter or other applicable law or wherein the county health officer acts as city health officer under contract as authorized by law, the health officer shall act as local registrar and perform all the duties thereof. The state registrar, subject to the approval of the state board of health or its secretary, shall appoint a local registrar for each primary rural district whose term of office shall be four years, and whom the state registrar may remove forthwith for failure or neglect to perform his duty as prescribed by this act. Each local registrar, besides transmitting to the state registrar each original birth and death certificate registered by him and besides retaining a complete and accurate copy of each such birth and death certificate for the local record of the primary rural district as required by section 19 of this act, shall also transmit to the recorder of the county for a special county record a complete and accurate copy of each original birth and death certificate transmitted by said local registrar to the state registrar; provided, that the health officer of a city and county when acting as local registrar shall not be required to transmit copies of birth or death certificates to the county recorder thereof; and provided, further, that in accordance with sections 3076, 3078, and 3079 of the Political Code, the county recorder shall be the sole local registrar for marriages performed anywhere in the county. Each local registrar shall immediately appoint a deputy in writing, whose duty it shall be to act in his stead in case of his absence or disability; and such deputy shall in

Duties

Deputies

writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when it appears necessary for the convenience of the people in any registration district, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each subregistrar shall note, on each certificate, over his signature, the date of filing, and shall forthwith forward all certificates to the local registrar of the district, and in all cases before the third day of the following month; provided, that each subregistrar shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform his duty in accordance with the provisions of this act or the rules and regulations of the state registrar, and shall be subject to the same penalties for neglect of duty as the local registrar.

Subregis-
trars.

All assistants and deputies of any health officer or clerk acting as local registrar shall be assistants and deputies registrar, and shall have all the powers and may perform all the duties of a local registrar in the name and stead of their principal.

CHAPTER 937.

An act granting certain tide and submerged lands of the State of California to the city of San Diego, San Diego county, in said state, upon certain trusts and conditions.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the city of San Diego, county of San Diego, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all that portion of the tide and submerged lands bordering upon and situated below the ordinary high water mark of the Pacific ocean described as follows:

Grant of
tidelands
to city of
San Diego.

Beginning at the intersection of the ordinary high water mark of the Pacific ocean with a line bearing S. 87° 40' W. from the monument marking the intersection of Coast boulevard south with Jenner street as said monument, said Coast boulevard south and said Jenner street are designated and shown on that certain map entitled "Seaside subdivision number 1712" and filed June 23, 1920, in the office of the county recorder of San Diego county, State of California; thence N. 350', thence E. 300', thence S. 185' more or less to the ordinary high water mark of the Pacific ocean. thence in a general southwesterly direction along the ordinary high water mark of the Pacific ocean to the point of beginning, all

Description

in the Pacific ocean, State of California, to be forever held by said city of San Diego and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

Uses (a) That said lands shall be devoted exclusively to public park, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of, such purposes;

Fishing (b) The absolute right to fish in the waters of the Pacific ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.

Reservation of minerals, etc. (c) That there is excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine and remove such deposits from said land.

CHAPTER 938.

An act to repeal article I, embracing sections 4.530 to 4.533, both inclusive, article II, embracing sections 4.540 to 4.548, both inclusive, all of chapter VI of part III of division IV of the School Code, and sections 4.560, 4.561, 4.562, 4.564, 4.565, 4.566 and 4.570 thereof, all relating to the financial support of high school districts.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeals SECTION 1. Article I, embracing sections 4.530 to 4.533, both inclusive, of chapter VI of part III of division IV of the School Code is hereby repealed.

SEC. 2. Article II, embracing sections 4.540 to 4.548, both inclusive, of chapter VI of part III of division IV of the School Code is hereby repealed.

SEC. 3. Section 4.560, 4.561, 4.562, 4.564, 4.565, 4.566 and 4.570 of the School Code are hereby repealed.

CHAPTER 939.

An act to amend section 3.470 of the School Code and to repeal sections 3.471 and 3.473 thereof, relating to cooperative part-time vocational courses in high schools.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.470 of the School Code is hereby amended to read as follows: Sch. C.
p. 125

3.470. The high school board of any high school district, subject to the provisions of this code relating to courses of study for high schools, shall have power to establish and maintain, in connection with any high school under its jurisdiction, cooperative courses in accordance with standards prescribed by the state board of education. High schools cooperative courses

SEC. 2. Sections 3.471 and 3.473, of the School Code are hereby repealed Repeal

CHAPTER 940.

An act to add four new sections to the California School Code, to be numbered 6.12, 6.13, 6.14, and 6.15, relating to the maintenance and repair of school property by the county superintendent of schools.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the California School Code, to be numbered 6.12, and to read as follows: New section

6.12. The superintendent of schools of each county is hereby authorized to transfer from the county school fund belonging to elementary school districts, and from the county fund belonging to high school districts, electing to take advantage of the provisions of this act, a sum not to exceed one per cent of the amount levied for such fund in the first county tax levy following the date upon which this act takes effect to a fund to be known and designated as "School maintenance and repair fund" which fund is hereby created. Transfer of moneys to repair fund

SEC. 2. A new section is hereby added to the California School Code, to be numbered 6.13, and to read as follows: New section

6.13. Out of the school maintenance and repair fund the superintendent of the schools of the county shall purchase materials, supplies and equipment and employ labor to maintain and repair school premises and property of such schools of his county as request him to maintain and repair the property of their respective districts, and shall deliver a memorandum in triplicate of the cost of such service on or about the first of each calendar month to the district officer responsible for the Use of moneys in repair fund

accounts of such school. Upon receipt of such memorandum it shall be the duty of such district officer to immediately debit his school account with the amount of such purchase and to return a duplicate and triplicate of such memorandum to the superintendent of schools who shall verify the same and file the duplicate with the county auditor and the triplicate with the county treasurer, and in lieu of the issuance of a warrant in payment of such supplies and equipment, the superintendent of schools of the county is hereby authorized to transfer from the proper account of said school to his school maintenance and repair fund a sum equal to the cost of such services as stated in said memorandum.

New section

SEC. 3. A new section is hereby added to the California School Code, to be numbered 6.14, and to read as follows:

Extra help
for repair
work.

6.14. The superintendent of schools of the county is hereby authorized to employ such extra help as may be necessary to perform the labor necessary for such maintenance and repair work as well as to provide for the supervision and transportation of such labor together with the equipment and materials necessary for such work. The cost price of the maintenance and repair services to any school shall be the original cost thereof and in addition a sum sufficient to reimburse the county superintendent of schools for all supervision, transportation, equipment and other expenses, but the sum so added shall not in any case exceed ten per cent of the cost of labor and supplies.

New section

SEC. 4. A new section is hereby added to the California School Code, to be numbered 6.15, and to read as follows:

Source of
repair
services

6.15. Boards of trustees and city boards of education of all elementary and high school districts shall have power in their discretion to secure such maintenance and repair services from the county superintendent of schools.

CHAPTER 941.

Stats 1913,
p. 613,
amended.

An act to amend sections 2 and 5½ of chapter 319, statutes of 1913, entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse,

to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,''' relating to examination fees.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of chapter 319, statutes of 1913, entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled, 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof,''' as amended by chapter 582, statutes of 1921, is hereby amended to read as follows.

Stats 1925,
p 291

Sec. 2. Examinations as provided for in this act shall be held at least every six months, at such times and places as the board shall direct and according to the rules and regulations of said board. Public notice of such examinations shall be given by publishing the same at least two weeks prior to the date of such examination in two or more papers of general circulation and one nursing journal, to be selected by the board. All of said papers and said nursing journal shall be published within the State of California. Upon filing application for examination, each applicant who is a graduate of an accredited training school for nurses in the State of California shall pay an examination fee of five dollars for certificate as registered nurse, which shall not be returned. All other applicants who shall make application for examination shall pay an examination fee of ten dollars for certificate as registered nurse, which shall in no case be returned to the applicant. No further fee shall be required for certificate.

Examina-
tions

SEC. 2. Section 5½ of said act is hereby amended to read as follows:

Stats 1925,
p. 291.

Sec. 5½. On or after January first of each year each registered nurse shall renew his or her certificate and pay the required renewal fee of one dollar (\$1.00). Every certificate that is not renewed will expire on the first day of March of each year and may not be renewed except upon the payment of the lapsed fee, but in no event shall such payment exceed the sum of two dollars.

Renewal fee

Within sixty (60) days after March first of each year a list of registered nurses who have renewed their certificates for that year shall be published.

CHAPTER 942.

An act to amend section 394 of the Code of Civil Procedure, relating to the place of trial of actions or proceedings to which a county, city and county, city, or public or municipal corporation, is a party, and providing for the attendance of witnesses, payment of costs, and the assignment of judges in certain cases.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats. 1929,
p. 193.

Venue of
actions to
which city
or county is
a party

SECTION 1. Section 394 of the Code of Civil Procedure is hereby amended to read as follows:

394. An action or proceeding against a county, or city and county, may be commenced and tried in such county, or city and county, unless such action or proceeding is brought by a county, or city and county, in which case it may be tried in any county, or city and county, not a party thereto. Whenever an action or proceeding is brought by a county, city and county, or city, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of either party, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, and other than that in which the defendant resides or is doing business or is situated. Whenever an action or proceeding is brought against a county, city and county, or city, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city is situated, and other than the defendant county, or city and county, or county in which such defendant city is situated; provided, however, that any action or proceeding against a city, county, or city and county for injury occurring therein, to person or property or person and property caused by the negligence or alleged negligence of such city, county, or city and county, or its agents or employees, shall be commenced and tried in such county, or city and county, or if a city is a defendant, in such city or in the county in which such city is situated. In any action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. When the action or proceeding is one in which a jury is not

of right, or in case a jury be waived, then in lieu of transferring the cause the court in the original county may request the chairman of the judicial council to assign a disinterested judge from a neutral county to hear said cause and all proceedings in connection therewith. When such action or proceeding is transferred to another county for trial a witness required to respond to a subpoena for a hearing within the original county shall be compelled to attend hearings in the county to which the cause is transferred. If the demand for transfer be made by one party and the opposing party does not consent thereto the additional costs of the nonconsenting party occasioned by the transfer of the cause, including living and traveling expenses of said nonconsenting party material and witnesses found by the court to be material and called by such nonconsenting party not to exceed five dollars per day each in excess of witness fees and mileage otherwise allowed by law, shall be assessed by the court hearing the cause against the party requesting the transfer. To the extent of such excess, such costs shall be awarded to the nonconsenting party regardless of the outcome of the trial. This section shall apply to actions or proceedings now pending or hereafter brought.

Expenses of
witnesses

CHAPTER 943.

An act to amend section 11 of chapter 176, laws of 1913, as amended by chapter 762, laws of 1927, relating to fees collected by the industrial accident commission.

Stats. 1913,
p 279,
amended

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Section 11 of chapter 176, laws of 1913, as amended by chapter 762, laws of 1927, is hereby amended to read as follows:

Stats 1927,
p 1476

Sec. 11. The commission shall also have power and authority:

Powers

(1) To charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken on proceedings had, fifteen cents for each folio; for transcripts of testimony twenty cents for each folio for all copies.

Fees

(2) To publish and distribute in its discretion from time to time, in addition to its annual report to the governor of the state, such further reports and pamphlets covering its operations, proceedings and matters relative to its work as it may deem advisable.

Reports

(3) To fix and collect reasonable charges for publications issued under its authority.

Charges

Disposition
of fees

(4) Fees charged and collected under this section, shall be paid monthly into the treasury of the state and credited to the "general fund."

CHAPTER 944.

Stats. 1917,
p. 831,
amended.

An act to amend section 27 of the workmen's compensation, insurance and safety act of 1917, as amended, by extending the limitation of time for the filing of proceedings for compensation where a release or compromise agreement has not been approved by the commission.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1923,
p. 771

SECTION 1. Section 27 of the workmen's compensation, insurance and safety act of 1917, as amended, is hereby amended to read as follows:

Right to
compromise

Sec. 27. (a) No contract, rule or regulation shall exempt the employer from liability for the compensation fixed by this act, but nothing in this act contained shall be construed as impairing the right of the parties interested to compromise, subject to the provisions herein contained, any liability which may be claimed under this act on account of such injury or death, or as conferring upon the dependents of any injured employee any interest which such employee may not divert by such compromise or for which he, or his estate, shall, in the event of such compromise by him, be accountable to such dependents or any of them.

Compromise
agreement
when valid

(b) The compensation herein provided shall be the measure of the responsibility which the employer has assumed for injuries or death that may occur to employees in his employment when subject to the provisions of this act, and no release of liability or compromise agreement shall be valid unless it provide for the payment of full compensation in accordance with the provisions of this act or unless it shall be approved by the commission.

Filing of
copy of
agreement.

(c) A copy of such release or compromise agreement signed by both parties shall forthwith be filed with the commission. When such release or compromise agreement is filed with the commission and approved by it, the commission may of its own motion, or on the application of either party, without notice, enter its award based upon such release or compromise agreement.

Form of
agreement.

(d) Every such release or compromise agreement shall be in writing duly executed and attested by two disinterested witnesses, and shall specify the date of the accident, the average weekly wages of the employee, determined according to section 12 hereof, the nature of the disability, whether total or partial, permanent or temporary, the amount paid or due and

unpaid to the employee up to the date of the release or agreement or death, as the case may be, and, if any, the amount of the payment or benefits then or thereafter to be made, and the length of time that such payment is to continue. In case of death there shall also be stated in such release or compromise agreement the date of death, the name of the widow, if any, the names and ages of all children, if any, and the names of all other dependents, if any, and whether such dependents be total or partial, and the amount paid or to be paid as a death benefit and to whom such payment is to be made.

(e) Where a release or compromise is made for an amount less than the full compensation or benefit to which an employee, or his dependents, may be entitled under this act, the limitation of time provided by subsection (b) (1) and (b) (2) of section 11 of this act in which such employee or his dependents may file proceedings for the collection of the benefits provided by section 9 of this act is hereby extended to two years from the date of the injury, unless said release or compromise agreement shall have been approved by the commission. Limitation
of actions

CHAPTER 945.

An act to amend section 29 of the "Workmen's compensation, insurance and safety act of 1917," as amended, by providing that in prosecutions for violations of said act under this section, the burden of proof shall rest upon the defendant to show compliance with said act. Stats 1917,
p 331,
amended

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 29 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows: Stats 1929,
p 551

Sec. 29. (a) Every employer as defined in section 7 hereof, except the state and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways: Securing
payment of
compensa-
tion
methods

1. By insuring and keeping insured against liability to pay compensation in one or more insurance carriers duly authorized to write compensation insurance in this state.

2. By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the state treasurer a bond or securities, but not both a bond and securities, approved by the commission, in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown after hearing had, such good cause including among

other things, the impairment of the solvency of said employer, the practice by such employer or his agent in charge of the administration of its obligations under the workmen's compensation act of any of the acts denounced by sections 596 (b) or 633 of the Political Code, with respect to the conduct of insurance companies, their officers or agents. So long as the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the state treasurer such bond or securities, the self-insurer shall not be required or obliged to pay into the state compensation insurance fund any sums covering liability for compensation, excepting life pensions; but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer.

Proceedings
where pay-
ment is
unsecured.

(b) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; provided, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; provided further, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer, to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow servant. No contract, rule or regulation shall be allowed to restore to the employer any of the foregoing defenses.

Penalties

(c) Failure to secure the payment of compensation as hereinbefore provided shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both. In case of the wilful failure by an employer to secure the payment of compensation as herein provided, the amount of compensation otherwise recoverable for injury or death as provided in this act shall be increased ten per cent. any of the provisions of

this act as to maximum payments or otherwise to the contrary notwithstanding; provided, however, that said increase of award shall in no event exceed one thousand dollars. Failure of the employer to secure the payment of compensation as herein provided shall be prima facie evidence of wilfulness on his part.

(d) The commission may require any employer to furnish a written statement at any time showing the name of his insurance carrier or the manner in which the employer has complied with the provisions of this section. Failure of the employer for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has failed or neglected in respect to the matters so required. In any prosecution under this section, the burden of proof shall be upon the defendant to show that he has secured the payment of compensation in one of the two ways set forth in paragraph (a) hereof.

Employer to furnish statements

CHAPTER 946.

An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone, electric power and gas property.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 538 of the Civil Code is hereby amended to read as follows:

Stats 1929, p 378

538. Any person who wilfully and maliciously does any injury to telegraph or telephone or electric power or gas property, is liable to the corporation for three times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

Penalty for injuring telephone, etc., property.

CHAPTER 947.

An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables or gas pipe lines.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 539 of the Civil Code is hereby amended to read as follows:

Stats 1929, p 378

539. No telegraph or telephone or electric power or gas corporation can recover damages for the breaking or injuring

Damages for injury to subaqueous cables

of any subaqueous telegraph or telephone or electric power cable or gas pipe lines, unless such corporation has previously erected on either bank of the waters under which the cable or pipe line is placed, a monument, indicating the place where the cable or pipe line lies, and publishes for one month in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings, and termini of the cable or pipe line.

CHAPTER 948.

An act making appropriation of money to be used by the attorney general in the payment of expenses in the proceeding brought by the attorney general in the court of claims of the United States in behalf of the Indians of the State of California, in accordance with an act of the Legislature of 1927, statutes of 1927, chapter 643.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Appropriation
Indian
litigation

SECTION 1. The sum of fifteen thousand dollars, or so much thereof as may be required, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the attorney general in the payment of expenses in the case brought by the attorney general in the court of claims of the United States on behalf of certain Indians of the State of California, pursuant to an act of the Legislature of 1927, statutes of 1927, chapter 643.

CHAPTER 949.

An act to amend section 464 of the Penal Code, relating to burglary with acetylene torch, electric arc or explosives.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1925,
p 490

SECTION 1. Section 464 of the Penal Code is hereby amended to read as follows:

Burglary
with
explosives

464. Any person who, with intent to commit crime, enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place by use of acetylene torch or electric arc or nitroglycerine, dynamite, gunpowder, or any other explosive, is guilty of burglary with explosives.

Any person duly convicted of burglary with explosives shall be deemed to be guilty of a felony and shall be punished by

imprisonment in the state prison for a term of not less than ten years nor more than forty years.

CHAPTER 950.

An act to amend section 2280 of the Civil Code, relating to the revocation of trusts.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2280 of the Civil Code is hereby amended to read as follows: c c 1872

2280. Unless expressly made irrevocable by the instrument creating the trust, every voluntary trust shall be revocable by the trustor by writing filed with the trustee. When a voluntary trust is revoked by the trustor, the trustee shall transfer to the trustor its full title to the trust estate. Trusts created prior to the date when this act shall become a law shall not be affected hereby. Revocation of trusts

CHAPTER 951.

An act to amend section 1274b of the Code of Civil Procedure, relating to escheat.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1274b of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1929, p. 570.

1274b. Whenever any money in litigation in any superior or inferior court, or any excess fees or other money deposited in connection with such litigation, has been or shall be paid into the county treasury, or any money has come or shall come into the hands of a county treasurer as ex officio treasurer of a dissolved irrigation district, and three years thereafter it is made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court, that said money has not been and can not be paid out because the owner thereof can not be found, the court or judge must direct that such money be deposited in the state treasury for the benefit of the owner thereof or his legal representative, to be paid to him whenever, within five years after such deposit, proof to the satisfaction of the state controller and the state treasurer is produced that he is entitled thereto. When so claimed, an affidavit of the claimant setting forth the facts establishing his ownership, and the joint order of the controller and the treasurer must be filed by the treasurer as his Unclaimed moneys in litigation, etc

voucher, and the amount of the claim paid to the owner or his legal representative on the filing of the proper receipt. If no one claims the amount as herein provided, the money devolves and escheats to the people of the State of California and shall be placed by the state treasurer in the school fund.

CHAPTER 952.

An act to authorize the division of forestry of the department of natural resources to purchase land for look-out sites and other administrative purposes.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Division of
forestry to
purchase
lands

SECTION 1. The state division of forestry of the department of natural resources by and with the approval of the department of finance is hereby authorized to purchase land for look-out sites and other administrative purposes.

CHAPTER 953.

An act to amend section 3489 of, and to add section 3489b to the Political Code, relating to the reorganization of, and the inclusion of lands in, swamp land or reclamation districts.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1911,
p. 655.

SECTION 1. Section 3489 of the Political Code is hereby amended to read as follows:

Reorganiza-
tion and
consolidation
of districts

3489. Reclamation districts formed, organized or created into districts under special or general laws heretofore or now in force, may reorganize and consolidate in the manner following: Whenever the owners of a majority of the acreage of the land in each of two or more reclamation districts desire to consolidate and reorganize, they may do so by filing a notice with the county recorder of the county in which the greater portion of the lands of the combined district is situated, setting forth that they desire to consolidate and reorganize.

Notice.

The notice must give the exterior boundaries of the said districts, the name and number of each of them, the number of acres of land that each contains, and must be signed by the persons owning the majority of the acreage of the land in each district, and shall designate the number of acres owned by each signer and the district in which the same is situated. The county recorder shall record said notice in a book kept

for the purpose of recording papers in relation to reclamation districts. He shall make a certified copy of said notice, and forward the same to the state land register, who shall designate a number for the reorganized district, after which time the district shall be known by such number, and shall be under the operation of and governed by the provisions of this code, and all proceedings thereafter shall be the same as though said district was organized upon an original petition and granted by the board of supervisors.

Provided, however, that such consolidation and reorganization shall in no manner invalidate the indebtedness of the original districts; and all the laws, rules and regulations for the assessing, levying and collecting taxes or assessments in said districts shall remain and be in full force and all assessments and collections required for the payment of the then outstanding indebtedness in said districts, shall be the same as though they had not consolidated and reorganized until such indebtedness shall be paid and liquidated; provided, however, that the provisions of this code relative to assessments and issuing and sale of bonds are hereby made applicable to such districts.

Indebtedness of original districts

Provided, that the reorganization and consolidation of any two or more districts under the provisions of this act shall not be so construed as to legalize any indebtedness or any act of any of said districts or the officers thereof, prior to the act of reorganization and consolidation; provided, further, that no land not included in some of the original districts shall be included in the reorganization and consolidation without the consent of the owner.

Effect of reorganization.

SEC. 2. A new section is hereby added to the Political Code of the State of California to be numbered 3489b and to read as follows:

New section

3489b. The owners of a majority of acres of land in compact form, capable of being embraced in a swamp land or reclamation district, and not a part of another district desiring to have their lands included within a swamp land or reclamation district may apply in writing to the board of trustees of such district to have their lands included within such district.

Application for inclusion of lands

Upon the filing of such application, the trustees of such district shall file with the board of supervisors of the county in which the district, or greater portion thereof is situated, a petition to include said lands within said swamp land or reclamation district.

Said petition must also set forth the following:

Petition contents

(1) A description of the lands sought to be included within the boundaries of such district.

(2) A description of the exterior boundaries of such district after the lands described in said petition are included therein.

(3) The names of each and every owner of a record of the lands sought to be included within the exterior boundaries of such district.

(4) The benefits said lands will derive from the works of reclamation of such district.

(5) The amount each or any tract of said lands should be charged under any existing assessment or assessments for the construction of works of reclamation unpaid at the time of the filing of said petition.

(6) The amount said lands or any part thereof should be charged under any previous assessment or assessments for works of reclamation which assessment or assessments have been paid in full prior to the time of the filing of said petition.

(7) In the event an assessment has been levied on the lands of such district pursuant to subdivision b of section 3456 of the Political Code of the State of California, prior to the filing of said petition:

(a) The assessment value per acre of each tract sought to be included in such district.

(b) The total assessment valuation of each of said tracts sought to be included in such district.

(8) The sum of money that would be due for calls theretofore made and paid on any assessment or assessments still a lien upon the lands in such district.

(9) The sum of money that would be due upon said lands sought to be included, upon any assessment or assessments theretofore levied in such district and which have been paid in full prior to the filing of said petition.

(10) The sum due upon a call for the current year made before the hearing of said petition upon an assessment for maintenance and repairs, on each tract of land sought to be included.

Request There shall be attached to and made a part of said petition a written request to have the lands included within such district, and a consent to the statements contained in said petition signed by the landowners making the request to have said lands included in said district.

Hearing Upon the filing of said petition with the clerk of the board of supervisors of the county in which the district or the county in which the greater portion thereof is situated, said clerk shall give notice of the filing of said petition and of the time when the said petition will be presented to the board of supervisors, and when the board of supervisors will consider objections, if any, to said petition for the inclusion of said lands. The hearing upon said petition by said board of supervisors shall be held not less than fifteen (15) days after the day said petition is filed with the clerk of the board of supervisors.

Notice. Said notice shall be given by said clerk by posting copies thereof in three (3) public places in the county in which said district, or in the county in which the greater portion thereof, is situated. Said notice shall be in substantially the following form:

“Notice to the Landowners of Reclamation District No.-----

Notice is hereby given that there has been filed with the county clerk of the county of -----, a petition for the inclusion, within the boundaries of Reclamation District No. ----- of the following described tract of land situate, lying and being in the county of ----- and more particularly described as follows, to wit:

(Description.)

That the board of supervisors of the county of ----- will hold a meeting at its office in the city of -----, county of -----, State of California, on the ----- day of -----, 19--, at ----- o'clock --m. at which time any person interested may appear and object to the inclusion of said lands within said Reclamation District No. -----.”

That at said hearing the board of supervisors shall hear such evidence as may be offered in respect to said petition and shall thereafter grant or deny the said petition or may grant said petition as to a part of the lands sought to be included and deny said petition as to the remainder of said lands sought to be included.

The order of said board of supervisors granting said petition shall:

Order after
hearing
contents

(1) Describe the exterior boundaries of such district after the inclusion of any of the lands described in said petition.

(2) State the amount of the assessment levied on each tract of said lands being included within the boundaries of such district under any and all existing, outstanding and unpaid assessment or assessments for the construction of works of reclamation.

(3) Prescribe the sum to be paid by the owners of the respective tracts of said lands being included within the boundaries of such district upon calls made on assessments theretofore made and paid upon other lands in said district.

(4) State the assessment valuation per acre and the total assessment valuation of each tract of said lands being included within the boundaries of such district under any existing assessment for repairs and maintenance theretofore levied in such district under the provisions of subdivision b, section 3456 of the Political Code of the State of California.

(5) Prescribe the sum to be paid by the owners of the respective tracts of land being included within the boundaries of such district for calls made during the year in which said petition was filed under assessments for repairs and maintenance.

(6) Prescribe the sum to be paid by the owners of the respective tracts of land being included within the boundaries of such district upon the assessment or assessments for reclamation work theretofore levied and wholly paid prior to the inclusions of said lands within such district.

(7) Prescribe the sum due upon each tract of said lands being included within the boundaries of said district upon a call made upon an assessment for maintenance and repairs.

(8) If it be deemed advisable, require the payment of any sums on account of the assessment or assessments in such installments as said board may determine. The amount and time of payment of the installments shall be specified in said order.

Payment of
assessments

The owners of the tracts of land sought to be included and described in the order of the board of supervisors shall within thirty (30) days pay to the county treasurer of the county in which such district or the greater portion thereof is situated the sums of money fixed in said order as being due upon assessments, if any such sums are due, and upon the presentation to the board of supervisors of the receipt of the county treasurer showing the payment of said sum, said board shall make its order including said lands within such district and shall set forth in said order a description of the exterior boundaries of such district after the inclusion of said lands.

Recordation
of order,
etc.

Upon the board of supervisors making the order including lands within such district, the board of trustees of such district shall file a certified copy of said petition, together with a certified copy of the order of the board of supervisors including said lands within such district, in the office of the county recorder of the county in which said lands are situated and also with the registrar of the state land office. The board of trustees of such district shall file with the county treasurer or other officer having custody of the assessment list or lists of such district certified copies of the petition and orders of the board of supervisors and it shall be the duty upon such filing of the county treasurer or other officer having custody of the assessment lists to enter said lands and amounts set forth in the order of, and fixed by the board of supervisors upon the assessment list or lists of such district.

Assessments
are lien

Upon the filing of the certified copy of the petition for inclusions of lands in such district, together with a certified copy of the order of the board of supervisors including said lands, all assessments on said land as fixed by the board of supervisors shall become a lien upon said lands and shall be collected in the same manner as assessments are collected in swamp land and reclamation districts; provided, however, that if the order of the board of supervisors shall direct that the amount due at the time of the inclusions of the lands shall be payable in installments, then in the event of default of the payment of any installment the same shall become delinquent and shall be subject to the same penalties and collectible in the same manner as any other swamp land or reclamation district assessments.

Disposition
of payments.

All payments made to the county treasurer pursuant to the order of said board of supervisors shall be credited to the proper fund or funds of such district.

Any proceeding under this section shall not be deemed to invalidate or act as a reapportionment of any existing assessment or assessments in such district. ^{Effect}

CHAPTER 954.

An act to amend section 4 of chapter 277 of the statutes of 1907, entitled "An act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States forest reserve fund. ^{Stats 1907, p 346, amended}

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of chapter 277 of the statutes of 1907, entitled "An act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended by chapter 96 of the statutes of 1927, is hereby amended to read as follows: ^{Stats 1927, p 185}

Sec. 4. It shall be the duty of the county auditor of any county receiving a payment of money under the provisions of this act, immediately to apportion such money by placing fifty per cent thereof to the credit of the unapportioned county elementary school fund of such county, and fifty per cent to the credit of the general road fund. The money thus added to the unapportioned county elementary school fund shall be apportioned by the county superintendent of schools in the same manner as other county school fund moneys, and the moneys so added to the county general road fund shall be used for the same purposes as other general road fund moneys; provided, however, that fifty per cent of the money thus apportioned to the credit of the unapportioned county elementary school fund shall upon the request of the county superintendent of schools be transferred to a fund to be known as the forest reserve school fund; which shall be used by the county superintendent of schools for the benefit of school districts of such county lying within or adjacent to the United States forest reserve, such fund being available for any purpose for which county funds may be spent. ^{County auditor to apportion money.}

CHAPTER 955.

Stats 1927,
p. 1681,
amended

An act to amend section 1 of chapter 834 of the statutes of 1927, relating to acceptance of the workmen's compensation act.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p. 1681

SECTION 1. Section 1 of chapter 834 of the statutes of 1927 is hereby amended to read as follows:

Workmen's compensation for agricultural laborers

Section 1. Any employer and his employees engaged in farm, dairy, agricultural, viticultural or horticultural employments or in stock or poultry raising, not subject to the compensation provisions of the workmen's compensation, insurance and safety act of 1917, as amended, shall, from and after the date this act takes effect, be conclusively presumed to have accepted the compensation provisions of said act and amendments thereto and to have included in their contract of hire or apprenticeship, express or implied, a mutual agreement to accept said provisions, unless either such employer or employee shall, prior to the occurrence of any injury, have given notice of rejection of said provisions of said act in the manner herein provided.

Exception

This section shall not apply to any such employer and employee where the pay roll of such employer for the preceding calendar year has not exceeded five hundred dollars.

CHAPTER 956.

Stats 1919,
p. 942,
amended

An act to amend sections 4, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 25, 26, 27 and 29 of "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, relating to sanitary districts.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1919,
p. 942

SECTION 1. Section 4 of "An act to provide for the formation, government, operation, reorganization, dissolution and

alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended, is hereby amended to read as follows:

Sec. 4. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select five, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballots shall contain the words, "for a sanitary district," or "against a sanitary district," as the case may be, and also the names of the persons to be voted for at said election. At such election there shall be elected a sanitary assessor and five persons for members of the sanitary board. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election above provided for. If a majority of the votes cast at such election shall be in favor of a sanitary district, the board of supervisors shall make and cause to be entered in the minutes of said board an order that a sanitary district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this act or by law, and of the existence and validity of the sanitary district. If a majority of the votes cast shall be against a sanitary district, the board shall by order entered in its minutes, so declare; no other proceeding shall be taken in relation thereto until the expiration of one year from the date of the presentation of the petition to said board.

SEC. 2. Section 7 of the act cited in the title hereof is hereby amended to read as follows: Stats 1919,
p 942

Sec 7. There shall be an election for sanitary assessor at the first election at which members of the sanitary board are elected, and at the same time, place and manner; and the

person then elected shall hold office for four years next thereafter, and until the election and qualification of his successor. The person elected assessor at the election at which the district was formed shall hold office until the election and qualification of his successor; provided, that if at any time a vacancy occur in the office of assessor, the sanitary board shall appoint a suitable person to fill such vacancy until the next election at which an assessor may be elected under the provisions of this act.

Stats 1921,
p 1427.

SEC. 3. Section 8 of the act cited in the title hereof is hereby amended to read as follows:

List of
property
in district

Sec. 8. It shall be the duty of the sanitary assessor to make out, before the first Monday in August of each year, a list of all the tangible real and personal property within the district; he shall list the tangible real and personal property in any annexed district separately. Such list shall contain a general description of the property said description shall be identical with said descriptions of the same properties as contained on the county assessment list for the current year, an assessment of the value thereof, the name or names of the owner or owners, and such other matters as may be ordered by the sanitary board and such matters as shall be necessary to make such list conform to the provisions of the general laws of the State of California. The land shall be assessed separately from the improvements thereon.

When in the judgment of the assessor any property within the boundaries of a sanitary district can not be fully served or benefited by the sewer system installed, in such sanitary district he shall assess such property, according to benefits received by said property from said sewer system within said sanitary district.

Mistake
shall not
invalidate
assessment

No mistake in the name of the owner of any of the real or personal property assessed, or any informality in the description, or in other parts of the assessment, shall invalidate the same. The sanitary assessor shall verify said list by his oath, before some officer authorized to administer oaths, and shall deposit the same with the sanitary board on the first Monday of August of each year, or as soon thereafter as is practicable. He shall have power to administer all oaths and affirmations necessary or proper in the performance of his duty as assessor, and shall receive such compensation as shall be fixed by the order of the board. He shall also perform such further duties and do such further acts as may be ordered or required by the sanitary board.

Stats 1919,
p 942

SEC. 4. Section 9 of the act cited in the title hereof is hereby amended to read as follows:

Election
and term of
sanitary
board

Sec. 9. The five members of the sanitary board elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office upon the election and qualification of their successors,

which election shall be held in the month of September of the fourth year following that in which the district was organized.

The other three shall go out of office upon the election and qualification of their successors, which election shall be held in the month of September of the second year following that in which the district was organized. The successors shall hold for a term of four years and until the election and qualification of those who are to succeed them.

The members chosen at any election subsequent to that at which the first five members were elected, shall hold office for a term of four years, and until the election and qualification of their successors.

The members of the board of any sanitary district organized under this act before the month of September in the year 1931 shall hold office until the month of September in 1932. Before this time they shall so classify themselves, by lot, that two of them shall go out of office upon the election and qualification of their successors, which election shall be held in the month of September in the year 1932. The other three shall go out of office upon the election and qualification of their successors, which election shall be held in the month of September in the year 1934. The members chosen at any election held subsequent to the month of September in the year 1931 shall hold office for a term of four years and until the election and qualification of their successors.

Each of the members of the sanitary board shall receive for each attendance of the meeting of the sanitary board, five dollars, and shall receive no other compensation. No member of the sanitary board shall receive pay for more than one meeting in any calendar month, except the secretary who shall receive thirty dollars per month whether he be a member of the board or not. All elections for officers, after the formation of the district shall be held on the first Monday after the second Tuesday in the month of September. Not less than twenty days before the day of such election the sanitary board must give notices of said election by posting notices thereof in five public places in the sanitary district, which notices must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select five, polling places within the district; shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates shall not apply. Every qualified elector resident within the

Compensation

Elections.

district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

Canvass
of vote

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the sanitary board. Said board shall within five days after the election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

Stats 1919,
p 942

SEC. 5. Section 11 of the act cited in the title hereof is hereby amended to read as follows:

Equalization
of assess-
ments

Sec. 11. On the first Monday of August each year, at the hour of 7.30 o'clock p.m., the sanitary board shall meet at its usual place of meeting within said district, and proceed to organize itself into a board of equalization, and if the sanitary assessor has returned the assessment list for said year said board shall proceed to equalize the property so assessed and returned by said sanitary assessor. If said assessment list has not been returned by said sanitary assessor said board must adjourn from day to day until said assessment list has been returned, and for the purpose of adjournment one or more of the members of said board present may make said adjournment and announce the same. Upon the assessment list having been returned by the assessor, said board of equalization shall proceed to equalize the property listed on said assessment list, and said board shall continue in session as a board of equalization until the property upon the entire list returned by the assessor shall have been examined, rectified and equalized, with such reasonable intermissions during the day and from day to day as may be expedient. The board shall have power to hear complaints as to the proceedings of the assessor, and to adjudicate and determine the controversy thereon, and may of its own motion raise an assessment, after such reasonable notice to the party whose assessment is to be raised, as may be ordered by the board. After the examination and rectification of the assessor's list shall have been completed, the board shall, by resolution, fix the rate of taxation for sanitary purposes, designating the number of cents on each one hundred dollars to be levied for each fund and shall designate the fund into which the same shall be paid; but no more than fifteen cents on each one hundred dollars shall be levied for all the sanitary purposes of any one year, besides what shall be required for the payment of the principal and interest of such year upon outstanding bonds. After the entry in the minutes of the resolution fixing the rate of taxation the sanitary board shall cause the assessor to compute the amount

Fixing
tax rate

of the tax upon each piece of real and personal property, and enter the same upon the assessment list in a suitable place. The list, when so completed, shall be verified by the assessor and signed by the president and secretary; and the amount of the tax shall thereupon become a lien upon the property upon which it is assessed, and shall have the effect of a judgment against the person of the owner thereof, and every such lien shall have the force and effect of an execution duly levied against all the property of the delinquent; and the judgment shall not be deemed satisfied or the lien extinguished until the taxes are paid or the property sold to satisfy the same, and no statute of limitations shall apply. No bonds shall be voted for or issued at any one time, which in the aggregate shall exceed fifteen per cent of the assessed value of all the real and personal property of such district; whether it be made up of one issue of bonds or of several issues.

Tax a lien
on property
assessed

Limit on
amount of
bonds.

SEC. 6. Section 12 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1919,
p 942

Sec. 12 As soon as practicable, not later than the second Monday in August, after the taxes have been computed and extended on the assessment list, verified by the assessor and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, a duplicate of the list so made, to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed upon him by this act; provided, that the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act

Duty of
county tax
collector

Duty of
district
attorney

All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer; provided, further, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. Whenever any property is sold for delinquent sanitary taxes, under the provisions of this act, the tax collector shall file with the county recorder, at the expense of the purchaser, a copy of the certificate of such sale; and when at any time redemption is made of any property which has been sold for delinquent sanitary taxes the redemption

Disposition
of funds

Redemption
of property
sold for
delinquent
taxes

officer of the sanitary district shall immediately forward a copy of the redemption certificate to the county recorder and the county recorder shall inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the word "redeemed," together with the date, the amount paid, and the name of the party redeeming said property; and further provided, that whenever the tax collector issues a deed to the purchaser of any property sold for delinquent sanitary taxes, the said tax collector shall forward a copy of the deed to the county recorder, and the county recorder shall then inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the words "deeded to," together with the date, and the name of the party to whom said deed was issued. In the event that property upon which sanitary district taxes have become delinquent is, on account of such delinquency, sold by the tax collector, and a deed therefor is issued to any person other than the State of California, the party who was of record as the owner of such property at the time of such sale and of such issuance of such deed, is hereby granted the right to redeem said property from the tax title purchaser thereof, at any time within a period of five years from and after the issuance of such deed, by the payment to the said tax title purchaser of the amount for which the said property was to him sold by the tax collector and an additional premium which shall not be greater than one hundred per cent of the said purchase price. It is hereby declared to be unlawful for any person or persons who have purchased at a delinquent tax sale any property which is sold for delinquent sanitary taxes, to demand for its redemption any sum greater than the amount which is by this act specified; or to refuse to redeem any such property to the party who was the owner thereof at the time of such delinquent tax sale, when proper tender is made, within five years after date of such sale, of an amount which is not greater than the amount which is by this act permitted.

Sec. 7. Section 13 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 13. The tax collector shall pay over to the county treasurer all moneys collected by him for sanitary purposes, as fast as the same shall be collected, and the said treasurer shall keep the same in the county treasury as follows: In a fund called the bond fund of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such fund; and no part of the money in this fund shall be transferred to any other fund, or be used for any other purpose than the payment of the principal and interest of the bonds of the sanitary district, and for the retirement of bonds which had been issued by a district which formerly formed a part of the sanitary district as hereinafter provided for, so long as any such bonds shall be unpaid; in a fund called the running expense of sanitary district (naming it) he shall place and keep the moneys levied by the sanitary board for such

Stats 1919,
p 942

Funds kept
by county
treasurer

fund. The whole or any part of the money in the running expense fund may be transferred to the bond fund, or to the other fund hereinafter provided for, upon the order of the sanitary board and it shall be the duty of the treasurer to comply with such order. The treasurer shall pay out moneys from either of said funds, or from the fund hereinafter mentioned, only upon the written order of the sanitary board, signed by the president and countersigned by the secretary, which order shall specify the name of the person to whom the money is to be paid and the fund from which it is to be paid, and shall state generally the purpose for which the payment is made, and such order shall be entered in the minutes of the sanitary board. The treasurer shall keep the order as his voucher, and shall keep a specific account of his receipts and disbursements of money for sanitary purposes. He shall also keep an accurate account of all interest earned upon any of the funds mentioned in this section, or any other increase therein. All such interest and increase may be used only in the manner provided for the fund from which it shall have accrued. The sanitary board may require the treasurer, by order duly entered upon the minutes of the board, to place such funds of the sanitary district in a bank situated within such sanitary district; and the treasurer must comply with the order of the board. The treasurer and sureties upon his official bond shall be liable for the due performance of the duties imposed upon him by this act.

SEC. 8. Section 14 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1919,
p 842

Sec. 14. At any time after the district is organized the sanitary board, by order entered in the minutes, may, when in its judgment it is advisable, and must, upon a petition of a majority of the qualified electors residing in the district, call an election and submit to the electors of the district the question whether the bonds of such district shall be issued and sold for the purpose of raising money for construction, reconstruction, alteration, laying, renewing, replacing or enlargement of sewers, drains or septic tanks or other drainage or sewer system, whether the same be for a system of the same nature as or of a different nature than the system already installed or constructed for the disposal of sewage. Bond
election.

The order calling such election shall be valid and effectual when signed by three-fifths of the members of said sanitary board, and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays, or so many of them as may be selected, or said order may submit at said election as separate questions the issuance of bonds for any of said outlays singly or in such combinations as the order may direct.

SEC. 9. Section 15 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1919,
p 842

Sec. 15. Notice of such election shall be given by posting notices, signed by the board, or by a majority thereof, in Notice of
election

five public places in the district, not less than twenty days before the election; and by publishing such notice not less than once a week for three successive weeks before the election in a newspaper printed and published in the district, if any newspaper is published therein, and if not, in a newspaper printed and published in the county.

Stats 1919,
p 942.

SEC. 10. Section 17 of the act cited in the title hereof is hereby amended to read as follows:

Conduct of
election

Sec. 17. At any time prior to the day fixed for the election, the board shall select one, and may select five, polling places within the district, appoint one inspector and two judges of the election for each polling place, and make all necessary and proper arrangements for holding the election. If no election officers are appointed, or if those appointed are not present at the time for opening the polls, the electors present may appoint them and they shall conduct the election. The vote must be by ballot (without references to the general election law in regard to form of ballot). The ballot shall contain the words "Bonds—Yes" and "Bonds—No," and the persons voting at said bond elections shall put a cross (X) upon their ballots with pencil or ink after the words "Bonds—Yes" or "Bonds—No" (as the case may be) to indicate whether they have voted for or against the issuance of bonds.

The elections shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided.

Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the elections above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board, which board shall on the seventh day after the election, at eight o'clock p.m., meet and canvass the returns of the election, and if it appears that two-thirds of the votes cast at said election were in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and of the facts stated in such entry. If, at such election, two-thirds of the votes cast be in favor of the issuance of bonds as proposed by the sanitary board, the said board shall thenceforth have full power and authority to issue and dispose of bonds as proposed in the order calling the election; provided, that the total amount of bonds so issued shall not exceed ten per cent of the assessed value of all real and personal property of the district, as shown by the last equalized assessment book of the county.

Two-thirds
vote
required

Stats 1919,
p 942

SEC. 11. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Form of
bonds

Sec. 18. All bonds issued under the provisions of this act shall be of such denominations as the sanitary board may

determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding six per cent per annum, which interest shall be payable semiannually in like gold coin. Not less than one-fortieth part of the total issue of bonds shall be payable each year, on a day to be specified by the sanitary board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein by said board. Each bond shall be signed by the president and countersigned by the secretary of the sanitary board, and said bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board. The bonds must be disposed of by the sanitary board in such manner and in such quantities as may be determined by said board in its discretion, but no bond must be disposed for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the sewer construction fund of ----- sanitary district (naming it); the proceeds of such sale shall be placed at interest by the treasurer and the interest earned thereon together with any other increase thereof shall be used only as provided in this section. The interest at which such funds are placed shall not be less than that earned by county funds; the money and all increase thereof in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of the bonds, and for no other purposes; provided, that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the sanitary board, be transferred to either of the other funds provided by this act. The sanitary board may order the proceeds of such sale placed in a bank situated in the sanitary district, as provided in section 13 of this act.

SEC. 12. Section 25 of the act cited in the title hereof is hereby amended to read as follows: Stats 1921,
p 930

Sec. 25. Whenever in the opinion of the sanitary board the public interest or convenience may require, it is hereby authorized and empowered to order the construction of sewers and appurtenances in the whole or any portion or portions of any one or more of the streets, highways or public places of any such sanitary district, or in property or in rights of way owned by such sanitary district, and to provide that the cost thereof shall be assessed upon the lots and lands fronting thereon, or upon a district to be assessed therefor. The provisions of that certain act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places Construction
of sewers

Stats 1911,
p 730.

and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of the street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, and the amendatory acts thereto, and the provisions of that certain act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and to provide for the collection of such assessments, the sale of property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, and acts amendatory thereto, are hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said acts and the amendments thereto provided, however, that the words "city council" and "Council" used in said act shall be understood to mean sanitary boards. The word "city" and "municipality" shall be understood to mean sanitary districts. The word "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district." "Tax collector" shall be understood to mean the county tax collector, and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of the constructing and maintaining a sewer therein; and provided, further, that all the powers and duties conferred by the said provisions of said act and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerks and city clerks and treasurers and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

Stats 1915,
p. 1441.

Stats 1919,
p. 942

Annexation
of territory

Petition.

SEC. 13. Section 26 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 26. The boundaries of any sanitary district may be altered, and outlying contiguous territory in the same county as such sanitary district annexed thereto in the manner following: A petition signed by twenty-five per cent of the qualified electors of such contiguous territory proposed to be annexed as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory proposed to be annexed, and the assessed valuation thereof as

shown by said last equalized assessment book, and stating that such territory is not within the limits of any other sanitary district, and asking that such territory be annexed to said sanitary district, shall be presented to the sanitary board thereof, together with a duly executed bond for the sum of not less than one hundred dollars, to be approved by said sanitary board and filed with the secretary of the sanitary board as security for the payment by said petitioners of the reasonable costs of the election hereinafter provided for, in the event that at said election less than a majority of the votes cast are in favor of the annexation of the proposed territory to the sanitary district. When such petition is presented and a bond approved and filed as above provided for, the sanitary board must within thirty days thereafter order that an election be held for the purpose of determining whether or not such proposed territory shall be annexed. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district. This order shall be entered in the minutes of the sanitary board and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof a resident and freeholder within the limits of the proposed district to be annexed.

Order for
election

A copy of such order shall be posted for four successive weeks prior to the election, in five public places within the district and the district proposed to be annexed, and shall be published for four successive weeks prior to the election in some newspaper published in the district, if there be one, and if not, in some newspaper published in the county. It shall be sufficient if the order be published once a week. At any time prior to the day fixed for the election, the board shall select one and may select five polling places within the sanitary district, and shall select one and may select five polling places within the district proposed to be annexed, appoint officers of election, and make all necessary and proper arrangement for holding the election. Upon the ballots to be used at such election there shall be printed the words, "For annexation to the sanitary district," and "Against annexation to the sanitary district," and there shall be a voting square to the right of and opposite each such propositions. The election shall be conducted in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided. Every qualified elector resident within the district and the district proposed to be annexed for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary or president of the sanitary board which shall, as soon as practicable proceed to canvass the same. Immediately

Posting and
publishing
of order.

Conduct of
election

Canvass
of votes.

Majority
vote.

Ordering
alteration of
boundaries.

Payment of
costs if less
than major-
ity votes

Issue of
bonds after
annexation

upon the completion of such canvass said sanitary board shall cause a record thereof to be made and entered upon its minutes showing the whole number of votes cast in such sanitary district, the whole number of votes cast in the district proposed to be annexed, the whole number of votes cast in each in favor of annexation, and the number thereof cast in each against annexation; and if it shall appear from such canvass that a majority of all of the votes cast in such sanitary district and a majority of all the votes cast in the district proposed to be annexed, are in favor of annexation the secretary, or other officer performing the duties of secretary of the sanitary board of such sanitary district shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition, and said petition shall thereupon be transmitted and filed with the board of supervisors of the county in which such sanitary district is situated. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law, and the facts stated in such entry. Said board of supervisors, at its next regular meeting after filing of said petition, shall by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in said petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading up to such annexation and recited in said order, and from and after the same such territory shall become and be a part of such sanitary district. If at said election less than a majority of the votes cast in either the sanitary district or the district proposed to be annexed be in favor of annexation of the proposed territory to the sanitary district, the signers of said petition shall, within ten days after the canvassing of the votes of said election, pay to the sanitary board a sum of money covering the reasonable cost of said election, and if said sum of money is not so paid within ten days, as aforesaid, the sanitary board shall have the right of action under said bond to recover the reasonable cost of said election, and the sanitary board shall, by order, disapprove said petition and enter the same in the minutes of said board, and no other proceedings shall be taken in relation thereto until the expiration of one year from the presentation of said petition, except to collect the cost of said election as herein provided.

At any time after the annexation of such contiguous territory, the sanitary board may issue bonds for the construction of sewers therein in the manner and for the purposes prescribed and specified in sections 14 to 21, inclusive, of this act; provided, however, that only qualified electors resident within said annexed territory shall be entitled to petition or vote in said proceedings; and provided, further, that taxes for the payment of the principal and interest of such bonds shall be limited to the taxable property situate within such annexed contiguous territory; provided, further, that nothing in this section shall be construed to limit the powers

or alter the procedure elsewhere in this act provided for the issuance of bonds by an entire district and payable out of taxes levied upon all the taxable property therein, whether the boundaries of the district remain as originally established or have been altered by the annexation of contiguous territory.

SEC. 14. Section 27 of the act cited in the title hereof is hereby amended to read as follows: Stats 1919,
p. 942

Sec. 27. At any time after the sewer or other sanitary system is constructed the board of trustees or other governing body of any municipal corporation lying within the limits of any sanitary district may elect to keep and maintain the lateral sewer lying within said municipality in order and repair and may enter into an agreement with the sanitary board so to do. From and after the date of such agreement said board of trustees shall keep said lateral in repair and the sanitary board shall not be required to keep the same in order or repair. Lateral
sewer main-
tained by
city

SEC. 15. Section 29 of the act cited in the title hereof is hereby amended to read as follows: Stats 1919,
p. 942

Sec. 29. Whenever the sanitary board of an original sanitary district, or of a sanitary district the boundaries of which have been altered by the annexation of outlying contiguous territory, as provided for in this act, shall by order passed by a vote of three-fifths of all its members and approved by the president of the board, which order shall be entered in the minutes, determine that the public interest or necessity of the original district or of a district whose boundaries have been altered by the annexation of outlying contiguous territory, demands the construction of a larger main sewer or a different system, the board may call an election for the purpose of determining whether bonds shall be issued for the construction of a larger main sewer or for a system different from that already constructed for the disposal of sewage. Construction
of larger
main sewer
or different
systems

The proceedings in respect to the issuance of bonds for such purposes shall in every respect, except as in this section otherwise provided, conform to the requirements of sections 4 to 21 inclusive of this act

CHAPTER 957.

An act making an appropriation to pay the claim of San Rafael Freight and Transfer Company against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of eight and 46/100 dollars (\$8.46) is hereby appropriated out of any money in the state treasury. Special ap-
propriation

not otherwise appropriated, to pay the claim of San Rafael Freight and Transfer Company against the State of California.

CHAPTER 958.

An act making an appropriation to pay the claim of M. H. Iverson against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of seven hundred fifty dollars (\$750) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of M. H. Iverson against the State of California.

CHAPTER 959.

An act making an appropriation to provide for an adequate water system for the Norwalk State Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor June 15, 1931, with reduction hereunder noted. In effect immediately.]

[I object to the item of \$25,000 in section 1 of Assembly Bill No. 919, and reduce the amount thereof to \$15,000. With this reduction, I approve the bill. Dated: June 15, 1931. JAMES ROLPH, JR., Governor.]

The people of the State of California do enact as follows:

Appropriation
Norwalk
State
Hospital

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000) is hereby appropriated to be expended in accordance with law, by the director of institutions, with the approval of the director of finance, for the purchase and maintenance of a water system for the Norwalk State Hospital, including the purchase of such land and the construction of such works therefor as may be deemed desirable. The title of any land and water rights thereto appertaining acquired in pursuance of this act shall be taken in the name of the State of California, and the deeds therefor shall be filed with the secretary of state.

Urgency

SEC 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution and shall, therefore, go into immediate effect. The facts constituting the necessity are as follows: The existing water supply is insufficient and inadequate and the shortage thereof seriously affects the health

and welfare of the inmates of the institution and the officers and employees thereof, and it is necessary that an adequate water system for the institution be provided immediately.

CHAPTER 960.

An act to add a new section to the School Code to be numbered 5.1032, providing for the refunding of contributions paid into the public school teachers permanent fund through mistake, inadvertence or error.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code to be numbered 5.1032 and to read as follows: New section.

5.1032. The public school teachers retirement salary fund board is hereby authorized to refund to the person paying the same, any contributions or sums paid into the public school teachers permanent fund through mistake, inadvertence or error. Retirement fund. refund of money erroneously paid

CHAPTER 961.

An act to amend section 2 884 of the School Code, relating to the challenging of electors at school district elections.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 884 of the School Code is hereby amended to read as follows: Sch. C., p. 79

2.884. Any person offering to vote may be challenged by any elector of the district, and the judges of the election must thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this state one year, in this county ninety days, and in this school district forty days preceding this election, and that your name is on the great register of this county, and was on the great register of a precinct in this school district at least forty days before this election, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote must be received, otherwise his vote must be rejected. Challenge to voters. Oath

CHAPTER 962.

An act to amend section 1 252 of the School Code, relating to the payment of salaries of county supervisors of attendance.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch C,
p 14

SECTION 1. Section 1.252 of the School Code is hereby amended to read as follows:

Supervisor of
attendance
salary

1.252. The salary of any supervisor of attendance appointed under the provisions of this article shall be fixed by the county board of education, and warrants for such salary and for the actual and necessary traveling expenses of such supervisor of attendance incurred in the discharge of his duties shall be drawn upon, and paid from, the unapportioned elementary and high school funds of the county. The amount paid from each of such funds shall be in proportion to the service rendered by the supervisor of attendance to the elementary and high schools of the county.

CHAPTER 963.

An act to amend section 5.842 of the School Code, relating to the filing of confidential personal reports by persons employed in the public schools.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch C,
p. 255

SECTION 1. Section 5 842 of the School Code is hereby amended to read as follows:

New
employees
filing of
statement

5 842. From and after the first day of September, 1931, each person newly employed in the public schools of California shall be required to file, with the public school teachers retirement salary fund board, or its authorized representative, a statement made under oath as hereinbefore described

It shall be the duty of the superintendent of schools of each county, or city and county, to withhold the first payment of salary thereafter due such person until there has been filed with such superintendent evidence that such a statement has been filed as required by law.

CHAPTER 964.

An act making an appropriation to pay the claim of the city auditor of the city of Stockton against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of four thousand six hundred dollars (\$4,600) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of the city auditor of the city of Stockton against the State of California. Special appropriation.

CHAPTER 965.

An act to amend section 1 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to contents of articles of incorporation. Stats 1927, p 51, amended.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, is hereby amended to read as follows: Stats 1927, p 51

Section 1. A credit union is a corporation organized for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes. Credit union defined

Corporations may be incorporated under and by virtue of this act in the same manner as corporations under and by virtue of title one of part four, division one of the Civil Code of the State of California, including any amendment or revision thereof, or any sections hereafter enacted in lieu thereof, except as otherwise herein provided. The articles of incorporation shall set forth the following: Incorporation

1. The name of the corporation, which shall include the words "credit union."

2. If the corporation be formed without authorized shares of stock, the number of authorized members or memberships

CHAPTER 966.

An act authorizing and empowering any county, city and county, or city, in the State of California, to donate, convey and grant to the State of California any real property

owned by it, or which it may hereafter acquire, and to donate such part of its funds as deemed necessary for the purpose of assisting the State of California to purchase and acquire parks, playgrounds, recreation centers, or beaches for recreational purposes.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Parks, etc.:
city or
county may
assist state.

SECTION 1. Any county, city and county, or city in the State of California, is hereby authorized and empowered to assist the State of California in hereafter acquiring any park, playground, recreational center or beach to be used for recreational purposes.

Grants to
state for
parks, etc.

SEC. 2. Any county, city and county, or city, in the State of California, is hereby authorized and empowered to donate, convey and grant to the State of California any real property owned by it, or which it may hereafter acquire, for a park, playground, recreational center or beach used for recreational purposes, and it is hereby authorized and empowered to use such part of its funds, including funds received by bequest, gift and donation, and those received in trust for the acquisition of such properties, as deemed necessary to assist the State of California in acquiring any park, playground, recreational center or beach for recreational purposes to be cared for, maintained and controlled under any agreement or arrangement authorized by chapter 763 of the statutes of 1927.

Stats 1927,
p. 1477.

CHAPTER 967.

An act appropriating money to pay the claim of J. Charles Jones against the State of California.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Special ap-
propriation

SECTION 1. The sum of eighty-nine dollars and forty cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of J. Charles Jones against the State of California.

CHAPTER 968.

An act to amend section 4149a of the Political Code, relating to the duties of county live stock inspector.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4149a of the Political Code is hereby amended to read as follows: Stats 1929,
p. 658.

4149a. It shall be the duty of the live stock inspector, acting under the supervision of the chief of the division of the state department of agriculture having jurisdiction over animals, to enforce, within the incorporated and the unincorporated territory of the county, all laws of the State of California, and, within such unincorporated territory all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce within such incorporated and unincorporated territory, such quarantine, sanitary and other regulations as he may deem proper and necessary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his entire county. Duties of
live stock
inspector.

He shall attend such meetings as shall be deemed necessary and advisable by the board of supervisors.

 CHAPTER 969.

An act authorizing the director of institutions, with the approval of the director of finance, to grant to the state highway commission a right of way over certain lands belonging to the State of California for state highway purposes.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The director of institutions, with the approval of the director of finance, is hereby authorized to grant to the state highway commission for state highway purposes, the right to use the following described lands belonging to the State of California and located in the county of Los Angeles, being part of what is known as Pacific Colony, and more particularly described as follows, to wit: That portion of lot 1, C. M. Wright tract, as shown on map recorded in book 5, Pacific
Colony,
grant of
easement for
highways

page 75 of maps, records of Los Angeles county, within the following described boundaries:

Description

Beginning at the most easterly corner of said lot; thence southwesterly in a direct line to the most southerly corner of said lot; thence northwesterly along the southwesterly line of said lot to a line that is parallel with and 140 feet northwesterly, measured at right angles, from the southeasterly line of said lot; thence northeasterly along said parallel line to the northeasterly line of said lot; thence southeasterly in a direct line to the point of beginning.

CHAPTER 970.

An act to amend section 3.24 of the School Code, relating to the maximum school day for pupils in the public schools.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch C,
p 108

SECTION 1. Section 3.24 of the School Code is hereby amended to read as follows:

Hours of
kindergar-
ten, etc

3.24. No pupil in a kindergarten or in grades one or two may be kept in school more than four hours per day exclusive of recesses.

CHAPTER 971.

An act to amend section 694h of the Political Code, relating to the state board of agriculture.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

See Ch 119,
Stats 1931

SECTION 1. Section 694h of the Political Code is hereby amended to read as follows:

Board of
agriculture
members

694h. The state board of agriculture is hereby expressly continued in force; provided, however, that after the date upon which this act becomes effective said board shall consist of nine members, eight of whom shall be appointed by the governor. The governor shall not appoint more than one such member from any one congressional district nor more than one from any one county; nor shall he appoint more than one such member from, nor as a representative of, any one branch of the agricultural industry.

Qualifica-
tions

The members of the board shall be residents and citizens of the State of California. The eight appointive members shall be specially qualified for this service through actual farm business or economic agricultural training. The ninth member of said board shall be the president of the board of directors of the state agricultural society, and shall also be the president of said state board of agriculture and an ex officio

member of the regents of the University of California. The members shall serve without pay, but shall be allowed necessary traveling expenses incurred in the discharge of their duties, which expenses shall be paid from the appropriation for the support of the department of agriculture.

Except as herein provided, the term of office of the eight appointive members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the eight appointive members of the board in office when this amendment takes effect shall expire as follows: two members September 15, 1931; two members January 15, 1932; two members January 15, 1933; two members January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

The board shall hold meetings at least once in every month in the office of the director of agriculture at Sacramento. Such meetings shall be held within the week preceding the regular monthly meeting of the governor's council. Special or adjourned meetings may be held at the place of regular meeting, or at such other places in the State of California as the chairman may deem necessary. Meetings of the board shall also be called by the chairman at any time upon the written request of four members of the board.

CHAPTER 972.

An act creating the California Polytechnic School project revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be known as the California Polytechnic School agricultural project revolving fund, which fund is hereby created; said fund to be used for loans to needy and deserving students for the purchase of live stock, poultry, seed, feed and such other materials as may be necessary for the conducting of such projects by students under supervision of instructors in said school. All sums borrowed are to be returned to the revolving fund as soon as projects are completed.

Term of
office

Meetings

Appropriation
California
Polytechnic
School
project

CHAPTER 973.

An act to amend section 134 of the Code of Civil Procedure, relating to the time when judges shall be available.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1907,
p. 681.

SECTION 1. Section 134 of the Code of Civil Procedure is hereby amended to read as follows:

Nonjudicial
days

134. No court, other than supreme court, must be open for the transaction of judicial business on any of the holidays mentioned in section 10, except for the following purposes:

1. To give, upon their request, instructions to jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

Bail, etc.,
on holidays

4. In all counties with a population of two hundred fifty thousand or over, the presiding judge of the superior court shall appoint or designate some judge or judges to be available nights and Sundays and holidays for the purpose of issuing and approving bail and original writs and signing orders on bonds and for any other legal matters concerning the fixing of bail or issuing release for a person's property and title thereto.

CHAPTER 974.

An act to amend sections 988a, 988b and 988g of the Code of Civil Procedure, and to add a new section to said code to be numbered 988i, all relating to appeals from municipal courts in civil cases.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 856.

SECTION 1. Section 988a of the Code of Civil Procedure is hereby amended to read as follows:

Appeal from
municipal
court bill of
exceptions.

988a. A party appealing or intending to appeal from a municipal court, may have a bill of exceptions settled or a transcript prepared and certified for use on such appeal in the same manner as is or may be provided by law for bills of exceptions or transcripts to be used on appeal from the superior courts.

Petition to
superior
court

If the judge in any case refuses to settle a bill of exceptions, or to certify to a transcript, in accordance with the facts, the party aggrieved by such refusal, may apply by petition

to the superior court to prove the same, or any changes, corrections or additions therein or thereto necessary to make it accord with the facts. The application may be made and acted upon in such mode and manner and under such regulations as may be prescribed by rules adopted for that purpose. The bill, when proved, or the transcript, when prepared, or such changes, corrections or alterations, when proved, must be certified by the judge of the superior court by whom said application is determined, and filed with the clerk of the superior court, and when so filed, shall have the same force and effect as if settled and certified by the judge who tried the cause.

Notwithstanding any provisions of the sections above referred to, it shall not be necessary in any such bill of exceptions or transcript to copy any exhibit or any notice, affidavit, order or other paper or document on file with the municipal court but the same may be merely referred to in such bill of exceptions or transcript by any designation sufficient to identify it.

SEC. 2. Section 988b of the Code of Civil Procedure is hereby amended to read as follows: Stats 1929,
p 856

988b The record on appeal from a municipal court shall consist of: Record on
appeal
contents

(1) The notice of appeal, and if the record is prepared under section 953a of this code, the notice required by that section;

(2) The judgment roll if the appeal is from a judgment, or an order vacating or refusing to vacate the judgment;

(3) The order appealed from, if the appeal is from an order, also any written motion or notice of motion which is granted or denied by such order, and all affidavits filed in support of or in opposition to such motion;

(4) Any bill of exceptions settled or any transcript certified for use on such appeal and all exhibits, notices, affidavits, orders, papers and documents properly referred to and identified in such bill of exceptions or transcript.

Copies of those parts of the record on appeal which are entered in the docket or minutes of the municipal court and the originals of all other parts thereof, with the certificate of the clerk of the municipal court or of the attorneys of the respective parties that they are such copies and originals respectively, shall be transmitted to the superior court. Copies of
record

If it appear that there is any paper or record in the custody of the clerk of the municipal court which was before said court but which is not included in the record on appeal, and that an examination of such paper or record will assist in the determination of the appeal on its merits, the superior court may, on motion of either party or on its own motion, require the production of such paper or a certified copy of such record, and the same shall thereupon be deemed a part of the record on appeal. Other
papers

Stats 1927,
p 122.

SEC. 3. Section 988g of the Code of Civil Procedure is hereby amended to read as follows:

Certification
of judgment
on appeal.

988g Upon the final determination of an appeal by the superior court, the clerk of said court must remit to the municipal court a certified copy of the judgment of the superior court and of its opinion, if any, and also all original exhibits, notices, affidavits, orders, papers and documents which were sent to said superior court in connection with said appeal, except the notice of appeal and the bill of exceptions or transcript. The clerk of the municipal court must file such certified copy of the judgment and opinion of the superior court, must attach the same to the judgment roll if the appeal was from a judgment, and must enter a note of the judgment of the superior court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of such judgment or order, and also in the register of actions.

New section

SEC. 4. A new section is hereby added to the Code of Civil Procedure to be numbered 988i and to read as follows:

Superior
court may
make
findings
of fact

988i. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the superior court may make findings of fact contrary to or in addition to those made by the municipal court. Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the superior court. The superior court may for the purpose of making such findings of fact or for any other purpose in the interests of justice, take additional evidence of or concerning facts occurring at any time prior to the decision of the appeal, and may give or direct the entry of any judgment or order and make such further or other order as the case may require. The mode of procedure for taking such additional evidence may be regulated by the rule making authority. This section shall be liberally construed to the end among others that wherever possible causes may be finally disposed of by a single appeal and without further proceedings in the trial court except where the interests of justice require a new trial.

Additional
evidence

Effect

SEC. 5. The amendments made by this code to sections 988a, 988b, and 988g shall apply to all appeals where no bill of exceptions has been settled and no transcript has been certified at the time this act takes effect, and the said new section 988i shall be applicable to all appeals whether pending at the time this act takes effect or thereafter taken.

CHAPTER 975.

An act to amend section 16x23 of the weights and measures act, relating to sealers of weights and measures in counties of the twenty-third class. Stats 1913, p. 1086, amended.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 16x23 of the weights and measures act is amended to read as follows: Stats 1927, p. 1837 (formerly Sec 16x25).

Sec. 16x23. The sealer of weights and measures in counties of the twenty-third class shall receive a salary of two hundred dollars per month, together with his actual and necessary traveling expenses incurred in the discharge of his duties as such sealer of weights and measures, and deputies shall receive five dollars per day for each day actually employed. Marin county sealer

CHAPTER 976.

An act to authorize and direct the county of Lake to apportion and credit to the Upper Lake union school district fund and to the Lucerne school district special fund certain revenue collected in taxes.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

WHEREAS, It appearing that an attempt was made to form a school district to be known as the Lucerne school district out of that certain school district entitled the Upper Lake union school district situate in the county of Lake, State of California, and that an order was made by the board of supervisors of said county purporting to create said Lucerne school district; that thereafter said lands were assessed by the county assessor of said county of Lake and taxes thereon levied for school purposes and the sum of two thousand four hundred seven dollars and forty-nine cents so collected, which sum is now on deposit with the county treasurer of said county of Lake; and it further appearing that the formation of said school district was declared invalid by the supreme court of the State of California and that thereafter a new district known as the Lucerne school district was duly and regularly formed out of the said territory known as the original Lucerne school district, saving and excepting that part thereof known as the Clear Lake Villas and Clear Lake Gardens which remain a part of the said Upper Lake union school district; and Recitals.

WHEREAS, It further appearing that there is now no suit pending against the said county of Lake for the refund of any part of said moneys so collected; therefor,

The people of the State of California do enact as follows:

Lake county
to transfer
school
funds

SECTION 1 The auditor of said county of Lake is therefore authorized and directed to apportion and credit to the Upper Lake union school district special fund the sum of four hundred seventy dollars and twenty-five cents of said moneys so collected and to the Lucerne school district special fund the sum of one thousand nine hundred thirty-seven dollars and twenty-four cents of said moneys so collected.

CHAPTER 977.

Stats 1927,
p 1935,
amended

An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927, relating to regulations included in license.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 740

SECTION 1. Section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927, is hereby amended to read as follows:

Revocation
of club
license

Sec. 9. Any license issued as herein provided may be revoked by the court having jurisdiction, or by the fish and game commission, when and if the owner or proprietor of said commercial club knowingly aids and abets or acquiesces in violation of the law relating to fish and game by his employees or guests and when and if the holder thereof shall have been convicted in any court in this state for a violation of the fish and game laws, and no new license shall be issued to such person during the same license year.

Regulations
in license

The following regulations shall be included in any licenses issued under the terms of this permit:

Regulation 1. Shooting days on commercial hunting clubs are limited to Sundays, Wednesdays and Saturdays and the opening and closing days of the season and all legal holidays.

Regulation 2. Blinds must be situated at reasonable distances from each other but in no event are they to be less than eighty yards apart, and at no time shall more than two hunters occupy any one blind.

Regulation 3. Commercial hunting clubs are prohibited from guaranteeing limits.

CHAPTER 978.

An act to amend section 364c of the Political Code, relating to the members of the industrial welfare commission.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 364c of the Political Code is hereby amended to read as follows: Stats 1927
p. 735

364c. In the division of industrial welfare there is hereby created a commission to be known as the industrial welfare commission to consist of five members, at least one of whom shall be a woman. The members of said commission shall be appointed by the governor. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the commission in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; one member, January 15, 1932; two members, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. Industrial
welfare com-
mission

One of the members may be appointed chief of the division of industrial welfare. The members shall receive no compensation for their services as members but shall receive their actual necessary expenses incurred in the performance of their duties. The department of industrial relations shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction heretofore vested in the division of industrial welfare of the department of labor and industrial relations or in the industrial welfare commission which was established by an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including the minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, in so far as such duties, powers, purposes, responsibilities and jurisdiction pertain to the fixing of minimum wages or the maximum hours of work or the standard conditions of labor for women or minors, and such duties shall be administered through the division of industrial welfare. Succession
to powers
and duties

Stats 1913
p 632

CHAPTER 979.

An act to amend section 364b of the Political Code, relating to the industrial accident commission.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

*The people of the State of California do enact as follows:*Stats 1927,
p 734Division of
industrial
accidents
and safety
industrial
accident
commissionSuccession
to powers
and dutiesStats. 1917,
p. 831.

SECTION 1. Section 364b of the Political Code is hereby amended to read as follows:

364b. The division of industrial accidents and safety shall be under the control of a governing body composed of the industrial accident commission which commission is hereby continued in existence. The members of the industrial accident commission shall be appointed by the governor. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the commission in office when this amendment takes effect shall expire as follows: One member, September 15, 1931; one member, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The term commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. Each member shall receive a salary of five thousand dollars per annum. The department of industrial relations shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the industrial accident commission and of the division of workmen's compensation, insurance and safety of the department of labor and industrial relations and of the several members, officers, deputies, and employees of such commission and of such division which pertain to the administration or enforcement of the compensation provisions of the workmen's compensation, insurance and safety act of 1917 and of all acts amendatory thereof or supplemental thereto, including the power, duty, and jurisdiction to ascertain, determine, award, adjudge or disallow compensation under the workmen's compensation, insurance and safety acts or any or either thereof, and all such thereof which pertain to the administration or enforcement of the safety provisions of the workmen's compensation, insurance and safety act of 1917 and of all acts amendatory thereof or supplemental thereto, including the power, duty and jurisdiction, at any time and from time to time, to adopt, amend or repeal orders, rules, regulations, directions, requirements or standards of safety, and such duties, powers, purposes, responsibilities and jurisdiction shall

be administered through the division of industrial accidents and safety.

CHAPTER 980.

An act to amend section 737nn of the Political Code, relating to the salary of the judge of the superior court in and for the county of San Luis Obispo.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 737nn of the Political Code is hereby amended to read as follows

Stats 1929,
p. 922

737nn. The annual salary of the judge of the superior court in and for the county of San Luis Obispo is six thousand five hundred dollars.

Superior
judge, San
Luis Obispo
county.

CHAPTER 981.

An act to amend section 3.515 of the School Code, relating to vocational rehabilitation.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.515 of the School Code is hereby amended to read as follows:

Sch. C.
p. 128

3.515. The state board of education shall direct its program of vocational rehabilitation through the director of education.

Vocational
rehabilita-
tion

CHAPTER 982.

An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, by adding thereto a new section numbered 3½, relating to the registration of licentiate in pharmacy.

Stats 1905,
p. 535,
amended

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of

New section

pharmacy." approved March 20, 1905, as amended, is hereby amended by adding a new section thereto to be numbered 3½ and to read as follows.

Qualifica-
tion for
registration
as a licen-
tiate in
pharmacy

Sec 3½. Registration as a licentiate in pharmacy shall, prior to January 1, 1933, but not thereafter, be granted to any person otherwise qualified as provided in section 2 hereof who shall have had prior to January 1, 1933, five years pharmaceutical experience in the State of California approved by the board of pharmacy, shall have been registered as an assistant pharmacist in the State of California for not less than two years prior to January 1, 1933, and shall have passed a written examination as licentiate to the satisfaction of the California state board of pharmacy.

CHAPTER 983.

Stats 1901,
p 641,
amended

An act to amend section 1 of "An act to regulate the practice of architecture," approved March 23, 1901, relating to tenure of office of board members.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 139

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

California
state board
of archi-
tectural
examiners
created

Section 1 The governor of the state shall appoint ten persons to constitute a board, which shall be known as California state board of architectural examiners. Five members of said board shall be residents of the northern district of California, and shall constitute the northern district board, for the examination of applicants for certificates to practice architecture in the State of California and for the performance of such other duties as may be provided for in this act. The other five members of said state board shall be appointed from the southern district of California, and shall constitute the southern district board for the examination of applicants for certificates to practice architecture in this state and for the performance of such other duties as may be provided for in this act. The northern district shall consist of all that portion of the state north of the northerly lines of the counties of San Luis Obispo, Kern and San Bernardino; and the southern district shall consist of all that portion of the state south of the northerly lines of the said three counties.

Appoint-
ment and
terms of
office of
members

Said California state board of architectural examiners shall be appointed as follows: Five members shall be selected from the membership of the northern California chapter or chapters of the American Institute of Architects or other similar association of architects. Five members shall be selected from the membership of the southern California chapter or chapters of the American Institute of Architects or other similar association of architects. All appointees

shall be members in good standing, of their respective organizations. The membership of the California state board of architectural examiners shall be composed as herein set forth. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows. Two members, September 15, 1931; three members, January 15, 1932; three members, January 15, 1933; two members, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. The members of the board shall serve without compensation. All expenses incurred by the board shall be paid out of the funds collected as hereinafter provided.

CHAPTER 984.

An act to amend section 1 of "An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled 'An act to regulate the practice of veterinary medicine and surgery in the state of California,' approved March 23, 1893, and all other acts or parts of acts in conflict herewith," approved May 5, 1927, relating to the tenure of office of the members of the board of examiners in veterinary medicine.

Stats 1927,
p 532,
amended

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1927,
p 532

Section 1. That there be, and is hereby created a board of examiners in veterinary medicine; to be appointed by the governor of the State of California, which shall consist of the

Board of
veterinary
examiners
created

chief of the division of animal industry, California department of agriculture, and four reputable practitioners of veterinary medicine who shall have graduated from some veterinary college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said state for three years last past before appointment and each during said period, shall have been actually engaged in the practice of his profession in said state. Except as herein provided, the term of office of the appointive members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: One member, September 15, 1931; one member, January 15, 1932; one member, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The term commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. The governor may, in his judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

Term of
office

CHAPTER 985.

An act to amend section 4312 of the Political Code, relating to the place of offices of certain county officers.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4312 of the Political Code of the State of California is hereby amended to read as follows:

4312. Sheriffs, clerks, recorders, treasurers and auditors, must have their offices at the county seat, in the courthouse, hall of records, jail or other buildings, provided by the county through the board of supervisors, and keep them open for the transaction of business continuously from nine o'clock a.m. until five o'clock p.m. every day in the year except Sundays and holidays; provided, that in each city containing a population of not less than forty-five thousand as ascertained by the last preceding census taken under the authority of the congress of the United States or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse, sheriffs and clerks must also have offices in each such city at a place provided by the county through the board of supervisors and keep them open for the transaction of business continuously from

Stats 1929,
p 1964

Required
location of
county
offices

nine o'clock a.m. until five o'clock p.m. every day in the year except Sundays and holidays. In any city or town containing a population of not less than seven thousand, as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than fifty-five miles distant from the site of the county courthouse, sheriffs and clerks must open offices provided by the county through the board of supervisors and keep them open for the transaction of business continuously from nine o'clock a.m. until five o'clock p.m. every day, except Sundays and holidays, during the period for which the superior court is in session in such city or town. And the words "transaction of business" as used herein shall be construed to mean that during the said hours named there shall be present in each of said offices at least one person qualified and prepared to transact the business that may properly come into said office.

The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with an affidavit setting forth that he has complied with the provisions of this section, and the making of a false affidavit by any of said officers shall subject the party making the same to prosecution for the crime of perjury and to be punished for the same.

Affidavit of compliance.

The affidavit required herein of the auditor shall be filed with the county clerk, and be and remain a record of the office of said clerk; and the affidavits of the other officers required herein, shall be filed with the county auditor and be and remain a record of his office; provided, that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are absent on such business, and provided further, that

Filing affidavit.

In all cases where any officer named herein has no regularly appointed deputy provided by this title and paid by the county at the same time and in the same manner that his principal is paid, he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock p.m.

Closing of office during noon hour.

The judges of the superior court must have chambers at the county seat and must establish such rules and hours for official business as may be necessary for the dispatch thereof.

Judges of superior court.

CHAPTER 986.

An act to amend section 4017 of the Political Code, relating to consolidation of county offices.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1913,
p 436

SECTION 1. Section 4017 of the Political Code is amended to read as follows:

Consolidation of county offices

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the duties of certain of the county offices are hereby consolidated as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; treasurer and recorder; treasurer and assessor; treasurer, assessor, and tax collector; assessor and tax collector; treasurer and public administrator; public administrator and coroner; district attorney and public administrator; district attorney and coroner; sheriff and coroner; sheriff and public administrator.

CHAPTER 987.

Stats 1913
p 1086,
amended

An act to amend sections 16x46 and 16x47 of the weights and measures act relating to sealers of weights and measures in counties of the forty-sixth and forty-seventh classes.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p 1839
(formerly
Sec 16x45)

SECTION 1. Section 16x46 of the weights and measures act is amended to read as follows:

Amador
county
sealer

Sec. 16x46. In counties of the forty-sixth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats 1927,
p 1839
(formerly
Sec 16x48)

SEC. 2. Section 16x47 of said act is hereby amended to read as follows:

El Dorado
county
sealer

Sec. 16x47. In counties of the forty-seventh class deputy superintendents of weights and measures shall receive fifty dollars per month

CHAPTER 988.

An act to amend section 16x17 of the "weights and measures act," relating to sealers of weights and measures in counties of the seventeenth class.

Stats 1913,
p 1080,
amended

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 16x17 of the "weights and measures act" is amended to read as follows:

Stats 1927,
p 1836
(formerly
Sec 16x14).

Sec. 16x17. The sealer of weights and measures in counties of the seventeenth class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed.

Sonoma
county
sealer

CHAPTER 989.

An act appropriating money to pay the claim of Harold E. Smith against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of three thousand six hundred twenty-two dollars (\$3,622) out of any money in the state treasury, not otherwise appropriated, is hereby appropriated to pay the claim of Harold E. Smith against the State of California.

Special ap-
propriation

CHAPTER 990.

An act to pay the claim of Vermont Marble Company against the State of California.

[Approved by the Governor June 15, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The sum of nine hundred nine and 89/100 dollars (\$909.89) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of Vermont Marble Company against the State of California.

Special ap-
propriation

CHAPTER 991.

Stats 1913,
p. 1086,
amended. *An act to amend section 16x11 of the "weights and measures act," relating to sealers of weights and measures in counties of the eleventh class.*

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p. 964
(formerly
Sec 16x12).
Kern
county.
sealer.

SECTION 1. Section 16x11 of the "weights and measures act" is amended to read as follows:

16x11. The sealer of weights and measures in counties of the eleventh class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred fifty dollars per month each. In counties of this class, there shall also be allowed to the sealer of weights and measures, a deputy to be known as clerk, which position is hereby created, to be appointed by the sealer of weights and measures, at a salary of one hundred twenty-five dollars per month payable at the same time and out of the same fund as other county officers are paid.

CHAPTER 992.

Stats 1911,
p. 80,
amended. *An act to add a new section to be numbered 9a12 to the act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing 'An act entitled "An act to provide county library systems," approved April 12, 1909, and all acts and parts of acts in conflict with this act,' " approved February 25, 1911, as amended, relating to libraries in counties of the twelfth class.*

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1921,
p 52
(formerly
Sec 9).
Riverside
county
librarian

SECTION 1. Section 9a12 is hereby added to the act cited in the title hereto, to read as follows:

Sec. 9a12. In counties of the twelfth class, the salary of the county librarian shall be one thousand eight hundred dollars per annum.

CHAPTER 993.

An act to amend section 16x30 of the weights and measures act, relating to scalers of weights and measures in counties of the thirtieth class. Stats 1913,
p 1086,
amended

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 16x30 of the weights and measures act is amended to read as follows: Stats 1927,
p 1837
(formerly
Sec 16x29).

Sec. 16x30. The sealer of weights and measures in counties of the thirtieth class shall receive a salary of one hundred sixty dollars per month, and deputies shall receive five dollars per day for each day actually employed. Kings
county
sealer.

CHAPTER 994.

An act to amend section 2322x12 of the Political Code, relating to the office of agricultural commissioner in counties of the twelfth class.

[Approved by the Governor June 15, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x12 of the Political Code is amended to read as follows: Stats 1929,
p 965 (for-
merly Sec.
2322x15)

2322x12. In counties of the twelfth class the commissioner shall receive a salary of four thousand two hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the commissioner, the following deputies, inspectors, bookkeepers and stenographers to be appointed by said commissioners, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One superintendent of rodent control at a salary of two thousand one hundred dollars per annum.

(b) One deputy county agricultural commissioner at a salary of two thousand four hundred dollars per annum.

(c) The commissioner is also authorized and empowered to appoint one inspector at a monthly salary of one hundred seventy-five dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed twelve inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed and three inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be spent in any year for all such inspectors shall not exceed thirty thousand dollars.

Riverside
county.
agricultural
commis-
sioner

(e) The commissioner is also authorized and empowered to appoint not to exceed one bookkeeper at a monthly salary of one hundred fifty dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such bookkeeper shall not exceed one thousand eight hundred dollars.

(f) The commissioner is also authorized and empowered to appoint not to exceed one stenographer at a monthly salary of one hundred ten dollars per month during the time actually employed but the aggregate amount which may be expended in any year for such stenographer shall not exceed one thousand three hundred twenty dollars.

CHAPTER 995.

An act to amend section 3673 of the Political Code, relating to the powers of a county board of equalization.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Code
Amdts
1880, p 15
Equaliza-
tion of
assessment

SECTION 1. Section 3673 of the Political Code is hereby amended to read as follows:

3673. The board has power, after giving notice in such manner as it may, by rule, prescribe, to increase or lower any assessment contained in the assessment roll of the county or city and county, so as to equalize the assessment of the property in the county or city and county; provided, however, that the board shall not raise or lower the entire assessment roll of the county or city and county nor contract for the appraisal or reappraisal of the taxable property in the county or city and county save in the manner and to the extent authorized by section 3693 of this code.

CHAPTER 996.

An act to abolish the board of pharmacy fine fund and the pharmacy board poison law fund and to transfer the money in the state treasury to the credit of said funds to the pharmacy board contingent fund in the state treasury.

[Approved by the Governor June 15, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Funds
transferred
to the
pharmacy
board con-
tingent fund

SECTION 1. The unencumbered balance remaining in the state treasury to the credit of the board of pharmacy fine fund and the pharmacy board poison law fund, and each thereof, received and paid into the state treasury pursuant to

the provisions of section 7 of the act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, shall upon the date upon which this act takes effect forthwith be transferred to and become a part of the pharmacy board contingent fund in the state treasury, whereupon the board of pharmacy fine fund and pharmacy board poison law fund shall be and are hereby abolished. The pharmacy board contingent fund is the special fund mentioned in section 6 of the act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905.

Stats. 1907.
p. 124

Stats. 1905.
p. 535.

CHAPTER 997.

An act to repeal section 13a of chapter 795, statutes of 1927, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as amended, relating to a revolving fund for the state highway commission.

Stats. 1927.
p. 1565.
Sec 13a,
repealed

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 13a of chapter 795, statutes of 1927, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled, 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as amended, is hereby repealed.

Repeal.

CHAPTER 998.

Stats 1909,
p 815,
amended.

An act to amend section 14 of an act entitled "An act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees," approved April 12, 1909, as amended, relating to the registration of library district warrants.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1909,
p 815

SECTION 1. Section 14 of that certain act of the Legislature, entitled "An act to allow unincorporated towns and villages to establish, equip, and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby, the calling and holding of elections in such districts, the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees," approved April 12, 1909, as amended, is hereby amended to read as follows.

Disposition
of revenue
of library
districts

Sec. 14. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury, to the credit of the library fund of the district wherein said tax was collected, subject only to the order of the library trustees of said district. If such payment into the treasury should be inconsistent with the terms or conditions of any such gift, devise or bequest, the board of library trustees shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Upon the receipt by the county auditor of an order of the library trustees of the district he shall issue his warrant upon the county treasurer for the amount stated in such order. When any such warrant is presented to the treasurer for payment and the same is not paid for want of funds the treasurer must endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto and from that time the warrant shall bear interest at the rate of six per cent per annum until the warrant is paid or until funds are available for the payment of the same and the county treasurer gives notice to the warrant holder that funds are available for such payment. The giving of such notice shall be deemed complete upon the deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at the address of the latter given by him at

Unpaid
warrants.

the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

CHAPTER 999.

An act to add sections 718c, 718d and 718e to the Civil Code, relating to leasing of municipal property.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 718c is hereby added to the Civil Code New section. to read as follows:

718c. Property owned or controlled by a municipality may be leased for airport purposes for a period not exceeding twenty-five years, and sewage and sewage effluent may be leased by a municipality for a period of not exceeding fifty years. Municipalities may lease land to the state, or to any political subdivision thereof, for fair and exhibition purposes for a period not exceeding fifty years. Leasing of property by municipalities

SEC. 2. Section 718d is hereby added to the Civil Code New section to read as follows:

718d. Any lease of any interest in real property of any municipality must be recorded in the county recorder's office of the county in which said property is located. Recordation.

SEC. 3. A new section to be numbered 718e is hereby New section added to the Civil Code to read as follows:

718e. Uplands abutting on tidelands granted to a municipal corporation by the state may be leased with such tidelands for the same time and under the same conditions. Whenever in the judgment of the governing body of a municipal corporation to which has been granted tidelands by the State of California the use of such tidelands and uplands abutting thereon for industrial uses shall be inimical to the best interest of such city, said governing body may lease such lands for park, recreational, residential or educational purposes, under such conditions as are not inconsistent with the trust imposed upon the tidelands by the constitution of the State of California. Leasing of tidelands, etc.

CHAPTER 1000.

An act to amend section 157 of the Code of Civil Procedure, relating to the qualifications of judges of the superior court.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 157 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts 1880, p 40

Qualifica-
tions of
superior
court judges

157. No person shall be eligible for election to the office of judge of the superior court unless he shall have been a citizen of the United States and a resident of this state for five years and of the county in which he is elected for two years next preceding his election nor unless he shall have been admitted to practice before the supreme court of this state, and shall have had not less than five years actual practice of law in this state; provided, this section shall not apply to election of an incumbent in such judicial position or to one who has held such judicial position in this state.

CHAPTER 1001.

An act to amend section 2.1220 of the School Code, relating to reports by school superintendents to the superintendent of public instruction and to county boards of supervisors.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. C.,
p. 92.

Annual
report of
school super-
intendents

SECTION 1. Section 2.1220 of the School Code is hereby amended to read as follows.

2 1220. Every school superintendent in this state must, on or before the fifteenth day of July in each year, report to the superintendent of public instruction, and to the board of supervisors of his county, the average daily attendance in the day and evening elementary schools and the special day and evening elementary school classes; the average daily attendance in the day and evening high schools and the special day and evening high school classes, and the average daily attendance in each elementary and high school district of all physically handicapped pupils as defined in this code, who have been given special instruction as provided elsewhere in this code, the excess amount including transportation expended in each elementary school and high school district in his county, or city and county, for providing such special education as computed by the superintendent of schools as provided by this code, and the average daily attendance of pupils upon part-time vocational courses maintained by high school districts for persons engaged three or more hours each in academic and in educative occupational work, as provided for by this code, as appears by the teachers report on file in his office for the school year immediately preceding.

CHAPTER 1002.

Stats 1913,
p 1379.
amended

An act to amend section 24 of chapter 690, statutes of 1913, entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates

for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the direct primary law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of state central committees and county central committees.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 24 of chapter 690, statutes of 1913, ^{Stats 1929,} entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the direct primary law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," as amended by chapter 834, ^{p 1767} statutes of 1929, is hereby amended, to read as follows:

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act. ^{Party conventions authorized.}

2. The state convention of each political party shall consist of one delegate for each of the following elective officials and the total number of delegates shall be the aggregate number of the following elective officials: ^{Composition of state conventions}

- (a) The governor,
- The lieutenant governor,
- The treasurer,
- The controller,
- The attorney general,
- The secretary of state,
- All members of the state board of equalization,

(b) All senators and representatives in congress from California, and

- (c) All members of the state Legislature.

The state convention of each political party shall meet at Sacramento at ten o'clock of the morning of the third Thursday in September next following the date upon which the ^{Meeting of state conventions}

primary election preliminary to the general November election is held and shall be composed of the following delegates:

Hold-over
delegates

(a) Each elective official hereinabove named who was nominated and elected as a candidate of such party and whose term of office extends beyond the eighth day of January next following the primary election, or the appointee or successor to fill a vacancy in the office of any such official. Each such delegate shall be known as a "hold-over delegate."

Nominee
delegates.

(b) Each candidate of such party in whose behalf nomination papers were filed and who was nominated at the primary election by such political party for the office of each such elective official. Each such delegate shall be known as a "nominee delegate."

Appointive
delegates.

(c) One delegate appointed for each of the elective officials hereinabove named, not represented by a "hold-over delegate" nor by a "nominee delegate," of such party. Each such delegate shall be chosen and appointed in the manner hereinafter provided in this section for filling vacancies in the state convention, and shall be known as an "appointive delegate."

Eligibility.

Membership in the state convention shall not be granted to any party nominee for a congressional office, state office, or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; nor shall membership in such convention be granted to the nominee of any party if such nominee has not stated his affiliations with such party in his affidavit of registration used at such primary election; and, in every such case, a vacancy in the membership of such convention shall be deemed to exist; and any such vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. Each candidate who has received the nomination of more than one party for a congressional, state, or legislative office shall procure from the registrar of voters or clerk of the county in which he resides, a certificate stating the party with which such candidate was affiliated thirty-five days before the date of the primary election, as shown by the affidavit of registration of such candidate in the office of such registrar of voters or clerk of the county; and this certificate shall be the credential of such candidate to membership in the convention of his party.

Appointive
delegates.
how and
when chosen

In the event that there is no "hold-over delegate" nor "nominee delegate" of the party, as herein defined, for any of the elective offices hereinabove named, or in the event that any nominee is disqualified for membership in the convention for any reason herein stated, or in the event that any delegate dies prior to the convention, then in every such case a vacancy shall be deemed to exist in the membership of the state convention of the party and a delegate shall be chosen and appointed to fill such vacancy as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly elected county central committee of such party in the county wherein the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or wherein the "hold-over delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause.

(c) If such vacancy occurs as to a delegate for a United States senator from California or as to a delegate for any of the state officials hereinabove named, by appointment by the state central committee of such party.

(d) If such vacancy occurs as to a delegate for any representative in congress from California, by appointment by the state central committee of such party of a qualified registered elector who resides within the congressional district to be so represented.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the committee making the appointment, and he shall file with the secretary of state not later than two o'clock of the afternoon of the convention, his appointment of three members of the state central committee, in writing signed and acknowledged in the form hereinafter prescribed.

Credentials of appointive delegates

As soon as practicable after the primary election the secretary of state shall prepare a list of the names of all delegates to the convention qualified under the provisions of this act, and the secretary of state shall thereupon send a notice by mail to each such delegate which shall inform the delegate that he is a delegate to the state convention, that the convention meets at Sacramento on the third Thursday in September of the then current year, that said delegate must appoint three qualified electors to be members of the state central committee, and that said appointment of three members of the state central committee must be made in writing in the form hereinafter prescribed, signed and acknowledged before a notary public or other officer authorized to administer oaths in this state and must be filed in the office of the secretary of state not later than two o'clock of the afternoon of the third Thursday in September of the then current year, and the secretary of state shall enclose with such notice one copy of the following form for appointment of members of the state central committee:

Notice to delegates

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO IN THE YEAR 19_____

Form of appointment.

I _____, duly qualified as a delegate to the state convention at Sacramento in the year 19__ by virtue of my (appointment

by the _____ central committee) (nomination) (election)
 (to the office of _____) (strike out part inapplicable) on the
 _____ day of _____ 19__ upon the _____ ticket, do hereby
 (party)

appoint the following three electors residing within the district
 which I represent, who shall be members of the state central
 committee to meet at Sacramento on the second Saturday fol-
 lowing the meeting of the state convention, in the year 19___,
 to wit:

----- Name -----	----- Post-office address -----
----- Name -----	----- Post-office address -----
----- Name -----	----- Post-office address -----

In witness whereof I have hereunto set my hand this _____
 day of _____ 19__.

 (Delegate)

Signed and acknowledged before me this _____ day of ____.

 Notary Public

Composition
 of state
 central
 committee

The new state central committee shall consist of all delegates
 to the state convention, together with such members as are
 appointed in accordance with the provisions of this act. Each
 delegate to the state convention shall appoint three qualified
 electors which appointments when so made shall become
 absolute. Such appointments shall be made in writing signed
 and acknowledged by the delegate before a notary public or
 other officer authorized to administer oaths and delivered to the
 secretary of state not later than two o'clock of the afternoon of
 the third Thursday in September. The secretary of state shall
 deliver said appointments so received by him, to the permanent
 chairman of the state convention as soon as possible after said
 hour of two o'clock and he shall require the chairman's receipt
 therefor.

Organization
 meeting of
 convention

The convention shall be called to order at ten o'clock of the
 morning of the third Thursday in September by the retiring
 chairman of the state central committee and shall at once
 proceed to the election of a temporary chairman by roll call
 read from the alphabetical roll submitted by the secretary of
 state, and shall likewise elect such other temporary officers as
 the convention may determine. The temporary chairman
 shall appoint a committee consisting of one delegate from each
 congressional district which shall serve as the committee on
 credentials of the convention, and shall appoint such other com-
 mittees as the convention may direct.

Adoption
 of state
 platform

The convention shall, upon election of permanent officers,
 adopt a state platform for its party, which said state platform
 of each political party shall be adopted at such time that it

shall be made public not later than six o'clock in the afternoon of the following day.

In each year of the general November election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots of the ensuing November election.

Presidential electors.

Upon receipt by the chairman of the convention from the secretary of state of the appointments of members of the state central committee the convention shall determine the membership of the state central committee in accordance with the provisions of this act. In case the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the secretary of state within the time prescribed, the convention shall make such appointments of the requisite number of electors residing within the district represented by each such delinquent delegate. The secretary of the convention shall certify the names and post-office addresses of the members of the state central committee, as determined by the convention, to the secretary of state within thirty-six hours after the convening of the convention and the permanent chairman shall deliver the appointments received for by him to the secretary of state within said thirty-six hours, which appointments shall be kept and filed by the secretary of state and shall be open to public inspection. Within twenty-four hours after receiving said certified list of names of members and said appointments the secretary of state shall send a notice by mail to each member of the state central committee, as certified by the secretary of the convention, which shall inform him that he is a member of the committee, that the committee will meet at Sacramento on the second Saturday following the meeting of the convention, that the meeting may be attended either in person or by proxy, that every proxy must be filed in the office of the secretary of state not later than ten o'clock of the morning of the meeting of the committee and that said proxy must be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths and the secretary of state shall enclose with such notice one copy of the following form of proxy for attendance at the meeting of the state central committee:

Organization of state central committee

PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO, IN THE YEAR 19---

Proxy for attendance at meeting of state central committee

I ----- duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19-- by virtue of (being a delegate to the state convention) (my appointment thereto by -----; said appointment having been duly filed in the office of the secretary of state on the ----- day of

----- 19--) (strike out part inapplicable) do hereby designate -----; -----; as my proxy with full

(name) (post-office address)

power to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the ---- day of ----- 19---

In witness whereof I have hereunto set my hand this ----- day of ----- 19---

(Member)

Signed and acknowledged before me this ----- day of ----- 19---

Notary Public

Every member of the state central committee who desires to attend the first meeting of the committee by proxy must designate his proxy in the form hereinbefore prescribed, which must be signed and acknowledged before a notary public or other officer authorized to administer oaths and he must cause the proxy to be delivered to the secretary of state not later than ten o'clock of the morning of the first meeting of the committee.

List of members of committee.

The secretary of state shall deliver to the retiring chairman of the state central committee as soon as possible after ten o'clock of the morning of the first meeting of the new state central committee a certified, alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to ten o'clock of said morning; and he shall require the retiring chairman's receipt for said proxies.

The new state central committee shall convene at Sacramento at ten o'clock of the morning of the second Saturday following the meeting of the state convention.

Roll call.

The retiring chairman of the state central committee shall call the committee to order at ten o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies hereinbefore provided to be certified by the secretary of state; whereupon the only business in order shall be the election by roll call of a temporary chairman.

The temporary chairman upon election shall appoint at once a committee on proxies and credentials consisting of one member from each congressional district selected from among the members of the committee certified by the secretary of state. A quorum of the state central committee shall be a majority of the entire membership, represented either in person or by proxy.

Proxies to be recognized by the secretary of state and by the committee on proxies and credentials appointed as aforesaid must be signed and acknowledged before a notary public

or other officer authorized to administer oaths and must be in the form hereinbefore in this act prescribed. Revocation or change of proxies shall be recognized by the committee on proxies and credentials upon a request made by the member in person before said committee and at no other time in any other manner. No proxy shall be recognized prior to election of a permanent chairman unless filed in the office of the secretary of state not later than ten o'clock of the morning of the state committee meeting.

Revocation
of proxies,
etc.

The chairman of the state central committee shall not succeed himself, and the chairmanship shall alternate each biennium between the northern and southern territories.

Robert's rules of order, except as may be herein modified, shall govern the proceedings at the convention and at all meetings of the state central committee.

3. Each state central committee may select from its membership an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by a roll call vote and each committee and its officers shall have the power usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act. Each state central committee may remove any member thereof who during his or her term of membership affiliates with, or registers as a member of another party or who gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which such member represents. Each state central committee shall conduct party campaigns for the party to which it belongs and in behalf of the candidates of such party; appoint committees and appoint and employ campaign directors and perfect such campaign organizations as by it may be deemed suitable or desirable and for the best interest of the party.

Executive
committee
of state
central
committee.

4. The executive committee of the state central committee of each political party shall, in conjunction with each nominee for congress affiliated with such party, select a congressional committee for the district in which such nominee is a candidate. Such committee shall consist of not less than fifteen nor more than thirty-five members, and shall have charge and conduct of the campaign of such nominee, subject to the supervision of the state central committee of such party.

5. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by such state central committee.

County
central
committees.

In any city and county the county central committee of such party shall be elected by each assembly district and shall consist of five members from each assembly district in such city and county. Said county committee in such city and county shall have the power to increase its membership by a majority vote of the committee.

Composition
of county
central
committee

In each county containing twenty or more assembly districts the county central committee of such party shall consist of seven members from each assembly district.

In any county containing more than six and less than fifteen assembly districts, the county central committee of each party shall be elected by each assembly district and shall consist of five members from each assembly district therein.

In all counties containing not more than six nor less than five assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each seven hundred votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected.

In all counties containing less than five assembly districts the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: The number of votes cast in such supervisor district for such party's candidate for governor at the last general election at which such governor was elected shall be divided by one-twentieth of the number of votes cast for such governor in such county; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisor district.

In each county and city and county the nominee of the party for state senator or the incumbent state senator and the nominees of the party for the assembly shall be ex officio members of the committee.

The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, compute the number of members of the county central committee allotted to each assembly district or supervisor district, as the case may be, by the provisions of this subdivision.

Election
for county
central
committee

Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected; but no candidate for county committeeman shall be declared elected unless he shall have received votes equal in number to the

minimum of signatures to the nomination paper which would have been required to place his name on the primary ballot as a candidate for member of the county committee. Each county central committee shall meet in the courthouse at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

6. No person shall be eligible for appointment or election to the state, county or district committee of any party who is not registered as affiliated with such party at the time of such appointment or election. In the event of the appointment or election to any party committee of an ineligible person, or whenever any member of any such committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of such committee's party, a vacancy shall exist, which shall be filled by appointment by the committee in which such ineligibility or vacancy occurs. _____

Qualifications for county central committee

CHAPTER 1003.

An act authorizing suits against the State of California concerning the use and occupation of and the title to the real property described in an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and purchased under the provisions of an act entitled "An act to provide for the sale of the interest of the State of California within the water line front of the city of San Francisco, as defined in and by the act entitled "An act to provide for the disposition of certain property of the State of California, passed March 26, 1851," passed May 18, 1853," and of an act entitled "An act supplementary to and amendatory of 'An act to provide for the sale of the interest of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851," passed May 18, 1853," approved May 1, 1857, or any of the acts supplementary thereto and amendatory thereof, and regulating procedure therein.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. In all cases where the State of California has sold or conveyed or agreed to sell or convey all or any part of the interest of said State of California in or to any lands formerly belonging to said State of California as lands lying

Property affected

or purporting to lie within the water line front of the city of San Francisco, as defined in and under the provisions of an act entitled "An act to provide for the disposition of certain property of the State of California," passed March 26, 1851, and/or under the provisions of the following named acts or any one of them, to wit: "An act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California, passed March 26, 1851,' passed May 18, 1853," and/or an act entitled "An act supplementary to and amendatory of 'An act to provide for the sale of the interests of the State of California, within the water line front of the city of San Francisco, as defined in and by the act entitled 'An act to provide for the disposition of certain property of the State of California,' passed March 26, 1851,' passed May 18, 1853,' approved May 1, 1855, or any act or acts supplementary thereto and amendatory thereof, to any person or persons, and the person or persons purchasing said lands or any interest therein has or have paid all of the installments required to be paid by him or them on the purchase price thereof, and where no deed was ever executed and delivered to such purchaser or purchasers, conveying to him or them the lands so purchased, or where such deed, if delivered, has been lost by such purchaser or purchasers, or has never been recorded, the person or persons so purchasing said lands or any interest therein, or his or their successor or successors in interest, is and are hereby authorized to bring suit against the State of California in any court of said state of competent jurisdiction to quiet title to said lands or any portion thereof, or interest therein, or for the quiet enjoyment of the use and occupation thereof, and to prosecute the same to final judgment.

Stats 1851,
p 307.

Stats. 1853,
p 219.

Stats 1855,
p. 226.

Suit to
quiet title

Evidence

Stats., extra
session,
1906, p. 78.

SEC. 2. In any such suit or suits the plaintiff or plaintiffs claiming to be the successor or successors of such original purchaser or purchasers from the state of such lands or of the interests of the State of California therein, shall, after proof of the jurisdictional facts as in the preceding section of this act provided, be permitted to introduce in evidence in the manner provided in section 1905, Code of Civil Procedure, and as proof of his or their succession to the rights, titles and interests of such original purchaser or purchasers, any judgment or judgments of the superior court of the State of California, having jurisdiction thereof duly made and entered by said court in favor of such plaintiff or plaintiffs or of the person or persons by, through, from or under whom plaintiff or plaintiffs claim, establishing and quieting the title of plaintiff or plaintiffs or of those through whom they claim to the property in question or any part thereof, or interest therein in an action brought for that purpose under the provisions of an act entitled "An act to provide for the establishment and quieting of title to real property in case of the

loss or destruction of public records," approved June 16, 1906, or of all or any of the acts supplementary thereto and amendatory thereof and such judgment or judgments shall be deemed conclusive evidence of the succession of plaintiff or plaintiffs or of those by, through, from or under whom plaintiffs claim and in favor of whom such judgment or judgments shall have been so made, to all of the rights, titles and interests of such original purchaser or purchasers from the State of California.

SEC. 3. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization, except as herein otherwise provided. If judgment shall be given against the state in any such suit, no costs can be recovered from the state thereunder.

Rules of practice

SEC. 4. Wherever in this act the word "person" appears, same shall be held to mean and include corporations, public, private and municipal.

"Person" defined

SEC. 5. The complaint filed in any suit brought under the provisions of this act other than a suit merely for quiet enjoyment of the use and occupation of the property involved, shall contain a statement of the time, place and condition of sale of the lands concerning which title is sought to be quieted, together with a statement of all moneys paid under the terms of said sale and the date of such payments.

Necessary allegations of complaint

SEC. 6. Any such suits to quiet title or for quiet enjoyment shall be commenced within one year after this act takes effect.

Limitation on commencement of actions

SEC. 7. Service on the State of California in such suits shall be made by serving summons and a copy of the complaint on the governor and attorney general. It shall be the duty of the attorney general to represent the state in all such suits.

Service

Duty of attorney general

CHAPTER 1004.

An act to amend sections 6.260, 6.262, 6.264 and 6.523 of, and to add sections 2.1223, 6.274, 6.275, 6.276 and 6.561½ to the School Code, relating to the public school system.

[Approved by the Governor June 16, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code to be numbered 2.1223 and to read as follows:

New section.

2.1223. Every superintendent of schools in this state must, on or before the twentieth day of July in each year, make a report under oath to the superintendent of public instruction, showing the number of books purchased by any city or district in his county with moneys from the library fund, the number of copies of each title and the price paid for all copies of each title. If he fails to make a full and correct

Report by superintendents of schools on expenditures from library fund

Penalty.

report as required under the provisions of this section he forfeits one hundred dollars of his salary; and the county auditor whose duty it is to draw the warrant for the salary of the superintendent of schools shall deduct this amount from the warrant upon receiving notice from the superintendent of public instruction to the effect that the superintendent of schools has failed to make the report above referred to.

Sch. C,
p. 307

SEC. 2. Section 6 260 of the School Code is hereby amended to read as follows:

Adoption of
textbooks

6 260. The state board of education shall adopt and may cause to be published by the superintendent of state printing, one or more textbooks and teachers manuals, as it may deem necessary, in each of the studies prescribed for the elementary schools of this state, or it shall adopt and may cause to be published by the superintendent of state printing two or more textbooks and teachers manuals, as it may deem necessary, in each of the studies prescribed for the elementary schools of this state, wherein any book to supplement the basic text is used. The studies above mentioned shall not include morals and manners and art, for each of which a teachers manual may be adopted. Nothing in this section shall be construed as requiring the state board of education to adopt more than one textbook or teachers manual in any subject where one such textbook or manual would be sufficient to cover the needs in the subject prescribed; provided, further, that nothing in this section shall be construed as prohibiting district boards of school trustees, city boards of education and county libraries from ordering and purchasing such supplementary textbooks as may be required.

Elementary
schools
defined.

The term elementary schools as used in this chapter includes all public schools, excepting junior high schools, in which instruction is given in the first to the eighth grades inclusive, or in any one or more of such grades

Sch. C,
p. 279

SEC. 3. Section 6 262 of the School Code is hereby amended to read as follows:

Cost of
publishing

6.262 The cost of publishing such textbooks, and teachers' manuals shall be paid out of the state schoolbook fund.

Sch. C,
p. 291

SEC. 4. Section 6 523 of the School Code is hereby amended to read as follows:

Report of
board of
trustees on
expenditures
from library
fund

6.523. The board of trustees, and city, and city and county boards of education shall make a report on or before the first day of June of each year to the county superintendent, showing the number of titles of books purchased during the last preceding year for school libraries or with moneys from the library fund; the number of copies of each title; the price paid for all copies of each title, and any other library statistics which may be required by the blanks furnished for the purpose by the superintendent of public instruction.

New section
No warrant
against
library fund
unless report
made

SEC. 5. A new section is hereby added to the School Code to be numbered 6.561½ and to read as follows:

6.561½. No warrant shall be drawn by the superintendent of schools against the library fund of any city or district that

has not filed with him a report showing the number of titles of books purchased with moneys from the library fund during the last preceding year, the number of copies of each title, and the price paid for all copies of each title.

SEC. 6. Section 6.264 of the School Code is hereby amended to read as follows: Sch. C.
p. 279

6.264 The state curriculum commission shall also have power to study the textbooks submitted to the state board of education for adoption and make recommendations thereon to the state board of education. The state curriculum commission must give preference to California produced books of equal or superior merit. The state curriculum commission may, without at the time furnishing vouchers and itemized statements, draw from the state schoolbook fund a sum not to exceed ten thousand dollars. The sum or sums so drawn shall be used as a revolving fund for the purpose of having manuscripts of proposed textbooks prepared. Curriculum
commission

Revolving
fund.

SEC. 7. A new section is hereby added to the School Code, to be numbered 6.274, and to read as follows: New section

6.274. The state board of education, before purchasing textbooks from any source other than the superintendent of state printing must file with the department of finance a statement showing (1) the price which will be paid for the books; (2) the cause preventing its production by the superintendent of state printing; (3) evidence that will support the fact that the publisher actually refused to lease copyright matter, if such refusal is assigned as a cause preventing the production of the book by the state printer; and (4) the particular advantages of the textbook proposed to be purchased as compared generally with other textbooks on the same subject. Purchase of
books from
other than
state
printer

SEC. 8. A new section is hereby added to the School Code, to be numbered 6.275, and to read as follows: New section

6.275. Whenever the state board of education files a statement such as is described in the last section the superintendent of state printing may also file with the department of finance a statement showing the names of textbooks which he is able to publish, the cost of publishing the same, the names of their authors, and, if they have been published previously, the names of their publishers. Statement
by superin-
tendent of
state
printing.

SEC. 9. A new section is hereby added to the School Code, to be numbered 6.276, and to read as follows: New section

6.276. The information contained in the statements described in the two preceding sections shall be open and available to the public. Information
open to
public

CHAPTER 1005.

An act to add a new section to the Penal Code, to be numbered 367b, relating to the printing, publishing or sale of copyrighted musical compositions.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section SECTION 1. A new section is hereby added to the Penal Code, to be numbered 367b, and to read as follows:

Sale, etc ,
of copyright
material 367b. Whoever wilfully prints, publishes, sells, distributes or circulates, or causes to be printed, published, sold, distributed or circulated for profit any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper or other document containing the words or musical score of any musical composition which or any part of which is copyrighted under the laws of the United States, without first having obtained the consent of the owner or proprietor of such copyrighted musical composition, is guilty of a misdemeanor, provided that whenever it appears that the defendant has been acquitted or convicted upon a criminal prosecution under the laws of the United States founded upon the act in respect to which he is on trial, such acquittal or conviction is a bar to the prosecution therefor under this section.

Penalty

Bar to
prosecution

CHAPTER 1006.

Stats 1913,
p. 722,
amended *An act to amend section 1 of the state medical practice act, relating to the tenure of office of the members of the board of medical examiners.*

[Approved by the Governor June 16, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1913,
p. 722 SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Board of
medical
examiners
created SECTION 1. A board of medical examiners to consist of ten members, and to be known as the "board of medical examiners of the State of California" is hereby created and established. The governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his appointment. Except as herein provided, the term of office of the members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. Each of the members shall be appointed from among persons who hold licenses under any of the medical practice acts of this state. The terms of the members of the board in office when

Terms

this amendment takes effect shall expire as follows: two on September 15, 1931; three on January 15, 1932; two on January 15, 1933; and three on January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. No person in any manner owning any interest in any college, school or institution engaged in medical instruction shall be appointed on the board, nor shall more than one member of the board be appointed from the faculty of any one university, college, or other educational institution. The governor shall have power to remove from office any member of the board for neglect of duty required by this act, for incompetency, or for unprofessional conduct. Each member of the board, shall before entering upon the duties of his office, take the constitutional oath of office.

Not to own,
etc., medi-
cal college.

Removal of
members

CHAPTER 1007.

An act to amend section 372 of the Political Code, relating to the department of public health.

[Approved by the Governor June 16, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 372 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 494

372. A department of the government of the State of California, to be known as the department of public health, is hereby created. The department shall be under the control of a state board of public health, which board is hereby created, to be composed of seven members, consisting of the director of public health, appointed and holding office as hereinafter prescribed, and six members, each appointed by the governor. The director and each of the other members of the board shall be duly licensed and practicing physicians of this state. Each of the members, other than the director of public health, shall receive his actual necessary traveling expenses incurred in the discharge of his duties. The director of public health shall be executive officer of the board. Except as herein provided, the term of office of members of the board, other than the director, shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of such members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; two members, January 15, 1932; one mem-

Department
of public
health
created

Terms

ber, January 15, 1933; two members, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

CHAPTER 1008.

Stats 1929, *An act to amend section 1 of an act entitled "An act relating*
p. 817, *to the board of trustees of the California Institution for*
amended *Women and the appointment and terms of office of the*
members of said board," approved May 24, 1929, relating
to trustees of such institution.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929, SECTION 1. Section 1 of the act cited in the title hereof
p. 817. is hereby amended to read as follows:

Trustees of
California
Institution
for Women
Stats 1929,
p 490

Section 1. The members of the board of trustees of the California Institution for Women established by an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor." approved May 9, 1929, shall be appointed by the governor. Except as herein provided, the term of office of the members of the board shall be four years and they shall hold office until the appointment and qualifications of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: One member September 15, 1931; one member January 15, 1932; two members January 15, 1933; one member January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term.

Terms

CHAPTER 1009

An act to amend section 2 of the "State civil service act," Stats 1913,
p 1035,
amended
relating to the state civil service commission.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1 Section 2 of the "State civil service act" is hereby amended to read as follows: Stats 1929,
p 251

Sec 2. There is hereby created a commission known as the "State civil service commission" which shall consist of three commissioners appointed by the governor. Except as herein provided, the term of office of the commissioners shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the commissioners in office when this amendment takes effect shall expire as follows: one member September 15, 1931; one member January 15, 1933; one member January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. A commissioner may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. No person holding a paid, full-time position in the state service shall be eligible to appointment or competent to hold the position of commissioner under this act. The members of the state civil service commission now in office shall continue to serve until their successors shall be appointed as herein provided. Each member of the commission shall receive as compensation for his services fifteen dollars per day while actually engaged in the duties of his office and his actual and necessary traveling expenses incurred in the performance of his duties as a commissioner. One of said commissioners shall be designated by the governor to act as president and executive member of the commission. The names "commission" and "commissioner" as used in the civil service act shall be construed to mean and apply to the executive member in whom in all respects the duties, powers and functions now conferred upon the civil service commission, commissioner or commissioners are vested and conferred except that the enactment of the rules and regulations of the commission, the creation and adjustment of classifications and grades, exemptions of positions from under the civil service act as permitted by law, and dismissals, demotions or other punitive actions placed in the control of the commission shall be the duty of and be controlled by the members

State civil
service
commission

Terms

Qualifica-
tions

of the commission and the votes of two commissioners shall be required to make any action of the commission effective.

CHAPTER 1010.

An act creating a fish and game district to be known as the "San Francisco game refuge," providing for the protection of game and fish within such refuge and providing penalties for violation of the act.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

San Fran-
cisco game
refuge

SECTION 1. For the protection of game and fish there is hereby created and established a district to be known as the "San Francisco game refuge," the boundaries of which shall be as follows:

Boundaries.

Beginning at a point on the westerly side of the Skyline boulevard where said line crosses the fence line between the properties of the San Francisco water department and the Jersey farm, thence following southerly the westerly line of the Skyline boulevard to the northerly line of the property of the Panama Realty Company, thence following in a generally southerly direction the easterly line of the property of the San Francisco water department to the center of the Canada road, thence due west to the westerly line of said Canada road, thence southerly along the westerly line of said road to the southerly line of the property of the San Francisco water department, thence westerly following the southerly line of the San Francisco water department to the Skyline boulevard, thence northerly following the easterly line of the Skyline boulevard to its intersection with the easterly line of the Carry E. Bridge property, thence following northerly the easterly line of the said Carry E. Bridge property to its intersection with the easterly line of the Skyline boulevard, thence northerly following the easterly line of the said Skyline boulevard to the Half Moon bay road, thence crossing the said Skyline boulevard and said Half Moon bay road to the westerly line of the property of the San Francisco water department on the northerly side of said Half Moon bay road, thence following the westerly line of the San Francisco water department in a generally northwesterly direction to the point of beginning.

Hunting,
etc., mis-
demeanor.

SEC. 2. Every person who hunts, pursues, takes, kills or destroys, or has in his possession any species of wild bird or mammal or fish or parts thereof, or any firearms, traps or other means for killing or taking wild birds or mammals or fish in the San Francisco game refuge, except under written permit from the division of fish and game, is guilty of a misdemeanor.

Penalty.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less

than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than twenty-five days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures collected for any violation of any of the provisions of this section shall be paid to the division of fish and game for deposit in the state treasury to the credit of the fish and game preservation fund.

SEC. 3. It shall be the duty of the division of fish and game and its deputies and also the district attorney and of the sheriff and all other peace officers of San Mateo county to enforce all the provisions of this act and to institute and assist in prosecutions for violations thereof.

SEC. 4. Nothing in this act shall prohibit the possession of firearms or fishing equipment by persons traveling through said refuge on public roads when such firearms are taken apart or encased and unloaded or such fishing equipment is encased, and nothing shall prohibit the possession of legally killed and possessed game or fish when carried openly by persons traveling through said refuge on public roads, between one-half hour before sunrise and one-half hour after sunset.

SEC. 5. Nothing herein contained shall prevent the full use of the designated properties for water supply purposes nor prohibit any duly authorized employee of the San Francisco water department from carrying out such reasonable measures as may be necessary for the protection of the water supply and the prevention of pollution of the streams or reservoirs.

CHAPTER 1011.

An act to amend section 2290 of the Political Code, relating to children of parents who have been committed to a state hospital or to prison.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2290 of the Political Code is hereby amended to read as follows:

2290. The provisions herein made for the support of orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability, or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, shall be held to include children of a parent who has been deprived of civil rights by reason of commitment to a state hospital or to any prison, whether of this or any other state or of the United States, and foundlings and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum or county, without

State aid regard to the time in which such infants have been dependent upon such institution or county; and the relief herein provided shall be given for any fraction of a year, pro rata; and provided, further, that for each abandoned or dependent illegitimate infant, who now is or shall become dependent upon such foundling asylum or county there shall be paid by the state the sum of fifteen dollars per month from the time it becomes dependent upon such institution or county until such infant's decease, or until it is adopted or reaches the age of two years, after which age such institution or county shall receive the same sum for such infants as for full orphans.

CHAPTER 1012.

An act to provide for the removal or destruction of abandoned or neglected orchard trees, vines, shrubs, or parts thereof, or agricultural crops.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Diseased and neglected or abandoned plant life declared public nuisance

SECTION 1. Any and all neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops which because of the existence therein or thereon of injurious or destructive insect pests, or other animal pests, or plant diseases, or other conditions constitute a menace to the horticulture or agriculture of the county, district, or vicinity, or which are host plants of or provide a favorable and likely harbor for such pests or diseases, which, if they became established upon such neglected or abandoned host plants or crops, would be a menace to agriculture are hereby expressly declared to be a public nuisance and it shall be unlawful to maintain the same, and all remedies which are or may be given for the prevention or abatement of nuisance shall apply thereto.

County agricultural commissioner: inspection

SEC. 2. Whenever the county agricultural commissioner of any county shall determine by inspection that there exist on any property or premises within his jurisdiction any trees, vines, shrubs, plants, or parts thereof, or agricultural crops which are or have been neglected or abandoned, which, because of the existence therein or thereon of injurious or destructive insect pests or other animal pests or plant diseases, or other conditions constitute a menace to the horticulture or agriculture of the county, district or vicinity, he shall make a complete report of his inspection to the district attorney, setting forth in such report a description of the property or premises upon which the neglected or abandoned pest hosts exist, naming the pest or pests or other conditions which in his opinion are dangerous to the horticulture or agriculture of the county, district or vicinity, and, if in his judgment his findings justify, he shall state in such report that the removal or destruction of

Report to district attorney

the neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops will provide the best means for the elimination of such menace to the horticulture or agriculture of the county, district or vicinity.

SEC. 3. Whenever the district attorney receives from the county agricultural commissioner such a report, he shall prepare from said report and from the findings therein a petition to the superior court of the county praying for an order to cause the removal or destruction of the neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops. Such petition shall set forth a description of the property or premises, the name of the owner or owners, or person or persons in charge or possession thereof, the name of the pest or pests or other conditions which constitute a menace to the horticulture or agriculture of the county, district or vicinity.

Duty of
district
attorney

SEC. 4. Upon the filing with said court of such petition by the district attorney, a citation shall be issued by said court requiring the owner or owners, or person or persons in charge or possession of the property to appear at a time and place specified to show cause why such neglected or abandoned trees, vines, shrubs, or parts thereof, or agricultural crops should not be removed or destroyed. A copy of said petition, together with a copy of said citation, shall be served by the agricultural commissioner or by any person deputed by him for that purpose upon such owner or owners if he or they can after due diligence be found within the county and, if not found, then upon the person or persons in charge or possession of the property, not less than ten days prior to the date specified in such citation. If such owner or owners or person or persons in charge or possession of the property can not after due diligence be found within the county, then a copy of such petition and citation shall be served by posting in a conspicuous place upon the property or premises. When any such citation is issued, said commissioner may cause a copy thereof to be filed for record in the office of the county recorder of the county within which said property is situated, and may cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property, at the last known place of residence of said incumbrancer.

Service on
property
owner

SEC. 5. On the day on which such citation is made returnable for hearing the cause, the court shall hear the cause and in precedence of all matters excepting injunctions and excepting older matters of the same character and such matters as may be otherwise given precedence by law. The superior court of the county shall thereupon decide whether or not the said neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops shall be destroyed or removed. If the court be satisfied that the injurious insect pests or plant diseases or other conditions set forth in the petition exist on the property or premises and that the removal or

Hearing

Order
directing
destruction

destruction of the neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops is necessary and essential for the welfare of the horticulture or agriculture of the county, district or vicinity, an order shall be issued by the court ordering, within a certain time, the removal or destruction of the neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops located upon the property or premises described in such order, and such order shall be served by the county agricultural commissioner or by any person deputized by him for that purpose upon the owner or owners if he or they can after due diligence be found within the county and, if not found, then upon the person or persons in charge or possession thereof. If such owner or owners or person or persons in charge or possession of the property can not after due diligence be found within the county, then such order shall be served by posting in a conspicuous place upon the property or premises.

Removal or
destruction
of plant life

SEC. 6. If the order by the superior court shall not have been complied with within the time specified in the order, it shall be the duty of the county agricultural commissioner to cause the removal or destruction of the neglected or abandoned trees, vines, shrubs, plants, or parts thereof, or agricultural crops mentioned in the order of the court. The county agricultural commissioner shall keep an account of the cost of such removal or destruction and shall render an itemized report thereof to the board of supervisors, which cost shall be a county charge which the board of supervisors shall allow and pay out of the general fund of the county. Any and all sums so paid from the date of payment shall be and become a lien on the property from which said trees, vines, shrubs, plants, or parts thereof, or agricultural crops have been removed or destroyed in pursuance of this act. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property is situated within thirty days after the right to the said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property at the last known place of residence of said incumbrancer, and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and be prior and superior to all mortgages, trust deeds, liens, contracts, options, bonds, or other incumbrances upon the land or property excepting only the lien of taxes and the lien provided for in section 2322a of the Political Code.

Cost of
removal

Lien upon
property
for costs

Notice of
lien

Priority
of lien

Foreclosure
of lien

If said sum secured by such lien be not repaid to said county within eighty days from the filing of said notice of lien, there shall then be added to the same and secured by such lien a penalty of fifteen per cent of the amount of said lien. An

action to foreclose said lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

SEC. 7. Any person failing to comply with any lawful order of the court made and served pursuant to the provisions of this act shall be deemed in contempt of court and punished accordingly, which punishment will be in addition to any and all other penalties herein provided for. Contempt

CHAPTER 1013.

An act to prohibit the solicitation of the business of collecting personal injury or death claims arising within this state, with the intention of instituting suit thereon outside of this state, and to provide a penalty for violation of this act.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any person with the intent, or for the purpose of instituting a suit thereon outside of this state, to seek or solicit the business of collecting any claim for damages for personal injury sustained within this state, or for death resulting therefrom, with the intention of instituting suit thereon outside of this state, in cases where such right of action rests in a resident of this state, or his legal representative, and is against a person, copartnership, or corporation subject to personal service within this state. Soliciting personal injury claims for suit outside state

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned in the county jail not less than thirty days nor more than six months, or shall be both fined and imprisoned at the discretion of the court but within said limits. Penalties.

CHAPTER 1014.

An act to amend section 2 of, and to add sections 7a to, the veterans' farm and home purchase act, approved May 30, Stats 1921,
p 815,
amended

1921, as amended, relating to farm and home aid for veterans and their widows.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1923,
p 912

SECTION 1. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

Definitions

Sec. 2. When used in this act, unless the context otherwise requires, the word or term:

"Veteran "

(a) "Veteran" includes any citizen of the United States who has served on active duty in the army, navy or marine corps of the United States in time of war for not less than sixty days and has received an honorable discharge therefrom or who has been released from active duty under honorable conditions and who was, at the time of his enlistment, induction, commission or drafting, a bona fide resident of the State of California or who, if a minor at such time, had lived in this state for six months immediately preceding his enlistment, induction, commission or drafting, but does not include

1. Any person at any time after April 5, 1917, separated from such forces under other than honorable conditions;

2. Any person at any time after April 5, 1917, separated from the military or naval forces on account of alienage;

3. Any person who performed no military duty whatever or refused to wear the uniform;

4. Any person who has received from another state a bonus, compensation or benefit, the prerequisite of which is service in the army, navy, or marine corps of the United States, which service is the basis for the claim for benefits under this act; or

5. Any person who did not enter the military or naval forces of the United States prior to November 12, 1918.

"Board."

(b) "Board" means the veterans' welfare board of the State of California;

"Farm "

(c) "Farm" means a tract of land which, in the opinion of the board, is capable of producing sufficient to provide a living for the purchaser and his dependents;

"Home "

(d) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the board, suit the needs of the purchaser and his dependents as a place of abode;

"Purchaser "

(e) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the board;

"Purchase price "

(f) "Purchase price" means the price which the board pays for any farm or home;

"Selling price "

(g) "Selling price" means the price for which the board sells any farm or home;

"Initial payment."

(h) "Initial payment" means the first payment to be made by a purchaser to the board for a farm or home.

SEC. 2. A new section is hereby added to said act, to be numbered 7a and to read as follows: New section.

7a. If a veteran dies after filing his application for farm or home, as provided in section 5, and his application setting forth his eligibility and his qualifications is subsequently approved, his widow may, in the discretion of the board, succeed to his rights under the application, and may be entitled to the rights, privileges, and benefits under this act that would have been his, but for his death. The contract of purchase which the board otherwise would or might have entered into with such veteran, may be entered into with his widow. Veteran dying after filing application

CHAPTER 1015.

An act to amend sections 788 and 878 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to the cities of the fifth and sixth classes. Stats. 1883, p. 93, amended

[Approved by the Governor June 16, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 788 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," as amended, is hereby amended to read as follows: Stats 1880, p. 389

Sec. 788. It shall be the duty of the city clerk to keep a full and true record of all the proceedings of the board of trustees and of the board of equalization. The proceedings of the board of trustees shall be kept in a book, marked "Records of the board of trustees." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the board of equalization." He shall keep a book, which shall be marked "City accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received; and in which shall be entered upon the debtor side all commissions deducted, and all warrants drawn on the treasury. He shall also keep a book, marked, "Marshal's account," in which he shall charge the city marshal with all the tax lists, if any, delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book, marked "City licenses," in which he shall enter all licenses delivered by him to the marshal, and the amount thereof. He shall also keep a book, marked "City ordinances," into which he shall copy all city ordinances, with his Duties of clerk
Records of board
Ordinances

certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the board of trustees and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book, marked "Demands and warrants," in which he shall note every demand against the city, and file the same. He shall state therein, under the note of demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll for any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll, and shall deliver it to the officer charged with the duty of collecting taxes. It shall not be necessary to make a duplicate assessment roll. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible, and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputies shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city.

Warrants

Deputy

Quarterly statements

He shall make a quarterly statement, in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which he shall cause to be published.

Penalty.

Any wilful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

He shall perform such other services as this act and the ordinances of the board of trustees shall require.

See Ch 131,
Stats 1931.

SEC. 2. Section 878 of said act approved March 13, 1883, as amended, is hereby amended to read as follows:

Sec. 878 It shall be the duty of the clerk to keep a full, ^{Duties} true record of all the proceedings of the board of trustees and ^{of clerk} of the board of equalization.

The proceedings of the board of trustees shall be kept in ^{Records of} a book, marked "Records of the board of trustees." The ^{board.} proceedings of the board of equalization shall be kept in a separate book, marked "Records of the board of equalization." He shall keep a book, which shall be marked "City or town accounts," in which shall be entered as a credit all moneys received by the city or town for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Marshal's account," in which he shall charge the marshal, with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him, and with his commission for collecting. He shall also keep a book, marked "Treasurer's account," in which he shall keep a full account of the transactions of the city or town with the treasurer. He shall also keep a book marked "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book marked "Attorney's account," and shall therein charge said attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned.

He shall keep a book, marked "Ordinances," into which ^{Ordinances} he shall copy all city or town ordinances, with his certificate annexed to said copy stating the foregoing ordinance is a true and correct copy of an ordinance of the city or town, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the board of trustees and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

The clerk shall also keep a book, marked "Demands and ^{Warrants} warrants," in which he shall note every demand against the city or town, and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed, and a warrant drawn, he shall also state the number of the warrant, with sufficient

dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city or town, and the levying of the tax thereon, the clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the marshal a tax list in the usual form, taking his receipt therefor.

Deputy

He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths or affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city or town, and certify the same without charge. He shall be the custodian of the seal of the city or town.

Quarterly statement

He shall make a quarterly statement in writing, showing the receipts and expenditures of the city or town for the preceding quarter, and the amount remaining in the treasury. He shall at the end of every fiscal year make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial conditions of the affairs of the city or town, which he shall cause to be published. He shall perform such other services as this act and the ordinances of the board of trustees shall require.

Penalty

Any wilful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

CHAPTER 1016.

An act making an appropriation for the construction and equipment of an armory at the city of San Jose.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Appropriation San Jose armory

SECTION 1. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the construction and equipment of an armory at the city of San Jose; but if, within one year after this act takes effect, the city of San Jose shall have failed to donate to the state, free and clear of all encumbrances, an armory site satisfactory to the adjutant general, he may select any other city in this state in which to erect an armory, if the latter city donates to the state, free and clear of all encumbrances, an armory site satisfactory to him.

CHAPTER 1017.

An act to amend section 3898b of the Political Code, relating to and providing educational opportunities for children of veterans, defining the powers and duties of the veterans' welfare board in relation thereto and making an appropriation therefor.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 3898b of the Political Code is hereby amended to read as follows: Stats 1929,
p. 1124

3898b. (1) In the state treasury there is hereby created a fund to be known as the "veterans' dependents' education fund." At the end of each fiscal year any balance remaining unencumbered in the tax land fund shall be transferred to the veterans' dependents' education fund, and all moneys that may be in the latter fund from time to time are hereby appropriated, without reference to fiscal years, to be expended in accordance with law by the veterans' welfare board in providing instruction, educational counsel, textbooks, quarters and other assistance for dependents of veterans, as herein defined. Veterans'
dependents'
education
fund

(2) The word "veteran" as in this section used means and includes any person who was killed in action or died from other causes in the world war from April 6, 1917, to July 2, 1921, while serving in the army, navy or marine corps of the United States. Definitions

The term "dependent of a veteran" as in this section used means and includes the child of a veteran as herein defined.

A dependent of a veteran applying for aid under the provisions hereof must be over sixteen and not more than twenty-one years of age and must have lived in the State of California for five years immediately preceding the date upon which the application is filed.

(3) A dependent of a veteran who desires to continue his education may apply to the veterans' welfare board, and if in the opinion of the board the educational needs of the applicant can be satisfactorily met in educational institutions in this state the board shall assume state wardship over the education of the applicant. The board shall have the power within its discretion to provide educational counsel for applicants, and where necessary to assist them in securing admission to suitable institutions of learning; provided, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions. Application
for aid

The board shall also, within its discretion, and in so far as the fund may permit, have power to provide: For the payment of transportation charges once each year from the home of the student to and from the institution of learning; for the payment of tuition and other fees if there be such; for the Powers of
board.

purchase of necessary books and supplies; for the monthly payment of an allowance to cover all or a part of the living expenses of the student in an amount which shall not exceed fifty dollars per month for each month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as a part of such attendance.

Limitation
of expendi-
tures

The amount expended on account of any one applicant under the provisions of this section shall not exceed four hundred fifty dollars for any one year.

The board shall consider such applications in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such applicants as are most urgently in need of further education.

CHAPTER 1018.

An act to add a new section to the Civil Code to be numbered 48a, relating to libel.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Civil Code to be numbered 48a, and to read as follows:

Libel by
mistake

48a. In any action for damages for the publication of a libel in a newspaper, if the defendant can show that such libelous matter was published through misinformation or mistake, the plaintiff shall recover no more than actual damages, unless a retraction be demanded and refused as hereinafter provided. Plaintiff shall serve upon the publisher at the place of publication a notice specifying the statements claimed to be libelous, and requesting that the same be withdrawn.

Retraction

If a retraction or correction thereof be not published in as conspicuous a place and type in said newspaper as were the statements complained of, in a regular issue thereof published within two weeks after such service, plaintiff may allege such notice, demand, and failure to retract in his complaint and may recover both actual, special and exemplary damages if his cause of action be maintained. If such retraction be so published, he may still recover such actual, special, and exemplary damages, unless the defendant shall show that the libelous publication was made in good faith, without malice, and under a mistake as to the facts.

CHAPTER 1019.

An act authorizing the establishment, maintenance and operation of memorial districts for the acquisition of sites for, and the acquisition, construction, operation, maintenance, and management of, halls, buildings and meeting places for veterans and organizations of veterans; and authorizing the leasing, conveying, or making available, of public lands in certain instances to memorial districts for such purposes.

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A memorial district may be established, maintained, governed, supported, and operated, in the manner and for the purposes herein provided, and may exercise the powers and jurisdiction herein expressly granted or necessarily implied. Memorial districts

SEC. 2. No district formed under the provisions of this act shall include within its boundaries territory not wholly situate within the same county or city and county but within this limitation such a district may include within its boundaries any incorporated territory of the county together with any contiguous unincorporated territory thereof, or such a district may be comprised entirely of contiguous incorporated territory or entirely of contiguous unincorporated territory. Boundaries.

SEC. 3. By petition filed with the county clerk, (or registrar of voters), registered electors residing within the boundaries of proposed memorial district, equal in number to at least eight per cent of the number of votes cast in the proposed district for the office of governor at the last general election at which a governor was elected prior to the filing of the petition, may propose the formation of a memorial district under the provisions of this act, except that, if incorporated territory is included within the proposed district together with unincorporated territory, the petition must be signed by registered electors residents of the incorporated territory and of the unincorporated territory equal in number, in each respectively, to at least eight per cent of the votes cast in each, respectively, for governor at the last general election herein described. Proceedings for formation

SEC. 4. The petition shall be addressed to the board of supervisors of the county or city and county within which the proposed district is situated and must be signed by the number of qualified registered electors specified in section 3 of this act, and must propose, petition and set forth, as is appropriate: Petition contents

(a) The formation of a memorial district under the provisions of this act;

(b) The calling by the board of supervisors of a special election to vote upon the question whether or not the proposed

district shall be formed, and to elect the first board of directors of the district;

(c) The name of the proposed district, as "----- memorial district";

(d) An accurate description of the boundaries of the proposed district specifying what portion of the territory within such boundaries is incorporated territory, and what portion thereof is unincorporated territory.

The petition may be filed in sections but each section must fully comply with all of the requirements specified herein for a petition except that each section need not contain the total number of signatures herein prescribed for a petition.

Petition
presentation
to super-
visors

SEC. 5. Whenever such a petition is filed with the county clerk (or registrar of voters) it is the duty of the county clerk (or registrar) within ten days after the filing thereof with him to find and certify whether or not the petition is signed by the requisite number of qualified registered electors of the proposed district and of the incorporated and unincorporated portions thereof as prescribed in section 3 hereof and to present the petition with his certificate as to the result of his find attached thereto, to the board of supervisors at the first regular meeting of the board held after ten days from the date of filing of the petition with the county clerk (or registrar of voters).

Sufficiency
determined

SEC. 6. Whenever such a petition with the certificate of the county clerk (or registrar of voters) attached thereto is presented to the board of supervisors at a regular meeting thereof it is the duty of the board at that meeting to ascertain whether or not the petition in all respects complies with the requirements of sections 2, 3 and 4 of this act, except, only, that the certificate of the clerk (or registrar) shall be taken to constitute conclusive evidence of the sufficiency or insufficiency of the signatures to the petition.

Special
election

SEC. 7. If the petition complies with the requirements of sections 2, 3 and 4 hereof, it is the duty of the board at such meeting by resolution or ordinance to call a special election to vote upon the question of formation of the proposed district and to elect the members of the first board of trustees thereof. The special election shall be called to be held upon a date not later than the sixtieth day after the regular meeting of the board at which the petition was presented. At the special election, the proposition submitted shall be "Shall the proposed ----- memorial district be formed?", and there shall be elected at the same election a board of directors of the district consisting of five members.

Election
how con-
ducted

SEC. 8. The special election shall be called, noticed, held and conducted, election officers appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, oaths of office administered, and all other proceedings incidental to and connected with the election shall be regulated and done, in accord-

ance with the provisions of chapter 477 of the statutes of 1919, as amended and in effect at the time this act takes effect, entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved March 27, 1919. For the purposes of this act specified in this section the board of supervisors and the county clerk, respectively, shall possess all the powers and must perform all the duties which boards of trustees and city clerks, respectively, possess, and with which such boards and clerks, respectively, are charged, under the provisions of the act herein cited; and for the same purposes the term "city," "municipal election," "board of trustees," and "city clerk," respectively, appearing in the act herein cited shall be read and construed to mean and include "proposed memorial district," "proposed memorial district election," "board of supervisors," and "county clerk," respectively.

SEC. 9. If a majority of the votes cast at the special election are cast in favor of formation of the district the county clerk must within ten days after the board of supervisors has declared the result of the election, cause to be recorded in the office of the county recorder a full and complete certified copy of the statement of results entered on the minutes of the board in accordance with the provisions of the act cited in section 8 hereof together with a full and complete certified copy of the petition for formation of the district filed with the clerk (or registrar) and by him presented to the board with his certificate attached thereto as herein prescribed, except only that the signatures on the petition need not be so certified and recorded. Such certified copies when recorded in the office of the county recorder shall, after sixty days from the date of the special election, constitute conclusive evidence against all persons, firms, associations and corporations except the State of California, of the regular and sufficient formation of the district and establishment of the boundaries thereof as set forth in the petition and of the regularity and sufficiency of all proceedings preliminary to the formation and establishment of the district.

Recordation
of election
results

SEC. 10. Every memorial district formed under the provisions of this act shall constitute a public corporation and as such shall have power:

Powers of
district

- (a) To have perpetual succession;
- (b) To sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction;
- (c) To adopt a seal and alter it at pleasure;
- (d) To provide and maintain memorial halls, assembly halls, buildings, or meeting places for the use of veteran soldiers, sailors and marines who have honorably served the United States in any of its wars or campaigns recognized by the provisions of subdivision 4 of section 3612 of the Political Code of the State of California and/or for the use of patriotic, fraternal or benevolent associations of such persons;

Same

(e) To purchase, receive by donation, take by condemnation, lease or otherwise acquire, real or personal property necessary or convenient for the construction or maintenance of such halls, buildings and meeting places and to improve, preserve, manage and control the same;

(f) To purchase, construct, lease, build, rebuild, furnish, refurnish or repair any and all such halls, buildings and meeting places upon sites owned or leased by the district or otherwise made available to the district; and to provide all necessary or proper custodians, employees, attendants and supplies for the proper maintenance, care and management thereof;

(g) Whenever deemed advisable, to furnish sites for such halls, buildings, or meeting places, to be built either by the district or by or for patriotic, fraternal or benevolent associations of such veterans, the funds for such sites to be supplied by the district or from other sources;

(h) To enter into agreements with county, municipal, school, park, or other public authorities, or agencies, conveying, leasing, or otherwise making available to the district either gratuitously or for compensation, sites upon county, municipal, school, park, or other public lands, for the construction, maintenance and management thereon by the district of such assembly or memorial halls, buildings or meeting places; and to construct and maintain thereon and manage such halls, buildings or meeting places;

(i) To cause to be levied and collected in any year a special tax not to exceed three mills on the one dollar of assessed valuation of all the taxable property in the district, exclusive of any tax which may be required to pay the principal of and interest upon any bonded indebtedness of the district, such special three mill tax to be in addition to all other taxes provided for by law upon the taxable property of the district and to be paid into a special fund in the county treasury to be known as the "----- memorial district fund" and to be paid out for the purposes hereof by the county treasurer upon warrants drawn by the county auditor in payment of claims against the district certified by the president of the board of directors, as herein prescribed;

(j) To cause to be levied and collected in any one year a special tax sufficient as prescribed in section 18 hereof to pay the principal of and interest upon all bonded indebtedness of the district incurred as herein provided, such special tax to be in addition to all other taxes provided for by law or by the provisions of this act and to be paid into a special fund in the county treasury to be known as the "----- memorial district bond retirement fund" and to be paid out by the county treasurer upon warrants of the county auditor drawn solely for the payment of interest upon, and the principal of, bonds of the district, until such time as all bonded indebtedness of the district and all interest thereon is retired and paid in full, at which time any balance remaining in such a district bond

retirement fund shall be transferred to the district fund by order of the county auditor upon unanimous request of the board of directors made to the auditor in writing certifying that all bonded indebtedness of the district and all interest thereon has been paid in full;

(k) To incur, through the board of supervisors, in the manner herein prescribed, bonded indebtedness on behalf of the district for the purpose of exercising any of the powers of the district or accomplishing any of the purposes of this act;

(l) To combine with the county within which the district is located or with any incorporated city or town wholly within the county, in the accomplishment of any of the purposes of this act and to that end to hold jointly with any such county, city, or town, any property acquired or made available for such purposes, and to expend money in conjunction with such county, city or town in accomplishing any of the purposes hereof;

(m) To adopt, alter, and readopt, reasonable rules and regulations for the use of such halls, buildings and meeting places by veterans or by organizations thereof, and when deemed advisable but subject to such rules and regulations and incidental to such uses, to allow such halls, buildings and meeting places to be used for lawful purposes consistent with the objects hereof, by persons or organizations other than veterans, either free of charge or for stated compensation to aid in defraying the cost of maintenance thereof,

(n) To call upon the district attorney for legal advice and assistance in all matters concerning the district;

(o) To refund or retire any indebtedness that may exist against the district;

(p) To make contracts, to employ labor and do all acts necessary or convenient for the full exercise of any of the powers of the district.

SEC. 11. Board of supervisors, legislative authorities of incorporated cities and towns, governing bodies of school districts, and bodies or authorities having control or jurisdiction of county, municipal, school, park, and other public lands within this state are hereby authorized on behalf of the county, municipality, school district, park area or other public agency, respectively, to convey, lease, or otherwise make available to memorial districts organized hereunder, either gratuitously or for compensation, sites upon lands under their control or jurisdiction, for the erection and maintenance thereon by memorial districts of assembly or memorial halls, buildings and meeting places, whenever in the reasonable discretion of the board of supervisors, legislative authority, governing body, or other body having such control or jurisdiction, such sites can be so conveyed, leased or made available without inconvenience to the interests of the county, city,

Acquisition
of sites

school district, park or other public agency, making the conveyance or lease or otherwise making the site available to the memorial district.

Powers how
exercised

SEC. 12. The powers of the district herein enumerated, except as herein expressly otherwise provided, shall be exercised by the board of directors of the district.

Election of
directors

SEC. 13. An election to be known as the general memorial district election shall be held in every district formed under the provisions of this act on the fourth Tuesday in March of the third March following the special election held to vote upon the formation of the district, and on the fourth Tuesday of March in every fourth year thereafter. Every such election shall be held and conducted in all respects the same as the special election provided for in section 8 of this act except that the board of directors of the district and the secretary, respectively, shall possess the powers conferred upon, and shall discharge the duties charged to, the board of supervisors and the county clerk, respectively, by the provisions of section 8 of this act; and except that the terms "city," "municipal election," "board of trustees," and "city clerk," respectively, appearing in the act cited in section 8 of this act shall be read and construed to mean and include "memorial district," "general memorial district election," "board of directors," and "secretary of the board," respectively. A new board of directors of five members shall be elected at each general memorial district election. Such other officers may be elected and such propositions submitted at the general election as are herein or may by law be authorized to be so elected or submitted.

Directors
term

SEC. 14. The board of directors shall consist of five members who must be registered electors residing within the district or proposed district at the time of their election and shall be elected by the qualified electors of the district as herein provided. The directors first elected shall serve from the time of their election and qualification until the election and qualification of their successors at the first general memorial district election. Members of succeeding boards of directors elected as prescribed in section 13 of this act shall serve from the time of their qualification until four years from the time of their election and until their successors are elected and qualified. Any vacancy in the office of director shall be filled by appointment by the remaining directors, the appointee to hold for the unexpired term and until the election and qualification of his successor. Members shall serve without compensation but shall be entitled to actual and necessary expenses incurred in the performance of their duties.

Meetings.

SEC. 15. The board of directors first elected in any district formed hereunder shall hold its first meeting in the meeting room of the board of supervisors commencing at ten o'clock a.m. on the first Monday following the date of declaration by the board of supervisors of the result of the special election at which the board of directors was elected. It shall choose

one of its members president and shall elect a secretary and shall provide for the time and place of holding meetings and the manner in which special meetings may be called and may establish rules for proceedings of the board.

SEC. 16. The president shall sign all contracts on behalf of the district and shall certify to the county auditor all lawful demands against the district payable from the "----- memorial district fund" and from the "----- memorial district bond fund" as herein prescribed, which demands have first been approved by at least three members of the board of directors, and shall perform such other duties as may be imposed by the board. The secretary shall countersign all contracts on behalf of the district and perform such other duties as the board may prescribe. A majority of the board shall constitute a quorum for the transaction of business but all official acts of the board must receive the affirmative vote, signature or approval, as the case may require, of at least three members of the board. Contracts

SEC. 17. The moneys in the several funds of the district shall be paid out by the county treasurer only upon warrants drawn by the county auditor against the appropriate district fund. The county auditor shall draw his warrants against the "----- memorial district bond retirement fund," if that fund contains sufficient moneys, and if not, then, against any other funds of the district in payment of all valid and outstanding bonds of the district at maturity and of interest coupons thereon when due, upon presentation to him of such bonds and coupons by the owners thereof. He shall also draw his warrants against the "----- memorial district fund" and against the "----- memorial district bond fund," as the case may be, in payment of lawful claims against the district certified to him by the president of the board of directors of the district. Warrants.

SEC. 18. The board of directors must, annually, at least fifteen days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by county purposes, furnish to the board of supervisors and to the auditor, respectively, estimates in writing of the minimum amount of money required as prescribed in section 28 hereof, for the payment of the principal of, and interest upon, all bonded indebtedness of the district; and also of the minimum amount of money required by the district for any other purposes, and the board of supervisors must annually at the time and in the manner of levying other county taxes and until all bonded indebtedness of the district is fully paid, levy and cause to be collected by the county tax collector a tax sufficient for the payment of the principal of and interest upon all bonded indebtedness of the district as prescribed in section 28 hereof, to be known as the "----- memorial district bond retirement tax"; and the board of supervisors must in like manner and until all other expenses and claims are fully paid, levy and cause to be collected by the tax collector a tax sufficient for the payment of all Tax levy

such other expenses and claims, to be known as “----- memorial district tax.” The “----- memorial district tax” levied in any one year shall not in any case exceed the rate of three mills on each dollar of the assessed valuation of all taxable property of the district, exclusive of any tax which may be required to pay the principal of and interest upon any bonded indebtedness of the district.

Property
taxable.

SEC. 19. The taxes herein required to be levied shall be levied on all the taxable property in the territory comprising the district and shall be collected by the county tax collector at the same time and in the same manner and form as county taxes are collected, and when collected shall be paid into the county treasury to the credit of the “----- memorial district bond retirement fund” or to the credit of the “----- memorial district fund,” as the purpose of the tax determines. The taxes shall become delinquent at the time the county taxes become so and shall bear like penalties for delinquency. All such taxes shall be a lien upon all the taxable property in the territory comprising the district, and shall be of the same force and effect as the liens for county taxes and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Tax liens

Bonds.

SEC. 20. Bonds of the district may be issued, sold, and the proceeds thereof expended as herein prescribed for the purpose of raising money to exercise any of the powers of the district specified in section 10 hereof or to accomplish any of the purposes of this act, whenever two-thirds of the registered electors of the district who vote upon any proposal to issue bonds, submitted as herein prescribed, vote in favor thereof.

Bond
election.

SEC. 21. The board of directors of any memorial district may whenever in its judgment it is advisable and must upon petition of eight per cent of the registered electors of the district, submit to the electors of the district the question whether or not bonds of the district shall be issued and sold for such lawful purposes as are set forth by the board of directors in the notice calling the election at which the question is submitted.

Same
general or
special
election

SEC. 22. The question may be submitted either at a special bond election called for that purpose or at a general memorial district election, except that if called upon petition of the electors of the district the question must be submitted not later than the ninetieth day after the filing of the petition therefor with the secretary of the board of directors. The notice calling the election shall be entered in the minutes of the board of directors and in addition to other requirements of the act governing the general memorial district election and cited in section 13 hereof shall contain a statement of the purpose or purposes of the proposed bond issue, the amount of bonds proposed to be issued, and the rate of interest, not exceeding six per cent, to be paid thereon.

Special elec-
tion notice.

SEC. 23. If the question whether or not bonds of the district are to be issued, is submitted at a special election, the special

election shall be noticed, called, conducted, governed, and regulated, in the same manner in all respects as is prescribed in section 13 hereof for the general memorial district election.

SEC. 24. If upon canvassing the returns of the election at which the question of issuance of the bonds was submitted it appears that two-thirds of the votes cast at the election were cast in favor of issuing the bonds of the district the board of directors shall cause that fact to be entered upon its minutes and shall at once certify to the board of supervisors all of the proceedings of the board of directors in connection with the proposed bond issue, including the purpose thereof, the amount thereof and rate of interest to be paid thereon, and the result of the special election held to vote thereon.

Certification
of election
result.

SEC. 25. Thereupon the board of supervisors, by an order entered in its minutes, shall provide for the issuance and sale of bonds of the district in the amount approved by the electors of the district at the election and shall provide for the payment of the proceeds of the sale of the bonds into the county treasury to the credit of a special fund to be known as the "----- memorial district bond fund" to be used for the purposes specified in the order of the board of directors calling the special election and to be expended upon warrants of the county auditor as herein prescribed.

Issuance
of bonds.

SEC. 26. The supervisors shall issue and sell the bonds of the district in the manner and form prescribed by section 4088 of the Political Code as amended and in effect at the time this act takes effect, and under and subject to the conditions therein specified regarding the denominations, maturities and interest rates of county bonds.

Manner of
issuance
and sale.

SEC. 27. In case any officer whose signature or counter-signature or attestation appears on any memorial district bonds or coupons thereof, issued under the provisions of section 4088 as herein provided, shall cease to be such officer before the delivery of such bonds to the purchaser thereof, such signature or counter-signature or attestation appearing either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of such bonds; and the signature upon the coupons of the person who is auditor at the date of such bonds, shall be valid although the bonds themselves may be attested by a different person who is auditor at the time of delivery of such bonds.

Bonds
signatures,
etc

SEC. 28. The board of supervisors at the time of making the levy of taxes for county purposes must levy a tax for that year upon the taxable property in such district for the interest and redemption of said bonds and such tax must not be less than sufficient to pay the interest of said bonds for that year and such portion of the principal as is due or is to become due during such year, and in any event must be high enough to raise annually for the first half of the term said bonds have to run a sufficient sum to pay the interest thereon; and during the balance of the term, high enough to pay such

Tax levy.
bond
redemption

annual interest and to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all moneys so levied when collected shall be paid into the county treasury to the credit of the "----- memorial district bond retirement fund" and be used for the payment of the principal and interest on said bonds and for no other purpose until all bonded indebtedness of the district has been paid in full. The principal and interest on said bonds shall be paid by the county treasurer upon the warrant of the county auditor out of the district bond retirement fund herein provided for if that fund has sufficient moneys and otherwise out of any other funds of the district, and it shall be the duty of the county auditor to cancel such bonds and coupons and retain them when he draws his warrants on the treasurer in favor of the owners thereof.

Bonds. legal
investment

SEC. 29. Whenever the bonds of a memorial district issued pursuant to the provisions of this act have been investigated and certified by any officer of this state now or hereafter authorized to make such investigation and certification, and by the authority of such certification have been declared to be legal for investment by savings banks of this state, then such bonds may be lawfully purchased or received in pledge for loans by savings banks, building and loan companies, trust companies, insurance companies, guardians, executors, administrators and special administrators or by any public officer or officers of this state or of any county or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Dissolution
of districts

SEC. 30. The question of dissolution of any memorial district may be submitted to the electors of the district by the board of directors thereof on its own motion and must be submitted by the board upon petition signed by at least eight per cent of the registered electors of the district, at either the general memorial district election or at a special election called for that purpose. If submitted upon petition of the electors of the district the question must be submitted not later than the ninetieth day after the filing of the petition with the secretary of the board of directors. If submitted at a special election the election shall be called, conducted, governed, and regulated, in the same manner as the general memorial district election herein provided for.

Dissolution
disposition
of property

SEC. 31. If two-thirds of the qualified electors of the district voting upon the question of dissolution of the district vote in favor thereof the district shall be dissolved. Upon such and any other dissolution, the property of the district lying within the corporate limits of any city or town shall vest absolutely in the incorporated city or town; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city or town, the

whole or the portion of the property of the district that lies without the corporate limits of the city or town shall vest in the board of supervisors of the county. If, however, at the time of such election for dissolving the district there be any outstanding bonded indebtedness of such district, then in such event the vote to dissolve the district shall dissolve the same for all purposes excepting only the levying and collection of taxes for the payment of such indebtedness and for the payment of the expenses of assessing, levying and collecting the same, and the expenses of maintaining the property of such district in good order and repair, and from the time such district is thus or otherwise dissolved until such bonded indebtedness with the interest thereon is fully paid, satisfied and discharged the legislative authority of the incorporated city or town, when the property of the district lies wholly within the corporate limits of an incorporated city or town, and, in every other case, the board of supervisors is hereby constituted ex officio the board of directors of the dissolved memorial district. And it is hereby made obligatory upon such board of supervisors or legislative authority to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, and for the purpose of maintenance of the property of the district in good order and repair, and as ex officio board of directors, the board of supervisors or legislative authority, as the case may be, shall fulfill and compel fulfillment of any and all contracts made by the memorial district and shall maintain and protect all rights acquired by the district.

SEC. 32. This act shall be known and may be cited and referred to as the "Memorial district act." Short title

CHAPTER 1020.

An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of chapter 166 of the statutes of 1929, known as the "water conservation act of 1929," and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred. Stats. 1929,
p 307,
reenacted

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Water conservation districts may be organized and established by the board of supervisors of any county in this state as herein expressly provided, when the conditions Organiza-
tion of
water con-
servation
districts

stated in this act are found to exist, and may exercise the powers herein expressly granted, or necessarily implied. Such districts may be entirely within unincorporated territory or partly within unincorporated and partly within incorporated territory, and within one or more counties of this state.

Whenever either five hundred, or five per cent, or more of the qualified electors of a proposed water conservation district comprising the whole or a part or parts of one or more watersheds of any stream or streams of water or unnavigable river or rivers, or territory adjacent to such watershed or watersheds, or deriving such district's water supply, in whole or in part, from such stream or streams, or river or rivers, or the subterranean supply of waters therefrom, shall desire to conserve the waters of such stream or streams or unnavigable river or rivers, they may propose the organization of a water conservation district under the provisions of this act, and, when so organized, such district shall have the powers, rights and duties conferred, or which may be conferred, by law, upon such water conservation districts. All electors residing within the proposed district, whose names appear on the register of voters of the last general election, or at any time within forty days preceding the presentation of a petition for the organization of a water conservation district under the provisions of this act, shall be presumptively qualified signers of said petition and bona fide electors of said district.

Petition,
who may
sign, etc.

Powers of
districts.

SEC. 2. Any water conservation district organized and established as herein provided shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein, or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers and to the accomplishment of the purposes of this act;
5. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by acquiring dams, dam sites, reservoirs and reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for the storage of water and by spreading and sinking water, to build, construct, or acquire the necessary dams, dam sites, reservoirs and reservoir sites, canals, ditches and conduits, spreading basins, sinking wells and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to sell or otherwise dispose of any water that may be stored or appropriated, owned or controlled by the district, to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or

affecting the ownership or use of water or water rights within the district, used or useful for any purposes of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or streams or unnavigable river, or rivers, including the natural subterranean supply of water therefrom, which may be used or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain, and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

6. To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells or sinking basins, or otherwise necessary to accomplish the purposes of this act, or to operate or to make use of the same;

7 To vote bonds, cause assessments to be levied, cause elections to be held for the voting of bonds, or on the question of special assessments, and if said special assessments are voted, to cause the same to be levied, as herein provided, for the purpose of paying any obligation of the district, and for the purpose of raising money to further accomplish the purposes of this act in the manner herein provided;

8. To make contracts, to employ labor, and to do all acts necessary for the full exercise of the powers herein granted.

SEC. 3. In order to propose the organization of a water conservation district a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by not less than five per cent or five hundred electors within such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same be organized under the provisions of this act, and propose a name by which such district shall be known. The territory to be included within the district need not be contiguous. The petition shall be presented at a regular meeting of said board of supervisors, and shall have been published once a week for at least three weeks before such presentation in some newspaper printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of said counties. Such petition may consist of any number of separate instruments, and, when contained upon more than one instrument, one copy only of such petition need be published, but the names of

all the petitioners shall be published the same as if appended to the original petition. All such copies of petition, filed prior to the hearing of said petition, shall be considered by the board of supervisors the same as though filed with the petition first placed on file. Where a vote to create a district is lost, no petition for the formation of a district comprising any portion of the same territory shall be presented or considered for a period of twelve months thereafter.

Hearing

SEC. 4. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time. If any hearing or continued hearing shall be continued to a time more than sixty days from the date of the order making such continuance, a notice of such continued hearing shall be published, in some newspaper or newspapers printed and published in each of the counties in which any portion of the proposed district lies, once a week for at least two weeks immediately prior to the time appointed for such continued hearing. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from said proposed district any territory which would be benefited by the formation of such district; nor shall any land be included within such proposed district which will not, in the judgment of said board, be benefited by the organization of such district. Any person whose lands would be benefited by such district may, upon his application and in the discretion of the board of supervisors, have such lands included within such proposed district. Upon such hearing of such petition the board of supervisors shall determine whether or not said petition complies with the requirements of sections 1 and 3 of this act, and for that purpose must hear all competent and relevant testimony offered in support thereof or in opposition thereto. No defect in the contents of the petition, or in the title to or form of the notice, or signature, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board of supervisors shall be entered upon the minutes of said board.

Divisions
of district

SEC. 5. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into three or five or seven divisions, as requested in the petition. Such divisions shall be as nearly equal in area as practicable and shall be numbered consecutively, and one director, who shall be an elector of the division, shall be elected from each division by vote of the electors of the division in which such director resides. No person may be elected a director who shall not be a qualified elector of the district, and who shall not be a resident of the county, or of one of the counties in which the district is situated.

SEC. 6. Said board of supervisors shall then call an election within the proposed district for the determination of the question whether such proposed district shall or shall not be organized, and also to elect the number of directors which shall be prescribed pursuant to the next preceding paragraph of this act. Said board of supervisors shall divide said district, and the divisions thereof, into convenient precincts and fix a polling place in each precinct; provided, there shall be at least one precinct in each division of the district, where the district is divided into divisions. The board of supervisors shall appoint an inspector, a judge and two clerks for each of the precincts thus established to conduct said election. The inspector, judge and clerks of election in each precinct shall constitute the board of election for such precinct. The inspector shall be chairman of the election board, and may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. If the board of election, or any member thereof, fails to appear at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint a board or supply the place of an absent member thereof. The election must be held within forty days from the date of the order calling the election, and within one hundred twenty days of the date of filing said petition.

Election

Such election shall be called by publication of notice thereof in a daily or weekly paper in each of the counties in which the district is situate, if there be one, at least once a week for three weeks previous to such election, and by posting notice thereof in three public places. Such notice shall designate a name for such proposed district, and describe the boundaries thereof and designate the respective election precincts and the polling place in each, and the election officers, and the time of the election, and the hours during which the polls will be kept open, provided, that the polls must be opened not later than eight o'clock a. m. and kept open until seven o'clock p. m.

Notice of election

The board of supervisors shall require the clerk of said board to provide and furnish ballots for said election. No particular form of ballot shall be required except that the same shall contain the words "Water conservation district—Yes" or "Water conservation district—No," or words equivalent thereto, and shall also contain the names of candidates for the position of director of the district who shall have been endorsed by a petition to said board of supervisors containing the names of ten or more electors of the district, petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at such election; provided, that, such nominating petitions for a director in any division must be signed by ten or more electors entitled to vote in such division; and provided, that, in any case, such petitions be filed with the

Ballots

board of supervisors calling said election within fifteen days from the first publication of the notice calling said election. The ballots shall contain instructions that the voters shall write or print or stamp a cross after the words that indicate his choice. The ballots shall contain as many blank spaces for the names of directors as there are directors to be elected, and the writing of the name of any qualified person in any of said spaces shall be deemed to be a vote for such person.

General
laws govern

Said election shall be conducted in accordance with the general election laws of this state so far as applicable, and except as herein otherwise provided. The election officers shall publicly count the votes immediately after the close of the election, and make a report of the result of said election to the board of supervisors within five days subsequent to the holding thereof.

Canvass
of votes

SEC 7. The said board of supervisors shall, on the first Monday succeeding such election, if then in session, or at its next meeting, general or special, proceed to canvass the votes cast at such election, and, if upon such canvass it determines that a majority of all the votes cast are "Water conservation district—Yes," the board shall by an order entered in its minutes declare such territory duly organized as a water conservation district, under the name theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for director to be duly elected to such offices.

Order
organizing
district

Recordation
of order

SEC 8. The board shall then cause a copy of such order, duly certified by the clerk of said board of supervisors to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district shall be situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties. From and after such filing, the organization of the district shall be complete.

Contest of
election

SEC 9 Such election on organization may be contested by any person holding property within the proposed district liable to be assessed for the raising of funds to carry out the purposes of the district. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; provided, if more than one contest be pending, they shall be consolidated and tried together. The court having jurisdiction shall immediately try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the votes and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

SEC. 10. The directors elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner hereinafter provided. Such directors shall hold office respectively until their successors are elected and qualified. Organization of directors

SEC. 11. The directors of any district who shall be thus elected, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The secretary need not be one of the directors. The salary of the secretary and the amount of the bond to be given for the faithful performance of his duties shall be fixed by the board of directors. The bond of the secretary of the district shall be recorded in the office of the recorder of the county in which the district is organized and then filed with the district. Organization of directors, secretary

SEC. 12. In each district organized as herein provided an election shall be held on the first Tuesday in February of each odd numbered year, after the organization of the district, at which directors for the district, as provided in sections 5 and 6 of this act, shall be elected to fill the offices of the directors whose terms of office shall then expire, in accordance with the provisions of this act. Vacancies occurring in the board of directors, by reason of death, resignation or otherwise, shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall hold such office for the unexpired term of his predecessor. The person receiving the highest number of votes for the office to be filled at such election is elected thereto. Within ten days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars which shall be approved by the judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. Election of directors

SEC. 13. On the first Tuesday in March next following the election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The full term of office of Official bond

Organization, office and terms of directors

directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at some proper and convenient place within or near the district, but after the office is once established, it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice at least once a week for thirty days in some newspaper of general circulation published in the county where such district is organized.

Annual
election of
directors

SEC. 14. At a meeting of the board of directors of the district, to be held not less than twenty days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, appoint election boards, and do all things applicable thereto for the holding of such election, in the manner herein required to be done by the board of supervisors for the holding of an election on the question of formation of district. The clerk of the board of directors shall cause notice of such election to be given by having such notice published and posted in the manner required by this act for giving notice of election on formation of district, excepting that the notice shall be published once a week for not less than two weeks and posted for not less than fifteen days prior to the election. A notice shall also be posted in a conspicuous place in the office of the board of directors. Such notice shall designate the directors to be elected, the term for which each is to be elected, the respective election precincts and the polling place in each, the election officers, the time of the election and the hours during which the polls will be kept open. No particular form of ballot shall be required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidates for the offices who shall be endorsed by petition signed as hereinbefore provided and filed with the clerk of the board of directors within seven days after the first publication of the notice of election. The ballot shall contain as many blank spaces as there are directors to be elected. The election shall be conducted in the manner herein required for the conduct of elections on the formation of districts.

Record of
elections.

SEC. 15. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the election officers. One of said certificates with the poll list and the tally paper to which it is attached shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached,

shall be sealed by the inspector in the presence of the judges and clerks and endorsed "election returns of (naming the precinct) precinct" and be directed to the secretary of the board of directors and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted

SEC. 16. No list, tally paper, or certificate from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of the meeting, the returns of each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and determining the vote of the district for each person voted for and declaring the result thereof.

SEC. 17. The secretary of the board of directors must, as soon as the result is declared, enter in the records of the board a statement of such result, which statement must show: (a) the whole number of votes cast in the district and in each precinct thereof if there be more than one precinct; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of said persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to each of such persons a certificate of election, signed by him and authenticated with the seal of the board.

SEC. 18. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business. Special meetings may be ordered by the president or by a majority of the members of the board, specifying in writing the business to be transacted, which call for such special meeting shall be entered in the minutes of the board. Three days' notice to any member not joining in the order must be given by the secretary, by mailing same to him at his last address, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a

majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in March of each year, make and render a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Such statement shall be placed on file in the office of the district and be open to public inspection during office hours.

Powers
and duties
of directors

SEC. 19. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; to provide for the payment, from the proper fund, of all the debts and just claims against the district; to cause such work to be done and to acquire such property as it shall deem necessary or advisable to accomplish the purposes of the district, and to estimate the cost thereof, together with rights of way for the purpose of ingress to and egress from the works of the district; to appoint and employ such engineer or engineers and such attorney or attorneys as the board may deem necessary or advisable to accomplish the purposes of the district; to employ and hire such men, teams, tools, implements, machinery and equipment as the board of directors may deem expedient or advisable to perform the work which it shall deem necessary or advisable to accomplish the purposes of the district; and generally may perform all acts as shall be necessary to fully carry out the purposes of this act.

SEC. 20. In addition to those herein conferred, the district through its board of directors may exercise the following powers:

Additional
powers.

(a) The board of directors of the district, whenever it may deem it to be to the advantage of the district so to do, may enter into contracts with municipalities, sanitary districts or other incorporated bodies, either within or without the district, providing for the delivery to the district of sewage and/or storm water produced by or coming from such incorporated bodies, and to treat, purify and reclaim the same for beneficial use, and to store, distribute, sell or otherwise dispose of the water and by-products resulting from such treatment, purification or reclamation. The district may construct and operate the works necessary therefor, and may acquire and/or construct and maintain pipe lines, flumes, ditches and reservoirs suitable or adaptable for the prevention of the wastage of water. Whenever the district shall receive a revenue from the sale of water and by-products in excess of the cost of operating and maintaining the works authorized in this subsection, it may, for the purpose of enlarging, extending or improving such works, issue its certificates of indebtedness

payable out of such excess revenues, and pledge the same for the payment of the indebtedness so created.

(b) The board of directors of the district may enter into contracts with municipalities, water districts, counties, cities and counties, the State of California, or the government of the United States, under such terms as may be mutually advantageous, for the acquisition and/or construction of the works authorized by this act to be acquired or constructed, and each of the parties to such contract may contribute to the cost of such acquisition and/or construction such sums of money as may be therein agreed upon. Such contracts shall provide for the operation and maintenance of the property thus acquired and for the distribution and sale of any water that may be stored or controlled by the parties thereto. Any surplus revenue derived from such sale, after paying the cost of the operation and maintenance of the property, may be distributed to the parties to the contract in such proportions as may be agreed upon, or used for extensions and improvements.

SEC. 21. No claim shall be paid by the treasurer until allowed by the board of directors, and only upon a warrant of the county auditor drawn upon an order signed by the president and counter-signed by the secretary of the board of directors. Claims.

SEC. 22. Each member of the board of directors shall receive ten dollars for each day's attendance at the meetings of the board and actual and necessary expenses and a per diem not exceeding ten dollars per day, while engaged in official business under the order of the board. Compensation of directors

SEC. 23. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and conviction therefor shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Secret profits
Penalty

SEC. 24. The board of directors shall have no power, except as herein provided as to certificates of indebtedness, special assessments, and the issuance of bonds by the district, to incur any debt or liability whatever, in excess of the express provisions of this act; and any debt or liability incurred in excess of said express provisions, except as to certificates of indebtedness, special assessments, and the issuance of bonds, shall be and remain absolutely void; except that for the purposes of organization, or for any of the purposes of this act, the board of directors may incur, before the collection of the first assessment, an indebtedness not exceeding in the aggregate an amount equivalent of twenty-five (25) cents for each acre of land in the district, and it may cause warrants of the district to issue therefor bearing interest at seven per cent Indebtedness

(7%) per annum from date of issue until the treasurer shall have available funds for the payment thereof. The expenses of organization, including the fees of attorneys and others employed to conduct the organization proceedings, shall be deemed to be a charge upon the district, and be payable by the district.

Change of
boundaries

SEC. 25. The board of directors, when it deems it advisable or for the best interests of the district and for the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions of the district; provided, such changes shall be made to keep each division as nearly equal in area as may be practicable. Such changes of boundaries of the divisions must be shown on the minutes of the board. Before any such change of the boundaries of the divisions shall be made, the board of directors shall give notice of its intention to make a change or changes therein. Such notice shall specify, in a general way, the changes which the board proposes to make and a time and place at which any owner of land in the district may appear before the board and object to the making of the proposed change or changes, or petition that a change be made otherwise than as proposed, and at which the board will hear any such objection or petition. Such notice shall be published at least once a week for two weeks, before the time appointed for the hearing, in some newspaper or newspapers published in each of the counties in which any part of the district is situated. At the time and place appointed for such hearing, or at the time and place to which such hearing may be adjourned, the board shall hear all such objections and petitions which may be presented to the board, and, thereupon, the board may make such change or changes in the boundaries of the divisions as it may determine to be for the best interests of the district.

Notice of
proposed
change

Hearing

Condem-
nation
proceedings

SEC. 26. In case of condemnation proceedings, the board shall proceed in the name of the district, under the provisions of title seven, part three, of the Code of Civil Procedure of this state, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the state in the manner prescribed by law.

Title and
management
of property.

SEC. 27. The legal title to all property acquired by the district under the provisions of this act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for and as hereby dedicated and set apart for the uses and purposes set forth in this act. Said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such water

conservation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions, proceedings, and suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said board may sue, appear and defend in person or by attorneys, and in the name of such water conservation district.

SEC. 28. The board of directors must, on or before the fifteenth day of August of each year, furnish the board of supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then, as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year. This amount must be sufficient to raise a sum of money which shall be sufficient to pay the incidental expenses of the district, and the costs of the work of spreading and sinking waters which the board of directors may deem advisable to be done during the ensuing year; the estimated costs of repairs to and maintenance of any property or works of the district, the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted by the district the board of directors shall include in said estimate an amount sufficient to pay the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January, and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; and also if said district shall have voted a special assessment as provided in section 35 hereof, the board shall include in said estimate the amount of the installment of said special assessment to be levied each year; and such estimate may also include such an amount as the board of directors may deem advisable to expend in the acquisition or construction of settling basins, wells, dams, reservoirs and other works for the storing, spreading and sinking of waters, together with canals, ditches, conduits and necessary rights of way for use of all such works; provided, however, that if at the time of making said estimates herein referred to the district shall not have voted a special assessment as provided for in section 35 hereof and said district shall not have voted bonds as in this act provided, then the assessment levied during any year for the raising of said funds shall not exceed one and one-half ($1\frac{1}{2}$) mills on each one hundred cents of the assessed values of the

Estimate
of expenses

lands within the district, according to the last assessment rolls, but if a special assessment has been voted or if bonds have been voted by the district then the assessment for the payment thereof shall be in excess of the one and one-half ($1\frac{1}{2}$) mills on each one hundred cents of the assessed values of the lands within the district.

Prorating
of expenses

SEC. 29. When a district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of directors in proportion to the value of the land of the district in each county. This value must be determined from the equalized values of the last assessment rolls of such counties, as revised by the board of supervisors. When such division of the estimate has been made, the board shall furnish the supervisors and auditors of the respective counties a written statement of the part of the estimate apportioned to that county.

Levy of as-
sessments

SEC. 30. The board of supervisors of each county wherein is situated a district, or any part thereof, organized under the provisions of this act, must, annually, at the time of levying county taxes, levy an assessment to be known as the "-----" (name of district) water conservation district assessment," sufficient to raise the amount reported to them as herein provided by the board of directors. The supervisors must determine the rate of such assessment by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the land in the district within the county, as it appears on the assessment roll of the county, and then dividing the sum reported by the board of directors, as required to be raised, by the remainder of such total assessed value; provided, that if a fraction of a cent occur on a valuation of one hundred dollars, it shall be taken as a full cent.

Computation
of assess-
ments

SEC. 31. The assessment so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the assessment provided in the preceding section, then the auditor must do so. Such assessment shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

Procedure
re assess-
ments

SEC. 32. The provisions of the Political Code of this state, prescribing the manner of levying and collecting assessments and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Said officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Custody
of funds

SEC. 33. If the district is in more than one county, the treasury of the county where the district was organized shall be the repository of all the funds of the district. For this purpose, the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than twice a year, upon the order of the board of directors,

settle with said board and pay over to the treasurer of the county where the district was organized all moneys in their possession belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe-keeping and disbursement, in the manner herein provided, of these and all moneys of the district held by him.

SEC. 34. The treasurer shall pay out the moneys of the district only upon warrants of the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary. Upon presentation of any matured bond, or any matured interest coupon on any bond of the district, the treasurer shall pay the same from the bond fund. If funds are not available for the payment of any such matured bond or interest coupon, it shall draw interest at the rate of seven per cent per annum from the date of its presentation for payment until notice is given that funds are available for its payment, and it shall be stamped and provision made for its payment, as in the case of a warrant for the payment of which funds are not available on its presentation. The treasurer shall report in writing at each regular meeting of the board of directors and as often thereafter as requested by the board the amount of money on hand, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Duties of treasurer.

SEC. 35. The board of directors may at any time call an election and submit to the qualified electors of the district the question whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of this act or of any act supplementary hereto. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section 6 of this act. The notice must specify the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used, and it may state that said assessment shall be levied in two, three or four annual installments and specify the amount of the installment to be levied in each year. At the election the ballots shall contain the words "Assessment—Yes" or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall at the time of the annual estimate under section 28 hereof, include in said estimate the amount voted, or if the notice of election shall have provided for levying said assessment in annual installments, the board of directors shall, at the time of the annual estimate in each of the years specified in said notice include in said estimate the amount of the installment provided in said notice to be raised in said year. Said special assessment shall be levied as generally provided by sections 29, 30, 31 and 32 of this act and

Special assessments.

Notice, election, etc.

when collected shall be paid to the treasurer of the county in which the district was organized for the purpose or purposes specified in the notice or notices calling the respective elections at which they were voted.

Bonded in-
debtedness

SEC. 36. The district may incur a bonded indebtedness for any purpose for which the board of directors is authorized to expend the funds of the district in the manner in this act set forth.

Report

The board of directors, whenever the interest of the district shall require, may cause a report to be made to the effect that the acquisition of certain property or works or the construction of such works is convenient or necessary to serve or fulfill the purpose for which the district exists and that the cost of such property or works can not be paid for out of the annual revenue of the district. Such report shall be in such detail and be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor. Such report shall be printed in convenient form for distribution to the electors of the district.

Election

After the printing of said report the board of directors by resolution adopted by a majority of the members of the board may call an election to be held in the district for the purpose of authorizing the incurring of a bonded indebtedness by the district. Such resolution shall specify the purpose for which the indebtedness is to be incurred, the amount of bonds which it is proposed shall be issued, the rate of interest and the number of years, not exceeding twenty-five, the whole or any part of said bonds are to run until maturity. It shall further provide for submitting the question of the incurring of such indebtedness to the qualified electors of the district at an election called for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several propositions may be submitted at the same election. None but qualified electors of the district shall be permitted to vote at such election.

Notice of
election

A notice shall be given of such election by publication in a newspaper of general circulation published in the district once a week for at least three weeks if published in a weekly or semiweekly newspaper or for at least ten days if published in a daily newspaper and the first publication shall be at least thirty days prior to the day fixed for the election.

Such notice shall state the time and place for holding the election, the names or numbers of the election precincts, which may be the election precincts established by the board of supervisors on the election for the organization of the district or a consolidation of such precincts for the purpose of such bond election or as designated and established as provided in section 14 of this act, the location of the polling places and the names of the election officers appointed to conduct such election. Such notice shall also state the amount of the debt that

it is proposed to incur, a brief statement of the purpose thereof and refer to the report hereinbefore provided to be made for further particulars, the number of years the bonds or any part thereof are to run before the maturity thereof and the maximum rate of interest such bonds shall bear.

The manner of holding and conducting such election, the selection of officers to conduct the same, the designation of precincts and polling places, the preparation of ballots and the receipt, counting and return of the same, and the canvassing and determining the results thereof shall be as provided for the election of directors as provided in this act as nearly as practicable, and in particulars not so provided shall be in accordance with the general laws of the state relative to elections whereat propositions are submitted and voted upon. In the event that such election has been fairly held and conducted, no informality nor omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

Conduct of election

If two-thirds of the votes cast upon the proposition shall have been marked and counted "Bonds—Yes" or appear to favor the proposition submitted, then such proposition shall be deemed to have been accepted by the voters and to authorize the incurring of a bonded debt and the issuance of bonds therefor to the amount of and for the purpose stated in the proposition.

Thereafter the board of directors of the district may issue the bonds of the district for the whole or for any part of the amount of the indebtedness so authorized, and may, from time to time, provide for the issuance of such amounts as the necessity therefor shall appear, until the full amount of such bonds authorized shall have been issued. Each separate issue shall be given a serial number or letter.

Issuance of bonds

The board of directors shall, by a resolution adopted by a majority of its members, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment may be deferred for a period not longer than five years from the date of the bond, and not less than four per cent of the principal sum shall be paid each year at and following the date when the first installment becomes due and payable. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred nor more than one thousand dollars. The principal and interest shall be payable in gold coin of the United States at the office of the treasurer of the county or such other place as may be designated or at either place at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president of the district and attested by the

secretary with the official seal of the district. The interest coupons shall bear the actual or facsimile signature of the president of the district.

The bonds as the same shall be issued may be sold at such times and in such amounts as the board of directors shall deem expedient, after a notice inviting bids therefor shall have been given by publication in a newspaper of general circulation published in the district for a period of at least ten days prior to such sale. A certified check payable to the district for at least five per cent of the amount of the bonds offered shall accompany each bid conditioned that the bidder will accept and pay for the bonds bid for if awarded to him, otherwise such check shall be forfeited to the district and the amount thereof paid into the treasury. In case no bids are received the bonds offered may be sold at private sale.

Disposition
of proceeds

The proceeds arising from the sale of bonds shall be paid into the treasury of the district and placed to the credit of a special fund and expended only for the purpose for which the indebtedness was created.

It shall be the duty of the board of supervisors of the county or counties within which the district is situated to provide for the levy and collection of an assessment tax upon the lands within the district as in this act provided sufficient and in season to pay any installment of principal and all interest on the bonds that may become due during the year following the levy of such assessment tax.

At any time the board of directors may apply to the commission authorized by law to approve bonds of irrigation and other districts for certification as legal investments for savings banks or for other purposes specified in the act creating such commission and when such certification shall have been given, the bonds of the district shall be acceptable for investment and surety purposes to the same extent as are county or municipal bonds.

Inclusion of
lands, etc

SEC. 37. The boundaries of any water conservation district organized or existing under the provisions of this act may be changed to include additional land within such district as hereinafter in this act provided, and the inclusion within any district of any land not contiguous thereto shall be deemed to effect a change of the boundaries of said district; but no change in the boundaries of any district shall impair or affect its organization or its right in or to property or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Petition for
inclusion by
holders of
title

SEC. 38. The holder or holders of title, or evidence of title, or a majority of the holders of title, or evidence of title, to any tract of land may file in the office of the board of directors of any water conservation district a petition praying that said tract of land be included within said district; provided, that if there is more than one holder of title or evidence

of title to said land, the petitioners must include the holders of the title or evidence of title of at least one-half of the area of said land. If any petitioner is the owner of an undivided interest in said land, or any of it, he shall be deemed to be the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land. Each signature to such petition shall be acknowledged or proved as provided by law for signatures to an instrument to entitle it to be recorded.

SEC 39 The secretary of the board of directors shall cause a notice of the filing of said petition to be given and published in the same manner and for the same time as notices of elections for the issuance of bonds are required in this act to be given and published. The notice shall state the purpose of the petition and describe the boundaries of the tract of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the office of said board at a time named in said notice for the hearing of said petition and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice, which shall be refunded to said petitioners in case said petition is granted in whole or in part.

Notice of
hearing
petition

SEC. 40. The board of directors at the time and place mentioned in said notice, or at such other time or times to which the hearing of said petition may be postponed, shall proceed to hear the petition and all the objections thereto presented in writing by any person showing cause as aforesaid why said proposed change of boundaries of the district should not be made. The failure by any person interested in said district or in the matter of the proposed change of its boundaries, to show cause in writing as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereto as will include a part of said lands. The filing of such petition with said board as aforesaid shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries as may include the whole or any portion of the lands described in said petition.

Hearing

SEC 41 The board of directors to whom such petition is presented may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their predecessors in interest

Payment
of share of
assessment

would have been required to pay to such district as assessments had such lands been included in such district at the time the same was originally formed.

Inclusion
of land,
proceedings,
etc

SEC. 42. If the board of directors, after the hearing provided for in section 40 hereof, shall determine that said petition complies with the requirements of section 38 hereof and that the inclusion within the district of the tract of land described in said petition, or some portion or portions thereof, will be for the best interests of the district and if no protest against the inclusion of such land is made as provided in section 43 hereof, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that said tract of land, or such portion or portions thereof as the board shall deem it for the best interests of the district to include, shall be included in the district, and if the board determines that only a portion or certain portions of the tract of land described in said petition should be included said petition shall be dismissed unless the petitioners include a majority of the holders of title or evidence of title of said portion, or of each of said portions, of said tract, representing also at least one-half the area of said portion, or of each of said portions, or unless, within sixty days from the time such determination is made, there shall be filed with the board the consent in writing, acknowledged or proved as required in section 38 hereof, of a majority of the holders of title or evidence of title of said portion, or of each of said portions, of said tract of land, representing also at least one-half of the area of said portion or each of said portions. The order shall describe the boundaries of the land so included within the district, and if said land adjoins any portion of the district the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey to be made of such portions of said boundaries as may be deemed necessary. If more than one petition for the inclusion of land has been presented, the board may in one order include within the district any number of separate tracts of land. Any public land of the United States of America may be included within any water conservation district by such order of the board of directors on any petition therefor, except as may be provided otherwise by the laws of the United States.

Protests
against
inclusion

SEC. 43. If a protest against the inclusion of such lands, signed by not less than three per cent of the holders of title or evidence of title to lands within the district, and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of the county within which said lands are situated, shall have been presented to the board of directors and upon the hearing of said matter said protest shall not be withdrawn, or after the withdrawal therefrom of

any signatures it shall still be signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said county within which said lands are situated, or if the board of directors deem it not for the best interests of the district to include therein the lands described in said petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundaries of the tract of land proposed to be included in the district; but before calling the election provided for in the next section the board may require an undertaking, with sufficient sureties from the petitioners for the inclusion of said land conditioned that the petitioners or the sureties will pay all the costs of holding such election in case such inclusion shall be denied.

SEC. 44. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted, in the manner prescribed by said act in case of an election to determine whether bonds of a water conservation district shall be issued. The ballots cast at such election shall contain the words "for change of boundaries," or "against change of boundaries," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Election to determine change of boundaries

SEC. 45. If a majority of all the votes cast at such election shall be against such change of the boundaries of the district the board shall order that said petition be denied, and shall proceed no further in said matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district and for that purpose the board shall cause a survey of such portions thereof to be made as the board may deem necessary.

SEC. 46. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain a water conservation district, as fully and to every intent and purpose

Recordation of result

as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

SEC. 47. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

Petition
may be
signed by
executor,
etc

SEC. 48. A guardian, executor or administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned why the boundaries of the district should not be changed.

Equalization
of divisions

SEC. 49. In case land is included within any district as aforesaid, the board of directors thereof shall, but not less than thirty days before any election in such district, re-establish the boundaries of the divisions and election precincts within such district, so as to include such lands therein and so as to make such divisions as nearly equal in area as may be practicable. In case of the inclusion of any land less than thirty days before an election within such district, the inhabitants of the land so included shall not be entitled to vote at such election.

Dissolution
of districts

Petition

SEC. 50. Any such district may be dissolved by the board of supervisors in the county in which it is organized in the manner following: Upon receiving a petition signed by ten per cent of the electors of the district, or by the owners of one-half of the lands comprising the district, requesting the dissolution of the district, the board of supervisors shall publish a notice once a week for two weeks in some newspaper in the county in which the district was organized, and also in each county in which any part of the district lies, giving notice that such petition has been filed with said board of supervisors, and that the board will hear said petition, and all objections thereto, at the next regular meeting of said board after the expiration of the time of publishing said notice (specifying the date), and directing all persons interested therein to show cause at such time, if any they have, why such district should not be dissolved. At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon said petition, and may grant or deny the same, and, if its decision shall be against the dissolution of the district, such decision shall be final and conclusive.

Special
election

If such petition be granted, the board of supervisors shall, by resolution, provide for and order the holding of a special election in such district, and shall submit to the qualified

electors of the district the proposition whether or not the district shall be dissolved. The resolution shall recite the filing of the petition for dissolution, and the approval of the same by the board of supervisors, and fix a time for the holding of such election. Such election shall be noticed, conducted, and the returns thereof made and canvassed, in the same manner as is provided in this act for the election upon the question whether or not the district should be organized, excepting that the ballots to be used at said election shall contain the words, "Dissolution of district—Yes" or "Dissolution of district—No," or words equivalent thereto. If votes representing sixty per cent of the total number of votes cast are cast in favor of the dissolution of such district, then the board of supervisors shall enter an order to that effect upon its minutes, declaring such district dissolved, and upon the entry of such order said district shall be dissolved, provided, however, if there shall be any outstanding indebtedness of such district, at the time of the dissolution thereof, the board of supervisors shall levy assessments for the payment of such indebtedness in like manner as though such district had not been dissolved, until all such indebtedness shall be fully paid, and shall cause such obligations to be paid according to their tenor out of the moneys raised from such assessments.

Upon the dissolution of any such district, any and all real property belonging to the district, shall become and be the property of the county in which the same is situate; and the personal property belonging to the district shall be sold by the board of supervisors of the county in which the district was organized, and the proceeds from such sale, together with all moneys of the district, remaining after the payment of all of the obligations of the district, shall be paid into the general funds of the counties in which any part of the district lies in the same proportions that the assessed values of the lands (according to the last assessment rolls) within the district in each of said counties bear one to the other.

SEC. 51. This act shall be liberally construed to carry out the purposes and intent hereof.

SEC. 52. In case any section or sections, or a part of any section, of this act shall be found to be unconstitutional, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

SEC. 53. This act shall not be construed as repealing the existing conservancy act of California, approved May 16, 1919, or any part thereof or any other existing law of this state, but shall be treated as, and shall be in effect, an alternative act thereto.

SEC. 54. It is hereby declared that this act is a reenactment of chapter 166 of the statutes of 1929, and known as the "Water conservation act of 1929," and is to be construed as a continuation of said act.

All water conservation districts that have been organized after an election has been held pursuant to said statute

Sale of
property on
dissolution

Construc-
tion

Constitu-
tionalitv

Alternative
measure
Stats 1919,
p 559

Reenact-
ment
Stats 1929,
p 307

Existing
districts
validated

and declared to have been organized in accordance with its provisions are hereby declared to have been duly and legally organized and all proceedings relative thereto are hereby validated and confirmed. Such districts shall continue to exist and exercise and enjoy all the powers, rights and privileges conferred by this act.

CHAPTER 1021.

Stats 1917,
p 831,
amended *An act to amend section 8 of the workmen's compensation, insurance and safety act of 1917, relating to and defining employees and excluding from the provisions of the act any person engaged in selling, offering for sale or delivering to the public any newspaper, magazine or periodical.*

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1917,
p 831. SECTION 1. Section 8 of the workmen's compensation insurance and safety act of 1917 is hereby amended to read as follows:

Definition
of terms
"Em-
ployee "

Sec. 8. (a) The term "employee" as used in sections 6 to 31, inclusive, of this act shall be construed to mean: Every person in the service of an employer as defined by section 7 hereof under any appointment or contract of hire or apprenticeship, express or implied, oral or written, including aliens, and also including minors, whether lawfully or unlawfully employed, and all elected and appointed paid public officers, and all officers and members of boards of directors of quasi public or private corporations while rendering actual service for such corporations for pay, but excluding any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and also excluding any employee engaged in household domestic service, farm, dairy, agricultural, viticultural or horticultural labor, in stock or poultry raising and also excluding any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine or periodical where the title to such newspaper, magazine or periodical has passed to the person so engaged, and any person holding an appointment as deputy clerk, deputy sheriff or deputy constable appointed for the convenience of such appointee, who receives no compensation from the county or municipal corporation or from the citizens thereof for services as such deputy; provided, that such last exclusion shall not deprive any person so deputized from recourse against any private person employing him for injury occurring in the course of and arising out of such employment. Nothing herein contained shall be deemed to alter, amend or repeal the provisions of chapter 834, statutes of 1927.

Stats 1927,
p 1681

"Independent contractor "

(b) Any person rendering service for another, other than as an independent contractor, or as expressly excluded herein,

is presumed to be an employee within the meaning of this act. The term "independent contractor" shall be taken to mean, for the purposes of this act: any person who renders service, other than manual labor, for a specified recompense for a specified result, under the control of his principal as to the result of his work only and not as to the means by which such result is accomplished. A working member of a partnership receiving wages irrespective of profits from such partnership shall be deemed an employee within the meaning of this section.

Partner
receiving
wages.

(c) The term "casual" as used in this section shall be taken to refer only to employments where the work contemplated is to be completed in not exceeding ten working days, without regard to the number of men employed, and where the total labor cost of such work is less than one hundred dollars. The phrase "course of the trade, business, profession or occupation of his employer" shall be taken to include all services tending toward the preservation, maintenance or operation of the business, business premises or business property of the employer. The words "trade, business, profession or occupation of his employer" shall be taken to include any undertaking actually engaged in by him with some degree of regularity, the trade name, articles of incorporation or principal business of the employer to the contrary notwithstanding.

"Casual."

(d) Watchmen for nonindustrial establishments, paid by subscription by several persons, shall not be held to be employees within the meaning of this act. In other cases where watchmen, paid by subscription by several persons, have at the time of the injury sustained by them taken out and maintained in full force and effect insurance upon themselves as self-employed persons conferring benefits equal to those conferred by this act, the employer shall not be liable under this act.

Watchmen

(e) It shall not be a defense to the state, or any political subdivision or institution thereof, or public or quasi public corporation, that a person injured while rendering service for it was not lawfully employed by reason of the violation of any civil service or other law, rule, or regulation respecting the hiring of employees.

Employees
of state

(f) Workmen associating themselves under a partnership agreement, the principal purpose of which is the performance of the labor on a particular piece of work, shall be deemed employees of the person having such work executed, and, in the event the average weekly earnings are not otherwise ascertainable, shall be deemed to be employed at an average weekly wage of twelve dollars; provided, however, that if such workmen shall have taken out and maintained in full force and effect insurance, in an insurance carrier as defined in this act, insuring to themselves and all persons employed by them benefits identical with those conferred by this act, the person for whom such work is to be done shall not be liable as an employer under this act.

Workmen
under
partnership
agreement

CHAPTER 1022.

An act to amend article IX of chapter I of part III of division 4 of the School Code, embracing sections 4380 to 4384, inclusive, and to repeal chapter 709, statutes of 1929, all relating to financial reports of school districts

[Approved by the Governor June 16, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. C.,
p 169

SECTION 1 Article IX of chapter I of part III of division 4 of the School Code is hereby amended to read as follows:

Article IX—Financial Reports of School Districts.

Annual
statements
of school
districts

4380. On or before the first day of August of each year the governing board of each school district of every kind and class must prepare and keep on file for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of the estimated total expenses for the district for the ensuing fiscal year.

Itemized
statement

4381 The statements must be itemized according to the form of budget prescribed for the school districts of this state by the superintendent of public instruction

Budget

4382. The budget of such governing board for the then current fiscal year submitted as prescribed by this chapter must be a part of such statement.

Publication
of proposed
budget.

4383. Except in districts where no district tax is levied, and elementary districts having but one teacher employed, the proposed budget for the ensuing school year as prepared by the trustees under the provisions of this code, or a summary thereof containing such items as may be applicable to the particular district, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no newspaper in said district, then in a newspaper published nearest to said district, prior to its adoption. The cost of such publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Such publication shall be made between the eighth and fifteenth days of July of each year, and shall contain a notice that a public hearing will be held before the board of trustees of the school district, in some schoolhouse in said district, between the fifteenth and twenty-second days of July of said year, at which time and place such hearing shall be held and any taxpayer in the district may appear and object to said proposed budget or any item thereof; and said budget shall not be finally adopted by said trustees until after said public hearing has been held.

Penalties.

4384. Any violation of this article or a failure to comply with its provisions by the county superintendent of schools

or by the governing board of any school district is punishable under section 176 of the Penal Code of the State of California

SEC. 2. Chapter 709, statutes of 1929, entitled "An act relating to the annual publication of financial reports of school districts," approved June 6, 1929, is hereby repealed.

Repeal.
Sch. C.,
p. 353.

CHAPTER 1023.

An act declaring the bridge across the Yuba river at the city of Marysville and the bridge across the Feather river between the city of Marysville and the city of Yuba City to be state highways and parts of the state highway system.

[Approved by the Governor June 17, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. That certain bridge, and the highway thereon, which extends across the Yuba river from the city of Marysville on the north to the California state highway on the south, and also that certain bridge and the highway thereon, which extends across the Feather river between the city of Marysville and the city of Yuba City, are hereby declared to be parts of the state primary highway system and classified as parts of route three of such system which extends from Sacramento to the Oregon state line. They are hereby placed under the supervision of the department of public works, and it shall be the duty of the department to thereafter maintain the same; provided, however, in the case of said bridge and highway thereon across the Feather river, the state hereby assumes only such obligation of maintenance as may be now imposed upon the counties of Yuba and Sutter under any existing contract with any railroad company for the maintenance thereof, and the department of public works, acting by and through the California highway commission, may by resolution of said commission at such time as it may deem it to be necessary and proper, relinquish the state's interest, created hereby, to the counties of Yuba and Sutter and thereupon the state's control and jurisdiction of said bridge and highway thereon shall entirely revert in said counties.

Certain
bridges to
be part of
state high-
way system.

CHAPTER 1024.

An act providing for the building of a causeway across the Tisdale by-pass in Sutter county, State of California, and making an appropriation therefor.

[Approved by the Governor June 17, 1931, with reduction hereunder noted
In effect August 14, 1931]

[I object to the item of \$35,000 in Senate Bill 205 and reduce the amount thereof to \$20,000. With this reduction I approve the bill. Dated June 17, 1931. JAMES ROLPH, JR., Governor.]

The people of the State of California do enact as follows:

Tisdale
causeway.

SECTION 1. The department of public works is authorized and directed to immediately take such steps as may be necessary to locate and build a causeway with approaches across the Tisdale by-pass. The site of said bridge shall be located by the department of public works and said site may be at the Tisdale weir or not more than one mile distant therefrom.

Appropriation

SEC. 2. The sum of thirty-five thousand dollars, not otherwise appropriated in the state treasury, or so much thereof as may be necessary, is hereby appropriated for the building of said causeway

CHAPTER 1025.

Stats 1917,
p. 46,
revised

An act to amend the title of and to revise that certain act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended

[Approved by the Governor June 17, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Title
amended

SECTION 1. The title of that certain act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," is hereby amended to read as follows:

"An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California, and providing for the issuance of bonds and the levy and collection of all taxes, assessments and other moneys necessary for the retirement and payment thereof, and for the payment of the costs of all acquisitions and improvements and other expenses hereunder."

SEC. 2. Said act is hereby revised to read as follows:

Short title

Section 1. Short title of act. This act shall be known as, and whenever cited, referred to, or amended, may be designated as the "Joint highway district act" and by such design-

nation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to.

Sec. 2. Districts for highway purposes. Joint highway districts, to be composed of two or more counties in the State of California, may be created, organized and governed for the purpose of constructing public highways and appurtenances thereto (including tunnels incident to highway purposes) in the manner as in this act provided. The word "county" as used in this act shall be deemed to mean and shall include any "city and county."

Joint
highway
districts.

Sec. 3. General powers of districts. Any joint highway district organized or reorganized under the provisions of this act shall through its board of directors have power—

General
powers of
districts.

To lay out, construct, improve and maintain highways as specified in this act. Where highways are acquired or constructed beyond the boundaries of the district, the consent of the governing body controlling the territory through which the same are proposed, shall be first obtained.

To levy and impose taxes and assessment taxes upon property within the boundaries of the district and issue bonds as in this act provided.

To accept in the name of the district all gifts, donations or contributions from any source whatsoever made to further the purposes of this act, and the counties composing any district organized hereunder may convey to such district such public highways or rights of way as may be utilized as a part of or in connection with any highway or highways authorized to be constructed, improved or maintained under the provisions of this act.

To exercise the right of eminent domain for the purpose of acquiring lands or rights of way for any of the purposes authorized under the provisions of this act; and for such purposes the board of directors of any district organized hereunder shall first adopt a resolution declaring that the public interest and necessity require the acquisition of the lands or rights of way which shall in said resolution be set forth and described and shall be declared to be necessary for such purposes. The adoption of said resolution as aforesaid shall be conclusive evidence of the following, viz:

(1) Of the public necessity of the construction or improvement for which such condemnation is proposed.

(2) That the condemnation and acquisition of such property or rights of way is necessary therefor.

(3) That the proposed improvement and construction and property or right of way to be condemned are planned and located in the manner which will be most compatible with the greatest public good and the least private injury.

To acquire and use such personal property as may in the opinion of the board of directors be necessary for the exercise of the powers herein granted.

To employ such labor and services as may be necessary in the opinion of the board of directors for the exercise of the powers herein granted.

To arrange for the safe-keeping of all funds belonging to the district and to this end shall appoint a treasurer and depositary and exact from such treasurer and depositary such surety bonds or other security as may be proper in the opinion of the board of directors.

To sue and to be sued.

To adopt a seal.

Any district organized hereunder shall have and exercise the powers expressly granted in this act together with such powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of this act.

Resolution
initiating
proceedings

Sec. 4. Resolution proposing organization of district. The board of supervisors of any county may initiate proceedings proposing the creation of a joint highway district under the provisions of this act to be composed of two or more counties of the state, by the adoption of a resolution reciting the following:

(1) That the public interest requires the construction or improvement of one or more public highways and the acquisition of any necessary rights of way therefor, stating generally the location and extent thereof.

(2) The names of the counties proposed to be included in the proposed district and which will be benefited by the construction or improvement of the proposed highway or highways.

(3) That it is proposed to create a joint highway district under the provisions of this act composed of the counties so named.

When adopted, certified copies of such resolution shall be transmitted to the several clerks of the boards of supervisors in each of the counties named in the said resolution other than that in which the proceedings are initiated.

Upon the adoption of such resolution the board of supervisors of the county adopting the same shall name and appoint a member of said board of supervisors to represent said county upon the board of directors of the joint highway district proposed to be organized.

Approval by
supervisors

Sec. 5. Approval by boards of supervisors. Upon receipt of a copy of the resolution adopted as provided in section 4 hereof, the boards of supervisors of the several counties affected and to whom the same may be directed, shall consider the advisability of creating and organizing a joint highway district as proposed in said resolution, and upon determining the facts involved therein shall severally adopt resolutions either rejecting or approving the proposal to create such joint highway district. Each resolution of approval shall in addition to the matter otherwise required therein also name and appoint the member of the board of supervisors of the county adopting such resolution, to represent such county upon the

board of directors of the proposed joint highway district. A certified copy of such resolution of approval shall be forthwith transmitted to the clerk of the board of supervisors initiating the proceedings.

Sec. 6. Confirmation of district organization. The board of supervisors of any county initiating proceedings for the creation of a joint highway district shall after the receipt of a copy of resolution approving proposal to form such joint highway district as provided in section 5 hereof from the board of supervisors of each county proposed to be included within any such joint highway district (the passage of the resolution herein provided in section 4 hereof by the board of supervisors of the county initiating proceedings shall constitute a sufficient approval in behalf of said county) adopt a resolution declaring the creation and organization of a joint highway district and setting forth the names of the counties composing said district. A certified copy of said resolution shall be transmitted to and filed with the secretary of state of the State of California, whereupon the said joint highway district shall be deemed created and organized and shall exercise all of the powers granted in this act and shall constitute and be a public corporation under the name and designation of "Joint Highway District No. ----- of the State of California." All districts organized under the provisions of this act shall be numbered in the order of their creation, such number to be assigned to said district forthwith upon the organization thereof by the secretary of state, and the secretary of state shall keep and maintain in his office a list and register showing the joint highway districts organized under the provisions of this act. The secretary of state shall furnish and transmit to the clerk of the board of supervisors of the county adopting the initial resolution for the organization of any district hereunder, a certificate of the organization of the same and upon receipt of such certificate such clerk shall within ten (10) days after the receipt of the same notify the clerks of the several boards of supervisors of the counties constituting said district advising them of the fact of such organization, and said clerk shall within said time, also notify the director of public works of the State of California and each supervisor appointed as a member of the board of directors of such district of such fact and of the time and place of the first meeting of the board of directors of such district. Such time and place of meeting to be fixed and determined by said clerk, but the said time of meeting shall be within thirty (30) days after the date of mailing notices thereof.

Sec. 7. Board of directors. All joint highway districts organized under the provisions of this act shall be managed by, and the powers herein conferred upon such district shall be exercised by a board of directors appointed as herein provided. The members of such board of directors shall serve during the pleasure of the appointing power. The members of the board of directors shall receive no compensation for

Confirmation
of district
organiza-
tion

Board of
directors

their services, but shall be allowed the actual expenses incurred by them in connection with the discharge of their duties under the provision of this act. The term of office of any member of the board of directors shall immediately cease and determine upon the termination of the term of office of such director as a member of the board of supervisors of a county within the district, except that this provision shall have no application to a member appointed by the director of public works of the State of California as hereinafter provided. In the event that an even number of counties comprise any joint highway district, an additional member of the board of directors shall be chosen and appointed by the directors already named in behalf of the several boards of supervisors, and if such directors shall fail to make such appointment within thirty (30) days after the date set for the first meeting of the board of directors, it shall be the duty of the secretary of the board of directors, or any member thereof, to notify the director of public works of the State of California of such fact and it shall thereupon become the duty of such director of public works to appoint such additional member of the board of directors within thirty (30) days after receiving notification as aforesaid. Such additional director shall be a member of the board of supervisors of any county within such district or any owner of real property residing within the boundaries thereof. In the event of any vacancy occurring on the board of directors of any district the appointive power appointing such director shall forthwith appoint a successor to fill such vacancy.

Organiza-
tion of
board

Upon the organization of any district under the provisions of this act it shall be the duty of the persons named and appointed as members of the board of directors thereof to meet at the time and place fixed for the initial meeting thereof as hereinabove provided. A majority of the members of the board of directors shall constitute a quorum, and in the absence of a quorum, any lesser number of directors may adjourn the meeting from time to time until organization of the board of directors has been completed. At the initial meeting of the board of directors above referred to, the members thereof shall proceed to organize by selecting from among its membership a president, vice president and secretary who shall severally perform such duties as may be from time to time prescribed by the board of directors.

Meetings
of board

The board of directors shall fix a place or places within the district for the transaction of business, and may hold meetings from time to time in any place that will, in the opinion of said board, best serve the interest or convenience of the said board of directors and the public. A majority of the members of the board of directors shall be necessary to constitute a quorum for the transaction of business. The board shall have power to make all necessary rules relative to the orderly transaction of its business and the business of the district.

Sec. 8. Additional officers and employees. The board of directors shall appoint a treasurer and a district engineer, and may appoint an assistant secretary. The board of directors may employ such clerical, legal or additional engineering service as may in its discretion be required, and fix the compensation to be paid to any officers, persons or employees of the district, provided, however, that no officer of any county shall receive any compensation for services rendered in behalf of the district in any capacity whatsoever.

The treasurer of the district shall be a resident therein and a person competent in the handling of financial matters. Such treasurer shall furnish a bond to the district in form and amount satisfactory to the board of directors before entering upon the duties of his office. The treasurer shall have charge and custody of all of the funds of the district and he and his bondsmen shall be responsible for the safe-keeping of the same. The treasurer shall deposit all funds of the district in a depository to be designated by the board of directors. The treasurer shall make report of the funds in his possession as required by the board of directors, and shall perform all the duties required of him under the provisions of this act, together with such additional duties as may from time to time be prescribed by the board of directors.

The district engineer shall be a duly qualified civil engineer, licensed to practice as such under the laws of the State of California. He shall perform all of the engineering services and duties required of him under the provisions of this act and such additional services as the board of directors may determine and require.

The assistant secretary, if one be appointed, shall perform such duties as the board of directors may determine, and shall perform all of the duties and functions of the secretary under the direction of the secretary, or in his absence.

Sec. 9. Contingent fund. Immediately following the organization of any joint highway district under this act, it shall be the duty of the several boards of supervisors of the counties composing such district to provide such district with a sufficient contingent fund to enable such district and its officers to perform the functions and duties in this act prescribed. The proportionate contributions of the several counties within the district may be suggested to the several boards of supervisors thereof by the board of directors of the district and the board of directors shall from time to time report to said boards of supervisors its requirements and in general its expenditures. The boards of supervisors of the counties within the district may contribute to said contingent fund from any moneys or funds of the several counties not otherwise appropriated, including any moneys received by such counties as a result of any tax or license upon motor vehicles or motor vehicle fuels, whether the same are received through the State of California or otherwise. The State of California may contribute to the contingent fund

such or any amount that it may desire out of any moneys or funds usable for joint highway district purposes. The State of California may, through the director of public works, designate the purposes for which any money contributed to the contingent fund may be used and the purposes named may be any which are authorized under the provisions of this act.

Purposes of
contingent
fund

Sec. 10. Purposes of contingent fund. The contingent fund provided to be created in section 9 hereof may be used for any purpose necessary to create and maintain the organization of the district, to make reconnaissance, preliminary and final location surveys, and all necessary or proper engineering, legal or clerical work incident to the organization and operation of the district, or the laying out, construction or improvement of any highway or highways to be constructed under the provisions of this act. The contingent fund may also be used for the purpose of procuring any and all necessary lands or rights of way usable for the purposes for which any district is created.

Preliminary
surveys and
report

Sec. 11. Preliminary surveys and report. It shall be the duty of the board of directors of any district organized hereunder, as soon as practicable after the organization of such board of directors, to cause the route of the highway or highways proposed to be constructed or improved by the district, to be tentatively located. For this purpose the board of directors may employ all necessary engineering and other assistance and shall cause such preliminary surveys to be made as in the judgment of the board of directors may be required. All engineering work performed in any district organized hereunder shall be under the direction and control of the district engineer duly appointed by the board of directors. The district engineer shall make a preliminary report to the board of directors setting forth the result of his preliminary surveys and showing the tentative route of the highway or highways proposed to be constructed or improved together with an estimate of the approximate cost of construction, the incidental expenses thereof and the estimated cost of the acquisition of any necessary property or rights of way therefor. In his report the district engineer shall also recommend an apportionment of the construction and other costs among the several counties that are members of the district and the State of California, if any contribution is to be requested from the state. The district engineer shall also in his report recommend a method or methods for financing the project. Upon the completion of said report the district engineer shall cause the same to be filed with the secretary of the board of directors of the district.

Report by
board of
directors

Sec. 12. Report by board of directors. As soon as is practicable after the filing of the engineer's report provided for in section 11 hereof, the board of directors of the district shall give full consideration to the same and shall formulate a report of the project or projects for which the district is organized. Said report shall contain the following:

1. A general description of the approximate route and location of the highway or highways proposed to be constructed or improved;

2. The estimated cost of said construction or improvement;

3. The general location and extent of any property or rights of way necessary for the said construction or improvement or of the unit proposed for immediate construction, together with the estimated cost of obtaining the same;

4. A statement and recommendation of the portion or unit of the project which the board of directors recommends for immediate construction, which may be the whole or any part of the project proposed.

5. A statement of the estimated cost of any unit or units proposed to be immediately constructed in the event that the board of directors determines upon the construction of any unit less than the whole.

6. A statement of the method of financing proposed by the board of directors.

7. A statement of the amount of contribution to be requested of the State of California, if any.

8. A statement of the proportionate amounts of the cost of the unit or units proposed to be borne within the several counties composing the district, after deducting the contribution of the State of California, if any.

9. If a unit is proposed for immediate construction that is less than the whole project, a statement of a proposed program for the construction of other units to complete the project.

Sec. 13. Approval by state of contribution to district. If the report above provided for contains a request for a contribution from the State of California, a certified copy of the said report shall immediately upon its adoption by the board of directors be transmitted to the director of public works of the State of California. Thereupon the department of public works of the State of California shall consider the report so filed and may with respect to said contribution reject the request for such contribution or approve the same, and may reject or approve the said report in whole or in part, or may suggest modifications thereof. The said department of public works shall through its proper officers, boards or commissions, pass upon the said request for contribution and the said report within ninety (90) days after the receipt of any such report by the said director of public works. The failure to act within said period shall operate as a rejection in behalf of the State of California. If the whole or any part of the project proposed in the report is approved and a contribution by the State of California is recommended, the state highway commission of the State of California shall thereupon adopt a resolution setting forth the amount of such contribution, the time and manner of payment thereof and the purposes for which the same shall be used. Upon the adoption of any such resolution by the said state highway commission and the approval of the report, or such portion thereof as may be proper, by the

Approval by
state of con-
tribution
to district

Approval by
director of
public
works

director of the department of public works, the State of California shall be committed and obligated to make the contributions specified, out of any funds which may now or hereafter be available for joint highway purposes and the director of public works shall issue a certificate and transmit the same to the secretary of the district showing the decision of his department upon the said report, setting forth the amount of contribution, if any, and the terms relative to the payment thereof. The board of directors may amend its preliminary report provided for in section 12 hereof to conform with any suggestions or recommendations of the department of public works or the state highway commission.

Report to
counties in
district

Sec. 14. Report to counties in district. Upon the receipt of the certificate from the director of public works provided for in section 13 hereof, or if no contribution is requested from the State of California, then upon the adoption of the report, the board of directors shall transmit certified copies of their preliminary report provided for in section 12 hereof to the several boards of supervisors of the counties composing the district. Upon receipt of said report the several boards of supervisors shall forthwith consider the same and shall within sixty (60) days after receipt of the same, by resolution adopt or reject the said report. Failure of any board of supervisors to so act within said time shall be deemed a rejection, but such rejection or a rejection by other means shall be without prejudice to the submission of a new or amended report by the board of directors of the district at any time. Each board of supervisors shall cause a certified copy of its resolution adopting or rejecting said report to be sent to the secretary of the board of directors of the district.

Publication
of notice
of hearing
report

Upon receipt of said report the clerk of each board of supervisors shall cause a notice to be published twice in a newspaper of general circulation published and circulated in the county receiving said report, which notice shall set forth the fact that said report has been received and is on file for public inspection, and shall also designate the time at which the board of supervisors will consider said report, at which time all interested persons may present any protests or suggestions which they may have to offer concerning the same. The last publication of said notice shall be at least twenty days prior to the date of said hearing.

Limit on
obligation
of counties
and state

Sec. 15. Limit on obligation of counties and state. No county within any district organized under the provisions of this act shall be obligated or committed hereunder unless and until the board of supervisors thereof shall have approved the report of the board of directors of the district provided for in section 12 hereof and unless and until said report shall have been approved by the boards of supervisors of all other counties in the district. The proportions of contribution provided for in said report shall not be exceeded without the consent of the board of supervisors of each county in the district. The obligation of the State of California for any contribution

as provided for in section 13 hereof shall be contingent upon the approval of the several counties comprising the district, of the balance of the costs of the project or particular unit thereof proposed to be immediately constructed.

Sec. 15a. Optional election provision. At any time prior to the approval of the report provided for under section 12 hereof, by the board of supervisors of any county within a district organized under this act, proceedings may be taken as in this section provided. Upon the petition of five per cent (5%) of the registered electors of any county, or without such petition if any board of supervisors elects so to do, the matter of the participation of the county in any issuance of bonds proposed in the report above referred to, shall be referred to a vote of the qualified electors of the county. The matter may be submitted at a special election for that purpose or may be consolidated with any other election involving the entire county. All laws governing county elections shall apply to such election in so far as they may be applicable. The notice of election, in addition to the matters otherwise required, shall refer to the report above referred to, a copy of which shall be on file in the office of the county clerk. If at said election a two-thirds majority of the electors voting thereon do not approve the proposition, the county shall not participate in the issue of bonds proposed unless the same or any amended proposition is thereafter approved by the electors as in this section provided. This section, and the procedure herein set forth, shall have no application to the bonds to correct invalidity provided for under section 30 hereof. In the event that any county proceeds under the provisions of this section, the time for the approval of the report above referred to by the board of supervisors of such county, shall be extended to and including thirty days from and after the date of canvassing the returns upon any election held hereunder.

Sec. 16. Final plans and specifications. After receiving the certificate of commitment for contribution by the State of California, if any, and certified copies of the resolutions of all the boards of supervisors of all of the counties comprising the district, approving the report provided for in section 12 hereof, the board of directors of said district shall be empowered to proceed with final surveys, the preparation of final plans and specifications, the award of contract or contracts and the acquisition, construction and improvement of the highway or highways constituting the project reported under section 12 hereof or such unit thereof as is proposed for immediate construction. To this end the board of directors is empowered, and it shall be its duty, to cause all necessary final surveys, plans, specifications and detailed drawings to be made and prepared by the district engineer. Upon completion thereof the surveys, plans, specifications and detailed drawings shall be filed with and approved by the board of directors of the district. Said final surveys, plans,

specifications and detailed drawings shall include a final estimate of cost and shall not be approved by the board of directors of the district except that such final estimate does not exceed by more than ten per cent (10%) the estimate named in the preliminary report of the district engineer or unless and until the increase in estimated costs be approved by the board of supervisors of each county comprising the district, and the director of the department of public works of the State of California, provided any amount is to be contributed by the state. Upon the adoption of the final surveys, plans, specifications and detailed drawings by the board of directors, a certified copy thereof shall be transmitted to the director of public works of the State of California for his approval.

Construction
work by
public
contract

Call for
bids

Sec. 17. Construction work by public contract. All construction work under the provisions of this act shall be done by contract let and awarded to the lowest regular responsible bidder upon the same after advertisement for bids therefor shall have first been made by publication twice in a newspaper of general circulation published and circulated within the district to be designated by the board of directors or the secretary thereof. The first publication of the notice inviting bids shall be not less than ten (10) days prior to the time fixed for receiving such bids. The notice inviting bids shall be upon such terms and conditions as the board of directors of the district may determine and shall require that each bid be accompanied by a check payable to the joint highway district in an amount not less than ten per cent (10%) of the aggregate amount of the bid accompanying the same and certified to by some responsible bank within the State of California, or by a cashier's check in said amount so payable issued by a responsible bank in the State of California. All bids shall be delivered to the secretary of the board of directors of the district not later than the hour fixed for receiving the same and shall thereafter be publicly opened by the said secretary in the presence of the board of directors assembled in public session. No bid shall be considered unless accompanied by a certified check satisfactory to the board of directors. The board of directors may reject any and all bids should it deem this necessary for the good of the district and may also reject the bid of any bidder who has been delinquent or unfaithful in any former contract with the district, any county composing said district, or the State of California, or any bidder who is unable to satisfy the board of directors of the ability, financially or otherwise, of said bidder, to perform the contract for the proposed construction work. All bids other than the lowest regular acceptable bid of a responsible bidder shall be rejected by the board of directors.

Contract
and bonds

Sec. 18. Contract and bonds. The bidder to whom any contract is awarded under the provisions of this act shall execute a contract in a form approved by the attorney for the district within twenty (20) days after the date of the award

of such contract by the board of directors. Before being entitled to a contract the successful bidder shall execute bonds for the faithful performance of the contract and for the payment of all claims for labor and material thereunder in the manner provided by law and in the form approved by the attorney for the district. All of said bonds shall be executed by the bidder and by a corporate surety duly authorized to do business as such under the laws of the State of California and in amounts which shall not be less than fifty per cent (50%) of the aggregate contract price for each bond. All contract bonds furnished as provided in this section in addition to the other requirements herein provided shall be approved by the president of the board of directors of the district and the district engineer prior to the execution of contract in behalf of the district. The president or vice president and secretary or assistant secretary shall sign and attest all construction contracts under the provisions of this act. All construction contracts under this act shall contain a provision that a maximum of eight (8) hours shall constitute a day's labor and three dollars (\$3) shall be the minimum amount paid for such day's labor performed upon any construction work hereunder. In the event that any bidder to whom a contract shall be awarded under the provisions of this act shall fail to enter into contract and execute bonds as herein provided, the board of directors of the district shall declare the check accompanying the bid of such bidder to be forfeited and upon cashing same the proceeds shall be placed to the credit of the construction fund of the district. The board of directors may thereupon award the contract to the next lowest responsible and acceptable bidder, or may call for new bids.

Approval of bonds

Hours and wages

Sec. 18a. Financing of projects. It shall be the duty of the board of directors of any joint highway district organized under the provisions of this act to provide for the financing of any projects to be constructed hereunder in one or more of the methods in this act prescribed. Upon the award of contract for the construction of any project or unit thereof under the provisions of this act, the board of directors of the district shall be obligated to provide for the payment of the cost thereof unless such provision shall have already been made prior to such award of contract.

Financing of projects

Sec. 19. Levy for costs. A levy shall be made within and upon the several counties composing any joint highway district organized under the provisions of this act to provide for the payment of the costs and expenses of any acquisitions of property or rights of way, construction or improvement under the provisions hereof. The board of directors of any district is empowered to make such levy as hereinafter provided. Said board of directors shall adopt a resolution setting forth in general terms the project or portion thereof, to defray the costs and expenses of which the proposed levy is to be made and giving the amount of money proposed to be raised by such levy which amount may be the total estimated amount payable

Levy for costs

Adoption of resolution

under any contract awarded for construction or improvement, or for any portion thereof, or for any excess of cost over the amount of any past levies already made for the same purpose. From the amount of any such levy shall first be deducted any amount contributed or to be contributed thereto by the State of California under the provisions of this act and the balance of the said levy shall be distributed among the several counties composing the district in the proportions set forth in the report of the board of directors adopted pursuant to section 12 hereof. Said resolution shall specifically set forth the sum of money levied within and upon each county within the district and shall briefly recite the facts requiring the levy. After the adoption of such resolution a certified copy of the same shall be forthwith transmitted to the clerks of the several boards of supervisors of the counties composing the district whereupon the said counties shall be obligated to pay the amount of said levy in the manner herein provided and unless other provisions for financing are made. At least one-fifth ($1/5$) of the total amount levied within and upon each such county shall be paid into the treasury of the district by such county within ninety (90) days after the resolution providing for the levy has been adopted by the board of directors of the district. The board of supervisors of each such county is hereby authorized to and obligated to make such payment and may make payment of the entire amount of the levy made but not less than one-fifth ($1/5$) of the total thereof. For the purpose of any such payment the board of supervisors of the several counties within the district may utilize any moneys or funds of the several counties not otherwise allocated or appropriated, including any moneys received by such counties as the result of any tax or license upon motor vehicles or motor vehicle fuels whether through the State of California or otherwise.

Payment by
boards of
supervisors

Financing
deferred
amounts

Sec. 20. Financing deferred amounts. If the board of supervisors of any counties within the district shall not pay the entire amount of any levy made under the provisions of section 19 hereof within the time therein prescribed, the board of directors of the district shall provide for financing the same in not to exceed four (4) annual installments additional to the one prescribed in said section 19. Any one or more of the methods of financing in this act prescribed may be used by the board of directors.

Extension of
bond term

Sec. 20a. Extension of bond term on large projects. In the event that the report required under section 12 hereof shall show that the project proposed, or any unit or units thereof, is estimated to cost in excess of the sum of one million dollars, the board of directors shall have power to provide that any bonds issued under this act shall be extended over a period of not to exceed fifteen (15) annual installments, in which event the initial payment from and within each county within the district shall be not less than the sum obtained by dividing the total

amount payable hereunder in each county by the number of installments in which the bonds will be paid.

Sec. 21. Revenue bonds. The board of directors of any district organized hereunder may cause revenue bonds to be issued upon the security of the anticipated unpaid installments of any levies made within and upon the counties within the district in the manner following, to wit: Said revenue bonds shall be payable out of a fund of the district to be designated "Joint highway district No. ----- of the State of California revenue bond fund" and into which shall be paid all sums necessary for the retirement of any bonds issued hereunder. The board of directors shall prescribe the denominations of such bonds which shall mature serially in convenient amounts not necessarily equal. Such bonds shall bear such rate of interest not to exceed six per centum per annum as may be determined by the board of directors and shall be in substantially the following form (filling in blanks as appropriate):

REVENUE BOND.

Joint highway district No. ----- of the State of California
\$ ----- Bond No. ----- Series -----

Form of revenue bond.

Under and by virtue of an act of the Legislature of the State of California known as the "Joint highway district act," the treasurer of Joint highway district No. ----- of the State of California will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of said district, on the ----- day of -----, 19--, the sum of ----- dollars, in gold coin of the United States of America, with interest thereon in like gold coin at the rate of ----- per centum per annum, payable semiannually on the second day of January and the second day of July of each year from the date hereof (except the last installment thereof, which shall be payable at the maturity of this bond), upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached. the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment. This bond is issued under and in conformity with the provisions of the above mentioned "Joint highway district act" and amendments thereto, relative to the issuance of revenue bonds and is a primary obligation of the joint highway district above named.

This bond is payable out of the "Joint highway district No. ----- of the State of California revenue bond fund," in accordance with the provisions of said "Joint highway district act."

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

In witness whereof the board of directors of said joint highway district has caused this bond to be signed by the treasurer of said district, attested by the secretary of said board, and the official seal of said district to be affixed hereto, this ----- day of -----, 19--.

[SEAL]

Attest.

Treasurer of joint highway district

No. ----- of the State of California

Secretary of the board of directors.

Payment
of bonds

Said bonds shall be dated as of the date of the resolution or order of the board of directors authorizing their issuance, and the interest thereon shall be payable in the time and manner herein provided and as provided in the bond form above set forth. The board of directors may use any available moneys of the district, not already allocated to some other purpose, for the payment of any interest or principal due or past due on any revenue bonds of the district, and may advance moneys of the district for such purposes and in the event of such advancement shall be entitled to reimbursement in the amount thereof out of any levies thereafter made or any moneys thereafter collected and applicable to the payment of such bonds.

Any number of series of revenue bonds may be issued under this section for any portion or portions of a single or different projects in any district organized and existing under the provisions of this act.

Signatures,
coupons,
etc

All revenue bonds issued under this act shall be signed by the treasurer of the district, attested by the secretary of the board of directors thereof and shall have the official seal of the district attached thereto. The interest coupons attached to said bonds shall be in such form as the said treasurer shall determine subject to the provisions of this act and the determination of the board of directors, and the signature on said interest coupons shall be that of said treasurer and may be either written or engraved or printed facsimile. The principal and interest of any revenue bonds issued under the provisions of this act shall be payable in gold coin of the United States of America at the office of the treasurer of the district issuing the same. Said revenue bonds shall be serial in character and an approximately even proportion of the total amount of each issue shall be payable annually; provided, that the amount of the principal due in each annual payment need not be exactly the same but with respect to each installment excepting the last may be made to differ not more than five hundred dollars (\$500) from the amount obtained by dividing the total of the principal amount due under the bonds, by the number of installments which shall not exceed four; the last installment shall be for the balance of the total principal amount not provided to be paid in the previous installments.

The revenue bonds shall be issued at such times and manner and in such amounts as may be required to meet the requirements for the payment of demands of the district as may be determined by the board of directors. The bonds so issued shall be sold in such amounts and at such times and in such manner as the board of directors may determine, or they may be delivered to any contractor performing any work or improvement for the district, at par, in satisfaction of any sum due upon any contract therefor.

Revenue bonds how and when issued

The state board of control or director of finance of the State of California is hereby authorized to purchase such bonds and pay for them out of any surplus money in the state treasury which, in its judgment, is not required for governmental purposes prior to the maturity of such bonds. The boards of supervisors of the several counties within the district shall likewise have authority to purchase such bonds with any surplus funds under their control.

Purchase of bonds by counties and state

Sec. 21a. Bonds legal investments. All bonds which may be issued under the authority of this act shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds, and whenever any money or funds may by any law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in any bonds issued under this act, and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this state may by any law now or hereafter enacted be used as security for the performance of any act or the deposit of any public moneys, any bonds issued under the provisions of this act may be so used.

Bonds legal investments

Sec. 22. Tax levy for payment of revenue bonds. The board of directors of any joint highway district organized under the provisions of this act is hereby empowered and it shall be the duty of such board to levy a tax annually within said district sufficient to meet the principal and interest of all outstanding revenue bonds coming due in each fiscal year.

Tax levy for payment of revenue bonds

The treasurer of each district organized or reorganized hereunder shall annually determine the amount of money necessary to be raised for the payment of principal and interest coming due in such year upon any revenue bonds issued hereunder. To such amount shall be added a sum sufficient, in the judgment of said treasurer, to cover anticipated delinquencies and the resulting sum shall be levied upon all of the property in the several counties composing the district taxable for county purposes, according to the percentages and proportions established for each county as provided in section 12 hereof. All taxes of any joint highway district organized under the provisions of this act shall be collected in behalf of such district by the proper county officers in the several counties within said district in the same time, form and manner as is or shall

Collection of taxes

be hereafter provided for the collection of county taxes, and the treasurer of the joint highway district shall, prior to the fifteenth day of August in each year transmit to the board of supervisors of each county within the district a statement of the total sum to be collected within such county in such fiscal year in behalf of the district and it shall thereupon be the duty of the board of supervisors of each county in the district and of the other proper fiscal officers thereof, to cause said amount so certified by the district treasurer to be collected upon and from the taxable property within such county and the total amount of such collections shall be transmitted to and deposited with the district treasurer not later than the first day of each month following the collection of the same. All taxes of any district organized under the provisions of this act shall become due and payable in the same time and manner as county taxes are due and payable and shall become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable hereto where not in conflict with the provisions of this act.

Penalty for delinquency, etc.

The board of supervisors of any county within the district, upon receiving the report of the district treasurer showing the amount to be raised within said county for the current year, may pay said amount out of any moneys of said county applicable to the purposes of this act as set forth in section 19 hereof, and not otherwise appropriated. Upon such payment being made, no levy of district taxes need be made for the year covering such payment, within the county paying the same.

Funding bonds

Sec. 23. Funding bonds. As a separate and cumulative method of financing, the board of directors of any district organized hereunder may cause bonds to be issued in the manner hereinafter provided to cover the costs and expenses of the whole or any part of any acquisitions of property and work and improvement done or made under the provisions of this act. In the event that the board of directors propose to issue funding bonds as herein provided, they shall first adopt a resolution setting forth their intention so to do, which resolution shall also contain the following:

Resolution for issuance of funding bonds

1 A general description of the boundaries of the district to be charged with the payment of any funding bonds which are proposed to be issued. Said district may embrace the whole or any portion of any joint highway district organized and existing under the provisions of this act, and said district shall be divided into zones composed of the counties, or portions thereof, composing such district. It shall be a sufficient description of the boundaries of any such funding district and the zones therein, if the same are clearly shown upon a map or plat attached to said resolution.

2. A description in general terms of the location, character and cost of the acquisition of property or construction work.

for the expenses of which or any portion thereof it is proposed to issue funding bonds as herein provided.

3. A statement of the amount for which it is proposed to issue funding bonds, together with a statement of the maximum time for which such bonds are proposed to be issued (which shall not exceed five (5) years from the date of the order providing for the issuance of the same), and the rate of interest which such bonds shall bear, not to exceed six per centum (6%) per annum.

4. A statement of the percentage of the total amount of the annual sums which it is proposed to levy against and upon the lands within the several zones in such funding district for the payment and retirement of such funding bonds, together with interest thereon. Such percentages shall not exceed the proportionate amounts chargeable within and against the several counties within the district as such amounts are set forth in the resolution of the board of directors provided for in section 12 hereof. Said resolution shall also fix a time and place of hearing upon the matter of the proposed issuance of funding bonds, as set forth in said resolution.

Sec. 24. Hearing upon funding bonds. Upon the adoption of the resolution provided by section 23 hereof, by the board of directors, the secretary thereof shall cause a notice of the time and place of hearing to be published twice in a newspaper of general circulation published at the county seat of each county embraced within the boundaries of the proposed funding district. The newspapers in which such publication shall be made may be designated by the board of directors or in the absence of such designation by the secretary thereof. The time fixed for such hearing shall not be less than fifteen (15) days after the completion of the publications herein provided for. A copy of the notice of hearing above mentioned shall be transmitted by the secretary of the board of directors to the several boards of supervisors of the counties comprising the joint highway district, not less than thirty (30) days prior to the time fixed for hearing. No county or portion of a county shall be included within any funding district, for any amount which has previously been paid by such county into the district treasury upon any amount previously levied within and upon such county.

Upon such hearing or at any time to which the same may be adjourned, any and all persons interested may appear and in writing set forth any objections they may have to the boundaries of the proposed funding district or the zones therein, to the proposed issuance of funding bonds or upon the question of benefits to be derived by any parcel or parcels of land within the proposed funding district, or the amount thereof.

The board of directors shall hear and determine all protests or objections presented at such hearing. Said board shall have power at such hearing to alter the boundaries of the proposed funding district or change the amount for which funding

Hearing
upon funding
bonds

Notice of
hearing.

Hearing

Protests

bonds are proposed to be issued, but may not enlarge the boundaries of such district or increase the amount of bonds proposed to be issued. At the conclusion of such hearing, the board of directors shall finally determine the boundaries of such funding district and the zones therein and shall determine the amount of funding bonds to be issued, and the proportions of the same to be charged against each such zone, which amounts shall not exceed the benefits to be derived by the lands within said district from the project for which said bonds are to be issued. All decisions, findings and determinations of the board of directors upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to present protests or objections at such hearing, in the absence of actual fraud.

Protests,
effect

If the owners of more than twenty-five per cent in area of the property within any funding district shall at such hearing object in writing to the issuance of funding bonds, the board of directors shall have no power to cause such funding bonds to issue.

Following such hearing the board of directors, if it determines to issue funding bonds, shall cause its findings in relation thereto to be transmitted to the boards of supervisors of the several counties within the district. If any such board of supervisors makes objection to the issuance of such funding bonds within thirty-five (35) days after receiving notice thereof, the board of directors shall have no power to cause the same to be issued, but such board of directors may take new proceedings in the same manner as provided in the first instance covering an amended proposition for the issuance of funding bonds for the same or any different project or any portions thereof. If no objections are made by any board of supervisors as in this section provided, the board of directors may cause funding bonds to be issued as herein provided.

Sec. 25. Form of funding bonds. Funding bonds issued pursuant to the provisions of this act shall be in substantially the following form (filling in blanks as appropriate):

FUNDING BOND.

Joint Highway District No. _____ of the State of California
\$ _____ Bond No. _____ Serial _____

Under and by virtue of an act of the Legislature of the State of California known as the "Joint highway district act" the treasurer of joint highway district No. _____ of the State of California will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of said district, on the _____ day of _____, 19____, the sum of _____ dollars, in gold coin of the United States of America, with interest thereon in like gold coin at the rate of _____ per centum per annum, payable semiannually on the second day of January and the second day of July in each year from the date hereof (except the last installment thereof, which shall be payable at the maturity of this bond), upon presentation

Form of
funding
bonds

and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment. This bond is issued under and in conformity with the provisions of the above mentioned "Joint highway district act" and the amendments thereto, and is one of a series of bonds of like date and effect numbered from one to ----- consecutively. It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of the "Joint highway district No. ----- of the State of California funding bond redemption fund," exclusively, as the same appears upon the books of the treasurer of said district, and in accordance with the provisions of said act special assessment taxes will be levied and collected upon the lands within Funding District No. ----- in said joint highway district in an amount clearly sufficient to pay the principal and interest of said bonds as same shall become due and payable.

In witness whereof the board of directors of said district has caused this bond to be signed by the treasurer of said district attested by the secretary of said board and the official seal of said district to be affixed hereto this ----- day of -----, 19---

[SEAL]

Treasurer of joint highway district

Attest:

No. ----- of the State of California.

Secretary of the board of directors.

Said funding bonds shall be dated as of the date of the resolution or order of the board of directors authorizing their issuance, and the interest thereon shall be payable in the time and manner herein provided and as provided in the bond form above set forth. The board of directors may use any available moneys of the district, not already allocated to some other purpose, for the payment of any interest or principal due or past due upon any funding bonds of the district, and may advance moneys of the district for such purposes and in the event of such advancement shall be entitled to reimbursement in the amount thereof out of any levies thereafter made or any moneys thereafter collected and applicable to the payment of such bonds. Interest.

All funding bonds issued under this act shall be signed by the treasurer of the district, attested by the secretary and shall have the official seal of such district attached thereto. The interest coupons attached to said bonds shall be in such form as the said treasurer shall determine subject to the provisions of this act and the determination of the board of directors, and the signature of said interest coupons shall be that Signatures,
coupons,
etc

of said treasurer and may be either written or engraved or printed facsimile. The principal and interest of the bonds issued under this act shall be payable in gold coin of the United States of America at the office of the treasurer of the district issuing same. Said funding bonds shall be serial in character and an approximately even proportion of the total amount of each issue shall be payable annually; provided, that the amount of the principal due in each annual payment need not be exactly the same but with respect to each installment excepting the last may be made to differ not more than five hundred dollars (\$500) from the amount obtained by dividing the total of the principal amount due under the bonds, by the number of installments; the last installment shall be for the balance of the total principal amount not provided to be paid in the previous installments.

Funding
bonds when
issued and
how.

The funding bonds shall be issued at such time and manner and in such amounts as may be required to meet the payment of the demands of the district, as may be determined by the board of directors. The form, denomination, rate of interest, time, place and manner of payment and all matters relating to such issuance shall be determined by the board of directors of the district, in accordance with the provisions of this act; provided, that the rate of interest shall not exceed six per centum per annum.

The funding bonds so issued may be sold in such amounts and at such times and in such manner as the board of directors may determine, or they may be delivered to any contractor performing any work or improvement for the district, at par, in satisfaction of any sum due upon any contract therefor. The state board of control or director of finance is hereby authorized to purchase such bonds and pay for them out of any surplus money in the state treasury which, in its judgment, is not required for governmental purposes prior to the maturity of such bonds. The boards of supervisors of the several counties shall likewise have authority to purchase such bonds with any surplus funds under their control.

Payment
of funding
bonds

Sec. 26. Payment of funding bonds. For each district in which funding bonds shall have been issued under the provisions of this act a special fund to be designated "Joint highway district No. _____ of the State of California funding bond redemption fund No. _____" (The same to be consecutively numbered within each district as created.) for the discharge and payment of such bonds and interest thereon shall be, and is hereby, constituted in and for each such district issuing funding bonds under the provisions of this act.

Annual
statement
of district
treasurer

The treasurer of the district shall annually transmit to the several boards of supervisors within the district and prior to the fifteenth day of August in each year, a statement showing the amount to be raised in such year by the levy and collection of special assessment taxes upon the lands within such county which are within any funding district and not

devoted to any public use, or otherwise exempt from taxation for county purposes, and for the payment of principal, interest and delinquencies upon any funding bonds of the district. Such statement shall show the percentages of the amount to be levied upon the lands in such county in accordance with the zones established by the board of directors of the district, as in this act provided, and the engineer of the district shall cause to be prepared and filed in the office of the clerks of the boards of supervisors in each county within the district, a map or plat showing the boundaries of the lands in each county which are within any funding district formed under the provisions of this act and shall also show the boundaries of the zones therein and the percentage provided for each. The special assessment taxes in this section provided for payment of funding bonds under this act shall be independent of and distinct from any levies otherwise provided in this act where bonds are not issued or where revenue bonds are issued and such special assessment taxes shall be levied, collected and enforced by the proper officers of the several counties within the district, in behalf of the joint highway district and in the same manner and by the same persons and at the same time and with the same penalties and interest as are taxes for county purposes, and all laws applicable to the levy, collection and enforcement of taxes for county purposes are hereby made applicable to said special assessment taxes where not in conflict with the provisions of this act, except that such special assessment taxes shall be levied and collected upon land only, exclusive of the improvements thereon. It shall be the duty of the boards of supervisors of each county within any joint highway district organized and existing under the provisions of this act to annually cause to be levied upon the lands within each county as herein provided the amounts reported to them by the treasurer of such district, which amounts shall be clearly sufficient to pay the principal and interest coming due or past due in such year upon any funding bonds of the district together with a sufficient amount to cover delinquencies.

Special
assessment
taxes.

The provisions herein contained respecting the issuance of funding bonds shall be cumulative and shall not affect any of the other provisions or sections of this act relative to other bonds or levies. Any number of series of funding bonds may be issued under this section for any portion or portions of a single or different projects in any district organized and existing under the provisions of this act.

Construc-
tion.

Sec. 27. Curative provisions. All bonds issued in pursuance of the provisions of this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency, of all proceedings, acts and determinations in any wise pertaining thereto, had or made under this act, and after the same are issued no assessment tax or tax or other charge levied or collected for the purpose of paying the principal or interest on any bonds issued hereunder shall be held to be

Curative
provisions

invalid or illegal or set aside or refunded, by reason of any error, informality, irregularity, omission or defect in any of the proceedings, acts or determinations in anywise pertaining to the issuance or payment of said bonds, nor shall any action or proceeding be thereafter commenced or maintained to cancel or set aside said bonds or to prevent the payment thereof or the levy or collection or enforcement of any assessment tax, tax or other charge made for such payment.

Limitation
on indebted-
ness.

Sec. 28. Limitation on indebtedness. No bonds shall be issued by any district hereafter organized or reorganized under the provisions of this act in an amount which will aggregate at any time an obligation in excess of ten per centum (10%) of the assessed value of the aggregate total taxable property within the district as shown by the then current taxation assessment rolls of the several counties within the district. **The taxable property within any county shall not at any time be obligated for all joint highway district purposes, in any amount in excess of the following limitations, viz: in counties having a total assessed value of all taxable property therein of one hundred million dollars or less, not more than three per cent thereof; in counties having a total assessed value of all taxable property therein of more than one hundred million dollars, the ratio shall be not more than two per cent thereof.**

Construc-
tion fund.

Sec. 29. Construction fund. All moneys of the district applicable to the payment of construction costs shall be placed in a fund of the district to be designated "construction fund," the moneys in which shall be disbursed by the treasurer of the district as ordered by the board of directors. Such fund may be used to pay all construction costs authorized under the provisions of this act, all necessary engineering, legal and other operating costs of the district, including salaries of officers, agents and employees, and also for the payment of the cost of the purchase and acquisition of all necessary property and rights of way required for any project authorized under the provisions of this act.

Bonds to
correct
invalidity

Sec. 30 Bonds to correct invalidity. Whenever any court of competent jurisdiction shall determine that any contract purporting to have been made, or any proceedings, steps or actions purporting to have been taken, levy made, or any bond or bonds issued under this act, is or are void, invalid or for any reason unenforceable, or if such court shall for any cause enjoin the issuance or payment of any bonds issued or proposed to be issued under the provisions of this act, said court shall also determine whether any work or improvement has been done or performed or services rendered by any person in behalf of and to the benefit of the district under any invalid contract or proceeding or under any contract pursuant to which bonds were issued or proposed to be issued, and if so what part, if any, is of a kind that is lawful under the provisions of this act. If the court shall find that any such work or improvement has been done or made, or services

rendered, or acquisitions of necessary rights of way or property which is of a kind that is lawful under the provisions of this act, then the court shall order the board of directors of the district to take proceedings as in this section provided for the issuance of bonds to cover the costs of the same. The board of directors of the district may also utilize the provisions of this section without order of court wherever necessary to correct any invalid acts or proceedings coming within the scope of this section.

It is hereby declared to be the true intent and meaning of this section to make the costs and expenses of all work or improvements made or to be made, or services rendered, and all necessary acquisitions or property or rights of way, had, done or performed under an attempted compliance with and exercise of the powers and rights conferred by the provisions of this act, payable by the property benefited or to be benefited thereby, by the issuance of bonds as in this section provided, to defray the costs and expenses thereof. Effect

Upon a decree of court or upon its own order as herein provided, it shall be the mandatory duty of the board of directors of the district to cause bonds to be issued as in this section provided. The board of directors shall cause a report on the bond issue proposed under this section to be made and filed by the district engineer or other competent person appointed by said board for such purpose. Said report shall set forth in general terms what the proposed bond issue is to cover, together with the total amount of the same. Such total amount shall not exceed the original charge made against the district for the items included, plus a reasonable interest thereon not to exceed six (6) per centum per annum. Said report shall also contain a description of the lands benefited by the items for which the bonds hereunder are proposed to be issued, a description of the zones, if any, into which such district is to be divided, and the amounts proposed to be made chargeable against and upon each of such zones, which amounts shall not exceed the percentages of the total sum established for the several counties within the joint highway district under section 12 hereof, also a description of the bonds to be issued for the total amount set forth in said report. The bonds provided for in this section shall in terms and form conform substantially to the provision contained in this act relative to funding bonds and shall be payable in not more than five annual installments. The annual amounts required for the payment of principal and interest on any bonds issued under the provisions of this section, shall be levied and collected in the same manner as is in this act provided with relation to funding bonds. Report of proposed bond issue to correct invalidity

The report above referred to shall be filed with the secretary of the board of directors, and upon such filing said secretary shall fix a time and place of hearing thereon and give notice thereof. Notice of such hearing shall be published at least twice in one or more newspapers of general circulation to be Publication of notice of hearing.

selected and designated by such secretary, and which shall be published and circulated within the boundaries of the district set forth and described in the report above referred to. The last publication of such notice of hearing shall be not less than twenty days prior to the date set for such hearing.

Hearing.

At the time fixed for the hearing upon said report, or at any time to which said hearing may be adjourned or continued, any person interested may appear and be heard upon any of the matters set forth in said report. The board of directors shall have power to confirm said report and to revise, correct or modify the same, in such manner as said board may deem just and in accordance with the facts as said board may find them. At the conclusion of the hearing said board shall adopt a resolution declaring its findings and determinations upon said report, and the same shall be final and conclusive upon all persons and in all proceedings or actions as to all matters so found and determined. If no changes are made in the said report, it shall be sufficient for said board to declare that said report is confirmed and the same shall thereupon become the findings and determinations of the board. Upon the adoption of the resolution of the board of directors above provided for, the treasurer of the district shall immediately cause bonds to be issued under the provisions of this section in the amount and manner provided in said resolution. Said bonds shall be dated as of the date of said resolution. Said bonds shall by their issuance be conclusive evidence of the regularity of all proceedings prior thereto under this act and after the same are issued, no tax, assessment tax, or other charge or levy, levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be illegal, invalid or set aside or refunded by reason of any error, informality, irregularity, omission of defect in any of the proceedings prior to the issuance of said bonds, nor shall any action or proceeding be commenced or maintained after sixty (60) days from and after the date of their issuance to cancel or set aside said bonds or prevent the payment thereof, or the levy, collection or enforcement of any taxes, assessment taxes or other charges or levies for such payment. Said bonds shall be issued and delivered to the person or persons entitled thereto

Issue of bonds.

Control of highways.

Sec. 31. Control of highways under construction by district. During the course of the construction or improvement of any highway or project by any district under the provisions of this act the said highway or project shall be under the control of the board of directors of the district and such board of directors shall have the right to make all necessary regulations concerning the use of any highway under the control of the district which are not in conflict with general laws and may exclude from such highway such vehicular or other traffic as may, in the opinion of the board of directors, be detrimental to the public safety or will result in injury to the roadway during the progress of construction or improvements thereon, or otherwise. All laws relating to the use of

state highways in this state shall be applicable to any highways under the control of any district organized hereunder.

Sec. 32. Highways on completion to revert to counties. Highways to revert to counties.
 Upon the completion of construction or improvement of any highway or portion thereof by any district organized hereunder, the board of directors of the district shall adopt a resolution declaring such completion and transmit a copy of the same to the board of supervisors of the county in which such highway or portion of highway is situated. Upon receipt of such resolution by such board of supervisors, the control of such highway or portion thereof shall revert to the county in which the same is situated and become a part of the county system of highways therein and such county shall be liable for the future maintenance and care thereof.

The board of directors shall not adopt any resolution declaring completion under this section unless and until it shall first obtain from the director of public works of the State of California, a certificate showing that the highway, or portion thereof, proposed to be surrendered to the county within which the same is situated, has been duly constructed, improved or completed in accordance with the plans and specifications previously adopted therefor. Resolution of completion.

Sec. 33. Condemnation of rights of way by counties in behalf of district. Condemnation by counties
 The board of directors of any district organized hereunder may request the proper officers of any county situated within the district to condemn and acquire property or rights of way within such county necessary for the project or projects for which the district is created. When so requested, it shall be the duty of the board of supervisors of the county so requested to undertake the condemnation and acquisition requested by the board of directors of the district and the cost thereof shall be a proper deduction from any levy made by the district upon or within such county. Any excess in such cost over and above the amount of any such levy shall be paid to the county by the district out of its proper funds provided for that purpose. The proceedings required to be taken by any county or county officers under the provisions of this section shall include the taking of immediate possession of any property or rights of way necessary for district purposes.

Sec. 34. Control of state moneys. Control of state moneys.
 In case it shall be determined that any sum of money authorized to be expended from the state treasury of the State of California shall be expended as required by section 22 of article four of the constitution of the State of California, then the advisory board of the state engineering department, or corresponding body or person in the department of public works, shall have the exclusive management and control of such expenditure, if the boards of supervisors of the several counties concerned assent to the relinquishment and transfer of such management and control, but such advisory board or other officer may

in its or his discretion delegate its or his powers to the board of directors of the joint highway district and said joint highway district is hereby declared to be a state institution within the meaning of said constitution. The board of directors of the district may vest in the state engineering department or the department of public works, authority to supervise the work of construction, or so much thereof as it may, in its discretion, determine.

Cooperation
with federal
government.

Sec. 35. Cooperation with federal government. In case the governmental authorities of the United States should desire to include any highway or project constructed or to be constructed under the provisions of this act in any scheme of national defense and use or assume the use of the same for military or other purposes, the board of directors of the district, either directly or through the proper board or officers of the State of California, may enter into negotiations respecting the same and may enter into and consummate such contracts or agreements in relation thereto as may be mutually satisfactory.

Dissolution
of districts.

Sec. 36. Dissolution of districts. Upon the completion of any project or projects for which any district is organized under the provisions of this act and upon the payment and retirement of all outstanding bonds and obligations of any district, the same shall be dissolved by resolution of the board of directors thereof. It shall be the duty of the secretary of the board of directors to call such meeting for dissolution, or any member of the board of directors may call the same, or any board of supervisors within the district may demand the calling of such meeting and the dissolution of the district. A copy of the resolution of dissolution shall be transmitted to the secretary of state and to the boards of supervisors of the several counties composing the district. Any property or moneys belonging to such district at the time of dissolution shall by the board of directors thereof be distributed to the several counties composing the district in the proportions in which such counties have contributed to the expense and operation of such district.

Resolution.

Repeal of
conflicting
provisions.

Sec. 37. Repeal of conflicting provisions. All acts and parts of acts in conflict herewith are hereby repealed except that all joint highway districts organized or existing prior to the effective date of this act may continue their operations and the discharge of their obligations pursuant to the provisions of all laws appertaining to such districts in effect prior to the effective date of this act.

Reorganiza-
tion of
existing
districts

Sec. 38. Reorganization of existing districts under this act. All joint highway districts heretofore organized and existing or tentatively organized prior to the effective date of this act, may reorganize under the provisions of this act in the manner following: The board of directors of the district or tentative district proposing to reorganize under the provisions of this act may adopt a resolution declaring their intention so to do and transmit the same to the boards of

supervisors of the several counties composing the district for approval. If the boards of supervisors of all of the counties composing such district shall consent to such reorganization, the board of directors of the district shall adopt a resolution setting forth such consent and shall declare the district or tentative district to be reorganized under the provisions of this act, whereupon such reorganization shall be complete and said district shall thereafter conform to all of the provisions of this act and shall have all of the powers and duties provided therein. A certified copy of such resolution declaring reorganization shall be transmitted to the secretary of state of the State of California.

Sec. 39. Construction of act. This act and all of its provisions shall be liberally construed, to the end that the purposes thereof may be effective. No error, defect, irregularity, informality and no neglect or omission of any officer or person, in any procedure taken hereunder, which does not affect the jurisdiction of the board of directors of the district to proceed, shall render void or invalidate any proceeding hereunder, any bonds issued or levied, taxes or assessment taxes levied or imposed hereunder.

If any section, subdivision, sentence, clause or phrase of this act is for any reason held to be unconstitutional, the same shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act and each portion thereof irrespective of the fact that any one or more sections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 1026.

An act to amend chapter 266, statutes of 1923, entitled the "California vehicle act," approved May 30, 1923, as amended, by amending the title thereof, by repealing section 20, and by amending sections 7, 7½, 8½, 21, 29, 35, 36, 41, 43, 47, 64, 72, 83½, 85, 87, 89, 90, 91, 94, 95, 96, 100, 110, 111, 113, 115, 116, 118, 119, 122, 123, 124, 125, 126, 131, 135, 136, 138, 139, 142, 145, 146, 151, 159½, and by adding thereto new sections numbered 7¼, 47¼, 47½, 57½, 62½, 73½, 64½, 93½, 111¾, 113½, 114¾, 131½, 135½, 136½, 139¼, 139½, 145½, 145¾, relating to the regulation of traffic on streets and highways and to the use and operation of vehicles and the registration and identification of vehicles and the licensing of operators and chauffeurs, the service of civil process on nonresidents, the reporting of accidents and damage to vehicles, and to the powers and duties of the California highway patrol and to the erection of signs, sig-

Construction
of act.

Constitutionality.

Stats 1923,
p. 517,
amended

nals or lights upon or adjacent to highways and to the enforcement of this act.

[Approved by the Governor June 18, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Title
amended

SECTION 1. The title of that certain act of the Legislature known and cited as the "California vehicle act," approved May 30, 1923, is hereby amended to read as follows:

"An act regulating traffic on streets and highways and to regulate the use and operation of vehicles; to provide for the registration and identification of motor vehicles, trailers and semitrailers and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of or injury to a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide for records to be kept by persons operating public garages and for notices to be given by owners of private garages; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to provide for the organization, powers and duties and for the maintenance of the division of motor vehicles; to provide for carrying out the objects of this act, and to make appropriation therefor; to provide for the time this act shall go into effect, and to repeal all acts or parts of acts in conflict with this act."

Stats 1927,
p. 1421

SEC. 2. Section 7 of the California vehicle act is hereby amended to read as follows:

"Semi-
trailer"
defined

Sec. 7. "Semitrailer."

(a) Every vehicle of the trailer type having one or more axles and two or more wheels so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(b) Any motor unit composed of a tractor so constructed as not to carry any independent load and a semitrailer permanently joined to the tractor shall be deemed to be one vehicle.

New section.

SEC. 3. Said act is hereby amended by adding thereto a new section to be numbered 7½, to read as follows:

Sec. 7 $\frac{1}{2}$. "Pole or pipe dolly." Every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All of the registration provisions of this act shall apply to every pole or pipe dolly. "Pole or pipe dolly" defined.

SEC. 4. Section 7 $\frac{1}{2}$ of said act is hereby amended to read as follows: Stats. 1929, p. 509.

Sec. 7 $\frac{1}{2}$. "Special mobile equipment." Any vehicle or unit of special maintenance or construction equipment not designed or intended for use as a transportation unit, which is used in connection with construction work, or for agricultural purposes, and which is occasionally or incidentally moved over the public highways from place to place or from job to job, shall be classed as "special mobile equipment." The term "special mobile equipment" shall also include dollies, other than a pole or pipe dolly, well-boring apparatus, street improvement and ditch digging apparatus, wood saws and fumigating and spraying apparatus; provided, that all such apparatus and special mobile equipment are not self-propelled. It shall be unlawful to move any special mobile equipment over or leave upon the public highways unless there shall be permanently attached to, or painted in a conspicuous place upon each unit of such special mobile equipment, a sign in letters not less than two inches in height giving the name and address of the owner. "Special mobile equipment."

SEC. 5. Section 8 $\frac{1}{2}$ of said act is hereby amended to read as follows: Stats. 1929, p. 509.

Sec. 8 $\frac{1}{2}$. "Authorized emergency vehicle." (1) Every vehicle publicly owned and operated by a police or fire department or traffic law enforcement officer in responding to emergency calls or in traffic patrol duty. "Authorized emergency vehicle."

(2) Any motorcycle, whether publicly or privately owned when operated by a police or traffic law enforcement officer in enforcing the provisions of this act.

(3) Any motor vehicle, whether publicly or privately owned, operated in responding to emergency fire calls by a state or county forest ranger or fire warden on salary and directly in charge of fire protection work upon behalf of the state or in any county or by the chief or assistant chief of an organized fire department.

(4) Any fire fighting equipment designed and operated exclusively as such by an oil company and used in responding to emergency fire calls and in combating fires.

(5) Any publicly owned ambulance and any privately owned ambulance used in responding to emergency calls when authorized by permit issued by the superintendent of the California highway patrol.

(6) Any emergency repair vehicle of a public utility corporation used in responding to emergency calls when authorized by the superintendent of the California highway patrol.

Stats 1923,
p 517.

SEC. 6. Section 21 of said act is hereby amended to read as follows:

"Highway"
defined

Sec. 21. "Highway" or "public highway." Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the public or dedicated or abandoned to the public, or intended or used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks. The term "highway" or "public highway" shall apply to and include driveways and paths upon the grounds of universities, colleges, and institutions when and during such time or times as such driveways and paths are open to public traffic by permission of the governing board or officer charged with the control and direction of any such university, college or institution. The term "highway" or "public highway" shall not be deemed to include private driveways, roads or places used by the owner, his guests and those having business with the owner and not intended to be otherwise used, or otherwise used by the general public.

Stats 1923,
p 517.

SEC. 7. Section 29 of the said act is hereby amended to read as follows:

Powers and
duties of
division of
motor
vehicles.

Sec. 29. Powers and duties of the division of motor vehicles.

(a) It shall be the duty of the division of motor vehicles and all officers thereof to observe and enforce the provisions of this act and of any and all other acts respecting the use or operation of vehicles upon public highways.

Traffic
direction.

(b) In addition to any other powers and duties imposed upon the California highway patrol, the officers of such patrol are hereby authorized to direct all traffic in conformance with the provisions of this act, provided that in the event of a fire or other emergency or to expedite traffic or to insure safety, officers of the highway patrol may direct traffic as conditions may require, notwithstanding the provisions of this act.

Inspection
of vehicles

(c) Whenever any officer of the California highway patrol who is on duty for the purpose of enforcing the provisions of this act has reasonable cause to believe that any motor vehicle being operated upon the highway is not equipped as required by this act or is otherwise being operated in violation of this act, such officer shall have authority to direct the operator of such motor vehicle to stop and submit to an inspection of such vehicle, its equipment and the registration plates and certificate thereon or may require a test of the light or brake equipment upon such vehicle.

Inspection
of vehicles
in garage.

(d) Any officer of the California highway patrol or any inspector of the division shall have the right to inspect any motor vehicle in any public garage or repair shop for the purpose of locating stolen motor vehicles and investigating the title and registration of motor vehicles and, for such purpose, the owner of any such garage or repair shop shall permit any

such officer or inspector without let or hindrance, to make an investigation as herein authorized.

(e) Officers of a county highway patrol maintained by any county or city and county organized under a freeholders' charter, shall have the same powers within their respective counties as are by this section conferred upon officers of the California highway patrol. Local officers.

(f) It shall be unlawful for any person to wilfully refuse or to wilfully fail to comply with any lawful order, signal or direction of any officer of the California highway patrol or other officer referred to in this section when on duty for the purpose of enforcing the provisions of this act. Compliance with orders of officers

(g) For the purpose of determining the scope of employment of any officer of the California highway patrol under the workmen's compensation act, any such officer shall be deemed to be on duty and acting within the scope of his employment when actually exercising any of the powers or performing any of the duties imposed or authorized by this act at any time during the twenty-four hours of the day. Scope of employment.

SEC. 8. Section 35 of said act is hereby amended to read as follows: Stats 1923, p. 517.

Sec. 35. Distribution of synopsis of act. The division shall publish a brief synopsis of this act, also separately a synopsis of the provisions of title nine of this act containing regulations as to operation of vehicles, and shall furnish without charge a copy of the synopsis of said title nine and any other provisions of the act deemed desirable with each original motor vehicle registration. Synopsis of act distribution

SEC. 9. Section 36 of said act is hereby amended to read as follows: Stats 1927, p. 1423.

Sec. 36. Application for registration. (a) Every owner of a motor vehicle, trailer or semitrailer which shall be operated upon the public highways of this state shall for each such vehicle owned, except as herein otherwise provided, apply to the division for the registration thereof. Application for registration.

(b) Application for the registration of a vehicle herein required to be registered shall be made upon the appropriate form furnished by the division and shall contain the name and address of the owner and legal owner, also a description of the vehicle, including the name of the maker, the motor number, the serial number and model, the date first sold by the manufacturer or dealer to the consumer and such further description of the vehicle as shall be called for in the form, and such other information as may be required by the division. Form and contents.

(c) In the event that the vehicle to be registered should be a specially constructed, reconstructed or an imported vehicle, such fact shall be stated in the application, and upon the registration of every imported motor vehicle which has been registered theretofore in any other state or country, the owner shall surrender to the division all number plates, seals, certificates of registration or other evidences of such Special or imported vehicles.

former registration as may be in the applicant's possession or control.

Exceptions

(d) The provisions of this act requiring the registration of certain vehicles shall not apply to special mobile equipment nor to implements of husbandry temporarily drawn, moved or otherwise propelled upon the public highways nor to any vehicle otherwise subject to registration hereunder which is operated or moved upon a public highway under the terms of a permit from the state department of public works, such operation being only for the purpose of crossing any highway or highways from one property to another.

Stats 1925,
p. 401.

SEC. 10. Section 41 of said act is hereby amended to read as follows:

Certificates
of registra-
tion and
ownership

Sec. 41. Certificates of registration and ownership. Upon the registration of a vehicle the division shall issue a certificate of registration to the owner and a certificate of ownership to the legal owner, or both to a person who is both owner and legal owner, which certificate shall meet the following requirements:

Form

(1) Both the certificate of registration and the certificate of ownership shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner, the date first sold by the manufacturer or dealer to the consumer, the make of the vehicle, the number of cylinders, the manufacturer's serial number, the type of body and such other statements of facts as may be determined by the division. Whenever a motor vehicle registered hereunder has previously been registered in any other state or country, the certificate of registration, and certificate of ownership or any renewal thereof, issued for such motor vehicle by the division shall be of a different color and distinguishable from the certificates of registration and ownership issued for motor vehicles first registered in this state and shall contain a statement of facts naming the state or country in which the vehicle was previously registered and the original date of registration when the same can be ascertained.

(2) The reverse side of the certificate of ownership only shall contain forms for notice to the division of a transfer of the title or interest of the owner or legal owner and application for registration by the transferee.

Container

(3) Whenever a vehicle is first registered hereunder the division shall issue a suitable container with the certificate of registration issued for such vehicle. Every owner upon receipt of a certificate of registration shall write his signature thereon in pen and ink in the space provided and shall place the same in the container furnished therewith or theretofore furnished and shall securely fasten the same in plain sight within the driver's compartment of the vehicle for which such certificate is issued, or in the event the vehicle is a motorcycle, a trailer or semitrailer, shall fasten the certificate of registration thereto in plain sight or carry such certificate

Signatures

in the tool bag or other convenient receptacle attached to such vehicle.

SEC. 11. Section 43 of said act is hereby amended to read as follows: Stats 1929,
p. 509.

Sec. 43. Display of plates. (a) Number plates assigned to a motor vehicle other than a motorcycle shall be attached thereto, one in front and the other in the rear; the number plate assigned to any motorcycle or other vehicle required to be registered under the provisions of this act shall be attached to the rear thereof. Display of
plates

(b) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a minimum distance of sixteen inches from the ground, in a position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

SEC. 12. Said act is hereby amended by adding thereto a new section to be numbered 45 $\frac{1}{2}$, to read as follows: New section

Sec. 45 $\frac{1}{2}$. Report of transfers and liability of owners. Whenever the owner of a motor vehicle registered under this act shall sell or transfer his interest in and the possession of said motor vehicle to another, said owner shall immediately notify the division of motor vehicles of such sale or transfer, giving the date of same, the names and addresses of such owner and of the transferee, and such description of the vehicle as may be called for in any official form provided for such purpose by the division; provided, however, that in the event said notice be given or in the event of failure to give said notice, an owner who has made a bona fide sale or transfer of such motor vehicle and delivered possession thereof to a purchaser and who has made proper endorsement and delivery of the certificate of ownership as provided in this act, shall not by reason of any of the provisions of this act be deemed the owner of such motor vehicle so as to be subject to liability under the provisions of section 1714 $\frac{1}{2}$ of the Civil Code of this state. Report of
transfers
and liability
of owners

SEC. 13. Section 47 of said act is hereby amended to read as follows: Stats 1929,
p. 509

Sec. 47. Nonresident permits. (a) A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, country or other place of which the owner is a resident, and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state, or into or through this state in interstate transportation, without registering such vehicle under the provisions of section 36 of this act or paying any fees to this state, provided such nonresident shall comply with the provisions of subdivision (b) of this section as the same may be applicable to such nonresident. Nonresident
permits

Application:
contents

(b) The nonresident owner, within five days after commencing to operate such vehicle or causing or permitting it to be operated within this state at any time during a calendar year, shall apply to the division for a nonresident permit upon the appropriate official form stating therein the name and home address of the owner and the temporary address, if any, of the owner while within this state, the registration number of said vehicle assigned thereto in the state or country in which the owner is a resident, together with such description of the motor vehicle as may be called for in the form and such other statements of facts as may be required by the division. No application for a nonresident permit shall be granted unless the applicant shall present for the inspection of the division a valid certificate of registration issued for such vehicle in the home state of such applicant. The division shall file each application received and register the vehicle therein described and the owner thereof in suitable books or on index cards and shall without charge issue to the owner a nonresident permit of a distinctive form containing the date it is issued, a brief description of the vehicle and a statement that the owner has procured a nonresident permit for the operation of such vehicle. A nonresident permit issued as provided herein shall at all times be carried upon the windshield of the motor vehicle for which issued in the manner to be specified by the division and on any other vehicle in plain sight and in the manner to be specified by the division.

Vehicles or
trailers used
for profit

(c) Any nonresident owner of a foreign vehicle, trailer or semitrailer intended to be used within this state for the transportation of persons or property for compensation or profit shall be registered and licensed in the same manner as is required in case of motor vehicles, trailers and semitrailers not theretofore registered or licensed; provided, however, that where it is desired to operate any such vehicle in this state for compensation or profit for a period not to exceed three months in any registration year, if such vehicle is then duly registered and licensed under the laws of any other country, state or territory, the owner of such vehicle shall make application to the division of motor vehicles of this state in the manner and form prescribed for the registration and licensing of such vehicle for the period of time during which it is desired to operate the same in this state, which application shall be accompanied by a fee in an amount equal to one-twelfth of the full annual license fee applicable to said vehicle as prescribed in this act, for each month or fraction thereof said vehicle is to be so operated in this state during said three months' period and the division of motor vehicles, if satisfied as to the facts therein stated, shall register and license such vehicle for the period stated in such application and assign thereto an appropriate certificate of license or permit, which shall at all times be displayed upon such vehicle, in the manner prescribed by the division when operated or driven upon

Fee

the roads and highways of this state during the period of the life of such certificate of license or permit.

(d) Every nonresident, including any foreign corporation carrying on business within this state and owning and regularly operating in such business any motor vehicle, trailer or semitrailer within this state, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

Continued
use for
profit

(e) -----

SEC. 14. Said act is hereby amended by adding thereto a new section to be numbered 47½, to read as follows:

New section.

Sec. 47½. Service of civil process on nonresident. The acceptance by a nonresident of the rights and privileges conferred by sections 47 or 60 as evidenced by the operation by himself or agent of a motor vehicle thereunder, or the operation by such person, by himself or his agent, of a motor vehicle on a public highway in this state otherwise than under either of said sections, or in the event the nonresident is the owner of a motor vehicle then the operation of such vehicle by such nonresident by himself or by any other person with the express or implied permission of the owner, shall be deemed equivalent to an appointment by such nonresident of the chief of the division of motor vehicles, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against said nonresident growing out of an accident or any collision in which such person or his agent or any other person operating with the express or implied permission of a nonresident owner of a motor vehicle may be involved, while operating a motor vehicle on any said public highway, and said acceptance or operation shall be a signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as if served on such nonresident personally. Service of such process shall be made by leaving a copy of the summons and complaint with a fee of two dollars in the hands of the chief of the division of motor vehicles, or in his office, and such service shall be sufficient service upon the said nonresident; provided, that notice of such service and a copy of the summons and complaint are forthwith sent by registered mail by the plaintiff to the defendant, and the defendant's return receipt and the plaintiff's affidavit of compliance herewith are appended to the original summons and filed with the court within such time as the court may allow, or that such notice and copy of the summons and complaint are served upon the defendant, if found without this state, by any duly constituted public officer qualified to serve like process in the state or jurisdiction where the defendant is found, and the officer's return showing such service to have been made is filed in the case. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

Service of
civil process
on nonresi-
dent

The chief of the division of motor vehicles shall keep a record of all processes served upon him under this section which record shall show the day and hour of service.

New section

SEC. 15. Said act is hereby amended by adding thereto a new section to be numbered 57½ to read as follows:

Damaged vehicles: report.

Sec. 57½. Garage keeper to report certain damaged vehicles. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by any bullet, shall report to the nearest police station or sheriff's office within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner, or operator of such vehicle.

New section

SEC. 16. Said act is hereby amended by adding thereto a new section to be numbered 62½, to read as follows:

License of minor death of person signing application.

Sec. 62½. Death of parent or guardian. Upon the death of any parent, guardian or employer having custody of a minor, who shall have signed the application of any minor for a license, as provided in section 62, the division upon receiving satisfactory evidence of such facts shall immediately revoke the license of such minor and such revocation shall remain in effect until such minor attains the age of twenty-one years or until a new application shall be made and granted under the provisions of section 62.

Stats 1925, p 396

SEC. 17. Section 64 of said act is hereby amended to read as follows:

Who shall not be licensed. Certain minors.

Sec. 64. What persons shall not be licensed as operators or chauffeurs (a) An operator's license shall not be issued to any person under the age of sixteen years and no chauffeur's license shall be issued to any person under the age of eighteen years, provided that an operator's license may be issued to any minor over the age of fourteen years and less than sixteen years of age upon special application and statement of reasons by the parent or guardian of such minor

Same: school bus

(b) It shall be unlawful for any person, operator or chauffeur, under the age of eighteen years, to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

Same when offenders.

(c) Whenever any judge of a juvenile court shall find that any minor under the age of eighteen years who has been duly licensed under this act has committed any offense defined in sections 112 or 121 or 141 of this act, or has twice within a period of six months preceding committed the offense defined in section 113 of this act, such judge shall immediately report such findings to the division of motor vehicles and the division shall immediately revoke the license of any said minor and said license shall not be restored nor shall any new license be issued to such minor except upon application made after such minor attains the age of eighteen years.

Suspended licenses

(d) The division shall not issue an operator's or chauffeur's license to any person whose license, either as operator, or chauffeur, has been suspended until the expiration of the period

for which such license was suspended, nor to any person whose license has been revoked under the provisions of this act until the expiration of one year after such license was revoked.

(e) The division shall not issue an operator's or chauffeur's license to any person who it has determined is an habitual drunkard or is addicted to the use of narcotics or drugs. Drunkards,
etc

(f) No operator's or chauffeur's license shall be issued to any applicant who is insane or an idiot, imbecile, epileptic or feeble-minded. Idiots, etc

(g) The division shall not issue an operator's or chauffeur's license to any person when, in the opinion of the division or its authorized representatives such person is unable to exercise reasonable and ordinary control over a motor vehicle while operating the same upon the public highways because afflicted with epilepsy or paralysis, or by reason of defective hearing or eyesight, or lack of both hands or both feet, or lack of muscular control over his extremities, or is unable to demonstrate his ability to exercise reasonable and ordinary control over the operation of a motor vehicle by a driver's test, as hereinbefore provided, or who is unable to understand highway warning and direction signs. Physical
defects

(h) Any person denied a license or whose license has been revoked by the division shall have the right to file an application within thirty days thereafter for a hearing in the matter in the superior court of the State of California, in the county wherein the applicant shall reside, and such superior court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten days' written notice to the chief of the division of the date of such hearing, and thereupon to take testimony and examine into the facts of the case and to determine whether the applicant is entitled to a license or is subject to revocation of license under the provisions of this act. Such decision shall be final and conclusive without right to appeal. Hearing on
revocation
of license

SEC. 18. Said act is hereby amended by adding thereto a new section to be numbered 64½, to read as follows: New section.

Sec. 64½. Restricted operators' or chauffeurs' license. In the issuing of operators' or chauffeurs' licenses under this act, the division shall have authority, whenever good cause appears therefor, to impose restrictions applicable to the licensee with respect to the type of motor vehicle or other features of the motor vehicle which the licensee may operate or such other restrictions with reference to the vehicle or the licensee as the division may determine to be appropriate to the safe operation of a motor vehicle by said licensee. The division may issue either a special form of restricted license or may set forth upon the license issued under section 66, such restrictions and conditions as may be determined under this section. The division is hereby authorized upon receiving satisfactory evidence of any violation of the terms or conditions of any said restricted operator's or chauffeur's license to suspend or revoke such license. Restricted
operators'
license.

Stats 1929,
p. 559.

SEC. 19. Section 72 of said act is hereby amended to read as follows:

Revocation or
suspension
of license.

Sec. 72. Revocation or suspension of license by court of competent jurisdiction. (a) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section 113 or 121 of this act prohibiting speeding or reckless driving, the court may in its discretion suspend the license of such person for a period not to exceed thirty days upon a first conviction, for a period not to exceed sixty days upon a second conviction and for a period not to exceed six months for a third or subsequent conviction, provided that any suspension of a license under this act shall not be for a period in excess of six months.

(b) Convictions had prior to the time this act takes effect shall not be considered in determining the number of convictions hereinbefore referred to.

License
retained
by court

(c) Whenever any court shall suspend an operator's or chauffeur's license as in this section provided, the court shall require such license certificate to be produced and surrendered to the court, and the court shall retain such license certificate during the period of suspension, returning the same to the owner at the end of such period, only, however, after a record of such suspension has been endorsed thereon by order of the court.

Indorsement
of suspen-
sion.

(d) In case of any conviction had or fine imposed for any violation of sections 112, 113, 121, and 141 of title nine of this act the court shall endorse a record thereof upon the operator's or chauffeur's license, as the case may be, whether such license was suspended as provided in paragraph (c) of this section, or not.

New section

SEC. 19 $\frac{1}{2}$. The California vehicle act is hereby amended by adding thereto a new section to be numbered 73 $\frac{1}{2}$, to read as follows:

Financial
responsibil-
ity after
certain
convictions

Sec. 73 $\frac{1}{2}$. Showing of financial responsibility required following conviction for certain offenses.

(a) Whenever any person shall be convicted upon a charge of violation of any of the provisions of sections 112 or 141 of the California vehicle act, and time for an appeal shall have elapsed without an appeal having been taken, or after any said appeal has been taken and judgment of conviction affirmed, the clerk of the court in which said judgment was rendered, shall immediately report the facts to the division of motor vehicles, and the division of motor vehicles shall thereupon suspend the operator's or chauffeur's license of the person so convicted, and such suspension shall remain in effect unless and until the person so convicted and whose license is suspended shall give proof of financial responsibility in accordance with the provisions of sections 36 $\frac{1}{2}$ and 36 $\frac{3}{4}$ of the California vehicle act.

Stats 1929,
p. 527

SEC. 20. Section 83 $\frac{1}{2}$ of said act is hereby amended to read as follows:

Sec. 83½. Height and length of vehicles and loads. No vehicle shall be operated or moved upon any public highway when the height or length of said vehicle or any combination of vehicles or any load or loads thereon exceed the limitations set forth in this section.

Height and length of vehicles and loads

(a) No vehicle unladen or with load shall exceed a height of thirteen feet and six inches.

Height

(b) No vehicle shall exceed a length of thirty-three feet and no combination of vehicles coupled together shall exceed a total length of sixty feet except that this limitation shall not apply to implements of husbandry temporarily moved upon the public highway, nor to loads of poles or pipe transported on pole or pipe dollies.

Length

(c) No train of vehicles or vehicle operated alone shall carry any load extending more than three feet beyond the front wheels, or bumper if the vehicle is so equipped.

Load extending in front.

(d) The load upon any vehicle shall not extend to the rear beyond the last point of support for a greater distance than that equal to two-thirds of the length of the wheel base of the vehicle carrying said load and subject to the limitation set forth in subdivision (e).

Same rear.

(e) The load upon any combination of vehicles shall not exceed seventy-five feet measured from the front extremity of the vehicle or load, except that said limitation shall not apply to a load consisting of poles or pipes.

Combination of vehicles length of load

(f) The provisions of this section shall not apply to special mobile equipment, road construction or repair equipment nor to implements of husbandry temporarily moved on the public highways.

Exceptions

Sec. 21. Section 85 of said act is hereby amended to read as follows:

Stats 1929, p. 528.

Sec. 85. Gross weight of vehicles and loads. Except as may be permitted under sections 88 and 91 of this act, it shall be unlawful for any person to operate or move upon any public highway any vehicle which has a gross weight including any load thereon in excess of the weight set forth in this section:

Gross weight of vehicles and loads.

When the vehicle is equipped with two transverse axles, no two of which are in the same transverse plane, and with four or more wheels running on the highway, twenty-two thousand pounds, except that with respect to any passenger type vehicle having two axles and six wheels equipped with low pressure tires on all wheels, the weight upon the rear axle shall not exceed seventeen thousand pounds and the weight upon the front axle shall not exceed two-thirds of the permissible weight upon the rear axle;

When the vehicle is equipped with three or more axles, no two of which are in the same transverse plane and with six or more wheels running on the highway, thirty-four thousand pounds; provided that the total gross weight of a four-wheel motor vehicle and a two-wheel semitrailer attached thereto shall not exceed thirty-four thousand pounds.

When a vehicle of the semitrailer type is equipped with two or more rear axles, no two of which are more than forty-eight inches nor less than forty inches apart, twenty-six thousand pounds.

Nor shall the gross weight upon any one axle exceed eight thousand pounds, nor the weight upon any one wheel resting upon the roadway exceed eleven thousand pounds, subject to reduction as follows: That with reference to any vehicle first registered after January 1, 1930, the gross weight on any one axle shall not at any time exceed seventeen thousand pounds, nor shall the gross weight upon any one wheel resting upon the roadway exceed ten thousand pounds; and provided, that with reference to any vehicle first registered after said date and of a gross weight including load in excess of twenty-two thousand pounds and equipped with two or more rear axles, such axles shall be spaced not less than forty inches apart, measured longitudinally with the vehicle from the centers of said axles.

"Axle"
defined

The term axle is hereby defined as a structure or portion of a structure comprising two spindles which are inserted in the hubs of wheels and on which the wheels revolve, such two spindles being located in a transverse plane on opposite sides of a vehicle.

In addition to other weight limitations, the gross weight of any combination of vehicles coupled together and operated upon any highway, including the weight of said vehicles and the load or loads thereon, shall not exceed sixty-eight thousand pounds and with respect to length, the gross weight shall not be more than the total of seventeen hundred fifty pounds multiplied by (L plus 8) in which L is the distance in feet between the first and last axle of a vehicle or of a combination of vehicles coupled together and operated upon the highway.

Whenever the gross weight and any axle weight of a vehicle are in excess of the limits above set forth, such excess weights shall be deemed one offense in violation of this section.

Hereafter it shall be unlawful for any person to operate upon a public highway any vehicle other than a motorcycle which is provided with means for the lifting, or raising of any wheel or wheels from the roadway other than a semitrailer which is detachable and rests upon the wheel or wheels which are capable of being raised or lowered only for purposes of loading.

Stats 1923,
p 517.

SEC. 22. Section 87 of said act is hereby amended to read as follows:

Excess load
removal.

Sec. 87. Officer may require removal of excess load. Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within five miles. The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross

weight of such vehicle to the maximum specified in sections 85 and 86. All such material unloaded shall be cared for by the owner or operator of the truck at the risk of such owner or operator. The failure to comply with the request to subject vehicle and load to a weighing shall constitute a misdemeanor.

SEC. 23. Section 89 of said act is hereby amended to read as follows:

Stats 1929,
p 529.

Sec. 89. Restriction as to tire equipment. (a) It shall be unlawful for any person to operate or move on any public highway any vehicle or other contrivance equipped in whole or in part with solid rubber tires, unless such tires meet the following requirements.

Tire
equipment
restrictions.

The minimum thickness of resilient rubber shall be as follows:

Width of tires three inches to five inches, inclusive, one inch thick;

Width of tires six inches to nine inches, inclusive, one and one-fourth inches thick;

Width of tires nine inches and over, one and one-half inches thick.

Every solid rubber tire shall meet the above requirements as to thickness of resilient rubber measured between the surface of the highway and the nearest metal part of the base flange to which the tire is attached at the point where the concentrated weight of the vehicle bears upon the surface of the roadway, and shall likewise have said thickness of rubber upon the entire traction surface above the edge of the flange on its entire periphery.

The entire solid rubber tire shall be securely attached to the channel base, and shall be without flat spots or bumpy rubber.

With respect to dual solid rubber tires there shall not be an average difference greater than one-eighth inch between the outside diameters of each of the single tires composing the dual tire

(b) No tire on any vehicle driven or moved upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire; but this subsection shall not be so construed as to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow or ice or other conditions tending to cause such vehicle to slide or skid. The provisions of this subsection shall not apply to vehicles actually engaged in the construction or repair of public highways when operated on unimproved portions of the public highways, and this subsection shall not apply to traction engines or tractors when such traction engines or tractors are moved or operated under the conditions of a permit first obtained from the department of public works of the State of California.

Stats 1929,
p 530

SEC. 24. Section 90 of said act is hereby amended to read as follows:

Trailers

Sec. 90. Trailers. (a) The draw bar or other connection between any two vehicles one of which is towing or drawing another shall not exceed fifteen feet in length from one vehicle to the other, and in addition to the draw bar or other connection there shall be an additional connection between any said two vehicles sufficient to hold the vehicle which is being towed in the event the draw bar or other regular connection should break or become detached. Whenever the connection between two vehicles, one of which is towing the other consists of a chain, rope or cable there shall be displayed upon such connection a red flag or cloth not less than twelve inches in length nor less than twelve inches in width. The provisions of this subsection shall not apply to the draw bar or other connection between a motor vehicle and a pole or pipe dolly as defined herein.

Unlawful
acts

(b) It shall be unlawful to operate any train of vehicles when any trailer, semitrailer or other vehicle being towed whips or swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.

Stats 1923,
p 517.

SEC. 25. Section 91 of said act is hereby amended to read as follows:

Permits
for
excessive
size or
weight

Sec. 91. Permits for excessive size and weight. The state department of public works and local authorities in charge of, or having jurisdiction over a public highway may at their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load, or with a number of vehicles exceeding the maximum specified in this act, upon any highway under the jurisdiction of, and for the maintenance of which the party granting the permit is responsible, or under emergency conditions may permit the operation of a type of vehicle otherwise prohibited under this act, or may permit the use of corrugations on the periphery of the movable tracks or traction engines or tractors propelled not by wheels resting upon the ground, but by flexible bands or chains. The application shall sufficiently describe the vehicle or vehicles and load to be operated and the specific roads over which permit for operation is requested, and whether such permit is requested for a single trip or for continued operation. The state department of public works or local authority is authorized to issue or withhold such permit at its discretion, or to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the roads indicated, or may otherwise limit the prescribed conditions of operation of such vehicles when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed neces-

sary to protect the highways and bridges from injury, and to provide indemnity for any injury resulting from such operation. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers, and shall be open to inspection of any peace officer, any authorized agent of the department of public works, or any officer or employee charged with the care or protection of the public highways, and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit.

SEC. 26. Said act is hereby amended by adding thereto a new section numbered 93½ to read as follows: New section.

Sec. 93½. Unlawful to operate motor vehicle in unsafe mechanical condition. (a) It shall be unlawful for any person to operate on any public highway any motor vehicle or combination of motor vehicle, trailer and/or semitrailer, unless such vehicle or vehicle in combination with trailer or semitrailer shall be in such safe mechanical condition that its operation on the highway shall not endanger the life of the driver or the lives of occupants of the vehicle or of other persons upon the highway. Vehicles mechanically unsafe.

(b) Whenever any officer of the California highway patrol has reasonable cause to believe that any motor vehicle is being operated upon the public highway in violation of subdivision (a) of this section, such officer may require the operator of said vehicle to stop and submit said vehicle to an inspection and if said officer finds that said vehicle or the equipment thereof is in violation of any of the provisions of this act, the officer may either give notice of such fact, or a notice of arrest to the operator or both and shall mail a copy of any notice of unsafe condition or improper equipment to the registered legal owner, if a different person than the operator. The notice of arrest shall also require that previous to appearance in court the driver shall correct any said mechanical defects or improper equipment to comply with the provisions of this act. Inspection

It shall be unlawful for any person to operate any said motor vehicle after notice of unsafe condition except as may be necessary to return it to the residence or place of business of the owner or operator or to a garage until any said mechanical defects or improper equipment have been remedied to such extent as to bring said vehicle into compliance with the provisions of this act. Operation after notice.

SEC. 27. Section 94 of said act is hereby amended to read as follows: Stats 1929, p 530

Sec. 94 Brakes. (a) Except as otherwise provided in subdivisions (b) and (c) of this section, it shall be unlawful for any person to operate on any public highway any motor vehicle or combination of motor vehicle, trailer and/or semitrailer, unless equipped with brakes adequate to bring such motor vehicle or combination of vehicles to a complete stop when operated upon dry asphalt or concrete pavement surface where the grade does not exceed one per cent, and when Brakes

operating at speeds set forth in the following table, within the distances set opposite such speeds, provided that no vehicle shall be tested for brake efficiency at a speed higher than that permitted by law for such vehicle and in no event at a speed higher than twenty miles per hour.

Efficiency schedule	Miles per hour	Stopping distance
	10	9.3 feet
	15	20.8 feet
	20	37.0 feet

Whether a vehicle is equipped with a single or dual or other system of brakes, each shall be maintained in good working order.

Commercial vehicles

(b) The stopping distances prescribed in subdivision (a) of this section shall not apply to vehicles designed, used or maintained primarily for the transportation of property and registered prior to August 14, 1929, provided said vehicle shall comply with stopping distances under the conditions stated in subdivision (a), as follows:

Efficiency schedule.	Miles per hour	Stopping distance
	10	12.5 feet
	15	28.1 feet
	20	50 feet

but all said vehicles shall comply with the provisions of subdivision (a) of this section from and after one year from the time this section goes into effect

Exceptions

(c) The provisions of this section shall not apply to implementations of husbandry, special mobile equipment nor equipment operated under special permit nor shall the stopping distances above specified apply to chassis without bodies or loads, but such chassis shall be equipped with brakes adequate to reasonable control such vehicles.

Stats 1929, p 531.

SEC. 28. Section 95 of said act is hereby amended to read as follows:

Horns

Sec. 95. Horns or warning devices. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with, or for any person to use upon a vehicle, any siren, or for any person at any time to use a horn otherwise than as a reasonable warning, or to make unnecessary or unreasonably loud, or harsh sounds by means of a horn or other warning device.

Emergency vehicles.

(b) Any authorized emergency vehicle, as defined herein, may be equipped with a siren of a type approved by the superintendent of the California highway patrol. It shall be unlawful for the driver of any emergency vehicle, or any other vehicle, to use a siren unless at the time actually responding

to an emergency call, or in the immediate chase or apprehension of violators of the law, or persons charged with or suspected of any such violation, and it is hereby expressly declared to be unlawful for any police or traffic law enforcement officer to use a siren, or to travel at a speed in excess of that permitted under section 113, when serving as an escort of any procession or other vehicles traveling upon the public highway.

SEC. 29 Section 96 of said act is hereby amended to read as follows: Stats 1929,
p 531

Sec. 96 Prevention of noise, smoke, etc. (a) It shall be unlawful for any person to drive or operate any motor vehicle on any public highway unless there is attached thereto a silencer or muffler in constant operation to prevent any excessive or unusual noise. Prevention
of noise,
smoke, etc

(b) It shall be unlawful for any person to drive or operate any motor vehicle on any public highway if such vehicle is equipped with a muffler cut-out or similar device which is capable of being operated by the driver or occupant thereof. All exhaust pipes shall be directed parallel to the ground or upward. Muffler.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents other than clear water from dropping, sifting, leaking or otherwise escaping therefrom. Spilling of
materials
transported

SEC. 30. Section 100 of said act is hereby amended to read as follows: Stats 1929,
p 531.

Sec. 100. Headlamps on motor vehicles. (a) Every motor vehicle other than a motorcycle or farm tractor and except as otherwise provided herein, when upon any public highway, during the time and under the conditions mentioned in section 99 hereof, shall be equipped with two headlamps, no more, and no less, of approximately equal candlepower at the front of and on opposite sides of such vehicle. Such headlamps shall be so attached to such motor vehicle that the centers thereof shall be not more than fifty-four inches above the level surface upon which the vehicle stands; provided, that the headlamps upon all new motor vehicles hereafter sold shall be so located at all times that the centers thereof shall be not more than forty-two inches or less than thirty inches above the level surface upon which the vehicle stands. Headlamps

(b) The headlamps upon every new motor vehicle sold shall be located on a line parallel with or in advance of the front axle.

(c) Motor vehicles may also be equipped with two side-lamps but no more or less. The term "sidelamps" shall include any lamps upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, the rays of which project forward. No electric lamps or bulbs shall be used in any sidelamp which exceeds three candlepower. Sidelamps shall not be lighted at the same time as the headlamps and the beam of the sidelamps shall be of white light and shall not glare or dazzle. Sidelamps.

Running
board
lamps.

Vehicles may be equipped with side running lamps (running board courtesy lamps) provided the bulb candlepower is not more than three and the lamp does not project a glaring or dazzling light. White or green lights only may be used and the beam shall not be visible to the front or the rear of the vehicle.

Clearance
lamps.

(d) Every motor vehicle other than any road roller, road machinery or farm tractor having a body or load width in excess of eighty inches shall carry at the times and under the conditions mentioned in section 99, two clearance lamps on the left side of such vehicle, one located at the front and displaying a blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front and left side of the vehicle and the other located at the rear of the vehicle and displaying a blue light visible under like conditions from a distance of five hundred feet to the rear and to the left side of the vehicle a distance of five hundred feet but such lamp shall not display any excessive, glaring or dazzling light and when a motor vehicle is drawing a trailer or semitrailer the clearance lamps specified in this subsection shall be placed on the left side at the front and rear respectively of each unit of such train of vehicles; provided, that the left front clearance lamp and identification lamps on any passenger common carrier motor vehicle shall display a green light and the rear clearance lamp shall be red.

Glaring
lamps

(e) Whenever any officer of the California highway patrol has reasonable grounds to believe that the lamps on a motor vehicle, operated on the highways of this state, project a dazzling or glaring light into the eyes of approaching drivers, such officer is hereby authorized to stop the driver of said vehicle, and in order to ascertain whether said lamps are in fact glaring or dazzling may require said driver to submit to a test of said lamps upon the highway and said lamps shall be deemed to be glaring or dazzling if any part of the main bright portion of the beam strikes the body of a person, vehicle, screen or other object higher than the lamp center twenty-five feet or more ahead of the vehicle and if said lamps are found to be glaring and dazzling the officer may give a notice of arrest to the driver, which notice may also require that previous to appearance in court the driver shall adjust or cause said lamps to be adjusted to comply with the provisions of this act and shall produce in court satisfactory evidence that such adjustment has been made.

Tests.

Whenever any driver upon demand of an officer of the California highway patrol under the conditions stated in this section shall refuse to submit to a test of the lamps upon his motor vehicle upon the highway, such refusal shall constitute a misdemeanor and the officer may immediately arrest such person and shall not be required to give the five days' notice for appearance as provided in section 154.

Standards
for
adjustment.

(f) The provisions of this act prohibiting the use of glaring or dazzling headlamps upon any motor vehicle when operated

upon a public highway shall be deemed complied with if none of the main bright portion of the headlamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches seventy-five feet ahead of the vehicle.

SEC. 31. Section 110 of said act is hereby amended to read as follows: Stats 1923,
p. 517.

Sec. 110. Light or flag on projecting load. (a) Whenever any vehicle shall be loaded with any material in such a manner that any portion of such load extends toward the rear four feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme end of the load at the times and under the conditions specified in section 99, in addition to the ordinary rear light hereinbefore required to be displayed on such vehicle, two red lights plainly visible under normal atmospheric conditions at least five hundred feet from the sides and rear, and at all other times while such vehicle is upon the highway a red flag or cloth maintained not less than sixteen inches in width shall be displayed at the extreme rear of said load as a warning signal to persons operating vehicles approaching from the rear. Projecting
load flag
and lights

(b) Whenever any vehicle shall be loaded with any article, implement of husbandry or any material in such a manner that any portion of such load or of such vehicle extends more than one foot beyond the front hub cap on the left side of such vehicle there shall be displayed at the extreme left side of such vehicle or such load at the times and under the conditions specified in section 99, a lighted lantern or other light plainly visible under normal atmospheric conditions for at least three hundred feet from in front and for a like distance from the sides and rear of such vehicle. No such light shall project a light greater than four apparent candlepower. Same
front.

SEC. 32. Section 111 of said act is hereby amended to read as follows: Stats 1920,
p. 536

Sec. 111. Regulations governing the color of lights. Subject to such exceptions as may be specifically authorized in this act, the following regulations shall apply to the color of lights upon motor vehicles, trailers and semitrailers operated upon any highway: Color of
lamps.

(1) All lights visible from in front of a vehicle shall be white or amber, except that any light visible from in front of an authorized emergency vehicle may be red and any clearance lamp and identification lamps shall conform to the requirements of section 100 (d); Front.

(2) All lights visible from the rear other than a clearance lamp shall be red and except that in addition to a red light, as otherwise required under this act, a light of distinctive color, which color has been approved by the chief of the division, may be used upon the rear of a vehicle operated by a police or traffic officer only when in the actual performance of his duties as such officer: Rear

Signalling
devices

(3) The foregoing provisions shall not apply to the color of lights in signalling devices approved by the division of motor vehicles;

Scope of
section

(4) The provisions of paragraphs (1) and (2) of this section shall apply with respect to the color of any lamp whether lighted or unlighted and to any reflector exhibiting or reflecting perceptible light.

New
section

SEC. 33. Said act is hereby amended by adding thereto a new section to be numbered 111 $\frac{3}{4}$.

Advertising
as official
testing
station, or
as motor
vehicle
department.

Sec. 111 $\frac{3}{4}$. Advertising as motor vehicle department prohibited. It shall be unlawful for any person to display, or cause, or permit to be displayed any sign, mark or advertisement as an official headlight or brake testing station, unless a certificate of appointment has been issued to such person by the chief of the division of motor vehicles and shall then be in effect, and it shall be unlawful for any person to display or cause or permit to be displayed any sign, mark or advertisement employing the term "State division of motor vehicles" or "Motor vehicle department" or otherwise, without authority, indicate an official connection with the division of motor vehicles.

Stats 1927,
p 1436

SEC. 34. Section 113 of said act is hereby amended to read as follows:

Speed
limits

Sec. 113. Restrictions as to speed. (a) Any person driving a vehicle on the public highways of this state shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and no person shall drive any vehicle upon a public highway at such a speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

Grade
crossings

1. Fifteen miles an hour in traversing a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in both directions from such crossing;

Intersec-
tions

2. Fifteen miles an hour in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

3. Fifteen miles an hour in traversing or going around curves or corners of a highway when the driver's view is obstructed within a distance of two hundred feet along such highway in the direction in which he is proceeding;

Curves

4. Fifteen miles an hour when passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours or while playgrounds of any such school are in use by school children.

Schools

5. Twenty miles an hour in a business district, as defined herein;

Business districts

6. Twenty-five miles an hour in a residence district, as defined herein;

Residence districts

7. Forty-five miles an hour under all other conditions.

Highway

(c) In all charges for a violation of this section, speeds in excess of those set forth in subdivision (b) of this section shall be taken as prima facie but not as conclusive evidence of a violation of this section, and every notice to appear and every complaint charging a violation of this section shall specify approximately the speed at which the defendant is alleged to have driven and exactly the lawful speed at the time and place of the alleged offense.

Excessive speed evidence of violation of act

(d) In any civil action the driver of a vehicle who has operated such vehicle at a speed in excess of the miles per hour set forth in subdivision (b) applicable at the time and place shall not be deemed to have been negligent by reason thereof as a matter of law but in all such actions the burden shall be upon the opposing party to establish that the operation of such vehicle at such speed constituted negligence.

Same as negligence.

SEC. 35. Said act is hereby amended by adding thereto a new section to be numbered 113½.

New section

Sec. 113½. Minimum speed regulation. It shall be unlawful for any person unnecessarily to drive at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or because upon a grade or when the vehicle is a truck or truck and trailer necessarily or in compliance with law proceeding at reduced speed.

Minimum speed regulation

Traffic and police officers are hereby authorized to enforce this provision by directions to drivers and in the event of apparent wilful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be unlawful and constitute a misdemeanor.

SEC. 36. Said act is hereby amended by adding thereto a new section to be numbered 114½.

New section

Sec. 114½. Detour signs and prohibited lights. (a) Whenever a highway or bridge shall be under construction or repair and by reason thereof impassable and traffic is excluded therefrom, the state, county or municipal authority having jurisdiction over said highway or bridge shall place or cause to be placed appropriate notices and detour signs at the nearest

Detour signs

points of detour upon either or any approach to that portion of said highway or bridge closed to traffic.

Lights on
highway.

(b) It shall be unlawful for any person to place or maintain upon or in view of any public highway any light of any color of such brilliancy as to blind or dazzle the vision of drivers upon said highway to such extent as to render dangerous the operation of a vehicle upon said highway or to such extent or in such manner or in such position as to prevent the driver of a vehicle from readily recognizing any official traffic sign or signal and every such light prohibited under this section is hereby declared to be a public nuisance and the state department of public works and local authorities are hereby authorized and empowered to remove the same or cause it to be removed without notice or to bring appropriate action to obtain the abatement of such nuisance. The state department of public works may exercise any of the powers conferred upon the state highway commission under section 114½ of the California vehicle act.

Stats 1927,
p. 1438.

SEC. 37. Section 115 of said act is hereby amended to read as follows:

Business
districts:
signs.

Sec. 115. Business districts to be sign posted. Where any highway lies within a business district, the state highway commission with respect to state highways and local authorities with respect to streets and highways under their jurisdiction may, and as to main through highways shall cause metal signs to be conspicuously placed on every such highway at the boundary lines of such business district, which signs shall be placed on the right hand side of such highway looking toward such district and at right angles to the highway and at a height of not less than four and not more than ten feet from the ground, and which shall have inscribed on the front thereof in letters of a size to be easily read by a person using the highway, the words and figures "20 miles speed limit."

Stats 1927,
p. 1438

SEC. 38. Section 116 of said act is hereby amended to read as follows:

Residence
district
signs.

Sec. 116. Residence district to be sign posted. Where any highway lies within a residence district, the state highway commission with respect to state highways and local authorities with respect to streets and highways under their jurisdiction may, and as to main through highways shall cause metal signs to be conspicuously placed on every such highway at the boundary line of such residence district, which signs shall be placed on the right hand side of such highway looking toward such district and at right angles to the highway and at a height of not less than four and not more than ten feet from the ground and which shall have inscribed on the front thereof in letters of a size to be easily read by a person using the highway the words and figures "25 miles speed limit."

Stats 1929,
p. 539.

SEC. 39. Section 118 of the said act is hereby amended to read as follows:

Sec. 118. Speed limits for vehicles regulated according to weight and tire equipment. Speed limits of vehicles regulated by weight, etc

(a) It shall be unlawful for the driver of a vehicle equipped with pneumatic tires, other than passenger vehicles, to drive the same upon a public highway at speeds in excess of the following:

When the gross weight of the vehicle and any load thereon is twenty thousand pounds, but less than twenty-five thousand pounds, thirty-five miles per hour;

When the gross weight of the vehicle and any load thereon is twenty-five thousand pounds or more, thirty miles per hour.

It shall be unlawful for the driver of a motor truck towing a trailer or semitrailer to drive the same at a speed in excess of twenty-five miles per hour upon any public highway.

(b) It shall be unlawful for the driver of a vehicle equipped with other than pneumatic tires to drive the same upon a public highway at speeds in excess of those provided in the following table:

When gross weight of vehicle and load is—	Maximum speed per hour in miles
Nine thousand pounds or more but not more than twelve thousand pounds-----	25
Over twelve thousand pounds but not over twenty-two thousand pounds-----	15
Over twenty-two thousand pounds-----	12
When a truck or trailer is equipped with tires made wholly or partly of metal-----	6

Subject to the foregoing limitations when applicable, any truck or trailer equipped with other than pneumatic tires which has a manufacturer's rated carrying capacity of four tons or more shall not at any time be driven or moved on any public highway at a speed in excess of fifteen miles per hour.

SEC. 40. Section 119 of said act is hereby amended to read as follows: Stats 1923, p 517.

Sec. 119. Unlawful to exceed safe speed upon bridges or through tunnels. It shall be unlawful for the owner, operator, driver or mover of any vehicle, object or contrivance to move, operate, or drive the same over any public bridge, causeway, viaduct, trestle or dam, or through any public tube or tunnel, at a speed which is greater than the maximum speed which can with safety to such bridge, causeway, viaduct, trestle, dam, tube or tunnel, be maintained thereon. Whenever, in the judgment of the California highway commission, any public bridge, causeway, viaduct, trestle, dam, tube or tunnel can not, with safety to itself, sustain vehicles or objects driven or moved at the maximum speed permitted under this act, or upon the request of any board of supervisors or any other body having jurisdiction thereof, it shall be the duty of the California highway commission to cause an engineering investigation to be made and to publicly hear and consider the results thereof, and any other evidence that may be offered Speed limit on bridges, etc

Investigation of bridges, etc

Signs.

as to the maximum speed of vehicles which may be sustained by such bridge, causeway, viaduct, trestle, dam, tube or tunnel with safety to itself, and to determine and declare in writing the maximum speed capable of being maintained thereon which shall not be less than fifteen miles per hour. Such commission shall, after it finds and declares such bridge, causeway, viaduct, trestle, dam, tube or tunnel incapable of sustaining vehicles moved or operated at the maximum speed permitted by this act, cause or permit suitable signs to be erected and maintained specifying the maximum speed of vehicles which such bridge, causeway, viaduct, trestle, dam, tube or tunnel is capable of sustaining, such signs to be placed at a distance of not less than one hundred feet or more than one hundred and fifty feet from each of the approaches thereto. Upon the trial of any person charged with violating the provisions of this section, a certified copy of the finding of such commission shall be prima facie evidence as to the maximum speed of vehicles which such bridge, causeway, viaduct, trestle, dam, tube or tunnel is capable of sustaining with safety to itself; upon such trial it shall also be necessary for the prosecution to prove the erection and existence, in accordance with the terms hereof of the signs herein specified.

Stats 1929,
p 540.

SEC. 41. Section 122 of said act is hereby amended to read as follows:

Driving
regulations

Sec. 122. Drive on right side of highway. (a) Upon all highways of sufficient width, other than one-way highways, the driver of a vehicle shall drive the same upon the right half of the highway, except when the right half is out of repair and for such reason impassable, or when overtaking and passing another vehicle subject to the limitations set forth in section 125.

(b) In driving upon the right half of a highway the driver shall drive as closely as practicable to the right hand edge or curb of the highway except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.

Bridges,
tunnels,
etc

(c) In approaching within one hundred feet of any bridge, viaduct or tunnel, or approaching within one hundred feet of or crossing a railroad right of way or an intersection of highways, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is out of repair or temporarily closed to travel, and for such reason impassable. This provision shall not apply upon a one-way street.

Traffic
lanes.

(d) The foregoing provisions of this section shall not be deemed to prevent the marking by traffic control officials of lanes for traffic upon any street or highway and the allocation of designated lanes to traffic moving in a particular direction or at designated speeds.

SEC. 42. Section 123 of said act is hereby amended to read as follows: Stats 1923,
p 517

Sec. 123. Special regulations applicable on streets and highways laned for traffic. Whenever any street or highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations: Regulations.
traffic lanes.

(a) A vehicle shall normally be driven in the lane nearest the right hand edge or curb of the highway when said lane is available for travel except when overtaking another vehicle or in preparation for a left turn.

(b) A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(c) Upon a highway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

SEC. 43. Section 124 of said act is hereby amended to read as follows: Stats 1929,
p. 540.

Sec. 124. Passing vehicles proceeding in opposite directions. (a) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible. Passing in
opposite
direction

(b) Whenever upon any grade the width of the roadway is insufficient to permit the passing of vehicles approaching from opposite directions at the point of meeting, the driver of the vehicle descending the grade shall back his vehicle to a place in the highway where it is possible for the vehicles to pass. Same when
on grade

SEC. 44. Section 125 of said act is hereby amended to read as follows: Stats 1929,
p 540

Sec 125 Overtaking a vehicle. Except as otherwise provided in section 126, the following rules shall govern the overtaking and passing of vehicles: Overtaking
a vehicle

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. Rules for
passing

(b) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(c) In the event two or more vehicles on a street or highway are moving in the same direction in two or more parallel lanes whether marked or unmarked, upon the right half of the paved portion of a city street having space for two or more lines of traffic in each direction, the provisions of subdivisions (a) and (b) of this section shall not be considered as prohibiting the vehicles in one such lane overtaking or passing Passing in
traffic lanes.

the vehicles in another such lane, either upon the right or the left, nor shall the provisions of subdivisions (a) and (b) of this section be construed to prohibit a driver overtaking and passing upon the right another vehicle which is making or about to make a left turn.

Sounding of
horn when
necessary.

(d) The driver of an overtaking motor vehicle when traveling outside of a business or residence district, and under other conditions when necessary to insure safe operation, shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

Stats. 1923,
p. 517.

SEC. 45. Section 126 of said act is hereby amended to read as follows:

Passing
regulations

Sec. 126. Limitations on privilege of overtaking and passing. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken, and in every event the overtaking vehicle shall return to the right hand side of the highway before coming within one hundred feet of any vehicle approaching from the opposite direction. The driver of a vehicle shall not in any event drive to the left side of the center line of a highway when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed.

Stats. 1929,
p. 541.

SEC. 46. Section 131 of said act is hereby amended to read as follows:

Right of
way.

Sec. 131. Right of way. (a) Vehicles approaching an intersection. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time the driver of the vehicle on the left shall yield to the driver on the right.

Left turns

(b) Vehicle turning left at intersection. The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard but said driver having so yielded and having given a signal when and as required by law may make such left turn and other vehicles approaching the intersection from said opposite direction shall yield to the driver making the left turn.

Through
highways.

(c) Driver entering through highway. The driver of any vehicle who has stopped as required by law at the entrance to a through highway shall yield to other vehicles within the intersection or approaching so closely on the through highway as to constitute an immediate hazard but said driver having so yielded may proceed and other vehicles approaching the

intersection on the through highway shall yield to the vehicle so proceeding into or across the through highway.

SEC. 47. Said act is hereby amended by adding thereto a New section new section to be numbered section 131½, to read as follows:

Sec 131½. Pedestrians' right of way. Pedestrians' right of way. (a) The driver of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at any point where a pedestrian tunnel or overhead crossing has been provided, or except as otherwise provided in subdivision (d) of this section.

(b) Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle. When passing prohibited.

(c) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway, provided that this provision shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care. Crossing between crosswalks.

(d) At intersections where traffic is controlled by traffic control signals, or by police officers, pedestrians shall not cross the roadway against a red or stop signal, and between adjacent intersections so controlled shall not cross at any place, except in a marked or unmarked crosswalk. Controlled intersections

(e) For the purposes of this section, a crosswalk shall mean that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface. "Crosswalk" defined

SEC. 48. Section 135 of said act is hereby amended to read as follows: Stats 1929, p 543

Sec. 135. Certain vehicles to stop at railway crossings. Railway crossings what vehicles must stop (a) The operator of any motor vehicle carrying passengers for hire, and the operator of any school bus, and the operator of any motor truck carrying explosive substances, or explosive or inflammable liquids of any specific gravity, as a cargo or part of a cargo, shall before crossing at grade any track or tracks of a steam railroad or interurban or suburban electric railway, bring his vehicle, bus or truck to a full and complete stop within not less than ten feet nor more than fifty feet from the nearest rail of the track nearest to the front of such vehicle, bus or truck and shall after such stop and while so stopped both look and listen in both directions, along such track or tracks for approaching steam or electric engines, trams, cars or vehicles using such rails; provided, however, that nothing contained in this act shall apply to street railway Exceptions. tracks, within a business or residence district nor to tracks at crossings in or of streets or highways where city or county or state officers are on duty and directing traffic to proceed, nor

where stop and go signals are in operation and indicating that traffic may proceed, nor shall motor vehicles carrying passengers for hire be required to stop at spur track crossings where, with the approval of the railroad commission, distinctive signs are displayed indicating that no stop need be made unless a train is approaching.

Imputed negligence.

(b) Violation of the provisions of this section by the driver of a motor vehicle carrying passengers for hire shall not be imputed to one who at the time of such negligence is riding with such driver as a bona fide passenger for hire in such vehicle.

Penalty

(c) A violation of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months or by both such fine and imprisonment.

Suspension of license.

(d) Whenever any person is convicted or forfeits bail upon a charge of any violation of this section, it shall be the duty of the court having jurisdiction of such offense and of the chief of the division of motor vehicles to forthwith suspend the operator's or chauffeur's license of the person so convicted or who forfeited bail for a period of not less than three months nor more than six months.

New section

SEC. 49. Said act is hereby amended by adding thereto a new section numbered 135½ to read as follows:

Explosives or inflammables signs.

Sec. 135½. Signs on vehicles carrying explosives or inflammables. No person shall operate any motor vehicle, trailer or semitrailer transporting any explosive substance, or transport poisonous gases as a cargo or part of a cargo, unless at the time of such operation or transportation there shall be displayed upon the exterior of such vehicle, upon each side and the rear thereof, a sign of the size of at least twelve inches in height and fourteen inches in length with red or white background and in black letters containing the word "explosives" or "inflammables," whichever may correctly designate such cargo; provided, however, that when any such explosive substance or poisonous gases shall be transported in a vehicle commonly known as a "tank truck" or in any trailer or semitrailer attached thereto, whereon shall be prominently displayed on each side and the rear thereof a trade-mark, trade name, other designating mark, or legend substantially descriptive of the cargo of said tank truck, trailer or semitrailer, and generally known to and recognized by the public as being applied to explosive substances and/or poisonous gases, no such sign as heretofore in this section provided need be displayed upon such vehicle, trailer or semitrailer.

Tank trucks

Stats 1923, p 517.

SEC. 50. Section 136 of said act is hereby amended to read as follows:

Stopping on highway.

Sec. 136. Stopping on highway. (a) No person shall park or leave standing any vehicle whether attended or unattended upon the paved or improved or main traveled portion of any public highway, outside of a business or residence district when it is practicable to park or leave such vehicle

standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle whether attended or unattended upon any public highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for the free passage of other vehicles thereon.

The provisions of this subsection shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a public highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

(b) Whenever any peace officer shall find a vehicle standing upon a public highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position off the main traveled portion of such highway, and whenever any peace officer shall find a vehicle unattended upon any bridge, causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, he is hereby authorized to provide for the removal of such vehicle to the nearest garage, or other place of safety.

Removal of
vehicles

(c) Except as permitted under this section it shall be unlawful for any unauthorized person to remove a vehicle from a highway, or adjacent thereto, to a public or private garage.

SEC. 51. Said act is hereby amended by adding thereto a new section numbered 136½, to read as follows:

New section.

Sec 136½. Obstruction to driver's view or driving mechanism. (a) It shall be unlawful for the driver of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the driver to the front or sides or to interfere with the driver's control over the driving mechanism of the vehicle.

Load or
passenger
interference
with driver

(b) It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

SEC. 52. Section 138 of said act is hereby amended to read as follows:

Stats 1929
p. 544.

Sec. 138. Stopping or parking prohibited in specified places. It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signal, in any of the following places:

Parking
where
prohibited

- 1 Within an intersection.
- 2 On a crosswalk.

3. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless otherwise provided by local authorities.

4. Within fifteen (15) feet of the driveway entrance to any fire station.

5. Within fifteen (15) feet of a fire hydrant unless local or traffic authorities shall indicate a different length by signs or markings.

6. In front of a public or private driveway.

7. On a sidewalk.

8. Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.

9. On the roadway side of any vehicle stopped or parked at the edge or curb of a highway.

10. Alongside curb space authorized for loading and unloading passengers of common carriers engaged in local transportation.

Stats. 1923,
p 317.

SEC. 53. Section 139 of said act is hereby amended to read as follows:

Mountain
driving

Sec. 139. Mountain driving. The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such motor vehicle under control and as near the right hand side of the highway as reasonably possible, and upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway shall give audible warning with a horn or other warning device.

New section

SEC. 54. A new section is hereby added to said act, to be numbered 139 $\frac{1}{2}$, to read as follows:

Coasting
prohibited

Sec. 139 $\frac{1}{2}$. Coasting prohibited. The driver of a motor vehicle when traveling upon a down grade upon any highway shall not coast with the gears of such vehicle in neutral.

New section

SEC. 55. Said act is hereby amended by adding thereto a new section to be numbered 139 $\frac{3}{4}$, to read as follows:

Throwing of
lighted
substance
from vehicle

Sec. 139 $\frac{3}{4}$. Throwing lighted substance from vehicle. Outside of a business or residence district no person shall wilfully or negligently throw from any vehicle any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire.

Stats 1929,
p 545

SEC. 56 Section 142 of said act is hereby amended to read as follows:

Accident
reports.

Sec 142 Accident reports. (a) The driver of any vehicle involved in any accident resulting in injuries or death to any person, shall within twenty-four hours forward or file or cause to be filed a report of such accident to the division, or any of its branch offices or local headquarters of the California highway patrol, except that when such accident occurs within an incorporated city such report shall be made within twenty-four hours to the police department of such city. Every police department shall forward on the fifth day of each month every such report received during the previous calendar month. or

a copy thereof, so filed with it to the main office of the division. All accident reports shall be made on forms approved by the division. With respect to any such accident involving a collision between any common carrier and another vehicle, such common carrier shall also make a report of the accident to the division, such report to be filed on or before the tenth day of the month following the accident.

(b) Where a person required to report an accident by the preceding subsection is physically incapable of making such report, and there is another occupant in the vehicle at the time of the accident, such occupant shall make the report.

The division may require drivers, or common carriers involved in accidents to file supplemental reports and may require witnesses of accidents to render reports to it upon forms furnished by it whenever the original report is insufficient in the opinion of the division.

Supplemental reports

All accident reports together with all supplemental reports above mentioned shall be without prejudice and shall be for the confidential use of the division of motor vehicles and shall not be used in any manner whatsoever as evidence, or, for any other purpose in any trial, civil or criminal arising out of such accident. The division of motor vehicles shall be required to furnish upon demand of any court, a properly executed certificate stating that a specific accident report has or has not been filed with the division of motor vehicles solely to prove a compliance with this section.

Use of reports

(c) The division shall prepare and shall upon request supply to police, coroner, sheriff offices and other suitable agencies, or individuals, forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing, and the persons and vehicles involved.

Distribution of report blanks

The division shall receive accident reports required to be made by this act and shall tabulate and analyze such reports and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents.

Reports use for statistical information

Based upon its findings after such analysis, the division may conduct further necessary detailed research to more fully determine the cause and control of highway accidents. It may further conduct experimental field tests within areas of the state from time to time to prove the practicability of various ideas advanced in traffic control and accident prevention.

(d) Every person holding the office of coroner in this state shall on the tenth day of each month report to the division the death of any person during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident.

Coroners to report deaths

SEC. 57. Section 145 of said act is hereby amended to read as follows:

Stats 1929, p 546

Sec. 145. Powers of boards of supervisors and legislative bodies of cities.

Local vehicle regulation

Nothing in this act contained shall be so construed as to prevent boards of supervisors in their respective counties and the legislative bodies of incorporated cities from providing by ordinance for the regulation of traffic by means of traffic or crossing officers or semaphores or other signaling devices on any portion of the public highways where the traffic is heavy and continuous, nor from designating certain public highways as boulevards nor from designating certain intersections of public highways and requiring that all vehicles shall be stopped before entering or crossing such boulevards or at one or more entrances to any designated intersection of public highways provided all such boulevards and intersections are clearly marked or signposted to give notice of such fact, nor from licensing and regulating the operation of vehicles offered to the public for hire, nor from regulating the use of the highway for processions or assemblages. Notwithstanding the provisions of section 88 or any other provisions of this act, but subject to the provisions of section 50½ of the public utilities act legislative bodies of counties or incorporated cities or any city and county may also by ordinance prohibit the use of a street or highway to be described in said ordinance by any commercial or other particular class of vehicles or by vehicles exceeding a maximum gross weight limit to be specified in the ordinance and may designate certain highways as one-way highways and require by ordinance that all vehicles thereon be moved in one specified direction and may close any street or highway to vehicular traffic when in the opinion of such legislative bodies such street or highway is no longer needed for vehicular traffic, provided all such streets and one-way highways are clearly marked or signposted to give notice of such fact.

New section SEC. 58. Said act is hereby amended by adding thereto a new section to be numbered 145½, to read as follows:

Parking zones, color markings SEC. 145½. Pavement markings to indicate parking regulations. Whenever parking regulations enacted by local authorities shall be indicated by the use of paint upon curbs, the following colors only shall be used to indicate and shall indicate regulations as herein set forth:

(1) The color red shall indicate no stopping, standing or parking, whether the vehicle is attended or unattended except a bus stopping in a designated bus loading zone.

(2) The color yellow shall indicate stopping only for purpose of loading or unloading passengers or freight for such time as may be specified by local ordinance.

(3) The color white shall indicate stopping only for loading or unloading of passengers for such time as may be specified by local ordinance.

(4) The color green shall indicate time limit parking as may be specified by local ordinance.

Regulations indicated as above provided shall be effective upon such days and during such hours as may be prescribed by local ordinances.

SEC. 59. Said act is hereby amended by adding thereto a new section to be numbered 145 $\frac{1}{2}$, to read as follows:

Sec. 145 $\frac{1}{2}$. It shall be unlawful for any person to drive, stop, park or leave standing, whether attended or unattended, a vehicle or an animal upon the driveways, paths or grounds of any state buildings, state capitol, state university, state college, public school, state hospital, state prison or other institution maintained by the state, save and except with the permission of and upon and subject to such conditions and regulations as may be imposed by the governing board or officer charged with the control and direction of such state buildings, state capitol, state university, state college, public school, state hospital, state prison or other institution maintained by the state.

New section
Traffic upon grounds of state institutions

Any governing board or officer herein mentioned or described shall erect or place appropriate signs giving notice of any special regulations as determined by the governing board under the provisions of this section; provided, however, that each such governing board or officer shall prepare and keep available for examination by all interested persons at the principal administrative office of such board or officer a written statement of any and all conditions and regulations by it or him adopted pursuant to the provisions of this section.

Signs

SEC. 60. Section 146 of said act is hereby amended to read as follows:

Stats 1923, p 517

Sec. 146. Driving or taking vehicle without owner's consent. Any person who shall drive or take a vehicle not his own, without the consent of the owner thereof and in the absence of the owner, and with intent to either permanently or temporarily deprive the owner thereof of his title to or possession of such vehicle, whether with or without intent to steal the same, shall be deemed guilty of a felony. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in any such driving or unauthorized taking or stealing, shall be deemed guilty of a felony.

Driving vehicle without owner's consent

SEC. 61. Section 151 of said act is hereby amended to read as follows:

Stats 1927, p 1440

Sec. 151. Live stock not to stray on highway. No person owning, or controlling the possession of, any live stock, shall voluntarily or negligently permit any such live stock to stray upon or remain unaccompanied by a person in charge or control thereof upon a public highway, both sides of which are adjoined by property which is separated from such highway by a fence, wall, hedge, sidewalk, curb, lawn or building. No person shall drive any such live stock upon, over or across any public highway between the hours of sunset and sunrise without keeping a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles

Live stock not to stray on highway

Stats 1929,
p 1750.

SEC. 62. Section 159½ of said act is hereby amended to read as follows:

Appropriation division of motor vehicles.

Sec. 159½ Ten per cent of the motor vehicle fund, in addition to any other funds appropriated for the support of the division of motor vehicles is hereby appropriated for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act.

Repeal

SEC. 63. Section 20 of said act is hereby repealed.

CHAPTER 1027.

Stats 1927,
p 1724,
amended

An act to revise the title and to amend sections 2, 3, 4, 5, 6, and 9 of chapter 847, statutes of 1927, known as the California apiary inspection act, approved May 31, 1927, as amended, relating to the regulation of apiaries.

[Approved by the Governor June 18, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Title amended

SECTION 1. The title of chapter 847, statutes of 1927, known as the California apiary inspection act, is hereby revised to read as follows:

An act to provide for the prevention of the introduction and spread of bee diseases; providing for the registration of and the inspection of apiaries and for the eradication of American foulbrood and other bee diseases therein, and providing penalties for violations of this act, and repealing an act entitled "An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the act entitled 'An act to authorize the board of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, as amended.

Stats 1929,
p 575

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Definitions.

Sec. 2. The following terms used in this act shall be construed as follows:

"Bees" shall be construed to mean honey-producing insects of the species *Apis mellifica* and shall include the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

"Apiary" shall be construed to include bees, hives, and appliances, as in this act defined, wherever same are kept, located or found.

"Hive" shall be construed to mean any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees.

“Appliance” shall be construed to mean any implement or other device used in the manipulating of bees or their brood, or containers thereof, which may be used in any apiary.

“Disease” shall be construed to mean American foulbrood or anything affecting bees or their brood which may cause an epidemic.

“Inspector” shall be construed to mean any person authorized to enforce the provisions of this act, as herein provided.

“Location” shall be construed to mean the premises upon which an apiary is located.

Sec. 3. Section 3 of said act is hereby amended to read as follows: Stats 1927,
p. 1724

Sec. 3. The state director of agriculture is hereby empowered to enforce all provisions of this act and to make, promulgate and enforce such rules and regulations as may be necessary to enforce the provisions of this act. The state director of agriculture shall have supervision over all enforcing officers. The neglect or refusal of any officer to carry out the orders and directions of the state director of agriculture in the enforcement of this act shall be deemed neglect of duty. The state director of agriculture is hereby authorized to appoint a state bee inspector and such deputies as may be necessary, who shall be qualified to perform the duties of inspectors under this act. Enforcement
of act.

The county agricultural commissioner of each county of the state is hereby made ex officio state bee inspector, and may appoint, subject to the approval of the board of supervisors of such county, one or more county agricultural inspectors to be county inspectors of apiaries within the meaning of this act.

Sec. 4. Section 4 of said act is hereby amended to read as follows: Stats 1927,
p. 1724.

Sec. 4. The state director of agriculture is hereby authorized with the approval of the governor to establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the bee industry against contagion or infection by any bee disease by establishing such quarantine at the boundaries of the state or elsewhere within the state. He may make and enforce any and all such rules or regulations as may be necessary to prevent any bees, or their brood, used hives or appliances from passing over any quarantine line established and proclaimed pursuant to this act. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate and one copy thereof shall be filed in the office of the secretary of state and the other in the office of the director of agriculture before such quarantine regulations shall take effect. Quarantine
regulations

The state director of agriculture is hereby empowered to establish such quarantine regulations, without the approval of the governor, for a period of fifteen (15) days when in his opinion this is deemed necessary and in order to meet emergencies that may arise.

Stats 1929,
p 575.

SEC. 5. Section 5 of said act is hereby amended to read as follows:

Transportation of bees and appliances

Sec. 5. It shall be unlawful to import into the State of California any bees or used appliances not accompanied by a certificate from a duly authorized inspector of apiaries or bee inspector, certifying that such bees or used appliances are free from disease as defined in this act, excepting used package bee cages returning empty.

It shall be unlawful to place in any combless package of bees or queens offered for sale or shipment any food containing honey.

Certificate of inspection.

Any person, firm or corporation who shall move bees from one county to another county within the state, or from one location within a county to another location within such county, shall first obtain from the county inspector of apiaries a certificate certifying that such bees have been inspected and found free from disease, and the inspector issuing such certificate shall immediately mail a copy thereof to the county agricultural commissioner of the county at destination, if the same be other than the county of origin, stating on such certificate a definite point of origin and definite point of destination of said bees, excepting where origin and destination are registered seasonal locations only notice to inspectors shall be required.

Stats 1927,
p 1724

SEC. 6. Section 6 of said act is hereby amended to read as follows:

Duties of county commissioner.

Sec. 6 It shall be the duty of the county agricultural commissioner to make or cause to be made an inspection, whenever he deems it necessary of any or every apiary within his jurisdiction and if any disease exists therein the inspector making the inspection shall plainly mark the hives containing diseased bees, and shall make a report of his inspection and findings to the agricultural commissioner. The commissioner shall in writing notify the owner or owners, person or persons in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony respectively, identifying such colony by reference to the mark placed upon the hive thereof, and ordering the eradication of such disease within a specified time. Said written notice may be served upon the person or persons or either of them having possession or owning such diseased apiaries by the commissioner or by any person deputized by him for that purpose, or by registered mail to his last known address. When the owner of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary. Such person or persons must eradicate such disease within a certain time to be specified in said notice; provided, that if the disease be American foulbrood, a most dangerous infectious disease of bees, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred twenty hours from the time of serving the notice, and the eradication of said American foulbrood shall be by killing the bees in the hives

Notice of diseased apiaries

plainly marked as hereinbefore provided, and burning the diseased colonies, including the bees, brood, combs, frames, honey, and wax, in a pit, burying the ashes no less than two feet below the surface of the ground and disinfecting by scorching the hives, bodies, bottom boards, covers, and supers associated therewith.

Every such diseased apiary is hereby declared to be a public nuisance; and whenever any such nuisance shall exist within his jurisdiction, if the owner or owners can not be found after diligent search within the county by the inspector, or if notice has been served as hereinbefore provided, and the owner or owners shall refuse or neglect to abate the same within the certain time specified in such notice, it shall be the duty of the inspector to abate the same by eradicating the disease; provided that if such disease be American foulbrood, a most dangerous infectious disease of bees, the eradication of said American foulbrood shall be by killing the bees in the hives which have been plainly marked, as hereinbefore provided, and burning the diseased colonies, including the bees, brood, combs, frames, honey, and wax, in a pit, burying the ashes no less than two feet below the surface of the ground and disinfecting by scorching the hives, bodies, bottom boards, covers, and supers associated therewith within forty-eight hours after expiration of the time specified in such notice. During the period of time specified in such notice and during any extended time permitted under the provisions relative to an appeal for diagnosis as hereinafter provided for, it shall be unlawful to remove any of the contents of any of the hives so marked to indicate that same contain American foulbrood and so designated in the notice to eradicate such disease, except that the contents of any such hive may be removed by the owner or bailee for the purpose of destroying same under the supervision of an inspector.

If, upon inspection of any apiary, European foulbrood is found to exist therein to a serious extent, no certificate shall be issued for moving said bees; in lieu thereof a permit may be given to move such bees under an inspector's supervision.

Whenever an abatement notice, as in this act provided, has been served upon the owner or bailee of an apiary, said owner or bailee may, before the expiration of the certain time specified in said notice, appeal the inspector's field determination of the disease named in such notice by sending a written appeal to the director of agriculture together with a representative specimen of the diseased material which specimen shall be chosen and sealed for transportation jointly by the owner or bailee and the inspector, and accompanied by a statement signed by the owner or bailee and the inspector, attesting to the fact that such specimen has been obtained from that portion of the apiary described in the abatement notice. The aforesaid representative specimen shall then be subjected to a laboratory diagnosis by the director of agriculture, or at his direction, and the written determination setting forth the

Diseased
apiary a
nuisance

Abatement

Appeal from
abatement
notice

findings of such diagnosis shall be deemed to be final proof of the nature of the disease existing in such apiary, and the disease named by the director of agriculture in a written response to the above-mentioned appeal shall be amenable to the procedure governing the eradication of same in accordance with the provisions of this act. Pending the determination of the director of agriculture, the time specified in the abatement notice shall be extended by the number of days between the forwarding of the representative specimen and the receipt of the written determination from the director of agriculture by the inspector and the serving of a copy of such written determination upon the owner or bailee making the written appeal. If said owner or bailee can not after due diligence be found, then the extended time shall expire when a copy of the written determination from the director of agriculture is served by posting in the apiary by the inspector receiving such written determination.

Stats 1927,
p. 1724

SEC. 7. Section 9 of said act is hereby amended to read as follows:

Registration
of apiaries.

Sec. 9. Every person within the State of California who shall be the owner or in possession of an apiary located within this state shall, on or before the first day of March of each year, register with the county agricultural commissioner the number of colonies therein and the location thereof, together with the name and address of the owner, on a form issued for that purpose by the county agricultural commissioner.

CHAPTER 1028.

An act to provide for the creation, organization, and government of port districts; to enumerate the powers thereof; to authorize the incurring of indebtedness, the issuance of bonds and the levy and collection of taxes by such district; to authorize municipal corporations in such districts to surrender and transfer certain municipal powers and to grant certain municipal property to such districts for the purpose of carrying out the objects and purposes of this act.

[Approved by the Governor June 18, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Short title.

SECTION 1. This act shall be known and may be designated and referred to as "The port district act."

Port
districts
formation

SEC. 2. A port district may be organized as herein provided and shall have and may exercise the powers herein granted. A port district shall include one municipal corporation and unincorporated territory in any one county, provided that the territory of the district be contiguous, and provided that no municipal corporation shall be divided in the formation of said district. Any territory which may be

annexed to a municipal corporation, which is in a port district, shall by virtue of such annexation become a part of such port district.

SEC. 3. Whenever the formation of a port district is desired, a petition which may consist of any number of instruments, may be presented at a regular meeting of the board of supervisors of the county in which the proposed district is situated, signed by not less than five per cent (5%) of the registered voters residing within the proposed port district, who voted at the last preceding general state election at which a governor was elected. Petition.

The petition shall state the name of the proposed port district, shall set forth and describe the proposed boundaries thereof and shall pray that the same be created a port district under the provisions of this act. Contents.

Said petition upon its presentation, shall be filed with the clerk of the board of supervisors, and upon the filing thereof, or at its next regular meeting, said board shall fix a time for the hearing of said petition which hearing shall not be less than thirty (30) days nor more than sixty (60) days from the date of the filing of said petition. Filing.

A notice of the time and place of the hearing of the said petition, including a copy of the said petition, excepting the names thereon, shall be published at least four (4) times in a newspaper of general circulation published in the territory included within the proposed district, and in case no such newspaper is published in said territory, then in the county in which the proposed district is situated. Notice of hearing.

At the hearing of said petition, the board of supervisors shall hear those appearing in support of said petition and also all protests or objections to the same. Said hearing may be adjourned from time to time, not exceeding sixty (60) days in all. Hearing.

The board of supervisors may make such changes in the proposed boundaries of the port district as may be deemed advisable, and shall define and establish such boundaries, provided, that if the board of supervisors deems it proper to include therein any territory not included within the boundaries proposed in the petition, they shall first give notice of their intention so to do, by publication of notice thereof, in a newspaper published in the county wherein the port district is located, for two times. The hearing on a proposed inclusion of additional territory shall not be continued beyond sixty (60) days after the said board determines to give notice of its intention to increase said boundaries. Within ten (10) days of the final hearing of said matter, the board of supervisors shall make its order fixing the said boundaries of said district. Boundaries.

The boundaries of any port district shall be so fixed by the board of supervisors as not to include within the same more than fifty (50) square miles of unincorporated territory. This area shall front upon the waterway, which it is contemplated will be improved, and/or tributaries thereof, and the said Area.

board shall only include within said boundaries such lands as, in their opinion, will be benefited by the creation and operation of the port district.

At the time of making its order, fixing the boundaries of the port district, the board of supervisors shall call an election to determine whether the said proposed port district shall be organized.

No defect in the contents of the petition or in the title to or in the form or publication of the notice shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto.

Election.

SEC. 4. An election must be held within sixty (60) days of the call therefor, to determine whether the port district shall be organized, with the boundaries fixed by the board of supervisors. The election herein provided for shall be conducted in conformity with the general election laws of the State of California. At the election, the proposition must be placed on the ballot, permitting each voter to vote "yes" or "no" on the question of whether or not the port district shall be organized. The board of supervisors shall canvass the results of the election and if at said election, a majority of those voting shall have voted "yes" the proposition shall be deemed carried, and the board of supervisors shall certify the result to the secretary of state, who shall file the same. From and after the filing of the said certificate by the secretary of state, the said port district shall be in existence and shall function as herein provided.

Filing of election results

A certified copy of said certificate, as filed with the secretary of state, shall be recorded in the office of the county recorder in the county in which the port district is situated.

Invalid proceedings limitation of actions

No informality in procedure or in the conduct of any election for the establishment of a port district shall be held to invalidate the establishment of any port district, and any proceedings wherein the validity of such establishment is denied shall be commenced within sixty (60) days after the date of filing in the office of the secretary of state of the certificate mentioned in this section, otherwise, the establishment and legal existence of said port district and all proceedings in respect thereto shall be held to be valid in every respect and incontestable.

Port commission: appointment, etc.

SEC. 5. The port district shall be governed by a board known as the port commission. The port commission shall consist of five (5) members. Two of said commissioners shall be appointed by the board of supervisors of the county wherein the district is located. Two of said commissioners shall be appointed by the city council of the municipal corporation situated in the port district. The board of supervisors, together with the five (5) members of the city council, appointed by the mayor, of the municipality in the port district shall constitute themselves a board of election for the purpose of selecting the chairman of the port commission and the auditor of the port district. A majority vote of said board

of election shall be necessary for the selection of said chairman of the port commission and of the auditor of the port district.

Within thirty (30) days after the creation of the port district, the board of supervisors and the city council of the municipality within the port district shall make the appointment of the officers of the port commission herein provided.

Each commissioner shall, within ten (10) days of his appointment and before entering upon the discharge of the duties of his office, take and subscribe to an oath or affirmation before an officer authorized by law to administer oaths, that he will support the constitution of the United States and the constitution of the State of California, and will faithfully discharge the duties of his office according to the best of his ability. Such oath or affirmation shall be filed in the office of the port district. Oath.

The first meeting of the commission shall be held within ten (10) days of the appointment of the chairman thereof. The commission shall make its own rules of procedure and determine the place and time of its meeting. Meetings

The commission shall select one of its members vice chairman who shall preside in the absence of the chairman.

The commission shall provide for and select such officers as it deems necessary, to conduct the affairs of the district, except the auditor.

A corporation may be selected as treasurer or the commission may provide that the duties of the treasurer be performed by the county treasurer of the county wherein the district is located, or by the city treasurer of the city within the port district

The commission may prescribe rules and regulations pertaining to the selection of officers and employees of the district, other than the auditor. It shall also provide the method of selecting officers and employees and fix the salary or wages of all officers and employees of the district. The term of each officer appointed by the commission shall be during the pleasure of the commission. Rules and regulations

The term of office of each member of the port commission shall be four (4) years from the time of his appointment, except that the chairman first appointed, shall hold office for two (2) years, and the remaining members of the commission shall classify themselves by lot, so that they hold office respectively for one (1), two (2), three (3) and four (4) years. Term of office.

The chairman shall be the presiding officer of the commission and he shall be required to vote on all propositions passed upon by the commission.

No person shall be appointed a member of the port commission who is not, at the time of his appointment, a taxpayer within the port district and who has not resided within the port district for at least one (1) year.

The members of the port commission shall serve without salary or compensation. Salary.

Vacancies.

A vacancy in the port commission shall be filled by the body which appointed the member whose office is vacated, and the newly appointed member shall hold his office for the unexpired term.

The auditor of the port district, selected by the board of election herein provided, shall hold office during the pleasure of said board, and said board shall fix his salary and shall require him to file a bond for the faithful performance of his duties in such amount as they may determine.

The mayor of the city within the port district, or the chairman of the board of supervisors of the county wherein the port district is located, shall have the power to call meetings of the board of election.

Powers of port districts.

SEC. 6. Powers of the port district. Any port district created under this act is hereby declared to be a public corporation created for municipal purposes, and as such shall have power:

General powers

1. To have perpetual succession.
2. To sue and be sued.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease or otherwise acquire and to hold and enjoy, and to lease or dispose of, real and personal property of every kind, within or without the port district, necessary to the full or convenient exercise of its powers.

5 To acquire, purchase, take over, construct, maintain, operate, develop and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, litorage, lands, towage facilities, and any and all other facilities, aids or public personnel, incident to or necessary for the operation and development of a port, ports, waterways and the port district.

6. To have and exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary to carry out any of the objects or purposes of a port district, whether such property be already devoted to the same use or otherwise. In the exercise of such right of eminent domain, a port district shall have the same right, power and privileges as a municipal corporation under the laws of the State of California.

Bonds

7. To incur indebtedness and to issue bonds or other evidence of indebtedness for the purposes provided herein; provided that in the event that any bonds issued for port improvement purposes by any part of a district prior to the creation of said district, shall be refunded, the refunding bonds shall be a lien only upon the lands upon which they were a lien at the time of the creation of the district.

Taxes.

8. To levy and collect or cause to be levied or collected taxes as in this act provided.

Pilots

9. To have exclusive jurisdiction over, and the power to provide for and supervise pilots and the pilotage of sea-going

boats from the end of jurisdiction of existing pilot authorities to points lying upon any navigable waterway project of the United States, entering said district.

10. To contribute money to the federal or the state government or to any county wherein the port district is located or to any city within the port district, for the purpose of defraying the whole or a portion of the cost and expenses of work and improvement to be performed, either within or without the territorial limits of the port district, by said federal, state, county or city government, in improving rivers, streams, or in doing other work, when such work will improve navigation and commerce, in or to the navigable waters in the port district.

Improvement
work.

11. To do any and all work or to make any improvement within or without the territorial limits of the port district, when the doing of said work or the making of said improvement will aid in the development or the improvement of navigation or commerce to or within the port district.

12. To enact necessary police regulations providing for control of any waterway project of the United States, entering said district, and to prescribe the rules and regulations concerning the construction of wharves, docks, buildings and improvements of all types, contemplated thereon.

Police
regulations

13. To provide for the opening and laying out of streets leading to the waterfront.

14. To regulate and control the construction, maintenance and operation or use of all wharves, warehouses, structures, improvements or appliances used in connection with or for the accommodation and promotion of transportation or navigation on any improvement project of the federal government applying to the main waterway entering said port district and also on such other navigable streams improved or unimproved which lie within said port district, and to make and enforce necessary police and sanitary regulations in connection therewith.

15. To fix, regulate and collect the rates or charges for the use of wharves, warehouses, water craft, railroads and other facilities, structures and appliances owned, controlled or operated by the port district, in connection with or for the promotion and accommodations of transportation or navigation and the rates or charges for pilotage and towage.

Rates, etc.

16. To lay out, plan and establish the general plan and system of harbor and harbor district improvements and, from time to time, to modify such plan and to prescribe the specifications for such improvements.

Harbor im-
provements.

17. To act as warehousemen, stevedores, literers, reconditioners, shippers and reshippers of properties of all kinds.

Warehouse-
men, steve-
dores, etc

18. To manage the business of the port district and promote the maritime and commercial interests by proper advertisement of its advantages, and by the solicitation of business, within or without the port district, within other states or in

Advertising

foreign countries, through such employees and agencies as it may deem expedient.

Fines. 19. To prescribe fines, forfeitures and penalties for the violation of any provision of any ordinance, but no penalty shall exceed five hundred dollars (\$500) or six (6) months' imprisonment, or both.

Additional powers. 20. Notwithstanding the enumeration and specific statement herein of particular powers, the port district shall have the power to do and perform all acts and things necessary and appropriate to carry out the purposes of this act and the powers of the port district.

Ordinances. SEC. 7. The powers of a port district established under this act shall be exercised by the port commission, by ordinance or resolution passed by a majority vote of said commission; all ordinances shall be published in a newspaper of general circulation, printed or published in the county in which the port district is situated, at least once before final passage.

All franchises and leases for a period of more than ten (10) years must be authorized by ordinance.

Leases: term. SEC. 8. No grant of a franchise or lease of property of the port district shall be for a longer period than fifty (50) years, and every such grant shall provide for a readjustment of the compensation or rentals every ten (10) years during its term, in accordance with the procedure provided in the ordinance authorizing said grant.

Fiscal year. SEC. 9. The fiscal year of any port district shall begin on the first day of July of each year and shall end on the thirtieth day of June on the following year, unless otherwise arranged with the board of supervisors of the county wherein the district is located.

Annual report. SEC. 10. The port commission shall annually file a report of the affairs and financial condition of the port district for the preceding year. This report shall show the sources of all receipts and all disbursements, and the purposes for which they were made, during said year.

Transfer of property to districts. SEC. 11. Any property owned by any city which is used or held for the purpose of aiding or developing navigation, commerce or fishing may be transferred to the port district to be used for the same purposes, and any lands of the State of California which may have been transferred to any such city may be transferred to the port district subject to the trusts and other provisions providing for the transfer of said lands from the state to said city; provided that any city which is governed by a freeholders charter may only transfer or turn over such property if authorized so to do by the provisions of its charter or amendment thereof.

In case any land under a navigable stream, shall by virtue of any work or improvement by the United States or the State of California, become freed from the easement of navigation and fishing, it shall then revert to the said port district, to be used for the purposes and objects for which the district was organized. In case said lands are not used or held for said purpose, they shall then revert to the State of California.

In the event of the dissolution of the port district, all lands which were granted to it by any municipal corporation shall ipso facto revert to and be revested in the municipal corporation so granting the same to the port district.

Dissolution
of districts.

SEC. 12. The letting of all contracts for the doing of any work or the purchase of any supplies where the cost thereof exceeds one thousand five hundred dollars must be by the port commission, upon competitive bidding therefor. Notice of the proposed letting of such a contract shall be given by publication at least once in a paper published in the county where the district is located, at least five (5) days before the time fixed for opening bids. Bidding shall be by sealed proposals filed with the port district, and upon forms furnished by said district, and under such rules and regulations as the port commission may prescribe. All bids shall be publicly opened and declared and the award of the contracts therefor shall be made in open session of the port commission to the lowest and best responsible bidder.

Contracts,
bids, etc.

The port commission shall have the power to delegate to its officers the execution of contracts where the amount involved is less than one thousand five hundred dollars.

No officer of the district, nor any employee thereof, shall be interested directly or indirectly in any contract or transaction with the district, nor become surety for the performance of any contract made with or for the district upon bonds given to the district. No officer or employee of the district shall receive any commission or thing of value, or derive any profit, benefit, or advantage directly or indirectly from or by reason of any dealings with or service for the district by himself or others, except as lawful compensation as such officer or employee. The violation of the provisions of this section by any such officer or employee shall work a forfeiture of said office or employment.

Interest in
contracts
forbidden

Nothing in this section contained shall prevent the port district, itself, from doing such work and making such improvement as it may think necessary. Said work shall be done under the supervision and direction of its officers or employees.

Work by
district

SEC. 13. Any port district organized under this act may create a bonded debt in the manner and pursuant to the procedure of the municipal bond act of 1901 (statutes of 1901, page 27) and amendments thereto.

Bonded
indebted-
ness

Bonds may be issued to be used for the purpose of raising money for use in carrying out any of the powers and purposes of the port district.

SEC. 14. On or before June first of each year, the port director shall submit to the port commission a detailed statement of the money required for the ensuing fiscal year for the purpose of conducting the business of the district. There shall be submitted with such estimate such data and schedules as the port commission may require.

Financial
statement

SEC. 15. Annually on or before the date set for the consideration of the budget by the board of supervisors of the

Budget

county wherein the port district is located, the commission of each port district shall furnish to the board of supervisors of the county in which the district is situated, an estimate in writing of the amount of money necessary for all purposes by the port district during the ensuing fiscal year. Thereupon, it shall be the duty of the board of supervisors to levy a special tax, on all taxable property of the county lying within the district, sufficient in amount to raise said sum. The tax shall in no event exceed the rate of ten (10) cents on each one hundred dollars (\$100) of the assessed value of all taxable property within the district, exclusive of the amount necessary to be raised by taxes to meet bond interest and redemption. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. All money so collected shall be paid into the county treasury to the credit of the particular port district fund and shall be paid to the treasurer of the district upon the order of the port commission.

Tax levy

First year expenses

SEC. 16. From the time of the organization of any port district until the next succeeding July first, the port district may incur indebtedness for the purpose of operating the port and in the first tax levy, the rate shall be in an amount sufficient to operate the port for the first full fiscal year as well as to pay the obligations thus incurred before the first of the July succeeding the creation of the port district.

Bonds are legal investment

SEC. 17. Any bonds which may be issued by any port district under the provisions of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any moneys or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such moneys or funds may be invested in said bonds of port districts organized hereunder.

Bonds issued prior to formation of district.

SEC. 18. Whenever, upon the creation of a port district any municipality therein or any county wherein the district is located shall have theretofore authorized or incurred a bonded indebtedness for any work or improvement for which the port district is authorized to incur a bonded debt under the provisions of this act, and such municipality or such county shall thereafter sell such bonds or any portion thereof, the proceeds of the sale thereof may (upon the order of the appropriate board of supervisors or city council) be paid by the custodian thereof into the treasury of such port district and the same shall be applied by the port commission of the port district, exclusively to the purposes and objects for which such bonds were authorized by the municipal corporation or the county issuing the same.

Claims

SEC. 19. All claims and demands against the port district, except interest coupons and installments of the principal on bonds payable by the district and salaries and wages, shall be

filed with the auditor on forms and blanks prescribed by him. No claim or demand shall be paid without the endorsement of the auditor on the same certifying to its correctness.

The auditor shall keep a record, which shall be a public record, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

If there be not sufficient money in any fund to pay the demands made against said fund, said demand shall be registered in a book to be kept by the treasurer, showing its number, when presented, date, amount, name of payee, and on what account allowed and out of what fund payable, and when so registered, the demand shall be returned to the party presenting it with the endorsement of the word "Registered" dated and signed by the treasurer. All registered demands shall be payable in the order of their registration. Nothing in this section shall be construed to prevent the payment by the treasurer of bonds of the port district or of any city or county, and interest coupons thereof, in accordance with the constitution of this state and the provisions of this act authorizing the issuance and payment of such bonds.

Wages and salaries shall be paid at such intervals as the port commission may direct, but at least once each month.

SEC. 20. Nothing in this act shall be construed as repealing, modifying or otherwise affecting the provisions of any other act relating to port or harbor districts, and no other act providing for the creation of port or harbor districts shall repeal, modify or otherwise affect this act or any of the provisions thereof.

SEC. 21. If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 1029.

An act to add a new section to be numbered 383b to the Penal Code, relating to the sale of kosher meats and meat preparations, and kosher food, defining the word "kosher" and providing penalties for the violation thereof.

[Approved by the Governor June 17, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 383b, is hereby added to the Penal Code, to read as follows:

383b. Every person who with intent to defraud, sells or exposes for sale any meat or meat preparations, and falsely

represents the same to be kosher, whether such meat or meat preparations be raw or prepared for human consumption, or as having been prepared under and from a product or products sanctioned by the orthodox Hebrew religious requirements; or falsely represents any food product, or the contents of any package or container, to be so constituted and prepared, by having or permitting to be inscribed thereon the words "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and nonkosher meat or meat preparations, either raw or prepared for human consumption, who fails to indicate on his window signs in all display advertising in block letters at least four inches in height "kosher and nonkosher meats sold here"; or who exposes for sale in any show window or place of business as both kosher and nonkosher meat preparations, either raw or prepared for human consumption, who fails to display over each kind of meat or meat preparation so exposed a sign in block letters at least four inches in height, reading "kosher meat" or "nonkosher meat" as the case may be; or sells or exposes for sale in any restaurant or any other place where food products are sold for consumption on the premises, any article of food or food preparations and falsely represents the same to be kosher, or as having been prepared in accordance with the orthodox Hebrew religious requirements; or sells or exposes for sale in such restaurant, or such other place, both kosher and nonkosher food or food preparations for consumption on the premises, not prepared in accordance with the Jewish ritual, or not sanctioned by the Hebrew orthodox religious requirements, and who fails to display on his window signs in all display advertising, in block letters at least four inches in height "kosher and nonkosher food served here" is guilty of a misdemeanor and upon conviction thereof be punishable by a fine of not less than fifty dollars, nor more than three hundred dollars, or imprisonment in the county jail of not less than thirty days, nor more than ninety days, or both such fine and imprisonment.

Penalty

Definition

The word "kosher" is here defined to mean a strict compliance with every Jewish law and custom pertaining and relating to the killing of the animal or fowl from which the meat is taken or extracted, the dressing, treatment and preparation thereof for human consumption, and the manufacture, production, treatment and preparation of such other food or foods in connection wherewith Jewish laws and customs obtain and to the use of tools, implements, vessels, utensils, dishes and containers that are used in connection with the killing of such animals and fowls and the dressing, preparation, production, manufacture and treatment of such meats and other products, foods and food stuffs.

CHAPTER 1030.

An act making an appropriation for the purchase of a site and the construction of an armory in the city of Pomona, Los Angeles county, California.

[Approved by the Governor June 17, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated for the construction and equipment of an armory in the city of Pomona, Los Angeles county, California; but if, within one year after this act takes effect, the city of Pomona shall have failed to donate to the state, free and clear of all encumbrances, an armory site satisfactory to the adjutant general, he may select any other city in this state in which to erect an armory, if the latter city donates to the state, free and clear of all encumbrances, an armory site satisfactory to him.

Appropriation. Pomona armory

CHAPTER 1031.

An act providing for the formation, government and operation of harbor districts; for the creation, improvement, development and maintenance of recreational harbors; for the acquisition and improvement, government and operation of lands and works in connection therewith or appurtenant thereto, whether lying entirely within unincorporated territory of a county or wholly or partially including territory of one or more municipalities within such county, defining the term, "recreational harbor," within the meaning of this act; and providing generally what may and may not be done in such harbor so classified and authorizing the governing body of such harbor district to adopt rules and regulations in relation to said harbor, and to adopt and enforce ordinances restricting and governing the said harbor and its use, violation of any said ordinance being punishable as are misdemeanors by fine or imprisonment, or both fine and imprisonment; providing a means for defraying the cost and expense of forming, constructing, improving, governing and operating such harbor district and harbors, and authorizing counties and cities, jointly and separately, to contribute out of their general funds the costs and expenses of such harbor district, and authorizing the incurring of indebtedness, and the issuance of bonds and the levy and collection of taxes within such district and the enforcement of such bonds and taxes to defray the cost of the organization of such harbor district and of the creation, construction, improvement, and extension of such

harbor, and the works incidental thereto, and to defray the cost of operating and managing such harbor district and harbor; authorizing the establishment of appropriate funds in the manner provided by law for the impounding and disbursement of the moneys required to meet such costs and expenses; providing for the levy of special assessments within such district to defray such costs and expenses, either wholly or partially, and authorizing the legislative body of the county or city assuming jurisdiction to call the election upon the question of the formation of such harbor district to determine what zone or zones, if any, within the proposed harbor district are to be benefited to a greater or less extent than other zone or zones therein, and to define said zones within such district and assess the cost of the said harbor works and improvements within said district zones, and each of them, in accordance with the benefits so found to be enjoyed by the several zones therein delineated; providing and empowering such district to accept financial or other aid for improvements and operations from the United States of America, the State of California, and from any person or persons; providing the means whereby the legislative body of any city heretofore or hereafter granted any rights in respect to tidelands and submerged lands may permit the exercise of such rights by the board of governors of any harbor district formed hereunder and providing the means for obtaining action by the state through the chief of the division of state lands in the department of finance of the state and governor whereby tidelands, submerged lands and coastal waters may be segregated for recreational use, as herein defined, and providing for the appointment within any such harbor district formed under this act of a board of governors and fixing the qualifications, tenure of office, powers, duties of such board of governors, and providing the means and terms by which territory may be annexed to any harbor district formed hereunder.

[Approved by the Governor June 17, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Recreational
harbor
districts
authorized

SECTION 1 Any portion of a county in this state, whether lying entirely within unincorporated territory of such county or wholly or partially including territory of one or more municipalities within such county, a part of the exterior boundaries of which said portion includes a bay or portion of a bay, harbor, or inlet, or portion of the shore of the Pacific ocean, may be formed into a harbor district for the creation, improvement or development of a recreational harbor, upon proceedings being had and taken as provided for in this act.

Petition

SEC. 2. Whenever fifty or more persons in any county of this state, the exterior boundaries of which county includes a

harbor or portion of the shore of the Pacific ocean, or any bay or inlet thereof, desire the formation of a recreational harbor district within said county for the improvement or development of such harbor, they may present to the board of supervisors of said county a petition in writing signed by them, which petition shall state the name of the proposed harbor district, the official name or name by which such harbor is or shall be commonly known, and shall set forth the exterior boundaries of the proposed harbor district, which may include unincorporated territory of a county or wholly or partially include territory of one or more municipalities, or include both unincorporated territory and territory within one or more cities, but which said district shall include the whole or some part of the harbor proposed to be developed or improved, and shall, generally, describe the improvement and development work proposed to be done in such harbor or to create such harbor, and which may include the dredging of channels, shipways, ship berths, anchorage places and turning basins, the construction of jetties, breakwaters, bulkheads, sea walls, wharves, slips, beach parks, bathing beaches, parkways and avenues and approaches, and the acquisition under eminent domain proceedings in the manner provided by law of lands and property necessary, convenient or useful in the development, government or operation of such harbor, and to construct, own, operate and lease buildings, works, and structures appurtenant to or useful in the creation, development, protection, operation, government or recreational use of such harbor; but nothing herein stated shall be construed as a limitation upon the things which may be done hereunder to create, develop, improve, protect or operate such harbor or which might be deemed necessary or useful in its government, use or enjoyment, and in the future management and operation of such harbor, the authority in charge thereof shall, within the limitations hereinafter stated, be empowered to do such additional work and provide such additional facilities, land and works as in the opinion of such governing authority shall be necessary, convenient or expedient for the creation, improvement, enlargement, development, protection, operation or government of such harbor, and any lands and works appurtenant thereto or which would be likely to increase the recreational utility of said harbor.

Said petition shall state that the said harbor as proposed is to be a recreational harbor as defined by this act.

Said petition shall further state the estimated cost of making such improvement or development and of the expenses incidental thereto and shall ask that the territory included within such boundaries be formed into a harbor district for the purpose of the creation, improvement, development, government and operation of said harbor.

Said petition shall generally describe the lands, tidelands and submerged lands and coastal waters intended to be used for the proposed recreational harbor

Filing of
petition

SEC. 3. Each signer of the petition shall be a registered, qualified elector, within the proposed harbor district.

Said petition shall be filed in the office of the county clerk and the board of supervisors shall, at its next regular meeting, require the county registrar of voters, or if there be no such county registrar, the county clerk, to expeditiously examine the signatures contained on such petition and to promptly report the number of the signers thereof who appear to be at said time registered, qualified electors of the county and registered as such within the boundaries of the proposed harbor district. Such examination shall be made from the records of registration and the certificate of the county registrar of voters or of the county clerk, as the case may be, shall be final as to the qualifications of such signers.

The board of supervisors shall receive said certificate and if same shows that the petition is signed by the requisite number of qualified electors, registered within the proposed harbor district, the said board of supervisors shall have authority to proceed as is hereinafter provided.

Publication
of petition

SEC. 4. The petition must be published at least two weeks preceding the hearing thereof in some newspaper of general circulation printed in the county in which said proposed harbor district is situate, together with a notice setting forth the day, hour and place where and when the petition will be heard and considered by the board of supervisors of the county; and all persons interested therein may at said time and place appear and be heard. The time fixed for said hearing by the board of supervisors shall be not less than thirty days or more than sixty days after the publication of the notice of said hearing.

Hearing

SEC. 5. At the time and place specified in the notice, the board of supervisors shall consider the petition and may continue the hearing thereof from time to time.

Termination
of proceed-
ings by
protest.

Provided, however, that if prior to the date specified in said notice for the hearing, the owner or owners of sixty-six and two-thirds per cent of the total frontage littoral to and contained within the exterior lines of proposed harbor file written protest in the office of the clerk of the board of supervisors against the formation of such recreational harbor district the proceedings shall thereupon be terminated.

Change of
boundaries

SEC. 6. The board of supervisors at the hearing shall have the right, power, and authority to change the exterior boundaries of the proposed harbor district and they may include therein such other contiguous lands as, in the judgment of the board of supervisors, will be benefited by the improvement or development of the harbor; provided, that no land shall be added to the proposed harbor district until notice is given by the board of supervisors of such proposed addition or additions to the harbor district by publication of its intention so to do, and said notice shall contain the text of the original petition, a description of the additional lands intended to be included in the proposed district, and fixing

the day, hour and place for owners of land within such proposed addition to appear before the board of supervisors and state their objections, if any, to such inclusion. Such notice shall be published at least two weeks prior to the date fixed for said hearing, in a newspaper of general circulation within the county, printed and published therein.

SEC. 7. In any case where all of the lands intended to be included within the proposed harbor district as described in the petition are included within the territory of one or more municipalities, and no part of same includes unincorporated territory, then the petition, instead of being filed with the county clerk and ex officio clerk of the board of supervisors of the county, may be filed with the clerk of the city of one of the cities whose territory is included within such proposed harbor district, and the legislative body of such city in which said petition shall be filed shall have the same powers and issue the same notices and be authorized hereunder to the same extent and in the same manner as is provided for boards of supervisors.

Proceeding
where
municipal
territory is
involved

SEC. 8. This act shall not operate to divest in any manner or to any extent any existing harbor board or governing body of any existing harbor district of any authority or jurisdiction to act in relation to the harbors and properties now under the control or management of such harbor board or harbor authority without the consent of such board or other authority. However, in any case where the control or management of any portion of the shore line or tidelands, or submerged lands, have been granted to any municipality by the state, then it shall be deemed within the power of such city under said legislative grant to permit a county or any other city within the proposed harbor district to assume jurisdiction hereunder to create, improve, develop, operate and govern a harbor, including some or all of said shore line or tidelands, or submerged lands, under the provisions of this act, and the act of said city or cities in so acquiescing and permitting such control to be vested in the board of supervisors, or some other municipality, is hereby approved and the right so to do granted.

Control and
management
of lands

In any case where, under freeholders' charter, any city whose territory or a portion thereof is included within the proposed harbor district, and the management of whose harbor matters or affairs relating to the shore line or tidelands or submerged lands forming a part of the exterior boundary line of such city is vested in a board of harbor commissioners or other governing body, then such city and such governing body is hereby authorized to permit the board of supervisors or legislative body of another city to do the things herein provided relative to the formation of harbor districts, and by so doing the control, after the creation of such harbor district, shall vest in the governing body of such harbor district rather than in the governing body of the charter city

relinquishing its powers to administer such harbor and such harbor district.

Requisites
for hearing
by super-
visors, etc

SEC. 9. Before the board of supervisors of the county of the legislative body of any city within the proposed harbor district may conduct the hearing of any petition filed under this act, there must be on file in the office of the clerk of such county or clerk of said city, a resolution of the legislative body of the city or cities whose territory, or a portion thereof, is included within the proposed harbor district, reciting that a copy of the petition, identifying same, has been filed in its or their legislative records, that it has been considered and that said legislative body requests the board of supervisors or legislative body of such other municipality to act upon said petition and consenting to the jurisdiction of said board, or legislative body of another city, so to act in behalf of the city represented by said legislative body.

Application
for report
of division
of state
lands

The chief of the division of state lands in the department of finance of the state is hereby authorized and instructed, upon application by the board of supervisors of the county within which such proposed harbor district is situate, or upon application of the legislative body of any city assuming jurisdiction to act hereunder to render a report, approving or disapproving the location of the proposed recreational harbor, and to determine whether the segregation of the tidelands and submerged lands and coastal waters thereby intended to be devoted to recreational use by the people, under the provisions of this act, will result in undue interference with commerce or commercial navigation or commercial fisheries.

Notice of
filing
application

Upon the filing of said application for report in the office of the chief of the division of state lands in the department of finance of the state, he shall cause to be prepared and issued over his signature a notice which shall state the fact of the filing of the application, shall generally describe the tidelands, submerged lands and coastal waters to which same relate and the fact that it is intended to create or improve thereon and in connection therewith a recreational harbor within the meaning of this act and fixing a time and place for a public hearing thereon to aid the chief of the division of state lands in the department of finance of the state in making his recommendation upon the application so filed. Such notice shall be filed in the office of the secretary of state of the State of California and thereupon said secretary of state shall cause true copies of said notice to be published once in a newspaper of general circulation within the proposed harbor district and at least twenty full days prior to the date fixed for the public hearing which may be held in a public place either in the city of Sacramento or at some designated place within the proposed harbor district as fixed by the chief of the division of state lands in the department of finance of the state.

Hearing by
division of
state land

Said hearing shall be noticed by the chief of the division of state lands in the department of finance of the state to be

held not sooner than thirty days after receipt of the application for hearing by him nor later than sixty days thereafter. Accompanying said application shall be the sum of one hundred dollars which may be paid out of the general fund of the county or city making such application, or which may be contributed by any person. The payment of said sum shall be a prerequisite to the filing of such application and same shall be received by the State of California for the purpose of defraying the costs of publishing the aforesaid notice and of conducting said hearing for which purpose the chief of the division of state lands in the department of finance of the state and secretary of state may respectively requisition such fund and authorize the expenditure thereof.

At the time and place specified in the said notice, the chief of the division of state lands in the department of finance of the state shall be present and hear all protests which may be made against a favorable report by him upon the application. At such hearing, the public, including shippers, commercial fishermen and littoral and other property owners shall be heard. Said hearing may be continued from day to day until all protestants who before the date of the hearing have filed protests in writing in the office of the chief of the division of state lands in the department of finance of the state, have had an opportunity to be heard. Protests

If, after said hearing, the chief of the division of state lands in the department of finance of the state shall, in the exercise of his discretion, find that the application should be granted and that the segregation of the described tidelands, submerged lands and coastal waters for recreational purposes so defined by this act, will not unduly interfere with commerce or commercial navigation or commercial fisheries and that the exclusion of commerce, commercial navigation and commercial fisheries from said lands and water will best serve the needs and conveniences of the people of the state to accommodate their recreational use of such lands and waters, he shall promptly submit such report and finding to the director of finance for approval and transmittal to the governor of the State of California. If the chief of the division of state lands in the department of finance of the state report upon such application be unfavorable, he shall submit the report to the director of finance and should the director of finance approve said report the same shall be promptly filed in the office of the secretary of state of the State of California. Submission
of report to
director of
finance and
governor

Upon the receipt by him of a favorable approved report from the director of finance the governor of the State of California shall promptly consider same and either approve or disapprove the application and report, and such action witnessed over his signature in a certificate along with the chief of the division of state lands in the department of finance of the state report, shall be filed in the office of the secretary of state of the State of California. Filing of
report with
secretary
of state

The secretary of state shall thereupon transmit a certified copy of said report and governor's certificate approving or disapproving same to the clerk of the board of supervisors or clerk of the city which originally filed the application.

Approval by
governor

If the governor shall have approved the report of chief of the division of state lands in the department of finance of the state recommending the granting of the application, thereafter, subject to the completion of proceedings under the act to form a recreational harbor district, the tidelands, submerged lands, coastal waters and harbor areas in said application described shall be deemed impressed, by due process of law, with the consent of the state, with a recreational character, as herein defined.

Purpose of
procedure

The foregoing procedure is hereby prescribed for the purpose of providing for the people of the state, tidelands, submerged lands, coastal waters and portions of the coast which may be set aside under the provisions of this act, for their recreational use, free from the dangers and inconveniences incident to harbors used for commercial navigation and commercial fisheries.

The present and rapidly increasing population of the state and particularly that portion thereof upon the coastal plains makes it necessary for the state to provide, as is here done, for the preservation and conservation of the right of the people to safely and conveniently resort to the coast and coastal waters for recreation.

The board of supervisors shall not act to fix a time and place for hearing the petitioner until resolutions, and the certified copies of the report and finding of the chief of the division of state lands in the department of finance of the state and the certificate of the governor, as provided above, are filed in the office of the county clerk and ex officio clerk of the board.

Investigation
by board of
supervisors

SEC. 10. The board of supervisors shall also investigate and determine whether or not the improvement or development work generally described in the petition is feasible and when completed will result in the improvement or development of the harbor and whether the estimated cost thereof and the incidental expenses in connection therewith is the reasonable and necessary cost of such improvement or development work and incidental expenses, and for the purpose of such investigation and determination may submit the project for the improvement and development work described in the petition to engineers for examination and report, and to defray the cost of such reports and examinations out of the general fund of the county.

If it shall appear and the board of supervisors find that it is necessary in order to make sufficient and adequate examination upon which to determine such questions, to continue the hearing beyond ninety days, the board of supervisors shall have power for the purposes of such investigation to continue the hearing for such a period of time as the board of supervisors may see fit, not longer, however, than six months from

the date of the presentation of the petition. The board of supervisors shall not be bound by the improvement or development work described in the petition, or by the estimated cost thereof set forth, but may find that other or different improvement or development work should be done, and may determine a different estimated cost thereof.

SEC. 11. Upon final hearing, if it shall appear to the board of supervisors that the petition and notice of hearing has been duly published, and that the petition is signed by a sufficient number of persons who possess the qualifications in this act required, and that a harbor exists or may be created within the county or counties some portion of which is contained within the exterior boundaries set forth in the petition, and can be improved and developed as generally described in the petition, and at a cost not disproportionate to the benefit to be derived from such improvement and development, and that such improvement or development has the approval of the legislative bodies of every city whose territory or a portion thereof is included within the proposed harbor district, and that such legislative bodies in witness thereof have filed a resolution or resolutions in accordance with the provisions thereof, as hereinbefore provided, then the board of supervisors shall cause to be entered upon the minutes of such meeting a finding of all such facts, setting forth the name of the proposed harbor district, as set forth in the petition, the official name or name by which such harbor is or shall be commonly known, and describing the exterior boundaries of the territory to be included within the proposed district, as originally set forth in the petition, or as the boundaries thereof may have been changed by the inclusion or exclusion of lands; the improvement or development work to be done and the estimated cost, and of the incidental expenses in connection therewith. Said findings shall be conclusive evidence of the existence of every fact so found by the board of supervisors and of the due signing and publication of the petition and of the publication or personal service of all prior notices, and shall irrevocably vest the board of supervisors with authority to proceed under this act.

SEC. 12. The board of supervisors shall thereupon make and cause to be accepted and filed, a resolution and order finally determining and establishing the exterior boundaries of the district, the improvement or development work to be done in such harbor and in connection therewith and appurtenant thereto, and the estimated cost thereof, and of the incidental expenses in connection therewith and the board of supervisors shall have prepared an authentic map showing the whole harbor district to be assessed for the cost of said improvement. Said map shall show the portion or portions of said district which will be benefited to a greater or less extent than the other portion or portions by said improvement, and the ratio of said benefit shall be determined and each such zone so delineated upon said map as a portion of the

Final hearing by supervisors, etc.

Findings

Resolution establishing boundaries of district, etc

Assessment map

harbor district shall show the percentage of the whole cost which, in the opinion of said board of supervisors, each of said zones should pay for the improvement and said percentage so fixed for each zone in said harbor district shall bear the same proportion to the whole cost of the bonded indebtedness of the district as the proportionate benefits enjoyed by said zone bears to the benefits accruing to the whole harbor district.

Same
notice of
filing

The said assessment map showing the zones, amounts, proportions and percentages, as above, with accompanying explanations thereof, shall be kept on file in the office of the clerk of the board of supervisors, and open to inspection by the public at all times. A full, true and correct copy thereof shall be filed in the office of the clerk of each city, any portion of whose territory is within the said harbor district. Notice of the filing of said map shall be published once in a newspaper of general circulation within the proposed harbor district.

Said notice shall recite the fact of the filing of said map; inform the public where the original and copies of said map may be inspected, and also fix a time for the filing of objections and protests to any part thereof or assessment zone therein fixed.

The time for filing said objections and protests shall be not less than twenty (20) days nor more than forty (40) days after the date of the first publication of the notice of the filing of the assessment map, and said notice shall recite the day, hour and place when such protests will be heard. All such protests and objections shall be in writing.

Hearing of
protests

At the time and place fixed for the hearing of said protests and objections, said protests and objections shall be read to the board and considered by them and as the result of said hearing said board of supervisors may amend in any manner the assessment zones and proportions theretofore fixed. After said hearing any action of the board of supervisors taken as a result thereof shall be final and conclusive and each and every assessment zone therein fixed, and such action by said board of supervisors, shall be a judicial determination by them as such board that the proportionate cost of the work proposed to be charged against each zone in the harbor district is the fair proportion which such zone should be so charged and fairly represents the proportionate benefits which said zone will enjoy of the whole improvement.

The assessment map as originally filed showing the respective zones within said district shall be prepared and authorized in accordance with a resolution of the board of supervisors directing the preparation of same, and in said resolution there shall be described the boundaries of the respective zones, within said harbor district, and as to each of such zones, said resolution shall state the proportionate benefit enjoyed by each zone or account of the whole improvement and the proportion of

the cost of the whole improvement which each zone should bear

After the hearing of all protests, but before the passage of the resolution calling the election within the proposed harbor district, the board of supervisors, if it desires to amend the original resolution, shall do so by assigning to the respective zones within the harbor district the amount each will, in its final opinion, be proportionately benefited by the whole improvement and the amount which each zone should pay for the cost thereof, and thereupon a conclusive assessment map showing the zones shall be prepared and a copy thereof filed in the office of the clerk of the board of supervisors of each county and additional copies thereof signed by the chairman of the board of supervisors and attested by the clerk of said board, one of which said copies shall be filed in the office of the auditor of the county within which the harbor district is located and the other in the office of the county recorder of said county.

Conclusive
assessment
and zone
maps

Said maps so filed, shall be accompanied by authenticated, verified copies of the final resolution fixing the assessment zones within the harbor district, as hereinbefore provided, and said copies as so filed shall be conclusive records and, in the event of the formation of said harbor district, the one filed in the office of the county auditor shall be and constitute a direction to the said auditor of the proportions to be annually charged upon the tax bills of lands located within the several zones in the said harbor district, to meet the annual bond and maintenance charge requirements of the harbor district, and the copy filed in the office of the county recorder shall be constructive notice of the fact of the proportionate charges assessed against property within the said zones in said harbor district.

Filing
of maps

SEC. 13. The board of supervisors, after determining the foregoing and filing the zone maps as hereinbefore provided, shall pass a resolution calling an election within said proposed harbor district for the purpose of submitting to the qualified voters thereof the proposition of the formation of the harbor district and incurring a bonded debt and the issuance and sale of the bonds thereof to pay the cost of the improvement or development work in a sum not greater than the estimated cost thereof, and of the incidental expenses in connection therewith, as found by the board of supervisors. The board of supervisors shall by said resolution fix the date of the election which shall be not less than thirty days nor more than sixty days after the date of the passage of the resolution, and shall subdivide the district into one or more voting precincts and generally describe the boundaries of each voting precinct, and shall designate a place within each voting precinct at which the polls will be opened for the purpose of the election on the date of the election, and shall also appoint a board of election for each voting precinct, consisting of at least one inspector, one judge, and one clerk. Every member of a board of election must be a registered elector of and reside

Election.
resolution
fixing date
of , etc

within the voting precinct for which he or she is appointed. The resolution shall state the object and purposes for which the indebtedness is proposed to be incurred and the amount of the principal of the indebtedness, and shall recite a maximum rate of interest to be paid on such indebtedness, not exceeding six per cent per annum, and which shall be paid semiannually, and which rate of interest shall not be exceeded in the bonds issued for such purpose; and shall also recite that under the terms of this act, assessment zones have been determined by competent authority fixing the proportionate rates to be paid on such bonds each year by each assessment zone, according to the benefits found by said authority to be enjoyed by each of such zones, provided, said authority shall determine that there are such varying benefits within the harbor district; and said resolution shall further state that all assessments shall be based upon the assessed value of the lands within the proposed harbor district, and that the improvements thereon shall not be assessed or charged or taxed on account of said bonds or harbor improvement. The resolution shall also prescribe the manner of voting for or against the incurring of the indebtedness and for or against the formation of the harbor district, and in all particulars not recited in the resolution or as otherwise provided for in this act, the election shall be held in accordance with the general election laws of this state, and sample ballots shall be mailed to the electors within the proposed harbor district, as is provided under the election laws of the State of California, and said sample ballots so to be mailed shall be deposited in the mail directed to the registered electors within such proposed harbor district at least twenty days prior to the date of the election.

Form of
ballots.

SEC. 14 The resolution shall invite the qualified voters residing in the harbor district to vote upon the proposition by stamping a cross (X) on the ballot opposite the proposition of the formation of the harbor district and of the incurring of indebtedness therefor

The ballot to be used at the election shall be substantially in the following form:

RECREATIONAL HARBOR DISTRICT.

Official Ballot.

Instructions to voters: To vote in favor of the formation of the harbor district and the incurring of the indebtedness thereby, stamp a cross (X) in the voting square at the right of the words "For the harbor district."

To vote against the formation of the harbor district and the incurring of the indebtedness thereby stamp a cross (X) in the voting square at the right of the words "Against the harbor district."

All erasures and distinguishing marks are forbidden and make the ballot void. If you wrongly stamp, tear, or deface this ballot, return it to the inspector of election and obtain another.

Proposition.

“For the harbor district” (here set forth a general statement of the objects and purposes for which the indebtedness is to be incurred, and the amount of the indebtedness).

“Against the harbor district” (here set forth a general statement of the objects and purposes for which the indebtedness is to be incurred, and the amount of the indebtedness).

SEC. 15. The resolution calling the election shall be published seven times in a newspaper of general circulation printed, published, and circulated within the harbor district at least six days a week, or if there be no newspaper published therein at least six days a week, then the resolution shall be published twice in a weekly or semiweekly newspaper published within the harbor district. The passage of the resolution and the publication thereof, as provided for in this section, shall be and constitute the notice of election and no other or additional notice thereof need be given.

Publication
of resolu-
tion calling
election.

SEC. 16. On the day of the election the polls at each of the polling places designated by the board of supervisors shall be opened at the hour of six o'clock a.m. and must be kept opened until the hour of seven o'clock p.m. of the same day, when the polls shall be closed; provided, that any elector within the polling place or standing in line thereat, and who has not had an opportunity to vote and desires to vote, shall be permitted to vote after the hour of seven o'clock p.m. of the day of election.

Polls.

When the polls are closed, the board of election in each precinct shall canvass the votes thereat, make up and certify the returns thereof as near as practicable in accordance with the election laws of the State of California governing general elections and deposit the same with the registrar of voters or county clerk of the county in which the election was held.

SEC. 17. The board of supervisors at their first regular meeting after the date of the election shall canvass all of the returns of the election, and shall cause to be entered upon the minutes of said meeting a finding showing the number of votes cast in each voting precinct for the harbor district and the incurring of the indebtedness, and the number of votes cast against the harbor district and the incurring of the indebtedness, and the total number of votes cast in all the voting precincts for and against the harbor district and the incurring of the indebtedness.

Canvass
of result

If from said canvass it shall appear and the board of supervisors find that a majority of the votes were not cast for the harbor district and the incurring of indebtedness thereby, it shall enter that fact upon its minutes, and no further proceedings shall be taken under said petition; provided, that a new petition and notice may be signed, published, and filed and a new proceedings had thereunder pursuant to this act, after the expiration of one year from the date of the election.

If from said canvass it shall appear and the board of supervisors find that a majority of the votes cast at the election were

Order for forming district

cast for the harbor district and the incurring of the indebtedness thereby, it shall cause that fact to be entered upon the minutes, together with a description of the boundaries of the harbor district, the name of the harbor district, and the official name or names by which said harbor district is or shall be commonly known, and enter an order of the board of supervisors declaring such harbor district to be duly formed, and to exist in the county, and that an indebtedness of said harbor district is authorized in the principal sum specified, to pay the cost of making the improvement or development of such harbor, as set forth in the resolution.

Certificate of formation

SEC. 18. The clerk of the board of supervisors shall thereupon immediately make up and certify a copy of said minutes and order and transmit the same to the secretary of state of the State of California.

It is hereby made the official duty of the secretary of state to file said certificate in his office, and within five days thereafter to execute under the great seal of the State of California, and transmit to the clerk of the county in which the proceedings were had, his certificate that a harbor district under the name set forth in the petition has been formed and exists in said county. The clerk of the county shall file such certificate in his office and from the filing of such certificate of the secretary of state in the office of the county clerk, the formation of the harbor district shall be complete, with an authorized indebtedness in the sum specified in the resolution calling the election, and no action or proceeding of any character shall be thereafter maintained or prosecuted in any court whatever to test or to invalidate the formation of the district or the authorized indebtedness thereof unless the same shall be commenced in a court of competent jurisdiction within sixty days after the date of the filing of the certificate of the secretary of state in the office of the county clerk.

Issuance and sale of bonds

SEC. 19. The board of supervisors shall pass a resolution providing for the issuance and sale of bonds to represent the principal of the indebtedness authorized to pay the cost of the improvement or development work in such harbor, and shall prescribe the form of such bonds.

Denomination, etc., of bonds

SEC. 20. All bonds issued under this act shall be payable substantially in the following manner: A part to be determined by the board of supervisors, which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be paid each and every year on a day and date, and at a place or places to be fixed by the board of supervisors, and designated in the bonds, together with interest on all sums unpaid at such date.

The bonds shall be issued in such denominations as the board of supervisors of said county may determine, except that no bond shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the date and at the place or places fixed in such bond, and with interest at the rate specified in

the bond, which interest shall not exceed the sum of seven per cent per annum and shall be payable semiannually.

The bonds shall be signed by the chairman of the board of supervisors, and also signed by the treasurer of the county, and shall be countersigned by the auditor thereof. If proceedings are had hereunder by the legislative body of a municipality within the harbor district, then said bonds shall be signed by the presiding officer of the legislative body of such city, and by the mayor of said city; provided, said presiding officer is not also ex officio such mayor, and by the treasurer of said city. The coupons upon said bonds shall be numbered consecutively and signed by the county treasurer or if issued by a city, then by the treasurer of said city. In case any of such officers whose signature or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until delivery of the bonds.

SEC. 21. All such bonds may be issued and sold by the board of supervisors of the county as they may determine, but for not less than their par value and the interest accrued thereon at the date of their delivery, and the proceeds of such bonds shall be placed in the treasury of the county to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the resolution and for which the same was voted.

Sale of
bonds.

SEC. 22. Whenever the money for which the indebtedness was incurred shall be in the treasury of the county, certification of the fact shall be made by the county treasurer to the county clerk and ex officio clerk of the board of supervisors and to the county auditor. The board of supervisors shall thereupon establish three funds within the county treasury, one denominated the recreational harbor district bond fund, naming the particular harbor district to which the said fund relates, and the second fund to be denominated the recreational harbor district premium, accrued interest and redemption money fund, naming the harbor district to which the same relates, and the third fund to be denominated the recreational harbor district maintenance fund, naming the harbor district to which said fund relates; there shall be deposited in the harbor district bond fund the principal resulting from the sale of the bonds and there shall be disbursed therefrom moneys required to effect the acquisition, creation and improvement of harbor lands and works; in the harbor district premium, accrued interest and redemption fund there shall be deposited such sums, if any, as are received upon the sale of the bonds as a premium, along with all tax and other moneys collected for the purpose of meeting the harbor district bond redemption and interest charges, and there shall be disbursed from said fund such sums as are required to meet the charges for redemption of bonds and for interest accrued

Creation
of funds.

on account thereof. In the third fund, to wit, the harbor district maintenance fund, there shall be deposited all moneys resulting from charges imposed and collections made in the course of operating the harbor and the works adjacent and appurtenant thereto, and all moneys resulting from taxes imposed for the purpose of maintaining the said harbor and improvements and works appurtenant thereto, and out of said maintenance fund there shall be disbursed the moneys required to maintain the said harbor, its works and appurtenances. Any state, county or city appropriation or any contribution by others shall be deposited in the appropriate harbor district fund. If the appropriation or gift be for new construction or improvements, same shall be deposited in and disbursed from the harbor district bond fund. If the appropriation or gift be for harbor maintenance, same shall be deposited in and disbursed from the harbor district maintenance fund. Thereupon, a board of governors of the harbor district shall be appointed, which board shall consist of five members. Each governor shall be a citizen of the State of California, residing within the harbor district and shall have so resided therein for a period of at least one year immediately preceding the date of his appointment.

Board of
governors

SEC. 23. Said board of governors shall be appointed as follows: One member of said board shall be appointed by the legislative body of each city any of whose territory is included within the harbor district and in the event that there are not five cities included within any harbor district formed under this act, then the appointment of such additional members as may be required to make up the total number of five shall be made by the board of supervisors of the county taking jurisdiction to call the election. The individual members of said board of governors shall hold office for the term of four years from the date of their appointment; provided, however, that in any case where, under charter or otherwise, the appointive power of any city is vested in any other authority than the legislative body of said city, then, and in that event, the appointment in behalf of said city of its member or members upon said board of governors may be effected by such other appointing authority.

Terms

Compensa-
tion.

SEC. 24. The said board of governors shall serve without compensation and shall qualify for the office by having the oath of office administered to each of them singly by the county clerk and ex officio clerk of the board of supervisors.

Meetings

SEC. 25. Said board of governors shall choose one of its number as chairman and shall appoint a regular time and place for meetings within the harbor district which said meetings shall be public and shall not occur less frequently than one meeting in each calendar month.

Duties
of clerk

SEC. 26. The board of governors shall employ a clerk whose duty it shall be to keep a record of all the proceedings of said board, to execute the necessary contracts and/or other public records and documents relative to the business of the harbor

district, and in attestation of the action of the board of governors, and said clerk shall maintain said records in the usual and designated office of the board and have the custody and charge thereof and be responsible therefor, and during business hours shall, upon demand of any person or persons, permit the inspection thereof. Said harbor district clerk shall hold office at the pleasure of the board and his compensation shall be fixed by said board and paid in monthly installments.

SEC. 27. Said board of governors shall appoint an engineer Engineer. who shall be in charge of all engineering construction and planning work to be done in and about the creation and/or improvement and maintenance of the harbor and the works adjacent and appurtenant thereto. Said engineer shall hold office at the pleasure of the board and his compensation shall be fixed by said board and paid in monthly installments.

SEC. 28. Said board of governors may appoint an attorney Attorney. to act as its legal adviser, or if it desires so to do, request the county counsel of the county wherein the harbor district is situate, if there be such county counsel, to act as its legal adviser. In the event of the appointment of an attorney for the board, his compensation shall be fixed by the board and paid in monthly installments, and said attorney shall hold his office at the pleasure of the board.

SEC. 29. Such assistants may be authorized and provided Assistants. by the board of governors for the clerk, engineer and attorney as may be required and the cost thereof, as well as the respective salaries of said clerk, engineer and attorney, shall be a charge against the funds of the harbor district.

SEC. 30. All of the funds of said harbor district shall be Collection and deposit of funds deposited in the treasury of the county and disbursed by the treasurer thereof upon the requisition signed by the chairman of the board of governors, attested by the clerk, and approved by the county auditor by warrants upon said county treasurer issued in accordance with law, and all moneys received from the operation of the said harbor or works adjacent or appurtenant thereto by the board of governors shall, on or before the tenth day of each calendar month succeeding the date of such collection, be accounted for and paid into the harbor district fund so held by the county treasurer.

The clerk of the board of governors shall be the official collection agent for all of said moneys so received from the operation of said harbor district, and shall give bond for the faithful performance of his duties as such collection and accounting agent in a sum to be fixed and adjusted from time to time by the board of governors.

SEC 31. Special meetings of the board of governors may Special meetings be held on call of the chairman or upon call of two other members of the board of governors.

SEC. 32. The board of governors shall be permitted their Expenses actual expenses incurred in the performance of their duties as

such, and prior to the collection of same from the harbor district, vouchers therefor shall be presented to the board of governors and approved by them, but in no instance shall the expenses incurred by any member of the board of governors exceed in any one fiscal year the sum of three hundred dollars (\$300).

Plans and
specifica-
tions.

SEC. 33. The board of governors is authorized to employ experts, engineers, architects and appraisers and their assistants and pay for the preparation of definitive plans, profiles and specifications for the doing of the work provided to be done under the bond issue and for the subsequent improvement and maintenance of the harbor and its appurtenances, and shall advertise for bids and let contracts for the doing of all work the estimated cost of which exceeds five hundred dollars (\$500). All work done under this act shall be done by contract let to the lowest regular responsible bidder or bidders, and advertisement for bids for contracts shall provide for the day, hour and place for the opening of same and recite that each bid shall be accompanied with a deposit of a certified check or bond equal to at least ten per cent of the amount of the bid, guaranteeing that when and if a contract is awarded to such bidder, he will execute the necessary contract and surety bonds for the performance of the work so bid for. The board of governors, however, need not advertise for the doing of all of the work under the same contract but may segregate the work to be done thereunder and call for separate bids therefor, and fix the order in which the said work shall be done and if by reason of any proceeding or occurrence the board of governors shall be prevented or enjoined from doing any particular portion of the work required to be done, then the board may proceed to do all or any of the other work not so prevented or enjoined.

Call for
bids

Contracts

All contracts shall first be approved by the engineer of the board of governors and by the legal adviser of said board and shall recite that the recreational harbor district, acting by and through authority of the board of governors thereof is party of the first part and the contractor is party of the second part, and the contractor, at the time of executing any contract hereunder, shall execute a bond to the satisfaction and approval of the board of governors running to the harbor district, in an amount not less than twenty-five per cent of the amount of the contract, conditioned for the faithful performance of the contract, and said bond shall be signed by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned in the bond over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety; and every contractor to whom is awarded any contract hereunder shall, before executing said contract, furnish and file with the board of governors a good and sufficient bond acceptable to and approved by said board of governors

Contractors'
bonds

in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed by the principal and by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned in the bond, over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, and shall be made to inure to the benefit of any and all persons, companies, or corporations who perform labor on or furnish materials to be used in the work or improvement to be done under the contract, and shall provide that if the contractor to whom said contract was awarded fails to pay for any materials so furnished for the said work or improvement or for any work or labor done thereon of any kind, the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company or corporation furnishing materials to be used in the performance of said work or improvement or who performed work or labor thereon, whose claim has not been paid by the said contractor or his assigns, shall severally have a first lien upon and against the money to be paid to cover the expenses of said work or improvement. Such laborer, materialman, person, company or corporation may, at any time prior to the payment of said money, file with the clerk of the board of governors of the harbor district and with the county auditor a verified statement of the fact that he or it has furnished such labor or material and has not been paid therefor, stating the nature and amount of such labor or material and the amount due therefor, and claiming said amount, and, if he or they so elect, demanding the withholding of money in an amount sufficient to satisfy said claim.

Mechanics' and materialman's liens.

The said auditor shall, upon such a demand being made, withhold from the contractor or anyone claiming under him as assignee or otherwise, sufficient of said moneys to satisfy said claim and all costs which can reasonably be anticipated. If the claimant filing such statement shall, within ninety days after the date of issuance of the completion and acceptance notice of the contract work, commence an action to enforce his lien aforesaid, then said auditor shall withhold and keep the moneys so withheld, subject to final judgment in said action; but if such action is not so filed, the moneys so withheld shall be delivered to the contractor or his assignee. Such claimant, if he so elects and if he has not received said moneys, may as an alternative, at any time within six months after the filing of such statement and claim bring an action upon the bond of the surety or sureties in his own name, or if he has assigned his claim, the action may be brought in the name of the assignee, for the recovery of the amount due on said claim. Said amount, both in the case of an action to enforce the lien upon said moneys withheld and in the case of an action upon the bond of the surety, may include the costs incurred in said action, together with a reasonable attorney's fee to be fixed by the court for the prosecution thereof.

Bond for
payment
of claims

If the contractor or his assigns shall so desire, upon the filing of any claim or claims as aforesaid by any laborer or materialman, he or they may furnish and file an undertaking in an amount to be fixed by the said treasurer (but which amount shall not be less than the aggregate of the claim or claims plus not less than fifteen per cent of said amount to cover court costs and attorneys' fees), which said undertaking shall be executed by said contractor or his assigns and by two or more sureties who shall aggregately qualify before an officer competent to administer oaths in double the amount mentioned therein, over and above all statutory exemptions, or by one duly authorized and acceptable corporate surety, which said undertaking shall be to the satisfaction of said auditor and shall provide that the said contractor or his assigns and the surety or sureties thereon will pay the amount, if any, which may be due on said claim or claims, with interest, court costs and attorneys' fees, whereupon said first lien upon and against said moneys shall be discharged and said claimant shall thereupon look to said undertaking for recovery.

Purpose and
construction
of act

SEC. 34. Only recreational harbors, as defined in this paragraph, may be created, maintained or improved under the provisions of this act.

Recreational harbors are such as are intended to be used for the pleasure and recreation of the public, including as well as all others the boating, fishing and bathing facilities afforded thereby and no industrial or commercial activity shall be permitted on any pier, wharf, jetty or breakwater or on any portion of the strand comprising said harbor, or upon any works or property adjacent or appurtenant thereto excepting that, under the supervision and with the consent of the board of governors of the harbor district, such commercial enterprises may be conducted as will be conducive to and aid the pleasure and recreational facilities of the people in their use thereof. Any harbor created under the provisions of this act and the lands, works and facilities incidental thereto shall retain a recreational character as herein defined.

Accretions

Should any accretions be occasioned upon sovereign tide or submerged lands on account of harbor work or structures authorized hereby, no fence, building or other structure of any kind other than walks, lighting facilities, life saving stations and equipment, bulkheads, sea walls and piers, may be constructed or maintained over across and upon such accreted lands.

Board of
governors
Power to
make and
enforce
ordinances

SEC. 35. The board of governors shall be and are hereby empowered to adopt and enforce ordinances protecting the character of the harbor and works placed under its control and to safeguard the classification thereof. Said board shall also have authority to adopt ordinances regulating the said harbor and appurtenances and works and its use, and to adopt reasonable rules and regulations in reference thereto and to provide in said ordinances that any violation of such ordinances shall be a misdemeanor and punishable by fine or

imprisonment to be fixed by said board in said ordinances, or by both such fine and imprisonment. Said ordinances shall be enforceable as are ordinances of municipalities within the State of California and shall have the same binding force and effect as such city ordinances. Said ordinances shall be subject to the referendary powers of the electors residing within the harbor district as provided by the constitution and general laws of the State of California. No ordinance of any such harbor district shall go into effect until thirty (30) days after the same shall have been published in a newspaper of general circulation, printed and published within the harbor district.

SEC. 36. The board of governors shall appoint a harbor manager who shall be charged with the custody of the harbor and of its property, works, machinery and tools, and, acting as a peace officer, shall enforce the ordinances, rules and regulations of the board of governors, and said board of governors shall have authority to provide such assistants for said harbor manager as may be required whom the harbor master may designate as peace officers acting under his authority, and the cost of said management shall be a charge against said harbor district. Nothing in this act shall prevent or interfere with the usual police control to be exercised in and about said harbor and works by the county or city in which the same is located, but the ordinances and rules and regulations which the board of governors of said harbor district are hereby authorized to adopt and enforce shall be such only as are regulatory and protective of said harbor and works and the use of same.

Harbor
manager

SEC. 37. The board of governors shall be authorized to lease for any period not exceeding the term provided by law any lands, works or facilities under its control to be used for purposes related to the harbor, and which, in the opinion of said board of governors, will promote the purposes of the said harbor and extend its use and enjoyment by the people, and may issue licenses and permits for privileges to be exercised in and about said harbor upon equal terms, and all the revenue arising from said leases, licenses and permits shall be accounted for and paid into the harbor district fund; provided, however, that none of the lands, works or facilities under control of said board of governors shall be leased until the terms of said lease have been submitted to the legislative bodies of every city and county any of whose territory is included within the harbor district and until each of such legislative bodies shall by resolutions have approved the terms of said lease. Said board of governors may fix a schedule of docking, anchorage and storing fees and charges, which fees and charges shall be equal in their operation and fair and reasonable. And the board of governors may enforce the collection of said fees and charges by resorting to judicial means if necessary.

Board of
governors,
power to
lease, etc

SEC. 38. The board of governors shall have power to acquire such lands as in its opinion will be necessary or proper

Power to
acquire
lands, etc

for the creation, improvement, government or operation of the harbor, and the determination by resolution of the board of governors that the lands described therein are necessary or proper for the creation, improvement, government or operation of said harbor shall be conclusive. The board of governors may acquire said lands so provided to be acquired by said resolution by agreement with the owner or owners thereof, which said agreement before the same shall be effective, shall be approved by a judge of the superior court of the county within which the harbor district is located, and in the application for the approval of any such agreement or agreements, the board of governors shall present to said court the appraisal of the lands so to be acquired by said agreement or agreements, and said appraisal shall be made by any three competent and responsible appraisers of real property within the county, and said court may, before approving or disapproving the said agreement or agreements, call in another or other appraisers of its own choosing. In the event that the board of governors and the owner or owners of the property intended to be acquired can not agree upon the price or terms upon which said lands so required shall be purchased by the harbor district, or in the event that the superior court will not approve any agreement or agreements between said board and the owner or owners of said property, then and in that event, the board of governors shall institute an action in the superior court of the State of California, in and for the county in which said harbor district is situated, in the name of the harbor district as party plaintiff, naming as defendants the owners of and all persons interested in the lands sought to be acquired. Said action shall recite the passage of the resolution under which said board proceeded to acquire said lands and shall allege the fact that the acquisition of said lands is necessary or proper for the creation, improvement, government, operation or enjoyment of the harbor; and in this particular, it is herein provided that as to recreational harbors, land for bathing and park use in or near any portion of the shore of the Pacific ocean or any bay or estuary thereof, or which may be deemed necessary to gain access thereto, may be acquired for the recreation of the public, and that such park purpose is a proper purpose under this act.

Acquisition
of land by
court action

Said complaint shall request that the court fix the amount required to be paid to the owners of said land therefor and for any damages incurred by such others on account of the said taking, and at any time within six months after the judgment or verdict rendered in said case or within six months from the date of the final judgment, if an appeal has been taken therefrom, the board of governors of the district may pay to such owner or owners or deposit in court for their account the amount fixed by said judgment and required to be paid for said lands with interest thereon from date of

judgment at the rate of seven per cent per annum and thereafter same shall be the property of the harbor district. However, should the board of governors deem it necessary or advisable to obtain immediate possession of the lands sought to be taken under said proceedings, then upon the filing of the complaint, as hereinbefore provided (which said complaint shall recite such necessity for immediately taking possession of said lands), the court shall appoint three competent responsible appraisers of real property within the county who shall appraise the lands sought to be taken and, in addition thereto, consider and fix the damages which the owner of said land is likely to incur on account of such taking, and they shall make their report to the superior court of the county. The superior court shall thereupon determine tentatively and for the purpose of fixing the sureties to be given, the value of the lands sought to be taken, and, in addition thereto, the damages which the owner thereof will be likely to suffer on account of such taking and the board of governors may thereupon deposit in the office of the clerk of the court a sum equal to the said value and damages as so fixed by the court, and upon payment of said money into court the board of governors may thereupon take possession of the lands described in the complaint.

Payment of
value and
damages

The preliminary fixing of values and damages as hereinbefore provided, prior to the trial of the issues, shall not be conclusive upon the owner of the lands taken when the cause is tried to determine the value of the lands taken and damages, if any, suffered by the owner on account of such taking, and such owner may require that the judge presiding at said trial shall not be the same judge who fixed the value and damages tentatively in the preliminary proceeding.

For the purpose of this section, the board of governors is authorized to draw a requisition upon the harbor district funds in the county treasury for the purpose of making the deposits required to be made hereunder in order to obtain possession of land sought to be taken in advance of a determination as the result of the trial of the question of such value or damages. At any time after the moneys have been deposited in court, as provided herein, in advance of a trial, the owner of the lands possession of which is immediately sought, may accept the moneys so deposited in court by the harbor district in full satisfaction of all claims for the value of said lands and damages suffered by such owner on account of the taking thereof, and thereupon the proceeding to acquire said lands by court action shall be determined and the rights of the parties fixed and foreclosed.

Among other things, the complaint shall state the effect of the resolution ordering the acquisition but need not set up any other proceedings had or taken before the bringing of the action. Said resolution shall be conclusive evidence, in such action, of the public necessity of the proposed acquisition and the improvement thereby effected, and that the property sought

to be condemned is necessary therefor, and also that the same is located in the manner which will be most compatible with the greatest public good and the least private injury; and, in the event that immediate possession of any lands sought to be taken is stated in the resolution of the board of governors ordering the acquisition to be necessary, then such statement of necessity shall be likewise conclusive.

Elections to determine incurring of additional indebtedness

SEC. 39. The board of governors may from time to time determine that additional funds should be provided by the issuance of bonds for extensions or additions or improvements to the harbor or works created hereunder, and in that event, may call elections within the harbor district for the purpose of deciding whether or not such additional expenses should be incurred and bonds voted to pay therefor. The resolution calling for such election shall recite the purposes for which said moneys are intended to be used, generally describing the work to be done, the property to be acquired and the probable cost thereof. Bonds shall provide for their retirement within a period of forty years from date and shall bear interest at a rate not in excess of six per cent per annum, said interest to be payable semiannually. The bonds shall be payable in the same manner as is provided for the payment of the bonds to be originally issued hereunder. A call for said election within said district shall be published at least once for two successive weeks in a newspaper of general circulation within the harbor district and no further or other notice of said election shall be given, nor need any sample ballot be mailed to any of the electors within said district.

Election shall be held at a time not sooner than thirty days after the last publication of the election notice and the form of the ballot shall be substantially the same form as is provided to be used hereunder for the original election on bond issue within said district. When and if bonds are voted and authorized by the electors within the district, same shall be a charge against the land in said harbor district and not a charge against any of the improvements therein and shall be paid in the same proportions as fixed by the assessment zones theretofore filed in accordance with the provisions of this act and relating to the original bond issue. The vote at said bond election shall be canvassed as is provided for in such original election to be held hereunder, and if a majority of the electors voting thereat vote in favor of said bonds, same shall be considered approved and authorized, and in that event, the board of governors shall issue the said additional bonds and same shall be signed by the chairman of the board of governors, attested by the clerk, and the coupons attached to said bonds shall be signed by the treasurer of the county within which said harbor district is situated.

Aid from federal government, state, etc

SEC. 40. The board of governors is hereby authorized to accept aid from the government of the United States of America and from the State of California and from any political subdivision thereof and from any person or persons; and in

this particular, any county, within which a harbor district formed hereunder is situated and any city comprising any portion of such harbor district may, out of its general fund, provide such sum or sums as in the opinion of the legislative body of said county or city may be required, necessary or expedient to be so provided in aid of said harbor or its extension or maintenance.

SEC. 41. The board of governors may use any lands acquired or owned by the harbor district for road or highway purposes, and if, in the opinion of said board, it shall be necessary or expedient to deed any of the lands owned by the harbor district for said road or highway purposes, then in that event, upon resolution of said board, said deed may be authorized to be given to the political subdivision entitled thereto and the chairman of the board of harbor governors and the clerk of said board shall be thereby authorized to execute such deed and deliver the same to the proper authority representing the grantee therein named.

SEC. 42. The board of governors shall have such other and further powers as may be necessary for the proper execution of its duties as the constructing, operating and regulating authority of said harbor and the works and lands adjacent and appurtenant thereto.

Any harbor district formed hereunder shall have power :

1. To have perpetual succession.
2. To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.
3. To adopt a corporate seal and alter it at pleasure.
4. To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise hold and/or dispose of any and all real and personal property within or without the recreational harbor district necessary or convenient to the full exercise of its powers, and to exercise the right of eminent domain as to any lands, property or rights, as provided by law, and shall not be restricted to the exercise of such right as hereinbefore provided to the procedure hereinbefore provided, but such procedure is herewith declared merely ancillary and in addition to such rights of eminent domain exercised under general law by public corporations and political subdivisions.

SEC. 43. All bonds issued under this act shall be the obligation of the harbor district and so long as any of said bonds shall be outstanding and unpaid, the board of supervisors of the county shall, at the time of fixing the general tax levy and in the manner for such general tax levy, provide, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the county set aside for that purpose to meet all sums coming due for principal and interest on said bonds, a special assessment tax sufficient to pay the annual interest on such bonds, and also such part of the principal thereof as shall become due at the time for fixing the next general tax levy. The tax herein required to be

levied shall be levied upon all of the lands within the harbor district and therein taxable for county purposes excepting personal property and improvements upon said lands, and said taxes shall be collected at the same time and in the same manner as other county taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

The board of supervisors shall, at the same time and in the same manner, have power to levy upon the lands in the harbor district a tax sufficient to pay the ordinary annual expenses of the harbor district. The taxes so levied to meet the charge of said bonds and expenses, as herein provided, shall be levied upon the lands within the respective zones of the harbor district, as a special assessment tax charge each year in accordance with the resolution and assessment map on file in the office of the county auditor. Such levy as to each zone within the harbor district shall be based upon the assessed valuation placed upon the parcels of land within each zone by the county assessor of the county within which said harbor district is situate and a sum sufficient to meet the proportional annual charge upon said zone.

Construc-
tion

SEC. 44. Nothing hereir shall be construed to in any manner interfere with existing operating harbors or to prevent the formation, operation or government of harbors within the State of California under any other harbor act or law.

Same

SEC. 45. This act shall in nowise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter, nor apply to any proceedings had thereunder; but it is intended to and does provide a legislative system for making the improvements and acquisitions provided for in this act and of accomplishing the purposes comprehended herein

Same

SEC. 46. This act and a l of its provisions shall be liberally construed to the end that the purposes hereof may be effective. No error, defect, irregularity, informality and no neglect or omission of any officer of any county or municipality or board of governors in any procedure taken hereunder, which does not affect the jurisdiction of the legislative body to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any bonds issued thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the legislative body, as hereinbefore provided. The sole acts necessary and essential to confer jurisdiction upon the legislative body to order the doing of the thing or things proposed to be done shall consist of the adoption of a resolution therefor and the publication of the same, as in this act provided.

Constitu-
tionality

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have

passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 47. This act shall be known as, and whenever cited, referred to, or amended, may be designated as the "Recreational harbor act of 1931," and by such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to. Short title

SEC. 48. In any case where the harbor district is wholly contained within the limits of any one city, said city may constitute any of its boards or commissions authorized to manage or control such lands or improvements as are included under this act as the board of governors of said harbor district and said board or commission so authorized by said city shall exercise all the functions and have all the powers herein granted to boards of governors of harbor districts. Control where lands wholly within city

SEC. 49. In any case where contiguous territory not originally included within the boundaries of any harbor district formed hereunder shall desire to annex to said harbor district and be included within the same, then, by petition signed in the manner heretofore provided for the formation of an original harbor district hereunder and upon the filing with the board of governors of said harbor district of said petition, said board of governors may call two elections, which elections shall be called and held in the manner generally provided by law and notice thereof shall be given to the electors residing within the territories within which such elections are to be held, by mailing a sample ballot to each of said electors not less than twenty days prior to the date when such elections are to be held. The first of these two said elections may be held within the territory proposed to be annexed and a resolution authorizing the calling of said election shall be adopted by the board of governors. In each said resolution the total indebtedness of the harbor district on account of district bonds, interest, or otherwise shall be stated, and the proportionate amount of such total indebtedness, if any, to be assumed by the territory proposed to be annexed shall be stated and the ballot used at said election shall state the question, "Shall that certain territory (describing same) be annexed to ----- harbor district (naming the harbor district to which annexation is proposed) and shall the said territory to be annexed assume to pay the sum of ----- dollars of the total indebtedness of said district, which said total indebtedness of said district is herein stated to be ----- dollars (naming the total indebtedness of the district) and assume to pay ----- percentage (naming the percentage) of the future and maintenance charges therefor." Annexation of territory

The votes cast at said election shall be canvassed by the board of governors of the harbor district and if it is found as a result of said canvass that a majority of the votes cast at said election within the territory to be annexed to the harbor Election.

district are favorable to the annexation thereof, then and in that event, the board of governors shall call an election to be held within the harbor district and the ballot shall state the proposition as follows:

“Shall that certain territory (describing same) be annexed to ----- harbor district (naming the harbor district) and assume to pay ----- dollars (naming the amount) of the total indebtedness of ----- harbor district (naming the harbor district), said total indebtedness being in the sum of ----- dollars (naming the amount of said total indebtedness) and assume to pay ----- percentage (naming the percentage) of the future operating and maintenance charges therefor.”

Canvass
of result

The board of governors shall, after said election is held, canvass the returns thereof, and if, as a result of said canvass, it is found that a majority of votes cast at said election are in favor of the annexation of said additional territory, then the board of governors shall adopt a resolution stating the fact that said additional territory is included within ----- harbor district (naming the harbor district) and that the said additional territory so annexed has assumed to pay the sum of ----- dollars of the total indebtedness of the harbor district.

A copy of said resolution shall be certified and transmitted to the county auditor and the said resolution shall constitute authority of the officials of said county to annually charge the lands contained within the annexed territory with the amounts required to discharge that portion of the harbor district's indebtedness and annual expenses assumed to be paid by such annexed territory. Collection of said sums so to be paid by said annexed territory to be effected by the levy and collection of taxes upon lands of said annexed territory in the manner and form as provided hereinbefore for the collection of moneys for the payment of bond interest and maintenance charges of said harbor district. Upon said annexation being effected, the original harbor district lands shall be thereby relieved of the harbor district indebtedness and future operating and maintenance charge percentages assumed to be borne and paid by the annexed lands, and the respective zones of such original harbor district shall be proportionately relieved of such charge in the ratio of their respective zone percentage of liability as originally fixed.

Fiscal year.

SEC. 50. The fiscal year or harbor districts established hereunder shall commence at midnight of July first and end at midnight of June thirtieth of the succeeding year.

Transfer
of funds
authorized

SEC. 51. By order of the board of governors, approved by the county auditor, funds not required in the bond fund of the harbor district or in the harbor district maintenance fund may be transferred to the premium, accrued interest and redemption money fund and disbursed therefrom, as provided in section 22 hereof.

Sale of
franchises
authorized

SEC. 52. The board of governors of any district formed under the provisions of this act shall have and are hereby

granted the authority to sell and issue franchises relating to the harbor and its works, appurtenances, properties and rights and all such franchises so applied for, granted and enjoyed shall be granted strictly under the provisions of the general laws of the State of California in such cases made and provided for the sale of franchises by political subdivisions of the state; but in that regard, it is further provided that the board of governors of such harbor district may require the payment of a larger percentage of income by franchise holders in such harbor districts than the percentage now provided by general law to be paid and may require that such percentage of income shall be paid sooner than the five-year term which is now provided by law to expire before such percentage may be exacted.

SEC. 53. This act is further declared by the Legislature to be necessary in the exercise of its police powers in regulating the control of the use of its coast line so that there shall not now or in the future be denied to the people the recreational use of such coast line and the waters within the state which are conserved to the people under the constitution, and that by reason of increasing demands for the use of such waters, it is necessary to provide for such present and future rights of the people of the state to the end that same shall not be lost or diminished to the extent that such coast line and waters may not be resorted to by the people of the state for recreational purposes. And in the exercise of its police powers and announcing a public policy which is urgently required, the state does hereby provide for a segregation of uses to which such coast line of the state and the waters therein contained may be put and is providing the means by which such segregation may be effected and the rights of commerce, navigation, fisheries and recreational rights of the people may be best conserved and this act constitutes the means by which it is giving express confirmation to the people of their right to so appropriate portions of the coast and the waters of the state for recreational purposes and conserved to them under the constitution of the state.

Exercise of
police
power

CHAPTER 1032.

An act to amend sections 1094 and 1096 of the Political Code, relating to elections.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1094 of the Political Code is amended to read as follows:

1094. Commencing January 1, 1932, except as hereinafter provided, there shall be in each county and city and county of the state, a new and complete registration of the voters of such county or city and county, who are entitled thereto.

Initiative,
1930,
Stats 1931
Registration

Such registration shall be in progress at all times except during the thirty-nine days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; provided, that where any election is held on or after the first day of January and before the first day of April of the year 1932 the original affidavits of registration and indexes used in the last general state election in any county or city and county in the state, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the fortieth day prior to said election then being held, may be used at such election to determine the persons entitled to vote thereat.

Transfers.

Original affidavits in use for limited period

Cancellation of old affidavits

Board controlling elections to provide for registration

All affidavits of registration made prior to the first day of January of the year 1932 shall be deemed canceled upon said day except for the sole purpose of being used as hereinbefore stated at elections held thereafter and before the first day of April of that year, and shall on said last mentioned day be deemed canceled for all purposes. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county who is entitled to register therein; provided, however, that in any city and county no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; and provided, also, that any registration which may be made at the main office for registration in any such city and county may be made and taken in any place in said city and county in such manner as may be provided by rules and regulations made by the board having control of registration in any such city and county.

Lists of residents of lodging house, etc

Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten electors of the county, such petition must be filed in his office not less than twenty days before the date of the next succeeding election and it shall specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or

beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer, and they must be received in his office not less than ten days before the day of said election. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision five of section 1230 of the Political Code. Whenever in the laws of this state the word "register" or "great register" is used with relation to elections, it shall be deemed to mean and include the relative and proper affidavits of registration, or both thereof, prepared and bound by the county clerk or registrar of voters.

"Register."
"great
register"

Stats 1929,
p 1419.
See also
Ch 1088,
Stats 1931.

Qualifica-
tions for
registration.

SEC. 2. Section 1096 of the Political Code is amended to read as follows:

1096. The affiant making the affidavit of registration must be at least twenty-one years of age at the time of the next succeeding election; a citizen of the United States ninety days prior to such election; a resident of the state one year, of the county ninety days, and of the precinct forty days next preceding such election and the affidavit must show such facts. It shall also show:

1. The name at length, including Christian or given name, the middle name, or initial, if any, said Christian or given name, if the name of a woman, to be preceded in all cases by the designations of Miss or Mrs. as the case may be.

2. The place of residence with sufficient particularity to identify the same and determine therefrom the voting precinct of such affiant. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show upon what floor thereof, and what room such elector occupies in such house.

3. The height of affiant in feet and inches.

4. The country or state of nativity of affiant.

5. If foreign born, how citizenship was acquired, whether by citizenship of father, by provisions of treaty or act of congress, by order of a court of naturalization, by marriage to a citizen, by naturalization of a parent or husband, or otherwise. The month, day and year when, and the place or state where affiant became a citizen shall be shown, except in the case of citizenship acquired by citizenship or naturalization of parents,

by treaty, or by act of congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of such parent or husband shall appear.

6. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his or her name, and whether or not the elector has any physical disability, by reason of which he or she can not mark the ballot; and if he or she can not mark the ballot by reason of physical disability, then the nature of such disability must be entered. The affiant shall sign such affidavit with his or her own usual signature, and if unable to write he or she shall sign with a mark or cross, and the county clerk or registrar before whom such affidavit is made shall insert therein the date of such affidavit, which shall be the date of the jurat. The affiant may state in such affidavit the name of any political party or organization with which he intends to affiliate at the ensuing primary election, whether or not such party or organization is a party or organization qualified, at the time of such registration, to participate in such primary election according to the provisions of the direct primary law.

7. There shall also be shown on the affidavit of registration, below the jurat and signature of the affiant, such further or necessary information; the occupation, the post-office address including route and box numbers, the assembly district and precinct.

CHAPTER 1033.

An act to amend section 791 of the Civil Code, relating to the right of reentry by grantor or lessor.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Civil Code,
1872.

Reentry,
when and
how to be
made

SECTION 1. Section 791 of the Civil Code is hereby amended to read as follows:

791. Whenever the right of reentry is given to a grantor or a lessor in any grant or lease or otherwise, such reentry may be made at any time after the right has accrued, upon three days' notice, as provided in sections 1161 and 1162, Code of Civil Procedure; provided, however, that the said three days' notice shall not be required in cases where the hiring of real property is for a term not specified by the parties and where such hiring was terminated under and in accordance with the provisions of section 1946 of the Civil Code.

CHAPTER 1034.

Stats 1383,
p 83,
amended *An act to amend sections 765, 861 and 863 of an act entitled
"An act to provide for the organization, incorporation, and*

government of municipal corporations," approved March 13, 1883, as amended, relating to cities and towns of the fifth and sixth class.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 765 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats 1917,
p 1666

Sec. 765. The enacting clause of all ordinances shall be as follows: "The council of the city (or town) of ----- do ordain as follows": Every ordinance must be signed by mayor, attested by the clerk, and must be published by said board within two months after its passage at least three times in a newspaper of general circulation published in such city or town, or if there be none published in such city or town, then every ordinance must be posted in at least three public places therein: provided, that emergency ordinances subject to the referendum must be published at least one time. For the purpose of distribution to the general public ordinances may also be published in book or pamphlet form by order of the city council after the official publication heretofore provided has been made. Ordinances

SEC. 2. Section 861 of said act is hereby amended to read as follows: Stats 1931,
Ch 132

Sec. 861. No ordinance, and no resolution granting any franchise for any purpose, shall be passed by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular meeting, or an adjourned regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting, or an adjourned regular meeting. And no such ordinance, resolution, or order shall have any validity or effect unless passed by the votes of at least three trustees. Franchises
and resolutions
to pay
money

SEC. 3. Section 863 of said act is hereby amended to read as follows: Stats. 1929,
p. 597.

Sec. 863. The enacting clause of all ordinances shall be as follows: "The city council of the city (or town) of ----- do ordain as follows": Every ordinance must be signed by the mayor and attested by the clerk and must be published by said city council within two months after its passage at least once in a newspaper of general circulation published and circulated in such city or town; provided, that if there be no such newspaper published and circulated in such city or town, then all ordinances must be posted in at least three public places therein; provided, further, that in all cities or towns which have been incorporated less than one year, all ordinances may be either published or posted as aforesaid, as the city council may determine; and provided, further, that in no case shall Ordinances.

the price charged for such publication of any ordinances exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

CHAPTER 1035.

Stats 1923,
p 21,
amended

An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, as amended, by amending section 4 thereof with reference to the security to be given for such deposits.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 98.

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Security of
inactive
deposits

Sec. 4. For the security of inactive deposits, there shall be deposited with the treasurer treasury notes or bonds of the United States, or of this state or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, or irrigation district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. For the security of active deposits, there shall be deposited with the treasurer treasury notes or bonds of the United States or of this state or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state; provided, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the State of California, placed with a company qualified to execute bonds hereunder within the limits applicable to said company, and evidence of which reinsurance shall be furnished to the treasurer within twenty days after the date of such surety bond. Such securities shall be approved by the governor, controller and treasurer to an

Active
deposits.

Approval of
security.

amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the insurance commissioner of the state as a company possessing the qualifications herein required to secure deposit of state funds, and it shall be the duty of said commissioner to issue such certificate on demand of the state treasurer showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States treasury department as being acceptable as a surety on federal bonds. The form of bonds required under this act shall be prescribed by the attorney general of the state.

CHAPTER 1036.

An act amending an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank act," by amending section 61, relating to the purchase, holding and sale of real and personal property by savings banks.

Stats. 1909,
p. 87,
amended.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 61. of the act cited in the title hereof, is hereby amended to read as follows:

See Ch. 197,
Stats. 1931.

Sec. 61. Any savings bank may purchase, hold or sell real or personal property, as follows:

Purchase of
real and
personal
property
by savings
banks.

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be necessary or proper to carry on its banking business; but no savings bank shall hereafter invest an amount exceeding one-half of its paid up capital and surplus in such lot and building, and banking equipment, except with the written consent of the superintendent of banks and hereafter, the authority of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such a lot and building, or the construction of such building.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at any sales under pledge, mortgage, or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

4. Gold or silver bullion, and United States mint certificates of ascertained value.

Bullion.

5. Bonds and other securities of the following classes:

(a) Bonds or other interest-bearing notes or obligations of the United States, or those for which the faith and credit of

U. S bonds

the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States;

California
bonds.

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city, metropolitan water district or school district of this state;

Bonds of
other sta^{es}

(c) Bonds or stocks or notes of any state in the United States, other than the State of California, that has not, within twenty-five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, or school district, in any state in the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, or school district, had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; provided, however, that the entire bonded indebtedness of such county, city and county, city or town, or school district, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; and provided, further, that such county, city and county, city or town, or school district, or the state in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within twenty-five years next preceding such investment;

District
bonds

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks;

Secured
notes or
bonds

(e) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code; provided, however, that if the superintendent of banks shall ascertain that any mortgage participation certificate issued by any mortgage insurance company and owned or held by any bank exceeds fifty per centum of the market value of the real estate, with improvements, covered by the same, the superintendent of banks shall give thirty days written notice to the mortgage insurance company issuing such certificate of the facts ascertained by him, including a statement of the appraisals on which such ascertainment is based, and if such mortgage insurance company shall not within said period of thirty days have corrected such condition

to the satisfaction of the superintendent of banks, he may order such mortgage participation certificate removed from the assets of the bank owning or holding such certificate;

(f) Bonds legal for investment by savings banks in the state of New York or the state of Massachusetts. Legal investments in N Y and Mass

6. Bonds and other securities of the following classes; provided, that such bonds or securities shall first have been certified by the superintendent of banks after an investigation as provided for under section 61a of this act:

(a) Bonds or interest-bearing notes or obligations of any foreign country or government, or those for which the faith and credit of any foreign country are pledged for the payment of principal and interest; Foreign government bonds

(b) Bonds of any district organized under the laws of any state in the United States other than the State of California for the purpose of irrigating lands within such district, which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of said state to conduct such investigation and give such approval; provided, that the entire indebtedness of such district, including the bonds under consideration, and all prior liens, within the meaning of section 57a of this act, do not exceed fifty per centum of the aggregate market value of the lands within said district, and of the irrigation system owned or to be acquired by said district with the proceeds of said bonds; Irrigation districts

(c) Bonds of any reclamation, drainage, street improvement, county waterworks, or any other district organized under the laws of the State of California not otherwise provided for in this section; California district bonds

(d) (1) Bonds of any railroad corporation, as the same is defined in the "Public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; provided, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or, Railroad bonds Stats 1915, p 115.

(2) Bonds of any railroad corporation, the payment of which is guaranteed, both as to principal and interest, by a railroad corporation whose bonds are a legal investment for savings banks in this state.

(e) (1) Bonds of any other public utility corporation, as the same is defined in the "Public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; provided, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one Other public utility bonds

and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

(2) Bonds of any similar public utility corporation, the payment of which is guaranteed, both as to principal and interest, by a public utility corporation other than a railroad corporation, whose bonds are a legal investment for savings banks in this state.

Determining
income.

In determining the income of any railroad or other public utility corporation mentioned herein, there shall be included the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income-producing property of which the corporation issuing such bonds has wholly acquired.

Security
for utility
bonds

All bonds issued by a railroad or other public utility corporation must be secured by a mortgage or deed of trust which at the time of said certification is: either

I. A closed first mortgage or deed of trust; or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements heretofore specified in either paragraph (d) or (e) of subdivision 6 of this section applicable to such corporation after including the additional bonds then proposed to be issued; or,

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust, or, if such income, maintenance charges or operating expenses can not be definitely ascertained on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust.

(f) Notes or bonds secured by first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; provided, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; and provided, further, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; and provided, also, in case said real estate is located outside of this state, that the provisions of this paragraph shall be subject to the limitations and modifications contained in section 57a of this act; and provided, also, that no such notes or bonds shall be disqualified as investments for savings banks for the reason that the payment thereof is guaranteed by a policy of mortgage insurance.

Bonds
secured by
lien on
real estate.

In determining the market value of any real estate under the provisions of the preceding paragraph where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Determining
market
value

Any bank, however, may, without such certification by the superintendent of banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (f) of subdivision 6 of this section, whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; provided, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; and provided, also, that nothing in this paragraph shall be construed to permit savings banks to invest in notes or certificates evidencing participation in any mortgage on real estate unless by law specifically authorized, or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

Purchase of
entire issue.

(g) Collateral trust bonds or notes:

(1) When secured by deposit of notes or bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or,

Collateral
trust bonds
or notes

(2) When secured by deposit of notes or bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; provided, that the par value of said collateral trust bonds or

notes shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section;

(3) When issued by a corporation organized and doing business under the laws of the State of California and having a paid-up and unimpaired capital of not less than one million dollars, and when secured by deposit, as hereinafter provided, of money, or of notes accompanied by mortgage or deed of trust constituting a first lien on real estate, improved or unimproved, in the State of California having a market value of not less than one and two-thirds times the amount of each note deposited, and when such security so deposited shall have an aggregate market value of not less than par value of the collateral trust bonds or notes issued and outstanding, and when such collateral trust bonds or notes have a maturity of not more than twenty (20) years from their date of issue; provided, that such security shall be deposited as a court trust with a trust company, authorized to transact business in this state, and under such conditions and regulations as may, from time to time, be prescribed by the superintendent of banks, provided, however, that in prescribing such conditions and regulations the superintendent of banks shall permit the exchange, withdrawal and redeposit of any security in this paragraph authorized, so long as the aggregate market value of the security remaining on deposit shall be not less than the par value of the collateral trust bonds or notes issued and outstanding, all securities deposited as herein provided being subject to approval by the superintendent of banks. No such bonds or notes shall be eligible for investment by savings banks, if issued by a corporation having outstanding bonds or notes in an amount greater than fifteen times its paid-up capital and surplus.

Railroad
equipment
trust
certificates

(h) Railroad equipment trust certificates or obligations issued or guaranteed by a corporation to which a loan or loans for the construction, acquisition, purchase or lease of railroad equipment has or have been made with the approval of the interstate commerce commission; provided, that the entire issue shall not exceed sixty per centum of the cost of such equipment and shall mature serially not later than fifteen years from date of issue; provided, further, that said certificates or obligations must be secured by or be evidence of a prior lien upon or reservation of title to such equipment, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchasing of said equipment.

Acceptances

(i) Acceptances issued by a discount, acceptance or investment corporation, formed under the federal statute commonly known as the "Edge act" or under the "investment companies act" of New York, or by a corporation of identical character and capacity, organized under the laws of any state of the United States.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Any bonds authorized by this section as a legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine or he may, by a plan of amortization to be determined by him, require such gradual extinction of premium as will bring such bonds to par at maturity.

Book value
of bonds

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the superintendent of banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the State of California and operated exclusively therein notwithstanding such bonds do not conform to the requirements in this section contained; provided, any bond so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition.

Bonds of
railroad
operating
exclusively
in state
may be pur-
chased when

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "Public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either:

Conditions
of loans
on utility
bonds

(1) Issued prior to the taking effect of the "Public utilities act"; or,

(2) Issued under authority of the railroad commission in accordance with the provision of said act; or,

(3) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section 52 of said act.

CHAPTER 1037.

An act to amend section 4052b, Political Code, relating to the payment by counties in whole or in part of the cost of acquiring property for public parks, beaches and recreation

grounds in incorporated cities and/or of the cost of maintaining and improving such parks and recreation grounds.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1909,
p. 247.

SECTION 1. Section 4052b, Political Code, is hereby amended to read as follows:

Public
parks, con-
veyance for.

4052b. (1) The board of supervisors of any county owning real property situated in any incorporated city or town, which property is not in use for any public purpose, and in the judgment of the board is not needed for such use, may by unanimous vote convey said real property to such incorporated city or town for public park purposes, without consideration other than the agreement of such city or town to establish and maintain a public park thereon.

Financial
assistance
from county
in upkeep
of park.

(2) If it shall appear that any public park, beach or recreation ground belonging to any incorporated city is being used by large numbers of residents of the county generally not residents of such incorporated city, and that such use by such nonresidents of said city necessitates the enlargement and/or improvement or increases the cost of maintenance of such public park, beach or recreation ground, the legislative body of said city may, by a resolution adopted by a vote of four-fifths of all the elected members of such legislative body finding the facts as aforesaid with respect to such public park, beach or recreation ground and designating the particular public park, beach or recreation ground affected, request financial assistance from the county in which such incorporated city is situated in an amount or amounts to be stated in said resolution for the enlargement, improvement and/or maintenance of such public park, beach or recreation ground. The property needed for the purpose of enlargement, the nature of the proposed improvement, and the estimated total cost thereof, or the nature of the additional maintenance cost imposed by the use by nonresidents of said city as aforesaid, shall be stated in said resolution.

Upon receiving a certified copy of said resolution, if the board of supervisors of the county in which said incorporated city is situated shall find, by four-fifths vote of all the members elected to said board, that the enlargement and/or improvement of such public park, beach or recreation ground is of general county interest, or that the cost of maintenance thereof is increased by reason of use by residents of said county outside of said city, said board of supervisors may determine to extend aid to said city for said purpose or purposes in an amount or amounts to be fixed in said resolution but not exceeding the amount or amounts requested by the legislative body of said city. Said aid may be given in the form of funds, real or personal property or services, but the total amount shall not exceed the amount available from the funds

of said county during the fiscal year in which such aid is given. Such aid shall be used by said city within one year from the time extended by said county and any sum or property remaining at the end of such year shall be returned to said county by said city. A report shall be made by the legislative body of said city to said board of supervisors within one year from the time such aid is received showing the disposition thereof. Said resolution of said board of supervisors shall be sufficient authority for the county auditor to draw his warrant in favor of said city for any sum of money specified therein and for proper action on the part of any county officer affected to carry out said resolution.

Report to
county by
legislative
body of city

CHAPTER 1038.

An act to add a new section to be numbered 11a to an act entitled "An act to provide for the formation, management and dissolution of county waterworks districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 13, 1913, statutes 1913, chapter 370, page 785, relating to the power of the governing board to order emergency repairs.

Stats 1913,
p. 785,
amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to said act cited in the title hereof, to be numbered 11a and to read as follows:

New section

Sec. 11a. The board may, in case of emergency, proceed at once, by a vote of not less than three of its members, to make such repairs and/or to do such other work as may be necessary to prevent threatened interruption of water supply and/or to restore the waterworks system to working condition, without advertising for bids. The board shall cause a statement of the facts constituting the emergency to be entered in their minutes.

Emergency
repairs

CHAPTER 1039.

An act to amend section 11 of an act entitled "An act to provide an institution for the confinement, cure, care, and rehabilitation of drug addicts to be known as the State Narcotic Hospital; to provide for the government and maintenance thereof; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring

Stats 1927,
p 149,
amended

the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof." approved April 9, 1927, relating to payment of expenses of persons committed to State Narcotic Hospital.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 727

SECTION 1. Section 11 of the narcotic rehabilitation act is hereby amended to read as follows.

Payments
by counties
to state

Sec. 11. For each person committed under this act the county of which he is a bonæ fide resident shall pay the state at the rate of twenty-five dollars per month for the time such person so committed remains an inmate of the institution. Such payments shall be placed to the credit of the general fund of the state.

CHAPTER 1040.

An act to amend sections 2187, 2240 and 2255 of the Political Code, relating to maintenance of inmates in institutions and of pupils at the California School for the Deaf and the California School for the Blind.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p 658.

SECTION 1. Section 2187 of the Political Code is hereby amended to read as follows:

Transfer of
state hospi-
tal patients.

2187. 1. When the building of any state hospital becomes overcrowded with patients or inmates, or the number of buildings is reduced by fire, or other casualties, or for other sufficient cause, the department of institutions may, in its discretion, cause the transfer of patients or inmates therefrom or direct that patients or inmates required to be sent thereto, be transferred to another state hospital, where they can be conveniently required, or make, in emergencies, temporary provision for their care, preference to be given in such transfer to a hospital in an adjoining rather than a remote district. The expense of such transfer is chargeable to the state, and the bills for the same, when approved by the director of institutions, must be paid by the treasurer of state on the warrant of the controller, out of any moneys provided for the care or support of the insane.

Request of
relatives

2. Patients may be transferred at the request of relatives or friends; provided, there is room in the hospital to which transfer is sought, but in case of transfers made as last provided the expense of such transfer shall be paid by such relatives or friends; provided, further, that transfers as last provided, shall not be made unless the consent of the department of institutions and the medical superintendents of the hospitals

from which and to which said transfer is to be made be obtained.

3. The department of institutions, when it deems it necessary, may transfer any inmate of the home for feeble-minded for care and treatment to a state hospital for the insane for care and treatment therein and the counties, guardian, relatives or friends of such inmate shall be liable for his care, support and maintenance in said hospital for the insane to the same extent as if the said patient were still an inmate of said home. The department of institutions, when it deems it necessary, may transfer any patient in any state hospital for the insane to the said home for care and treatment therein. The estate, relatives or friends of such patient, or the county from which such patient was originally committed, shall be liable for the care, support, and maintenance of such patient at the said home in the same manner and to the said extent as if the said patient had been originally committed to the said home at the date of such transfer. All amounts due from any county to the state for care, support and maintenance of any such patients or inmates shall be included by the county auditor in his state settlement report, prescribed in section 3868 of this code.

Transfer from feeble-minded home to hospital

SEC. 2 Section 2240 of the Political Code is hereby amended to read as follows:

Stats 1923, p. 136

2240. If the parent or guardian of any pupil in this school shall be unable to clothe such child, or pay for its transportation to and from school, or for necessary dental work, eye care, operations and hospitalization of such child while at the school, the parent or guardian may testify to such inability before a judge of the superior court of the county wherein such parent or guardian of such child is resident, and if the judge is satisfied that the parent or guardian is unable to provide suitable clothing or transportation, necessary dental work, eye care, operations and hospitalization for the child, he shall issue a certificate to that effect. The application for such certificate may be made to the court by the principal of the school and if it appears at the hearing that the parent has sufficient pecuniary ability to provide suitable clothing, transportation, dental work, eye care, operations and hospitalization or if there are sufficient funds in the estate of the minor to provide the same, then the court shall order the principal to provide the same on behalf of the parent or guardian. If the state is not reimbursed for such expenditures the principal may sue the parent or guardian, in the name of the state, to recover any moneys paid out. All moneys expended under the authority of such certificate for clothing and transportation, as hereinafter provided, and not to exceed the sum of seventy-five dollars per annum for necessary dental work, eye care, operations and hospitalization, shall constitute a legal county charge against the county from which said certificate is issued. Such certificate shall be presented to the principal of said school and it shall be the duty of said principal to clothe said

Transportation and maintenance of children school for the deaf

Application.

County charges.

child and provide such transportation, necessary dental work, eye care, operations and hospitalization, the expense thereof to be advanced by the state department of education out of money appropriated for the support of the school. Upon presentation to the board of supervisors of the county in which such certificate was issued, of an itemized claim, duly sworn to by the principal of the school before an officer authorized to administer oaths, for the expense for clothing and transportation and other items provided and furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county shall thereupon include the amount thereof in his state settlement report, prescribed in section 3868 of this code and the amount of such settlement shall be credited by the state controller to the then current appropriation for the support and maintenance of said school. All pupils in the school shall be maintained, except as hereinbefore provided, at the expense of the state.

Stats 1933,
p. 137.

SEC. 3. Section 2255 of the Political Code is hereby amended to read as follows:

Transportation, etc., of children school for blind

2255. If the parent or guardian of any pupil in this school shall be unable to clothe such child, or pay for its transportation to and from the school, or for necessary dental work, eye care, operations and hospitalization of such child while at the school, the parent or guardian may testify to such inability before a judge of the superior court of the county wherein such parent or guardian of such child is resident, and if the judge is satisfied that the parent or guardian is unable to provide suitable clothing or transportation, dental work, eye care, operations and hospitalization for the child, he shall issue a certificate to that effect. The application for such certificate may be made to the court by the principal of the school and if it appears at the hearing that the parent has sufficient pecuniary ability to provide suitable clothing, transportation, dental work, eye care, operations and hospitalization or if there are sufficient funds in the estate of the minor to provide the same, then the court shall order the principal to provide the same on behalf of the parent or guardian. If the state is not reimbursed for such expenditures, the principal may sue the parent or guardian, in the name of the state, to recover any moneys paid out. All moneys expended under the authority of such certificate for clothing and transportation, as hereinbefore provided, and not to exceed the sum of seventy-five dollars per annum for necessary dental work, eye care, operations and hospitalization, shall constitute a legal county charge against the county from which such certificate is issued. Such certificate shall be presented to the principal of said school and it shall be the duty of said principal to clothe said child and provide such transportation, dental work, eye care, operations and hospitalization the expense thereof to be advanced by the state department of education out of money appropriated for the support of the school. Upon presentation

Application

County charges.

to the board of supervisors of the county in which such certificate was issued, of an itemized claim, duly sworn to by the principal of the school before an officer authorized to administer oaths, for the expense for clothing and transportation and other items provided and furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county shall thereupon include the amount thereof in his state settlement report, prescribed in section 3868 of this code and the amount of such settlement shall be credited by the state controller to the then current appropriation for the support and maintenance of said school. All pupils in the school shall be maintained, except as hereinbefore provided, at the expense of the state.

State
settlement

CHAPTER 1041.

An act to amend sections 542a, 542b, 544 and 560 of the Code of Civil Procedure, relating to attachment.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 542a of the Code of Civil Procedure is hereby amended to read as follows: Stats 1919,
p 64

542a The lien of the attachment on real property attaches and becomes effective upon the recording of a copy of the writ, together with a description of the property attached, and a notice that it is attached with the county recorder of the county wherein said real property is situate; provided, however, that in event that the sheriff does not complete the execution of said writ in the manner prescribed in section 542 of this code within a period of fifteen days next following said recording in the recorder's office then said lien shall cease at the expiration of said period of fifteen days. Attachment
when lien
on real
property

The attachment whether heretofore levied or hereafter to be levied shall be a lien upon all real property attached for a period of three years after the date of levy unless sooner released or discharged either as provided in this chapter, or by dismissal of the action, or by the filing with the recorder of an abstract of the judgment in the action. At the expiration of three years the lien shall cease and any proceeding or proceedings against the property under the attachment shall be barred; provided, that upon motion of a party to the action, made not less than five nor more than sixty days before the expiration of said period of three years, the court in which the action is pending may extend the time of said lien for a period not exceeding two years from the date on which the original lien would expire, and the lien shall be extended for the period specified in the order upon the recording before the expiration of the existing lien, of a certified copy of the order with the Duration
of lien.

recorder of the county in which the real property attached is situated. The lien may be extended from time to time in the manner herein prescribed.

Stats 1929,
p. 583.

SEC. 2. Section 542b of the Code of Civil Procedure is hereby amended to read as follows:

Duration of
attachment
on personal
property

542b. An attachment or garnishment on personal property, whether heretofore levied or hereafter to be levied, shall, unless sooner released or discharged cease to be of any force or effect and the property levied on be released from the operation of such attachment or garnishment, at the expiration of three years after the issuance of the writ of attachment under which said levy was made; and the property levied on shall be delivered to the defendant or his order or to his assignee or executor or administrator.

C C P.,
1872.

SEC. 3. Section 544 of the Code of Civil Procedure is hereby amended to read as follows:

Garnish-
ment lia-
bility of
garnishee

544. All persons having in their possession, or under their control, any credits or other personal property belonging to the defendant, or owing any debts to the defendant at the time of service upon them of a copy of the writ and notice, as provided in this chapter, shall be, unless such property be delivered up or transferred, or such debts be paid to the sheriff, liable to the plaintiff for the amount of such credits, property, or debts, until the attachment be discharged or any judgment recovered by him be satisfied.

Stats 1907,
p. 709

SEC. 4. Section 560 of the Code of Civil Procedure is hereby amended as follows:

Release of
real prop-
erty from
attachment

560. An attachment as to any real property may be released by a writing signed by the plaintiff, or his attorney, or the officer who levied the writ, and acknowledged and recorded in the like manner as a grant of real property; and upon the recording of such release, it is the duty of the recorder to note the same on the record of the copy of the writ on record in his office. Such attachment may also be released by an entry in the margin of the record thereof, in the county recorder's office, in the manner provided for the discharge of mortgages under section 2938 of the Civil Code.

CHAPTER 1042.

Stats 1913,
p. 698
amended

An act to amend sections 1, 4 and 7 of, and to repeal section 6 of, an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, as amended, relating to consolidation of elections.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p. 788

SECTION 1. Section 1 of an act entitled "An act to permit the consolidation of elections and to provide a procedure there-

for," approved June 11, 1913, as amended, is hereby amended to read as follows:

Section 1. Whenever two or more elections, including bond elections of any district, city, city and county, county or other political subdivision, are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be consolidated in the manner provided by this act; provided, however, that no such election shall be consolidated with the primary election held throughout the state in August of each even numbered year. Consolidation of elections

SEC. 2. Section 4 of said act is hereby amended to read as follows: Stats 1927, p 788.

Sec. 4. Within the territory affected by such order of consolidation, the election precinct, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required to be canvassed by different canvassing boards, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided; and provided further, that in case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election held in the county in which such city, district or other political subdivision is situated, the governing body of such city, district or other political subdivision in the ordinance or notice calling such election, may authorize such board of supervisors to canvass the returns of such election, and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat; and the returns of such election need not be canvassed by the legislative body of such city, district or other political subdivision. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat. Election how conducted

SEC. 3. Section 6 of said act as added May 13, 1927, is hereby repealed. Repeal.

SEC. 4. A new section is hereby added to said act, to be numbered 7 and to read as follows: New section (formerly Sec 6)

Sec. 7. When the precinct boundaries at such election called by the board of supervisors of the county in which such city, district or other political subdivision is located, do not coincide with the boundaries of said city, district or other political subdivision the board of supervisors of such county may by order, for the purpose of said election only, reprecinct the territory in which said boundaries do not coincide, at any time prior to thirty days before such election, anything in the Political Code to the contrary notwithstanding. Rearrangement of precincts

CHAPTER 1043.

An act defining runners and cappers and prohibiting the solicitation of business by runners and cappers for attorneys at law; providing that contracts secured by them shall be void, and providing penalties for any violation of this act.

[Approved by the Governor June 19, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Running and
capping for
attorneys by
public
officers
unlawful

SECTION 1. It shall be unlawful for any person employed either as an officer, director, trustee, clerk, servant, or agent of this state or any county, city and county or other municipal corporation or subdivision thereof to act as a runner or capper or solicit any business for attorneys in and about the state prisons, county jails, city jails, city prisons or other places of detention of persons, city receiving hospitals, city and county receiving hospitals, county hospitals, police courts, justice courts, municipal courts, superior courts or in any public institution or in any public place or upon any public street or highway, or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever.

Same by
employees
of bail bond
companies

SEC. 2. It shall be unlawful for any person employed directly or indirectly by any bail bond company whether on a salary or on a commission to act as a runner or capper or to solicit any business for attorneys in and about state prisons, county jails, city jails, city prisons or other places of detention of persons, city receiving hospitals, county hospitals, city and county receiving hospitals, police courts, justice courts, municipal courts, superior courts, or in any other public institution or in any public place or upon any public street or highway, or in and about private hospitals, sanitariums, or in and about any private institution or upon private property of any character whatsoever.

Same by
any other
person

SEC. 3. It shall be unlawful for any person to act as a runner or capper or to solicit any business for attorneys in and about state prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving hospitals, city and county receiving hospitals, county hospitals, police courts, justice courts, municipal courts, superior courts or in any other public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever.

Same by
firms or
corporations

SEC. 4. It shall be unlawful for any person, firm, corporation, partnership or association to act as a runner or capper for any attorneys or to solicit any business for attorneys in and about the state prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving

hospitals, city and county receiving hospitals, county hospitals, police courts, justice courts, municipal courts, superior courts, or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever.

SEC. 5. A runner or capper is hereby defined as any person, firm, association or corporation acting in any manner or in any capacity as an agent for an attorney at law within this state in the solicitation or procurement of business for such attorney at law as provided in this act. An agent as hereby defined, is one who represents another in dealings with third person or persons.

Runner or
capper
defined.

SEC. 6. Any person, firm, partnership, association, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. Any person mentioned in section 1 of this act, who shall be found guilty of violating any of the provisions of this act shall forfeit the right to his office and employment and in addition thereto shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. Any contract for professional services secured by any attorney at law in this state through the services of a runner or capper shall be void.

Penalties.

SEC. 7. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, sentences, clauses, or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 1044.

An act to amend section 1151 of the Political Code, relating to boards for municipal elections.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1151 of the Political Code is hereby amended to read as follows:

Stats 1929,
p 1422

1151. The city council or other board having charge and control of the elections of any municipality shall appoint a board of election for each election or consolidated election

Board of
election.

Tally lists,
etc

precinct, to consist of one inspector, two judges and three clerks for each municipal election provided for by said section 1044 of this code, held within that municipality, and the board of supervisors or other board having charge and control of elections shall appoint a board of election to consist of one inspector, one judge and two clerks for every other election provided for by said section, who shall apportion among themselves the work required in the conduct of such election within their respective election precincts; provided, that at any municipal election held under the provision of a freeholders' charter, the board or governing body charged with the conduct of such elections, may by majority consent, appoint a board of elections for each election precinct, to consist of one inspector, one judge, and two clerks. The members of such boards shall be appointed, and when appointed shall act, as provided for by section 1142 of this code. But one tally list, and one copy of such tally list, as provided for in section 1261 of this code, need be kept, and but one book of original affidavits of registration need be furnished for use at each precinct, which shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election.

CHAPTER 1045.

An act to add a new section to the School Code to be numbered 2.74, relating to the liability for the bonded indebtedness of school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the School Code to be numbered 2.74, to read as follows:

Liability for
bonded in-
debtedness

2.74. Whenever any territory withdraws from a union elementary or union high school district, the territory withdrawing shall continue to be liable for such proportion of the bonded indebtedness, incurred before such withdrawal, of such union elementary school district or union high school district, as the case may be, as it would have been liable for had it not withdrawn.

CHAPTER 1046.

An act to add two new sections to be numbered 587 and 1515 to the Probate Code, relating to dedication of real property by executors, administrators and guardians.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section to be numbered 587 is hereby added to the Probate Code to read as follows:

587. When it is for the advantage, benefit and best interests of the estate, and those interested therein, that an easement for public street, storm drain, sewer, or highway purposes over the real estate, or some part thereof, be dedicated without consideration to the state or any county or municipal corporation, the executor or administrator may so dedicate any real property of the estate upon the order of court based upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by section 1200 of this code.

Executor
may dedicate
easement for
streets, etc.

SEC. 2. A new section to be numbered 1515 is hereby added to the Probate Code to read as follows:

New section

1515. When it is for the advantage, benefit and best interests of the state, and those interested therein, that an easement for public street, storm drain, sewer, or highway purposes over the real estate, or some part thereof, be dedicated without consideration to the state, county or municipal corporation, the guardian may so dedicate any real property of the estate of his ward upon the order of the court based upon the petition of the guardian or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by section 1200 of this code.

Same by
guardian

SEC. 3. This act shall take effect at the same time as, and shall be construed as an amendment of, the Probate Code, enacted by the Legislature at its forty-ninth session.

Construc-
tion

CHAPTER 1047.

An act to add a new section, to be numbered section 5a, to chapter 202, statutes of 1919, entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, providing for the payment of undisputed wage claims without condition, within the time prescribed

Stats 1919,
p 284,
amended

by the said law, leaving to the worker all remedies he may be entitled to as to any additional balance he may claim.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section, to be numbered section 5a, is hereby added to chapter 202, statutes of 1919, entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," as amended, to read as follows:

Wage dis-
putes part
payment

Sec. 5a. In case of a dispute over wages, the employer must pay, without condition, and within the time set by this act, all wages, or parts of wages, conceded by him to be due, leaving to the worker all remedies he or she might otherwise be entitled to as to any balance he or she may claim.

CHAPTER 1048.

An act to amend section 3051a of the Civil Code, relating to the amount recoverable on personal property liens.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1923,
p 695

SECTION 1. Section 3051a of the Civil Code is hereby amended to read as follows:

Lien on
personal
property for
services
notice

3051a. That portion of any lien, as provided for in the next preceding section, in excess of one hundred dollars, for any work, services, care, or safe-keeping rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, or safe-keeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the

legal title to such property, if known. In the case of automobiles, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title and if any portion of a lien includes storage charges upon automobiles for a period in excess of sixty days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions of section 57 of the "California vehicle act" have been complied with by the holder of said lien.

Stats. 1929,
p 520.

CHAPTER 1049.

An act to add a new section to the School Code to be numbered 6.479, relating to the purchase and maintenance of school buses.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code to be numbered 6.479, to read as follows: New section.

6.479. The cost of purchasing and maintaining school buses may be paid out of any funds of the district except funds derived from the sale of bonds and funds required by law to be set aside for teachers' salaries. School buses how purchased

CHAPTER 1050.

An act to amend the title and section 1 of and to add sections 3, 4, 5, 6 and 7 to an act entitled "An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device, and providing a penalty for violation thereof," approved May 16, 1927, relating to the sale or transportation of machine guns.

Stats 1927,
p 938,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device, and providing a

Title amended

penalty for violation thereof," approved May 16, 1927, is hereby amended to read as follows:

An act regulating the sale, offering for sale, possession or transportation of machine rifles, machine guns and submachine guns, and providing a penalty for violation thereof.

Stats 1927,
p 938

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Possession
or sale of
machine
guns

Section 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California sells, offers for sale, possesses or knowingly transports any firearm of the kind commonly known as a machine gun, except as herein prescribed, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Exceptions

Provided, however, that nothing in this act contained shall prohibit the sale to, purchase by, or possession of such firearms by any city, city and county, county, state or federal officer where such firearms are required for official use in the discharge of his duties nor to the transportation of such firearms for or on behalf of police departments and members thereof, sheriffs, and city marshals, or the military or naval forces of this state or of the United States.

New section

SEC 3 A new section is hereby added to said act to be numbered section 3, and to read as follows:

Permits

Sec. 3. It shall be lawful for the superintendent of the division of criminal identification and investigation of the department of penology to issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issuance thereof to the applicant for such permit.

New section

SEC. 4. A new section is hereby added to said act to be numbered section 4, and to read as follows:

Application
for permit
filing.

Sec. 4. All applications for such permits shall be filed in writing signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which said firearms are to be put.

New section

SEC. 5. A new section is hereby added to said act to be numbered section 5, and to read as follows:

Permit
where kept

Sec. 5. Every person, firm or corporation to whom a permit is issued shall keep the same on his person or at the place where said firearms are kept. The permit shall be open to inspection by any peace officer or any other person designated by the authority issuing the permit. Applications and permits shall be uniform throughout the state on forms prescribed by the division of criminal identification and investigation.

SEC. 6. A new section is hereby added to said act to be numbered section 6, and to read as follows: New section

Sec. 6. Permits issued in accordance with this act may be revoked by the issuing authority at any time when it shall appear that the need for such firearms has ceased or that the holder of the permit has used such firearms for purposes other than those allowed by the permit. Revocation of permits

SEC. 7. A new section is hereby added to said act to be numbered section 7, and to read as follows: New section.

Sec. 7. The superintendent of the division of criminal identification and investigation of the department of penology may also grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of such firearm subject to all of the following conditions, upon breach of any of which the license shall be revoked: Licenses to sell

1. Such business shall be carried on only in the place designated in the license. Conditions.

2. Such license or a certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such firearm shall be delivered to any person not authorized to receive the same under the provisions of this act.

4. A complete record must be kept of sales made under the authority of the permit showing the name and address of the purchaser, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent.

CHAPTER 1051.

An act to amend section 683 of the Civil Code, relating to the mode of creating a joint tenancy.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 683 of the Civil Code is hereby amended to read as follows: Stats 1929
p 172

683. A joint interest is one owned by several persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants. Joint interest defined.

CHAPTER 1052.

An act to repeal article III embracing section 1.90 of chapter III of part I of division I of the School Code, and to add to chapter III of part I of division I of the School Code a new

article to be known as article III, embracing section 1.90, all relating to the transportation of pupils.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeal. SECTION 1. Article III, embracing section 1.90, of chapter III of part I of division I of the School Code is hereby repealed.

New article. SEC. 2. A new article is hereby added to chapter III of part I of division I of the School Code to be known as article III, embracing section 1.90, and to read as follows:

Article III—Use of School Buses.

Use of school buses. 1.90. The governing board of any school district may use the school buses of the district to transport pupils attending the schools of the district to and from school athletic contests or other school activities held within or without the district and in which such pupils participate.

CHAPTER 1053.

Stats 1897, p 254, amended. *An act to amend an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, by adding a new section thereto to be numbered 93a, relating to the inclusion of lands.*

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section. SECTION 1. An act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes." approved March 31, 1897, as amended, is hereby amended by adding a new section thereto, numbered 93a and to read as follows:

Inclusion of lands protests. Sec. 93a. If a sufficient protest against the inclusion of any lands shall have been presented to the board of directors and maintained as provided in section 91, and the board of directors nevertheless finds and declares that the inclusion of said lands or a portion thereof with certain conditions imposed will be for the best interests of the district, the board shall proceed the same as if no protest had been filed until the conditions imposed shall become final as provided by section 90, except

that the order changing the boundaries of the district with such conditions upon the lands to be included as may have been imposed shall not be recorded in the office of the county recorder and said order shall not be effective for any purpose until, as the result of an election thereon, which the board shall thereupon order as provided by section 92, it is found and declared by the board that a majority of all the votes cast at such election were in favor of said change in boundaries with the conditions named. Thereupon a certified copy of the order changing the boundaries with the conditions imposed set out therein, together with a certified copy of the order declaring the result of such election, shall be recorded as provided by section 90 and become final. The same procedure regarding such election shall be followed as provided by section 92, except that the ballot cast at such election shall contain the words "For change of boundaries with conditions" or "Against change of boundaries with conditions" and the notice of election, in addition to other requirements, shall contain a brief statement of the conditions imposed. If a majority of all the votes cast at such election shall be against such change of boundaries with conditions, the board shall order that the petition be denied.

Election.

Ballots

CHAPTER 1054.

An act to amend chapter IV, part I, division VI of the School Code, by adding thereto a new article, to be numbered IVa, relating to the sale of buildings, structures, and other fixtures by one school district to another, where the governing boards have the same personnel

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Chapter IV, part I, division VI of the School Code is hereby amended by adding thereto a new article to be numbered IVa and to read as follows:

New article.

Article IVa—Sale of Buildings, Structures, and Other Fixtures by One District to Another, the Governing Boards Having the Same Personnel.

6.212. Boards of school trustees, high school boards, city boards of education, and junior college boards, constituting the governing body of an elementary district, a high school district, and a junior college district, or any two of such districts, are authorized to sell any building, structure or other fixture, belonging to one of their respective districts to another district governed by them, for an amount to be fixed by the governing body or bodies of the school districts effecting such sale, and approved by the county superintendent of schools, without advertisement for or receipt of bids or compliance with any other provision of this code.

Sale of buildings, etc., by school districts.

Whenever any property is sold under the provisions of this section the same shall be removed from the premises of the district selling the same within sixty days from the date of such sale.

CHAPTER 1055.

An act to add section 373j to the Political Code, relating to the department of natural resources

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. Section 373j is hereby added to the Political Code to read as follows:

Dissemination of information by department of natural resources

373j. For the purpose of disseminating information relating to the activities, powers, duties, or functions possessed or exercised by the department of natural resources, said department, with the approval of the department of finance may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director of natural resources will best tend to disseminate such information.

CHAPTER 1056.

An act to add a new section to the School Code to be numbered 2.1043, relating to the governing boards of high school districts.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the School Code to be numbered 2.1043 to read as follows:

Election to determine governing boards of high school districts

2.1043. When the boundaries of an elementary school district governed by a city board of education are coterminous with the boundaries of a high school district other than a city high school district, the city board of education may call and hold an election on the question of whether the city board of education shall also be the governing board of the high school district. The election shall be called, held, and conducted in as nearly the same manner as may be practical as are elections for members of boards of school trustees as provided in article I of chapter II of this part, except that the words to appear on the ballots shall be: "For the government of high school district by the city board of education—Yes" and "For the government of high school district by the city board of education—No," and except that the returns shall be made to the city board of education. If it appears after the votes have been canvassed that a majority of the votes cast were cast

in favor of the government of the high school district by the city board of education, the then existing high school board shall be deemed abolished and the city board of education shall thereafter be for every purpose the governing board of the high school district.

CHAPTER 1057.

An act to amend an act, entitled "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," approved March 13, 1909, as amended, by amending section 25 and section 26 thereof to provide that where any new or additional improvements have been constructed other than those which have been constructed under the first proceedings had for that purpose, that all moncys required for the maintenance and repair of such improvements shall be chargeable to the land which originally bore the cost of such improvements, and also, to provide that any damages caused the district or any part thereof by reason of such additional improvements shall be charged against the land which originally bore the cost of such improvements.

Stats 1909,
p. 339,
amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 25 of "An act to provide for the formation, organization and government of storm-water districts, for the purpose of protecting the land therein from damage from storm water and from the waters of any innavigable stream, watercourse, canyon or wash, for the construction of the necessary works of protection by said district, and for the levying of taxes and assessments to pay for the cost of constructing, repairing and maintaining such improvements," as amended, is hereby amended to read as follows:

Stats 1909,
p. 339

Sec 25. The board of trustees of each storm-water district shall annually during the month of August estimate the amount of money which will be needed for the current year for maintaining and repairing the works and improvements of said district, and defraying the other ordinary expenses of said district, and shall upon the first Monday of September of each year certify to the board of supervisors of the county or counties in which said district lies, the amount of money which is needed for said purposes. Where new or additional improvements have been constructed other than those which have been

Estimate for
tax levy

Maintenance
of additional
improve-
ments.

constructed under the first proceedings had for that purpose, all moneys required for the maintenance and repair of such improvements shall be chargeable and collected only as against the land which originally bore the cost of such improvements. Such board or boards of supervisors shall at the time of making the levy of taxes for county purposes for that year, levy a tax upon the property in their county in said district sufficient in amount to raise the sum estimated by the board of trustees to be necessary. When the district is in two or more counties, the amount to be raised upon the part of the district in each county shall be in proportion to the assessed valuation of the several portions of the district in the respective counties. Said tax when levied shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When the same is collected, it shall be placed in the treasury of the county in which said district was organized, to the credit of the current expense fund of said district, and shall be used only for the purpose for which it was raised. Payments shall be made from said fund in the same manner as from the improvement fund of the district.

Stats 1909.
p 339

SEC. 2. Section 26 of said act is hereby amended to read as follows :

Construction
of additional
improve-
ments

Sec. 26 Whenever the board of trustees of any storm-water district shall deem it necessary to construct new or additional improvements other than those which have been constructed under the first proceedings had for that purpose, they may cause plans, specifications, and a map of said improvements to be prepared and may thereupon proceed in the same manner as in the case of the construction of the first improvements of said district, by the appointment of commissioners and the levy of an assessment to pay the cost thereof; provided, that any damage caused the district or any part thereof by reason of such new or additional improvements shall be borne entirely by that portion of the district chargeable with the cost of such improvements.

Damage

CHAPTER 1058.

An act authorizing the establishment, maintenance, and operation of recreation districts.

[Approved by the Governor, June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Public
recreation
districts

SECTION 1. Whenever a board of county supervisors shall receive a petition signed by at least fifteen per cent of the electors enumerated upon the great register as residing within the district in such county, definitely described in such petition, requesting that the said district be organized as a public recreation district as hereinafter referred to, the board shall

Petition.

fix a time and place, for hearing the same and protests of interested parties not less than twenty-five nor more than thirty days after the date of presentation of the petition. Notice of the filing and hearing of such petition shall be posted in three of the most public places in the district. Such notice shall state the fact and date of the filing of such petition, the time and place for hearing the petition and protests of interested parties, specifying the boundaries of the proposed district and referring to said petition for further particulars. The clerk of the board of supervisors shall also cause a notice similar in substance to be published at least once a week for two successive weeks in a newspaper of general circulation printed and published in the proposed district, or if there is no such newspaper within the boundaries of the proposed district, in a newspaper within the county in which the proposed district is located and designated by said board for that purpose. Said notice must be posted and the second of said publications must be made at least seven days before the date set for the hearing of said petition.

SEC. 2. Any person interested, objecting to the formation of the district, to the boundaries thereof, or to the inclusion of his property in said district may file a written protest setting forth such objections with the clerk of said board at or before the time set for the hearing of said petition. Said board shall hear said petition and protests at the time appointed or at any time to which the hearing thereof may be adjourned and pass upon the same. The board shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries. The board shall not extend the boundaries of said district nor modify such boundaries so as to exclude from the proposed district any territory which will be benefited by the projects proposed by the district, nor shall any territory which will not be benefited by said projects be included within the proposed district. At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed, and after hearing, such protests are denied or the boundaries of the proposed district are defined and established with modifications as above provided then said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

SEC. 3. After making and entering an order defining and establishing the boundaries of the proposed district, the board of supervisors shall forthwith call and give notice of an election to be held in the proposed district to determine whether or not the proposed district shall be organized. Notice of the election shall be given in the same manner as notice of the hearing upon the petition and protests against the same as hereinbefore provided. Only those persons owning land in the district shall be entitled to vote at said election and each owner of land in said proposed district shall be entitled to

cast one vote for each one hundred dollars of assessed valuation of land owned by said voter in said district. If, upon such election, it appears that a majority of the votes cast in such district favor the establishment of such recreation district, such district shall be created under the provisions of this act.

Trustees **SEC. 4.** Such public recreation district shall be managed by five trustees, appointed by the board of supervisors from the voters residing in said district. The trustees shall hold office for four years, and their successors shall be appointed in the same manner as other appointments are made by said board.

Swimming pool **SEC. 5.** Said trustees may erect one or more dams across a stream or river for the purpose of constructing a swimming pool in the district, and shall make proper rules and regulations for the management of the district under their control.

Taxes **SEC. 6.** The said trustees shall, on or before the tenth day of July of each year, certify to the county board of supervisors in a written statement, the amount of money necessary to be raised by taxation for maintaining the swimming pool or swimming pools of the district. The board of supervisors shall keep said statement available to inspection by the public up to and including the first day of August of each year. Unless objection be made to the board of supervisors to said statement by one per cent or more of the registered voters in the district and not less than ten voters in any event on or before the first day of August of any year, the statement shall become final. If such objection is made, however, the board of supervisors shall call a public meeting at some place within the district.

Notice Notice of said meeting shall be given by mail to each of the protestants and shall also be posted in three public places within the district. Such meeting shall be held at least ten days before the time set for the levy of county taxes. Any person objecting to the statement may appear at said meeting and present his objections. The board of supervisors shall hear the protests and objections to the statement and may revise the statement in whole or in part. At said meeting the board shall settle the statement and determine the amount of money to be raised for the district but the revision of said statement shall not be such as to increase the total amount thereof. Upon the settlement of the statement, the supervisors shall thereupon include in the annual taxes levied a tax upon all the property within such recreation district sufficient to raise the amount demanded by the trustees or settled by the board of supervisors.

Disposition of money's **SEC. 7.** The tax so collected, together with all other moneys received by the trustees, shall be paid into the county treasury, and constitute a separate fund to be expended solely for the purposes of the district upon warrants signed by not less than three of the trustees.

Annual report of trustees **SEC. 8.** The trustees shall, as soon after the first day of July in each year as is practicable, file with the board of

supervisors a report, setting forth all their doings during the preceding year, and containing an itemized account of all their receipts and disbursements up to and including the thirtieth day of June, together with proper vouchers therefor.

CHAPTER 1059.

An act to amend sections 7, 8 and 9 of chapter 221, statutes of 1929, entitled "An act to regulate the erection, construction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected, or used for, the permanent interment of the remains of fifteen or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith," approved May 4, 1929.

Stats 1929,
p 413,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the act known as the "California mausoleum construction act" is hereby amended to read as follows:

Stats 1929,
p 413

Sec. 7 Penalties Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not less than fifty dollars (\$50) nor exceeding five hundred dollars (\$500) or by imprisonment in a county jail not less than ten (10) days nor exceeding six (6) months or by both fine and imprisonment and in addition to the penalty therefor shall be liable for all costs, expenses and disbursements paid or incurred by the department, and/or person prosecuting the case. The costs expenses and disbursements by this section provided shall in each case be fixed by the court having jurisdiction thereof.

Penalties

Public nuisance. Any owner and/or operator of a mausoleum or columbarium, hereafter erected in violation of the provisions of this act, shall be deemed guilty of maintaining a "public nuisance" and upon conviction thereof shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) or by imprisonment in a county jail not less than one month nor more than six (6) months, or by both fine and imprisonment, and, in addition to the penalty therefor, shall be liable for all costs, expenses and disbursements paid or incurred by the department and/or person prosecuting the case. The costs, expenses and disbursements in this section provided, shall be fixed by the court having jurisdiction of the case. Each calendar month for which such public nuisance shall

Public
nuisance

exist shall constitute a separate offense punishable as herein provided.

Buildings
excepted

Buildings excepted. Provided, however, that this provision and penalty shall not attach to any building now completed or in process of completion, and used or intended for use for the permanent interment of the remains of deceased persons, which, at the time of construction was constructed in compliance with the laws then existing, if and so long as the use thereof shall be not in violation of the laws for the protection of public health.

Stats 1929,
p 413

SEC. 2. Section 8 of the act known as the "California mausoleum construction act" is hereby amended to read as follows:

Building
permits

Sec. 8. Building permits. In every city, county and city and county it shall be unlawful to commence or to proceed with the erection, construction, conversion or alteration of any building for use for the permanent interment of the remains of deceased persons without first obtaining a permit in writing so to do from the department or departments charged with the enforcement of this act.

Application,
plans and
specifica-
tions

Application, plans and specifications. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in writing by the person making the same, of the proposed erection, construction, reconstruction, or alteration, as the case may be, upon blanks or forms furnished by said department or said departments. The said application must be accompanied with two full, true and complete sets of plans setting forth in detail the work proposed, whether new work or reconstruction or alteration, together with two sets of specifications describing the work proposed; also two plans of the lot and land on which said building is proposed to be erected, constructed, reconstructed or altered as the case may be. Such statement shall give in full the names and addresses by street and number of the owner or owners; also the name and address of the architect, structural engineer and contractor or contractors, if there be such architect or contractor or contractors; and shall give such other data and information as, in the judgment of the department in each case charged with the enforcement of this act, shall be deemed necessary.

Examination
of plans

Examination of plans. The said application shall allege that the plans and specifications are true and contain a correct description of all proposed work. Said department charged with the enforcement of this act shall cause all such plans, specifications and statements to be examined and, if they conform to the provisions of this act, shall then issue a permit to the person, firm or corporation requesting such permit. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved, provided that all changes when so made, shall be in conformity with the provisions of this act.

Cancellation of permit. Said department shall have the power, and it shall be its duty in the case of and upon any refusal, failure or neglect of the person, firm or corporation to whom such permit or approval has been issued to comply with all of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval, to revoke or cancel any permit or approval it has previously issued. The erection, construction, reconstruction or alteration of any such buildings shall be in accordance with the plans and specifications submitted and filed and for which the permit is issued.

Cancellation of permit

Approved plans, etc., to be kept on premises. A true copy of the plans, specifications and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, and signed by the officer or officers authorizing the same, shall be kept upon the premises of the building for which the said permit is issued from the commencement of the said work to the final completion and acceptance of the same and shall be subject to inspection at all times by the proper authorities.

Copy of plans to be kept on premises

Expiration of permit. The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section, shall not be deemed or construed to be a permit or approval of a violation of any of the provisions of this act. Every permit or approval which is issued by the department charged with the enforcement of this act but under which no work has been done within ninety (90) days from the date of issuance, or where work has been suspended for a period of ninety (90) days, shall expire by limitation and a new permit shall be obtained before the work may proceed thereon.

Expiration of permit.

Inspection and certificate of completion. When, in the judgment of the owner or contractor the work is deemed to be completed in accordance with the plans, specifications and statements previously made and upon which the permit or approval was issued, such person shall notify said department or departments charged with the enforcement of this act, and such department or departments shall inspect or cause said work to be inspected, and issue therefor a certificate of final completion which shall set forth that the work has been performed in accordance with the approved plans, specifications, and statements if found in accord therewith, and refuse to issue said certificate of completion because of the failure of the work to have been done and performed in accordance with said plans, specifications or statements.

Inspection and certificate of completion

SEC. 3. Section 9 of the act known as the "California mausoleum construction act," is hereby amended to read as follows:

Stats 1929, p 413.

**Construction
require-
ments.**

See 9. Construction requirements. No building or structure for use or intended to be used for the permanent interment therein of the remains of deceased persons shall hereafter be constructed, and no building now constructed and not on the date this act takes effect used for the permanent interment of the remains of deceased persons shall be altered or changed for such use or used for such permanent interment purposes, unless constructed of such material and workmanship as will insure their durability and permanence as dictated and determined at the time by modern mausoleum construction engineering science, the minimum requirements for which are set forth in this act. All specifications shall conform substantially with the following minimum requirements:

Footings.

Footings. Footings for any mausoleum, or columbarium hereafter erected shall be of concrete, reinforced with steel as required structurally, and shall comply with all other provisions of this act.

Loads.

Loads. All live and dead loads shall be carried by the walls or columns direct to the footings.

The total load on footings shall not exceed the safe soil bearing as determined by test.

Footings shall be designed for total loads, but relative sizes of footings shall be governed by the dead loads only, with a proper reduction of the allowable soil bearing value.

Crypts shall be designed for a total load of six hundred (600) pounds each, and such load shall be considered as live load, in connection with the preceding paragraph.

Possible earthquake stresses shall be considered in all structural design.

Walls

Walls. Any mausoleum or columbarium load-carrying walls hereafter erected shall be constructed with only the following materials, singly or in combination: Concrete, cut stone, cast stone, granite or marble, all reinforced, anchored, and supported, as hereinafter provided under the various specific headings, in such a manner as to insure an enduring and lasting structure. In any new building, or in any alteration or addition to any existing building for use for the permanent interment of the remains of deceased persons constructed subsequent to the passage of this act, all bearing walls shall be of granite, marble or reinforced concrete. If such building exceeds twenty-five feet in height, bearing walls shall be of reinforced concrete. Where any wall is constructed against a bank of earth or rock or other porous material the exterior face of such wall above the footing shall be thoroughly and efficiently waterproofed before backfilling is done.

Anchors

Anchors. Fastenings on hangers, clasps, clips, wires and doors and other fasteners shall be of brass, aluminum or copper of not less than twenty-two gauge copper-bearing iron or steel. All base, architraves, wainscoting and all other vertical work shall be securely clamped to the backing with rods and heavy wire clips or other anchoring devices of

materials above specified. All cast clips shall be countersunk into the joint surface and set in plaster.

Settings Marble floor work shall be set in a full bed of non-staining cement mortar, the proportion of cement to sand to be one to two and tamped to a uniform bearing true to line. All stone of any description shall be set on an even bed of mortar except lug sills and similar work exposed to uneven pressure which shall be bedded only at the ends. Mortar joints shall be of uniform thickness not to exceed three-sixteenths ($\frac{3}{16}$) of an inch and must be raked out to a depth of three-quarters ($\frac{3}{4}$) inch as the work progresses.

Pointing. On completion of granite, cut stone or cast stone work all joints shall be brushed, cleaned thoroughly, wet and carefully filled with mortar, solidly packed in and pointed. Mortar for pointing shall be composed of one part lime putty, two parts white Monterey sand, or its equivalent, and two parts of nonstaining Portland cement.

Mortar. The mortar for setting all stone work shall be composed of not less than one part nonstaining Portland cement, to three parts of clean, white, coarse sand, tempered with lime putty.

Bed joints. All bed joints shall be accurately cut or sawed to true planes and shall contain no concave surface.

Exterior veneering. Cut stone or cast stone veneering shall be not less than two (2) inches in thickness for all courses. Marble veneering shall be not less than one and one-half ($1\frac{1}{2}$) inches in thickness for all courses. Terra cotta veneering shall conform to standard practice. All veneering work shall be bonded or tied to the structural steelwork and masonry as follows: Corners, belt courses, copings, pilasters, bases, caps, sills, architraves, and other ornamental and special work which may have projecting members shall have sufficient bearing on the walls to balance independent of anchors. Sills shall extend not less than three (3) inches back of the window sill proper and shall have a fillet to receive the sills. All veneering shall be anchored by placing one-quarter inch diameter anchors at the top of each stone and these anchors must set into seats in the stone not less than one (1) inch in depth and must extend into the concrete work not less than six (6) inches, and the face of the concrete must not be less than three (3) inches back of the stone unless dowel type of anchors are used. All dowel anchor slots shall be made of twenty-two gauge copper-bearing galvanized iron. There shall be two anchors for each stone one foot six inches or over in length and one anchor for smaller stones and anchors shall be placed not over one foot from the ends of the stone. All anchors shall be dipped in hot asphaltum.

Buildings to be of class "A" construction. Any mausoleum or columbarium hereafter constructed shall be of class "A" fireproof construction. All footings, bearing walls, beams, columns, floor slabs and other structural members shall be designed and constructed with a safety factor of four. All

floors shall be designed for live load of not less than one hundred (100) pounds per square foot.

Ordinances
governing
construction

Ordinances governing construction. Unless otherwise specifically provided for in this act, all details of construction such as structural strength, fireproofing, ventilation of rooms and hallways, plumbing, lighting, and all other details commonly specified under class "A" construction, shall be in accordance with the ordinances and specifications governing class "A" construction in the cities of San Francisco or Los Angeles, and shall be directly in accordance with such ordinances and specifications of that city above named which is the lesser distance from the site of the mausoleum or columbarium, to be constructed; provided, however, that if the proposed site is within the jurisdiction of an incorporated municipality having ordinances and specifications governing class "A" construction, that the provisions of the local ordinances and specifications shall not be violated.

Class "A"
construction
defined.

Class "A" construction defined. Class "A" designated as "fireproof" or "skeleton" construction shall include every building wherein all external or internal loads or strains are transferred to the foundations by means of a reinforced concrete carrying frame or by means of a skeleton or framework of steel, the columns, beams and girders of which are riveted to each other at their respective juncture points. Provided, however, that buildings not exceeding twenty-five (25) feet in height and constructed of granite or marble shall be considered as of class "A" construction when they fulfill all other provisions of this act.

Fireproofing

Fireproofing. Every building, vault or structure for use for the permanent interment of the remains of deceased persons shall be constructed throughout of noninflammable material, and all steel work shall be covered with not less than two (2) inches of concrete; provided, however, that steel framework for elevators, windows, doors, skylights and other similar openings need not be encased in concrete, but shall be treated with an efficient preservative.

Roofs.

Roofs. The roof of every building coming under this act shall be constructed of reinforced concrete, granite, tile or marble. The upper surface of all reinforced concrete roofs shall be covered with asphaltum, or other fire resisting material.

Skylights

Skylights. Skylight frames of buildings of this class shall be of galvanized iron not less than number twenty-four gauge or copper. All joints shall be riveted and soldered. All glass in skylights shall be wire glass not less than one-fourth ($\frac{1}{4}$) of an inch in thickness.

Crypt con-
struction

Crypt construction. All walls of crypts unless built of granite or marble shall be constructed of concrete mixed with the proportion of not less than one (1) part cement, two and one-half ($2\frac{1}{2}$) parts sand and three and one-half ($3\frac{1}{2}$) parts crushed rock or screen gravel. All crypt walls must not be less than four (4) inches in thickness and shall be reinforced

with steel; crypt floor slabs must not be less than three (3) inches and shall be reinforced with steel to conform to slab specifications of class "A" construction. (In no case shall the concrete walls of a crypt or niche be so constructed as to be subject to any of the load strains of the building structure, except where crypt or niche walls intersect or are a part of structural walls.) In mausoleums where air ventilation is used and crypts are situated adjacent to an outside building wall below ground level an air space not less than eighteen inches wide shall be provided between such outside wall and the crypt walls and such air space shall be supplied with ventilation and shall have one or more doorways not less than fifteen (15) inches wide by five (5) feet high.

CHAPTER 1060.

An act to add a new section to the School Code to be numbered 2.657 and to repeal section 2.630 thereof, both relating to the annexation of elementary school districts to high school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code to be numbered section 2.657 and to read as follows: New section.

2.657. An elementary district lying partly within and partly without a county and contiguous to a county high school district may be annexed to the county high school district in the manner hereinbefore provided for the annexation of elementary districts to high school districts and said elementary district when so annexed shall be a part of the county high school district. Annexation of districts.

SEC. 2. Section 2.630 of the School Code is hereby repealed. Repeal

CHAPTER 1061.

An act granting to the city of Los Angeles certain real property of the state lying within the boundaries of said city, acquired for highway purposes under the jurisdiction of the California highway commission, and authorizing the director of finance to convey title to said property in the name of the state to said city.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

WHEREAS, The California highway commission, at its meeting of April 25, 1927, relinquished to the city of Los Angeles jurisdiction over that portion of state highway from station

0+00 to station 328+75, road VII-LA-2-A, lying within the city limits of said city; and

WHEREAS, The director of finance is of the opinion that he is without authority to execute the necessary conveyances in behalf of the state to clear the title of said city in said highway property without special legislative authority; therefore,

The people of the State of California do enact as follows:

Real
property
granted to
city of Los
Angeles.

SECTION 1. There is hereby granted to the city of Los Angeles, a municipal corporation of the State of California, and to its successors all the right, title and interest of the State of California in and to those certain properties situated in the city of Los Angeles, county of Los Angeles, State of California, described as follows:

Parcel 1.

That portion of lots 19, 20, 21, 22, 23, 24, 25 and 26, tract number 5820, as per map recorded in book 64, page 97, of maps, records of Los Angeles county, lying northerly of a curve concave to the southeast and having a radius of five hundred five (505) feet; said curve intersecting the southwesterly line of said lot 19, at a point distant thirty-nine and thirty-six hundredths (39.36) feet southeasterly from the most westerly corner of said lot 19, and intersecting the southeasterly line of said lot 26, at a point distant northeasterly seventy-one and sixty-four hundredths (71.64) feet from the most southerly corner of said lot 26; also,

Parcel 2.

That portion of lot 53, and lot 54, tract number 4852, as per map recorded in book 53 pages 49 and 50, of maps, records of Los Angeles county, being more particularly described as follows:

Beginning at the southwesterly corner of said lot 54; thence north $10^{\circ} 20' 17''$ west, a distance of thirty and forty hundredths (30.40) feet to a point in the westerly line of said lot 54; thence northeasterly measured along the arc of a circle concave to the northwest, from a tangent which bears north $62^{\circ} 22' 26''$ east, and having a radius of six hundred seventy-three and one hundredths (673.01) feet, a distance of two hundred fourteen and nineteen hundredths (214.19) feet to a point, in the northeasterly line of lot 53, said tract; thence south $60^{\circ} 14' 20''$ east, a distance of fifty-seven and thirty hundredths (57.30) feet to the most easterly corner of said lot 53; thence south $29^{\circ} 45' 45''$ west, a distance of sixty-one and ninety-nine hundredths (61.99) feet to a point in the southeasterly line of said lot 53; thence southwesterly measured along the arc of a circle concave to the northwest and having a radius of one hundred fifteen (115) feet, a distance of one hundred and fifteen hundredths (100.15) feet to a point; said arc being tangent at its point of beginning to said last mentioned line; thence south $79^{\circ} 39' 43''$ west along the southerly line of lot 53 and lot 54, a distance of one hundred six and ninety-eight hundredths (106.98) feet to the point of beginning.

SEC. 2. The director of finance is hereby authorized to convey title to the aforesaid real property, in the name of the State of California, to the city of Los Angeles, a municipal corporation of said state.

Authority to convey.

CHAPTER 1062.

An act to amend sections 2.1370 and 2.1371 of the School Code, relating to the state board of education.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2.1370 of the School Code is hereby amended to read as follows:

Sch Code, p 93.

2.1370. There is hereby created a state board of education to consist of ten members, who shall be appointed by the governor with the advice and consent of two-thirds of the Senate.

State board of education

SEC. 2. Section 2.1371 of the School Code is hereby amended to read as follows:

Sch Code, p 98

2.1371. Except as herein provided, the term of office of the members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: two members September 15, 1931; three members January 15, 1932; two members January 15, 1933; three members January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935.

Terms of members of board.

CHAPTER 1063.

An act authorizing suits against the state to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto, and amendatory thereof, and regulating the procedure therein.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. In any case where the State of California has sold any land or lands under the provisions of the following

Quiet title suits against state authorized

named acts, or any of them, to wit: An act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868; an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870; and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also an act approved April 1, 1870," approved March 30, 1874, to any person or persons and full payment has been made therefor to the State of California, and either no deed or patent has been made or delivered by or on behalf of the State of California, or the deed or patent from the State of California therefor has been lost or destroyed and was never recorded in the office of the county recorder of any county wherein any of such land is situated, the person or persons claiming or deraining title to any such lands through or under any purchase thereof from the State of California, is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. In any case where such full payment has been made, the title of the plaintiff may be quieted against the State of California in and by such judgment, whether or not any such deed or patent has been made or delivered.

Law
applicable

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the state in any such suit, no costs shall be allowed against the state.

Limitations

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Service of
summons

SEC. 4. Service of summons in such suits shall be made on the director of finance and the attorney general.

CHAPTER 1064.

An act providing for the establishment of a summer school of music.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Summer
school of
music
authorized

SECTION 1. Authority is hereby granted to the Fresno state teachers college to establish a summer school of music at or near Huntington lake, California. The Fresno state

teachers college, with the approval of the director of education, shall make rules and regulations for the operation and maintenance of said summer school of music as the director of education may approve. Only such fees as are authorized by the director of education, with the approval of the department of finance, may be charged in connection with the operation of said school.

SEC. 2. All tuition and other fees received in conducting and operating said school shall be paid into the state treasury to the credit of the "Summer school of music fund," which fund is hereby created. All moneys in said fund are hereby appropriated for the maintenance, operation, and support of said school and for construction of necessary housing and other facilities at said school; provided, however, that no moneys shall ever be paid from the general fund in the state treasury for any purpose in connection with said summer school of music.

Disposition
of tuition
and fees

All funds so expended from said summer school of music fund shall be approved by the director of education.

CHAPTER 1065.

An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within this state, and to repeal all acts or parts of acts in conflict with this act," approved May 24, 1927, by amending section 4 thereof with reference to the security to be given for such deposits.

Stats 1927,
p. 1388,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of chapter 740, statutes of 1927, "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within this state, and to repeal all acts or parts of acts in conflict with this act," is hereby amended to read as follows:

Stats 1927,
p. 1388

Sec. 4. For the security of inactive deposits there shall be deposited with such treasurer treasury notes or bonds of the United States, or of this state or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within this state, which bonds shall be approved by the treasurer and attorney of the county, city and county, city, town, municipality or other political subdivision. The market value of the bonds furnished shall be at least ten per cent in excess of the amount of the deposit secured thereby;

Security for
inactive
deposits of
public funds

Active
deposits

but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. For the security of active deposits, there shall be deposited with such treasurer, treasury notes or bonds of the United States or of this state, or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state: provided, that the furnishing of surety bonds shall be optional with the treasurer: provided, however, that when there is no qualified bank within the county owning the money, or the county within which the city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district owning the money is situated requesting such active deposit, and offering any of the classes of securities, including surety bonds, herein provided for such deposits, then no such surety bond or notes or bonds shall be accepted as security for active deposit in banks outside of such county while any notes or bonds of the United States, or of this state, or of any county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district within the state shall be offered as security for active deposits by any bank in the state qualified to accept such deposits: provided, further, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the county, city and county, city, town, municipality or other political subdivision making the deposit, placed with a company qualified to execute bonds hereunder within the limits applicable to said company and evidence of such reinsurance shall be furnished to the treasurer making the deposits within twenty days after the date of such surety bond.

Penalties

Approval

Such securities shall be approved by the treasurer and attorney of such county, city and county, city, town, municipality or other political subdivision to any amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the insurance commissioner of the state as a company possessing the qualifications herein required to secure the deposit of any funds, and it shall be the duty of said commissioner to issue such certificate on demand of the proper officer of the

county, city and county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district or irrigation district showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States treasury department as being acceptable as a surety on federal bonds. The form of bonds required under this act shall be approved by the attorney for such county or municipality.

CHAPTER 1066.

An act to amend sections 5, 6, 9, 10, 25, 32, 33 and 35 of the bank and corporation franchise tax act, approved March 1, 1929, relating to bank and corporation taxes. Stats 1929,
p 19,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the bank and corporation franchise tax act, approved March 1, 1929, is hereby amended to read as follows: See Ch 65,
Stats 1931.

Sec. 5. The term "corporation," as herein used, shall include every financial corporation, other than a bank or banking association, and every mercantile, manufacturing and business corporation of the classes referred to in subdivision 1 (c) of section 5219 of the revised statutes of the United States. Definitions
"Corporation"

The term "bank," as hereinafter used, shall include national banking associations. "Bank."

The term "doing business," as herein used, means any transaction or transactions in the course of its business by a corporation created under the laws of the state, or by a foreign corporation qualified to do or doing intrastate business in this state, and shall include the right to do business through such incorporation or qualification. "Doing business"

SEC. 2. Section 6 of said act is hereby amended to read as follows: Stats 1929
p 19

Sec. 6 The term "gross income," as herein used, includes gains, profits and income derived from the business, of whatever kind and in whatever form paid; gains, profits or income from dealings in real or personal property; gains, profits or income received as compensation for services, as interest, rents, commissions, brokerage or other fees, or otherwise received in carrying on such business; all interest received from federal, state, municipal or other bonds, and, except as hereinafter otherwise provided, all dividends received on stocks. The term gross income does not include the following items which shall be exempt from taxation under this act: "Gross Income"

(a) Amounts received under life insurance policies and contracts paid by reason of the death of the insured. Exemptions

(b) Amounts received (other than amounts paid by reason of the death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon.

See Ch 65,
Stats. 1931

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Sec. 9. In computing net income no deduction shall be allowed for:

Net income

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property; or for

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or for

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

Stats 1929,
p. 19.

SEC. 4. Section 10 of said act is hereby amended to read as follows:

Computation
of tax on
intrastate
business

Sec. 10. If the entire business of the bank or corporation is done within this state, the tax shall be according to or measured by its entire net income; and if the entire business of such bank or corporation is not done within this state, the tax shall be according to or measured by that portion thereof which is derived from business done within this state. The portion of net income derived from business done within this state, shall be determined by an allocation upon the basis of sales, purchases, expenses of manufacturer, pay roll, value and situs of tangible property, or by reference to these or other factors, or by such other method of allocation as is fairly calculated to assign to the state the portion of net income reasonably attributable to the business done within this state and to avoid subjecting the taxpayer to double taxation. Income from intangible personal property which is not deductible under the provisions of subsection (h) of section 8 hereof shall be subject to allocation.

If the commissioner reallocates net income upon his examination of any return, he shall, upon the written request of the taxpayer, disclose to him the basis upon which his reallocation has been made.

See Ch 65,
Stats 1931

SEC. 5. Section 25 of said act is hereby amended to read as follows:

Examination
of returns

Sec. 25. As soon as practicable after the return is filed, the commissioner shall examine it and shall determine the correct amount of the tax. If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination he shall mail notice to the taxpayer at its post-office address (which must appear on its return) of the additional tax proposed to be assessed against it. Such

Notice

notice shall set forth the details of the proposed additional assessment and of computing said tax.

Within sixty days after the mailing of said notice the taxpayer may file with the commissioner a written protest against the levy of the proposed additional tax, as computed by the commissioner, specifying therein the grounds upon which the protest is based. The protest must be under oath.

Protest
against addi-
tional tax

If no such protest is so filed the amount of the tax shall be final upon the expiration of said sixty-day period. If a protest is so filed it shall be the duty of the commissioner to reconsider the computation and levy of the tax complained of, and if the taxpayer has so requested in its protest, it shall be the duty of the commissioner to grant said taxpayer, or its authorized representatives, an oral hearing. After consideration of the protest and the evidence adduced in the event of such oral hearing, the commissioner's action upon the protest shall be final upon the expiration of thirty days from the date when he mails to the taxpayer notice of his action, unless within that thirty-day period the taxpayer appeals in writing from the action of the commissioner to the state board of equalization. The appeal must be addressed and mailed to the state board of equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination, which shall be final upon the expiration of sixty days from the time of such determination, unless within such sixty day period the commissioner shall bring an action in his name as commissioner against the taxpayer in a court of competent jurisdiction to determine the liability of the taxpayer. The attorney general must prosecute such action and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals shall be applicable thereto. In any such action the court shall have power to render judgment for any tax, interest or penalties found by it to be payable. In any judgment rendered under the provisions of this section, interest shall be included at the rate of six per centum per annum upon the amount of the deficiency computed in the manner prescribed in subsection (a) of section 24 hereof. If such action be brought, the tax therein determined shall become final when the judgment rendered in such action becomes final.

Hearing

Appeal to
state board
of equaliza-
tion.

When a deficiency has been determined and the tax has become final under the provisions of this section, the commissioner shall mail notice and demand to the taxpayer for the payment thereof, and such tax shall be due and payable at the expiration of ten days from the date of such notice and demand.

Interest

A certificate by the commissioner or of said board as the case may be, of the mailing of the notices specified in this section shall be prima facie evidence of the computation and levy of the deficiency in tax and of the giving of said notices.

Demand

Limitation

Except in the case of a fraudulent return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the taxpayer within one year after the return was filed and no deficiency shall be assessed or collected with respect to the year for which such return was filed unless such notice is mailed within such period; provided, however, that in the case of returns filed on or before June 1, 1930, notice of additional tax proposed to be assessed may be mailed at any time on or before June 1, 1931.

See Ch 65,
Stats 1931

SEC. 6. Section 32 of said act is hereby amended to read as follows:

Suspension
and for-
feiture of
corporate
powers for
nonpayment
of taxes

Sec. 32. If a tax computed and levied hereunder is not paid before six o'clock p.m. on the last day of the eleventh month after the due date of the first installment thereof, the corporate powers, rights and privileges of the delinquent taxpayer, if it be a domestic corporation, shall be suspended and shall be incapable of being exercised for any purpose or in any manner except for the purpose of amending the articles of incorporation to set forth a new name, and the officers, directors and stockholders or members of any such corporation may take such action in their respective capacities as may be required by law in order to amend the articles of incorporation for such purpose; if the delinquent taxpayer be a foreign corporation it shall thereupon forfeit its rights to do intrastate business in this state.

The controller shall transmit the name of each such corporation to the secretary of state, who shall immediately record the same in such manner that it may be available to the public. The suspension or forfeiture herein provided for shall become effective immediately such record is made, and the certificate of the secretary of state shall be prima facie evidence of such suspension or forfeiture.

Penalties

Any person who attempts or purports to exercise any of the rights, privileges or powers of any such domestic corporation, except as hereinabove permitted, or who transacts or attempts to transact any intrastate business in the state in behalf of any such foreign corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in any county in which any part of such attempted exercise of such powers, or any part of such transaction of business occurred. Every contract made in violation of this section is hereby declared to be voidable.

Stats 1929,
p 19

SEC. 7. Section 33 of the bank and corporation franchise tax act, approved March 1, 1929, is hereby amended to read as follows:

Revivor of
corporate
powers upon
payment.

Sec. 33. Any corporation which has suffered the suspension or forfeiture provided for in the preceding section may be relieved therefrom upon payment of the tax and the interest

and penalties for nonpayment of which the suspension or forfeiture occurred, if the payment is made during the year in which the suspension or forfeiture occurred, or upon payment of such amount together with an amount equal to twice the amount of the tax and penalties due the state for the year in which the suspension or forfeiture occurred, if payment is made in any year other than such year, and upon the issuance by the controller of a certificate of revivor. Application for such certificate on behalf of any domestic corporation which has suffered such suspension may be made by any stockholder or creditor or by a majority of the surviving trustees or directors thereof; application for such certificate may be made by any foreign corporation which has suffered such forfeiture or by any stockholder or creditor thereof. Before such certificate of revivor is issued by the controller he shall obtain from the secretary of state an endorsement upon such application of the fact that the name of such corporation is not one which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, the name of a foreign or domestic corporation which is authorized to transact business in this state or a name which is under reservation. If the name of such corporation is one which is likely to mislead the public or is the same as, or resembles so closely as to tend to deceive, the name of a foreign or domestic corporation which is authorized to transact business in this state, or a name which is under reservation, the secretary of state shall not endorse such statement upon such application until the corporation therein named, if it be a domestic corporation, files in his office amended articles of incorporation changing its name, or, if it be a foreign corporation, files in his office a copy of such document changing its name as may be required by the law of the state or other jurisdiction under which it was incorporated, which copy shall be certified in the manner prescribed by section 405 of the Civil Code. Upon the issuance of such certificate by the controller the corporation therein named shall become reinstated but such reinstatement shall be without prejudice to any action, defense or right which has accrued by reason of the original suspension or forfeiture. The certificate of revivor shall be prima facie evidence of such reinstatement and such certificate may be recorded in the office of the county recorder of any county of this state.

SEC. 8. Section 35 of said act is hereby amended to read as follows: Stats. 1929,
p. 19.

Sec 35. It shall be unlawful for the commissioner or any member of the state board of equalization or the state controller or any person having an administrative duty under this act to divulge any information concerning the business affairs of banks or corporations reporting hereunder: provided, however, that the governor may authorize examination of such returns by other state officers, in which event the information obtained shall not be made public; provided, further, that

Secrecy as
to returns.

such returns may be examined, with the consent of the governor, by tax officers of another state or the federal government, if a reciprocal arrangement exists; provided, further, that in the case of corporations doing business within and without this state, the commissioner may make available for persons, firms and corporations desiring such information for the purpose of filing their own returns the percentage of the net income of such corporations derived from business done within and without this state.

Penalties

Any violation of the provisions of this section is a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both.

CHAPTER 1067.

An act to repeal chapter III, embracing sections 4.180 to 4.196, both inclusive of part II of division IV of the School Code, relating to teachers' salary funds in counties or cities and counties constituting but one school district.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter III, embracing sections 4.180 to 4.196, both inclusive of part II of division IV of the School Code is hereby repealed.

CHAPTER 1068.

Stats 1831,
p 26,
amended

An act to amend sections 2 and 23 of and to add sections 28a and 28b to chapter 36, statutes of 1881, entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to the powers and duties of commissioners, penalties for violating fire ordinances, and to the withdrawal from fire districts formed thereunder of territory therein which will not be benefited by remaining within said district, and for the dissolution of fire districts organized thereunder.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p 201

SECTION 1. Section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess, and collect taxes, from time to time, and to create a board of fire commissioners," as amended is hereby amended to read as follows:

Sec. 3. The board of fire commissioners so appointed by said board of supervisors, and their successors, shall be authorized and empowered, and it shall be their duty:

Powers and duties of board of fire commissioners.

1. To fix and establish the fire limits of said town or village, and shall accurately describe the same, in writing by metes and bounds and file a copy thereof, subscribed by them, in the office of the county recorder of the county in which said town or village is situated;

2. To make all contracts with water companies for a supply of water and attaching hydrants or fire-plugs to the pipes, or conduits, or cisterns of such water company; to make contracts for and to purchase the engines, hose, hosecarts or carriages, and other appliances for the full equipment of a fire company or department;

3. To call an election and to submit to the electors residing within said fire limits fixed by them, the question whether a tax shall be levied and raised for the purpose of establishing and equipping a fire department for the said town or village, and for protecting the same from loss by fire;

4. In the event of the establishment and equipment of a fire department in any unincorporated town or village, as provided for in this act, the board of fire commissioners are hereby directed and empowered, and it shall be their duty, to estimate and determine the annual amount of money required for the maintenance of said fire department for the ensuing fiscal year, and shall report the same to the board of supervisors of the county in which said fire district is located not later than the first day of July of each year;

5. To appoint judges, not less than three, and other officers, to conduct such election, and to issue certificates of election;

6. To do and perform such other acts and things as may be proper and necessary to carry out the full intent and meaning of this act; provided, however, that nothing in this act shall be interpreted as empowering the board of fire commissioners to delegate any of its authority to sub-fire commissioners or other agents.

SEC. 2. Section 23 of said act is hereby amended to read as follows:

Stats 1909, p. 1028.

Sec. 23. Any person who shall violate any of the provisions of said ordinance or who shall falsely personate a commissioner appointed or elected under this act, shall be guilty of a misdemeanor.

Penalty

SEC. 3. Section 28a is hereby added to said act to read as follows:

New section

Sec. 28a. Any portion of a fire district organized hereunder which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by a majority of the persons who are both freeholders and residents within the portions desired to be withdrawn from said fire district, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by

Withdrawal of territory.

Petition.

remaining in said district, the board of supervisors shall fix a time for the hearing of such petition and for hearing protests to the continuance of the remaining territory as a fire district, which shall not be less than ten days, nor more than thirty days after the receipt thereof. The said board shall, at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in said district, or if there is no newspaper published in said district, in a newspaper published in the county in which said district is located, and which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal, which notice shall also be posted in three of the most public places within such fire district, one of which places shall be within the portion of said district desired to be withdrawn, at least one week prior to the time fixed for such hearing.

Hearing Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, or may object to the continuance of the remaining territory as a fire district, and the board of supervisors shall consider all objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and will not serve as a fire hazard to the remaining portion of the district, and that the territory not sought to be withdrawn will be benefited by continuing as a fire district, then it shall grant said petition; provided, that if in the judgment of the board of supervisors the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, then said board shall proceed to call an election for dissolution as in this act provided. Upon the withdrawal of any territory from a fire district, as in this section provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

New section SEC. 4. Section 28b is hereby added to said act to read as follows:

Dissolution of district Sec. 28b. Any such fire district may be dissolved by the board of supervisors as in this section provided. Upon receiving a petition signed by fifty or more persons who are both freeholders and residents of such district, or by a majority of the persons who are both freeholders and residents if there are less than one hundred freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time for the hearing of such petition, which shall not be less than ten days nor more than thirty days after the receipt thereof, and shall at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper of general circulation, circulated in said district, or if there is no newspaper published in said district, in a newspaper published in the county in which said district is located. At the time appointed for said hearing, or at any time to which the same may be continued, the board

of supervisors shall hear and pass upon such petition, together with any and all objections which may be made by persons interested, to the granting of the same. The board of supervisors shall consider such objections and shall pass upon the same and shall thereupon have power to either deny such petition for dissolution or by resolution duly adopted, call an election upon the proposition of dissolution of such fire district. Said resolution shall specify the date of the election called Election.

thereby, which election shall be held not less than twenty days after the adoption of such resolution, which shall also designate one or more precincts within the boundaries of said district, and shall designate a polling place in each precinct, together with the names of the election officers, who shall be one inspector, one judge and one clerk, in each precinct. In all other particulars not recited in said resolution, such election shall be held as provided by law for holding general elections in such county and any resident of the district who would be entitled to vote at a general election held at the same time may vote therein. No notice of such election other than the Notice.

publication and posting of such resolution as hereinafter provided for, need be given. The resolution ordering the holding of such election shall be published once a week for two successive weeks prior to the date set for said election, in the newspaper of general circulation circulated within the said district, or if there is no newspaper published in said district, in a newspaper published in the county in which said district is located, and deemed by said board of supervisors to be most likely to give notice to the electors thereof of such election, and said resolution shall also be posted in three of the most public places within said district at least ten days prior to the date set for such election. The ballots used at such election Ballots.

shall state in substance the following proposition: "Shall the ----- fire district in ----- county (stating the name of the said district and the name of the county in which the same is located) be dissolved?", and opposite said proposition as so stated shall be printed the words "Yes" and "No" together with voting squares. If, at such election, a majority of the votes cast are in favor of the dissolution of such fire district, then the board of supervisors shall enter a finding to that effect upon its minutes and thereafter, the said district shall be deemed to be dissolved. Upon the dissolution of any fire Dissolution.

district as provided in this section the property of such district shall remain the property of the county in which such district is located and may be used together with any money remaining in the fund of such district, for general fire protection purposes throughout the county.

CHAPTER 1069

An act to add a new section to the Code of Civil Procedure, to be known as section 170b, relating to justices of the peace, police court judges and other inferior courts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section
Disabilities
of judges of
inferior
courts

170b. No justice of the peace, police court judge, or judge of any other inferior court now existing or which may hereafter be provided by law shall sit or act as a judge in any municipal or superior court or court of higher jurisdiction on the trial or hearing of any cause or question.

CHAPTER 1070.

An act to repeal title I and title II of part IV of division III of the Civil Code; to repeal sections 1083, 1136, 1140, 1141, 1142, 3049, 3078, 3079, 3080, 3308, 3309, 3310, 3311, 3312, 3313, and 3314 of said code; to amend sections 1135, 1612, 1613, 1624, 1689, and 3387 of said code; to add a new title I of part IV of division III of said code in place thereof consisting of sections 1721 to 1800, both inclusive; and to add a new section to said code to be known as section 1624a, all relating to sale of goods; to amend section 36 of said code relating to disaffirmance by minor; to amend section 658 of said code relating to real property; to amend section 660 of said code relating to fixtures; to add a new section to said code to be known as section 35a, relating to minors, and to make the law of sale of goods in the State of California uniform with the law of other states.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeal

New title.

SECTION 1. Title I and title II of part IV of division III of the Civil Code are hereby repealed, and a new title I of part IV of division III of said code is hereby added to read as follows:

TITLE I.

SALE OF GOODS.

Chapter I. The contract. Articles I-VI. Sections 1721-1736.

Chapter II. Transfer of property and title. Article I, II. Sections 1737-1742.

Chapter III. Performance of the contract. Sections 1761-1771.

Chapter IV. Rights of unpaid seller against the goods. Articles I-IV. Sections 1772-1782.

Chapter V. Actions for breach of the contract. Articles I, II. Sections 1783-1790.

Chapter VI. Interpretation. Sections 1791-1800.

CHAPTER I.

THE CONTRACT.

- Article I. Formation of the contract. Sections 1721-1722
 Article II. Formalities of the contract. Sections 1723-1724.
 Article III. Subject matter of contract. Sections 1725-1728.
 Article IV. The price. Sections 1729-1730
 Article V. Condition and Warranties. Sections 1731-1735.
 Article VI. Sale by sample. Section 1736.

ARTICLE I.

FORMATION OF THE CONTRACT.

Section 1721. Contracts to sell and sales.

Section 1722. Capacity; liabilities for necessaries.

1721. (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price. Contracts to sell and sales.

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

1722. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property. Capacity liabilities for necessaries

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

ARTICLE II.

FORMALITIES OF THE CONTRACT.

Section 1723. Form of contract for sale.

Section 1724. Statute of frauds.

1723. Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties. Form of contract for sale

1724. (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold, or sold and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf. Statute of frauds

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

ARTICLE III.

SUBJECT MATTER OF CONTRACT.

Section 1725. Existing and future goods.

Section 1726. Undivided shares.

Section 1727. Destruction of goods sold.

Section 1728. Destruction of goods contracted to be sold.

Existing and
future
goods

1725. (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods and as soon as the seller acquires the goods the property therein shall pass to the buyer without further act if the parties so intend unless the agreement otherwise provides.

Undivided
shares

1726. (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

1727. (1) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void. Destruction of goods sold

(2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a) As avoided, or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

1728. (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided. Destruction of goods contracted to be sold

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

ARTICLE IV.

THE PRICE.

Section 1729. Definition and ascertainment of price.

Section 1730. Sale at a valuation.

1729. (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties. Definition and ascertainment of price.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Sale at a
valuation

1730. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, can not or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by chapters IV and V of this act.

ARTICLE V.

CONDITIONS AND WARRANTIES.

Section 1731. Effect of conditions

Section 1732. Definition of expressed warranty.

Section 1733. Implied warranties of title

Section 1734. Implied warranty in sale by description.

Section 1735. Implied warranties of quality.

Effect of
conditions

1731. (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the nonperformance of the condition as a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligations to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

Definition
of expressed
warranty

1732. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

Implied
warranties
of title

1733. In a contract to sell or a sale unless a contrary intention appears, there is—

(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass;

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale;

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or incumbrance in favor

of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law, goods in which a third person has a legal or equitable interest.

1734. Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description. Implied warranty in sale by description.

1735. Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows: Implied warranties of quality.

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to the quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

ARTICLE VI.

SALE BY SAMPLE.

Section 1736. Implied warranties in sale by sample.

1736. In the case of a contract to sell or a sale by sample: Implied warranties in sale by sample.

(a) There is an implied warranty that the bulk shall correspond with the sample in quality. Implied warranties in sale by sample.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 1767 (3).

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any

defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

CHAPTER II.

TRANSFER OF PROPERTY AND TITLE.

Article I. Transfer of property as between seller and buyer. Sections 1737-1742.

Article II Transfer of title.

ARTICLE I.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

Section 1737. No property passes until goods are ascertained.

Section 1738. Property in specific goods passes when parties so intend.

Section 1739. Rules for ascertaining intention.

Section 1740. Reservation of right of possession or property when goods are shipped.

Section 1741. Sale by auction

Section 1742. Risk of loss.

No property
passes until
goods ascer-
tained

1737. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 1726.

When prop-
erty passes

1738. (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

Rules for
ascertaining
intention

1739. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2

Rule 2 Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3

Rule 3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied and may be given either before or after the appropriation is made. Rule 4

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 1740. This presumption is applicable, although by the terms of the contract the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words “collect on delivery” or their equivalents.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon. Rule 5

1740. (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer. Reservation of right of possession or property when goods are shipped.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent,

but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

Sale by
auction

1741. In the case of a sale by auction :

(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid ; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3) A right to bid may be reserved expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

Risk of
loss.

1742. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that :

(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party

in fault as regards any loss which might not have occurred but for such fault.

ARTICLE II.

TRANSFER OF TITLE.

- Section 1743. Sale by a person not the owner.
 Section 1744. Sale by one having a voidable title.
 Section 1745. Sale by seller in possession of goods already sold.
 Section 1746. Creditors' rights against sold goods in seller's possession
 Section 1747. Definition of negotiable documents of title.
 Section 1748. Negotiation of negotiable documents by delivery.
 Section 1749. Negotiation of negotiable documents by indorsement.
 Section 1750. Negotiable documents of title marked "not negotiable."
 Section 1751. Transfer of nonnegotiable documents.
 Section 1752. Who may negotiate a document.
 Section 1753. Rights of person to whom document has been negotiated.
 Section 1754. Rights of person to whom document has been transferred.
 Section 1755. Transfer of negotiable document without indorsement.
 Section 1756. Warranties on sale of document.
 Section 1757. Indorser not a guarantor.
 Section 1758. When negotiation not impaired by fraud, mistake or duress.
 Section 1759. Attachment or levy upon goods for which a negotiable document has been issued.
 Section 1760. Creditors' remedies to reach negotiable documents.

1743. (1) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

Sale by a person not the owner.

(2) Nothing in this act, however, shall affect:

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

1744. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

Sale by one having a voidable title.

1745. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same

Sale by seller in possession of goods already sold

Creditor's
rights
against sold
goods in
seller's
possession

1746. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

Definition of
negotiable
documents
of title

1747. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

Negotiation
of negotiable
documents
by delivery

1748. A negotiable document of title may be negotiated by delivery:

(a) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to the bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

Negotiation
of negotiable
documents
by indorse-
ment

1749. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Negotiable
documents
of title
marked "not
negotiable"

1750. If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title or placing thereon the words "not negotiable," "nonnegotiable," or the like.

Transfer of
nonnegot-
iable instru-
ments

1751. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A nonnegotiable document can not be negotiated and the indorsement of such a document gives the transferee no additional right.

Who may
negotiate a
document

1752. A negotiable document may be negotiated by any person in possession of the same, however such possession may have been acquired, if by the terms of the document the bailee

issuing it undertakes to deliver the goods to the order of such person, or if at the time of negotiation the document is in such form that it may be negotiated by delivery.

1753. A person to whom a negotiable document of title has been duly negotiated acquires thereby:

Rights of person to whom document has been negotiated

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

1754. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

Rights of person to whom document has been transferred

If the document is nonnegotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a nonnegotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

1755. Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Transfer of negotiable document without indorsement

1756. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

Warranties on sale of document

(a) That the document is genuine;

(b) That he has a legal right to negotiate or transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the document, and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

Indorser
not a
guarantor

1757. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

When negoti-
ations not
impaired by
fraud, mis-
take or
duress

1758. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefore in good faith without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress or conversion.

Attachment
or levy upon
goods for
which a
negotiable
document
has been
issued

1759. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they can not thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

Creditors'
remedies
to reach
negotiable
documents.

1760. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

CHAPTER III.

PERFORMANCE OF THE CONTRACT.

- Section 1761. Seller must deliver and buyer accept goods.
- Section 1762. Delivery and payment are concurrent conditions.
- Section 1763. Place, time and manner of delivery.
- Section 1764. Delivery of wrong quantity.
- Section 1765. Delivery in installments.
- Section 1766. Delivery to a carrier on behalf of the buyer.
- Section 1767. Right to examine the goods.
- Section 1768. What constitutes acceptance.
- Section 1769. Acceptance does not bar action for damages.
- Section 1770. Buyer is not bound to return goods wrongly delivered.
- Section 1771. Buyer's liability for failing to accept delivery.

Seller must
deliver and
buyer ac-
cept goods

1761. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

Delivery and
payment are
concurrent
conditions

1762. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the

buyer must be ready and willing to pay the price in exchange for possession of the goods.

1763. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery. Place, time and manner of delivery.

(2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

1764. (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received. Delivery of wrong quantity.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

Delivery
in install-
ments

1765. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

Delivery to
a carrier on
behalf of
the buyer

1766. (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 1739, rule five, or unless a contrary intent appears.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

Right to
examine
the goods

1767. (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with words "collect

on delivery." or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

1768. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them

What constitutes acceptance

1769. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fails to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

Acceptance does not bar action for damages

1770. Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Buyer is not bound to return goods wrongfully delivered

1771. When the seller is ready and willing to deliver the goods, and request the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

Buyer's liability for failure to accept delivery

CHAPTER IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

Article I. Definition and remedies of unpaid seller Sections 1772-1773.

Article II. Unpaid seller's lien Sections 1774-1776.

Article III. Stoppage in transitu Sections 1777-1779.

Article IV. Resale by the seller. Section 1780.

Article V. Rescission by seller Sections 1781-1782.

ARTICLE I.

DEFINITION AND REMEDIES OF UNPAID SELLER

Section 1772. Definition of unpaid seller.

Section 1773. Remedies of an unpaid seller.

1772. (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act:

Definition of unpaid seller

(a) When the whole of the price has not been paid or tendered.

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Remedies of
an unpaid
seller

1773. (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of the goods, as such, has:

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;

(c) A right of resale as limited by this act;

(d) A right to rescind the sale as limited by this act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

ARTICLE II.

UNPAID SELLER'S LIEN.

Section 1774. When right of lien may be exercised.

Section 1775. Lien after part delivery.

Section 1776. When lien is lost.

When right
of lien
may be
exercised

1774 (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Lien after
part
delivery

1775. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

When lien
is lost

1776. (1) The unpaid seller of goods loses his lien thereon:

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserv-

ing the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods;

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

ARTICLE III.

STOPPAGE IN TRANSITU.

Section 1777. Seller may stop goods on buyer's insolvency.

Section 1778. When goods are in transit.

Section 1779. Ways of exercising the right to stop.

1777. Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

Seller may stop goods on buyer's insolvency.

1778. (1) Goods are in transit within the meaning of section 1777:

When goods are in transit.

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are no longer in transit within the meaning of section 1777:

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

Ways of
exercising
the right
to stop

1779. (1) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

ARTICLE IV.

RESALE BY THE SELLER

Section 1780. When and how resale may be made.

When and
how resale
may be
made

1780. (1) Where the goods are of perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

ARTICLE V.

RESCISSION BY THE SELLER.

Section 1781. When and how the seller may rescind the sale.

Section 1782. Effect of sale of goods subject to lien or stoppage in transitu.

1781. (1) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

When and how the seller may rescind the sale

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

1782. Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Effect of sale of goods subject to lien or stoppage in transitu

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiations be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

CHAPTER V.

ACTIONS FOR BREACH OF THE CONTRACT.

Article I Remedies of the seller. Sections 1783-1785.

Article II. Remedies of the buyer. Sections 1786-1790.

ARTICLE I.

REMEDIES OF THE SELLER.

Section 1783. Action for the price.

Section 1784. Action for damages for nonacceptance of the goods.

Section 1785. When seller may rescind contract or sale.

1783. (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

Action for the price

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer

of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they can not readily be resold for a reasonable price, and if the provisions of section 1784 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Action for
damages for
nonaccept-
ance of
goods

1784. (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for nonacceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyers' breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

When seller
may rescind
contract
or sale

1785. Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

ARTICLE II.

REMEDIES OF THE BUYER.

Section 1786. Action for converting or detaining goods.

Section 1787. Action for failing to deliver goods.

Section 1788. Specific performance.

Section 1789. Remedies for breach of warranty.

Section 1790. Interest and special damages.

1786. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

Action for converting or detaining goods.

1787. (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for nondelivery.

Action for failing to deliver goods.

(2) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

1788. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

Specific performance

1789. (1) Where there is a breach of warranty by the seller, the buyer may, at his election:

Remedies for breach of warranty.

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he can not rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he

fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 1773.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting in the ordinary course of events from the breach of warranty.

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

Interest and
special
damages

1790. Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

CHAPTER VI.

INTERPRETATION.

- Section 1791 Variation of implied obligations.
 Section 1792 Rights may be enforced by action.
 Section 1793. Rule for cases not provided for by this act.
 Section 1794. Interpretation shall give effect to purpose of uniformity
 Section 1795 Provisions not applicable to mortgages.
 Section 1796 Definitions.
 Section 1797. Act does not apply to existing sales or contracts to sell.
 Section 1798. No repeal of uniform warehouse receipt act or uniform bill of lading act.
 Section 1799. Inconsistent legislation repealed.
 Section 1800. Name of act.

Variation of
implied obli-
gations

1791. Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be

negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

1792. Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action. Rights may be enforced by action

1793. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods. Rule for cases not provided for by this act

1794. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it. Uniformity

1795. The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security. Provisions not applicable to mortgages

1796 (1) In this act, unless the context or subject matter otherwise requires: Definitions

“Action” includes counterclaim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counterclaim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

“Fault” means wrongful act or default.

“Fungible goods” means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

“Future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale.

“Goods” include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of

the land which are agreed to be severed before sale or under the contract of sale.

“Order” in sections of this act relating to documents of title means an order by indorsement on the documents.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“Plaintiff” includes defendant asserting a right of set-off or counterclaim.

“Property” means the general property in goods, and not merely a special property.

“Purchaser” includes mortgagee and pledgee.

“Purchases” includes taking as a mortgagee or as a pledgee.

“Quality of goods” includes their state or condition.

“Sale” includes a bargain and sale as well as a sale and delivery.

“Seller” means a person who sells or agrees to sell goods, or any legal successor in interest of such person.

“Specific goods” means goods identified and agreed upon at the time a contract to sell or a sale is made.

“Value” is any consideration sufficient to support a simple contract. An antecedent or preexisting claim, whether for money or not, constitutes value where goods or documents of titles are taken either in satisfaction thereof or as security therefor.

(2) A thing is done “in good faith” within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or can not pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4) Goods are in a “deliverable state” within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

Existing contracts

1797. None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act.

Law of warehouse receipts, of bills of lading

1798 Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the act to make uniform the law of warehouse receipts, or of the act to make uniform the law of bills of lading.

Repeal

1799. All acts or parts of acts inconsistent with this act are hereby repealed, except as provided in section 1798.

Short title

1800. This title may be cited as the uniform sales act.

Repeal.

SEC. 2. Sections 1083, 1136, 1140, 1141, 1142, 3049, 3078, 3079, 3080, 3308, 3309, 3310, 3311, 3312, 3313, and 3314 of the Civil Code are hereby repealed.

Stats 1927, p 1917

SEC. 3. Section 36 of the Civil Code is hereby amended to read as follows-

36. A minor can not disaffirm a contract, otherwise valid, to pay the reasonable value of things necessary for his support, or that of his family, entered into by him when not under the care of a parent or guardian able to provide for him or them; provided, that these things have been actually furnished to him or to his family.

When minor may not disaffirm contracts.

A minor can not disaffirm a contract, otherwise valid, to perform or render services as actor, actress, or other dramatic services where such contract has been approved by the superior court of the county where such minor resides or is employed. Such approval may be given on the petition of either party to the contract after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard.

SEC. 4. Section 658 of the Civil Code is hereby amended c c 1872 to read as follows:

658. Real or immovable property consists of:

Definition of real property

1. Land;

2. That which is affixed to land;

3. That which is incidental or appurtenant to land;

4. That which is immovable by law; except that for the purposes of sale, emblements, industrial growing crops and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale, shall be treated as goods and be governed by the provisions of the title of this code regulating the sales of goods.

SEC. 5. Section 660 of the Civil Code is hereby amended to c c 1872. read as follows:

660. A thing is deemed to be affixed to land when it is attached to it by roots, as in the case of trees, vines, or shrubs; or imbedded in it, as in the case of walls; or permanently resting upon it, as in the case of buildings; or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws; except that for the purposes of sale, emblements, industrial growing crops and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale, shall be treated as goods and be governed by the provisions of the title of this code regulating the sales of goods.

Definition of fixtures.

SEC. 6. Section 1135 of the Civil Code is hereby amended c c 1872 to read as follows:

1135. An interest in a ship can be transferred only by operation of law, or by written instrument, subscribed by the person making the transfer, or by his agent.

Transfer of interest in ship

SEC. 7. Section 1612 of the Civil Code is hereby amended c c 1872 to read as follows:

1612. Where a contract provides an exclusive method by which its consideration is to be ascertained, which method is on its face impossible of execution, the entire contract is void; but this section shall not apply to the cases provided for in sections 1729 and 1730 of this code.

Contract: consideration

C C 1872

SEC. 8. Section 1613 of the Civil Code is hereby amended to read as follows:

Same

1613. Where a contract provides an exclusive method by which its consideration is to be ascertained, which method appears possible on its face but in fact is, or becomes, impossible of execution, such provision only is void; but this section shall not apply to the cases provided for in sections 1729 and 1730 of this code.

Stats 1905
p 611

SEC. 9. Section 1624 of the Civil Code is hereby amended to read as follows:

What con-
tracts must
be written

1624. The following contracts are invalid, unless the same, or some note of memorandum thereof, is in writing and subscribed by the party to be charged or by his agent:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in section 2794;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

5. An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission;

6. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will.

C C 1872

SEC. 10. Section 1689 of the Civil Code is hereby amended to read as follows:

When party
to a contract
may rescind

1689. A party to a contract may rescind the same in the following cases only:

1. If the consent of the party rescinding, or of any party jointly contracting with him, was given by mistake, or obtained through duress, menace, fraud, or undue influence, exercised by or with the connivance of the party as to whom he rescinds, or of any other party to the contract jointly interested with such party;

2. If, through the fault of the party as to whom he rescinds, the consideration for his obligation fails, in whole or in part;

3. If such consideration becomes entirely void from any cause;

4. If such consideration, before it is rendered to him, fails in a material respect, from any cause;

5. By consent of all the other parties; or

6. Under the circumstances provided for in sections 1785 and 1789 of this code.

SEC. 11. Section 3387 of the Civil Code is hereby amended C C 1872
to read as follows:

3387. It is to be presumed that the breach of an agree- Rule as to
ment to transfer real property can not be adequately relieved damages
by pecuniary compensation.

SEC. 12. A new section is hereby added to the Civil Code, New section
to be known as section 35a and to read as follows:

35a. If before the contract of a minor has been disaffirmed Recovery of
the goods which he has sold have been transferred to another goods by
purchaser who bought them in good faith for value and with- minor
out notice of the transferor's defect of title, the minor can
not recover the goods from an innocent purchaser.

SEC. 13. A new section is hereby added to the Civil Code New section
to be known as section 1624a, and to read as follows:

1624a. (1) A contract to sell or a sale of any goods or Sale of
choses in action of the value of five hundred dollars or goods of
upward shall not be enforceable by action unless the buyer value of
shall accept part of the goods or choses in action so contracted \$500 or
to be sold or sold, and actually receive the same, or give more
something in earnest to bind the contract, or in part payment,
or unless some note or memorandum in writing of the con-
tract or sale be signed by the party to be charged or his agent
in that behalf.

(2) The provisions of this section apply to every such con-
tract or sale, notwithstanding that the goods may be intended
to be delivered at some future time or may not at the time of
such contract or sale be actually made, procured, or provided,
or fit or ready for delivery, or some act may be requisite for
the making or completing thereof, or rendering the same fit
for delivery; but if the goods are to be manufactured by the
seller especially for the buyer and are not suitable for sale to
others in the ordinary course of the seller's business, the pro-
visions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of Acceptance
this section when the buyer, either before or after delivery
of the goods, expresses by words or conduct his assent to
becoming the owner of those specific goods.

CHAPTER 1071.

*An act to amend section 1973 of the Code of Civil Procedure,
and to add to said code a new section to be numbered
1973a, relating to agreements in writing.*

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1973 of the Code of Civil Procedure Stats 1907,
is hereby amended to read as follows: p 563

1973. In the following cases the agreement is invalid, What agree-
unless the same or some note or memorandum thereof be in ments must
be in
writing

writing, and subscribed by the party charged, or by his agent. Evidence, therefore, of the agreement, can not be received without the writing or secondary evidence of its contents:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in section 2794 of the Civil Code;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

5. An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission;

6. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will.

New section

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be numbered 1973a, and to read as follows:

Sale of goods
of value of
\$500 or
more.

1973a. 1. A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged, or his agent in that behalf.

2. The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

Acceptance

3. There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

CHAPTER 1072.

An act to repeal section 633e of the Political Code, relating to insurance adjusters.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 633e of the Political Code is repealed. Stats. 1929, p. 1045.

CHAPTER 1073.

An act creating the California districts securities commission, providing for its appointment, and defining its duties and powers, relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized, providing that certain districts may be declared insolvent, and providing for the administration of insolvent districts, making an appropriation, to carry out the purposes of the act, and repealing an act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, and as amended.

Stats 1913, p. 778, repealed

[Approved by the Governor June 19, 1931, with the reduction hereunder noted. In effect August 14, 1931.]

[I object to the item of \$40,000 in section 20 of Senate Bill No 191, and reduce the amount to \$30,000. With this reduction I approve the bill Dated: June 19, 1931. JAMES ROLPH, JR., Governor.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby created a commission to be known as and designated the California districts securities commission, which commission shall consist of five members as follows: the attorney general, the state engineer, the superintendent of banks, and two other members to be appointed by the governor, each of whom at the time of his appointment shall be one who has had at least five years actual experience

California districts securities commission created

- in the affairs of an irrigation district in this state as an officer or employee. The terms of office of the two members appointed by the governor shall be four years from the date of their appointment, and until their successors are appointed. Each member of the board other than the attorney general, the state engineer and the superintendent of banks shall be entitled to receive as compensation as such member, ten dollars for each day while on official business of the commission and all members shall be entitled to receive his actual necessary expenses while on such official business.
- Terms of members.**
- Compensation.**
- Definitions.** SEC. 2. The words "district" or "districts" wherever used herein for all purposes hereof, shall be deemed to mean irrigation districts organized under the laws of this state.
- Resolution that bonds be made available for legal investments.** SEC. 3. Whenever the governing board of any district organized and existing under and pursuant to the laws of the State of California shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section 9 of this act, the said board shall thereupon file a certified copy of such resolution with the commission herein provided for.
- Certification of bonds.** SEC. 4. Such commission, upon receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report thereon in writing. If no bonds of the district shall have theretofore been certified as provided in this act or under the provisions of "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized." Approved June 13, 1913, or acts amendatory thereof or supplementary thereto, such report shall be made upon each and every detail that may in the opinion of the commission have any bearing upon the success or failure of the project about to be undertaken by the district, and every fact which will aid the commission in determining the feasibility and economic soundness of such project. If bonds of the district shall have theretofore been so certified then such report shall be upon the following points:
- Stats 1913, p 1778**
- Report.**
- (a) The supply of water available for the project and the right of the district to so much water as may be needed
 - (b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.
 - (c) The feasibility of the district's irrigation system and of the specific project for which the bonds under consideration

are desired or have been used, whether such system and project be constructed, projected or partially completed.

In either case the commission shall estimate the reasonable value of the water, water rights, canals, reservoirs, reservoir sites and irrigation and power works and other property, owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by said district and the reasonable value of lands included within the boundaries of the district.

No bond issue of any district shall be approved for certification as provided in this act which together with any other outstanding bonds of such district including bonds authorized but not sold exceeds sixty per centum of the aggregate value of the water, water rights, canals, reservoirs, reservoir sites, irrigation and power works and other property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by said district, and the reasonable value of the lands within the boundary of the district.

Limitation
on certifi-
cation

SEC. 5. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall be forwarded by the commission to the secretary of the district for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the project is economically sound and feasible, the bonds of such district, as described and enumerated in said report filed with the state controller, shall be certified by the state controller, as hereinafter provided for. If the commission shall be notified by the board of any district whose project has been found in such report to be feasible, that the district has issued bonds, and the commission shall find that said bonds are for any project or projects approved in such report, the commission shall prepare and file with the state controller a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the state controller as hereinafter provided for. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but, after any of the bonds of a district have been enumerated and described as entitled to certification by the state controller as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to such certification. It is hereby made the duty of the state controller to provide for filing and preserving the reports mentioned in this section and, also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section 8 of this act, including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

Filing and
certification
of report

Supplemen-
tary report.

Records

SEC. 6. Whenever the bonds of any district have been certified as provided in this act, no expenditures shall be made

Schedule of
proposed ex-
penditures

from the proceeds of such bonds, nor shall any liability to be met from such proceeds be incurred, until there shall have been filed with and approved by said commission such a schedule of proposed expenditures of such proceeds as may be necessary to set forth to the satisfaction of said commission the plan proposed for carrying out the purposes for which said bonds were authorized, or such of said purposes as the district may, at the time of filing such schedule, desire to proceed with; and no expenditures from the proceeds of said bonds shall be made for any purpose not specified in such approved schedule or for any approved purpose in excess of the amount allowed therefor in such schedule without the consent of said commission; nor shall any expense of any kind be incurred in excess of money actually provided by levy of assessment or otherwise except as otherwise provided by law. During the progress of any work to be paid for from the proceeds of any bond issue certified as in this act provided, the state engineer on behalf of the commission herein authorized, shall make from time to time such inspection of the work as may be necessary to enable the said engineer to know that the plans approved by the commission are being carried out without material modification unless such modification has been approved by said state engineer.

Inspection
of work.

SEC. 7. Whenever the survey, examination, drawings and plans of a district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with a plan or schedule adopted by resolution of the board of the district, the bonds so voted and certified, or any portion of them, shall only be sold after prior written approval of the commission

Sale of
bonds after
approval by
commission

SEC. 8. Whenever any bond of a district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section 5 of this act, shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

State
controller's
certificate.

Sacramento, Cal. ----- (insert date) I, -----, controller of the State of California, do hereby certify that the within bond, No. ----- of issue No. ----- of the ----- district, issued ----- (insert date) is, in accordance with an act of the Legislature of California approved -----, a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the California districts securities commission of the State of California in pursuance of said act. The within bond may also, according

to the constitution of the State of California, be used as security for the deposit of public money in banks in said state.

 Controller of State of California

In case of a change in the constitution or any of the laws of this state relating to the bonds of a district, or any difference therein the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

Modifica-
tion.

A facsimile of the controller's signature, printed or otherwise, impressed upon said certificate shall be a sufficient signing thereof; provided, that the imprint of the controller's seal thereon shall appear upon both the certificate and the bond over and through the printed signature.

Signature.

SEC. 9. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies and for the state school funds and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school district, or municipalities in the State of California, such money or funds may be invested in the said bonds of such districts, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of districts under the limitations in this act provided may be so used. This act is intended to be and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

Certified
bonds to be
legal in-
vestments

SEC. 10. The commission shall have power to examine the books and records of any district. It shall also prescribe a form of annual reports of districts, and a copy of each report shall be filed with the secretary of the district and a copy in the office of the commission.

Power of
commission
to examine
books.

SEC. 11. Whenever any district shall have been in default in the payment of any of its bonds or any interest thereon for a period of one year, any holder of bonds of the said district may request in writing, the commission to take the necessary steps to have the district declared insolvent. Upon receipt of such written request the commission shall make such an investigation of the affairs of the district as it may deem proper, and for which funds are available and after such investigation, if in the judgment of the commission it would be for the best interests of the district and of the holders of bonds that the said district be declared insolvent, the commission shall file a petition in the superior court in the county in which the office of the district is located, praying said court to declare said district insolvent. The court shall set a time for hearing said petition, and written notice of such hearing shall be served upon the president of the board of

Proceedings
on default
in payment
of bonds or
interest

Petition to
declare
district
insolvent.

Hearing.

directors of the district at least ten days before the time set for said hearing. At said hearing the court shall hear said petition and all competent evidence offered in support thereof, and shall hear any and all objections to said petition, and all competent evidence offered in support of said objections. The court shall then make an order granting or denying said petition. If said petition be granted, said order shall set forth the amount of bonds or interest coupons, or both, which have been presented for payment and which have not been paid, together with the amount then due, and shall declare said district to be insolvent, and the same shall thereafter be under the control and direction of the commission, to the extent of, and in accordance with the provisions of this act. The commission shall have the power to order refunding bonds of the district issued in such amounts, not exceeding however, the amount of bonds then outstanding, and for such term or terms, not exceeding fifty years, as said commission may deem proper without vote of the electors of said district, and the district may, with the approval of the commission, sell or exchange said refunding bonds, or any of them for any of the outstanding bonds of the district. The commission shall have power to negotiate with outstanding owners or holders of the bonds, or other evidences of indebtedness, or any of them, of the district, for the purpose of compromising or adjusting the amount of such indebtedness, and it is hereby empowered to make such compromises or adjustments. If there shall be in the district treasury at any time any funds available for the payment of bonds or interest thereon, but said amount shall not be sufficient to pay all outstanding bonds or interest coupons then due, the district may hold such funds until they shall amount to at least twenty per cent of the total amount due on bonds and coupons and shall then apportion and pay the available money so that the same percentage may be paid on all such due and unpaid bonds and coupons, and in levying the annual assessment of the district the board may, with the consent of the commission, and notwithstanding any other provision of law governing such district, levy for the purpose of providing for the payment of principal or interest on bonds only such amount as in the judgment of said commissioner it will be possible for the landowner in said district to pay. Said board may establish a system of tolls and charges for the use of water for irrigation and domestic purposes and all sums received from the collection of such tolls and charges shall be applied to the operation and maintenance of the works of the district and to its general expenses during the year in which the water so charged is delivered. If there be any surplus after such expenses have been paid, such surplus shall be deposited in the bond interest or bond principal fund, but said district shall not be required to pay any bond or interest coupon with any funds which said board, with the approval of the commission, may determine shall be necessary for the operation and maintenance of the works of the district and its general expenses, it being the

Refunding
bonds

Limit on
tax levy

Tolls for use
of water

Surplus

purpose of this provision to maintain and keep in operation the works of the district in order that thereby the lands of the district may be made and kept productive for the best interest of the state.

SEC. 12. Upon the written request of the board of directors of any district, either before or after default in the payment of interest on its bonds, or any of the principal thereof, the commission may act for the district in negotiating with the holders of bonds or other evidences of indebtedness of the district, for the purpose of compromising or adjusting such indebtedness.

Compromising indebtedness.

SEC. 13. The commission shall establish an office and shall select one of their number as chairman, and shall appoint an executive secretary, and shall from time to time appoint such other employees as they may deem necessary to carry out the purposes of this act. The compensation of all employees shall be fixed by the commission with the approval of the department of finance.

Commission office and employees

SEC. 14. The commission shall adopt such rules and regulations for the conduct of its affairs as it may deem proper, but which shall not be in conflict with any of the provisions of this act, or any other act of the Legislature, and in such rules shall fix the time for regular meetings of the commission, which regular meetings shall be held at the office of the commission.

Rules and regulations

SEC. 15. The California district securities commission herein provided for shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California bond certification commission, being the commission authorized by law to approve bonds of irrigation districts for certification, and also designated as the state irrigation district bond commission, and whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon said California bond certification commission, such duty, jurisdiction and authority are hereby imposed upon and transferred to the said California districts securities commission with the same force and effect as though the title of said California districts securities commission had been specifically set forth and named therein in lieu of the name of said California bond certification commission.

Succession to powers, duties, of California bond certification commission

SEC. 16. Any district requesting the commission to make any investigation or report authorized by this act shall contribute such funds of the district to the commission for such purposes as may be agreed upon between said district and the commission; provided, that the benefit of any services that may have been performed and any data that may have been obtained by any member of said commission or any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are

Contribution of funds by districts.

under investigation. The commission is authorized to accept contributions from any source to pay the cost of making investigations or reports under the provisions of this act.

Short title SEC. 17. This act may be referred to in any action, proceeding or legislative enactment as "the California districts securities commission act."

Stats 1913, p. 778, repealed SEC. 18. The act entitled, "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, is hereby repealed. This repeal does not affect any right existing or accrued nor the validity of any bonds heretofore issued in accordance with the provisions of the act hereby repealed.

Constitutionality. SEC. 19. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional or unenforceable, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or unenforceable.

Appropriation SEC. 20. Out of any moneys in the state treasury not otherwise appropriated, the sum of forty thousand dollars is hereby appropriated to be expended in accordance with law to carry out the purposes of this act.

CHAPTER 1074.

Stats 1897, p 254, amended *An act to amend section 30a of the California irrigation district act, relating to reports submitted to the California bond certification commission*

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1919, p 862 SECTION 1. Section 30a of the California irrigation district act is hereby amended to read as follows:

Irrigation districts report to California districts securities commission Sec. 30a. The board of directors shall then submit a copy of the said estimate and the said engineer's report to the commission authorized by law to approve bonds of irrigation districts for certification as legal investments for savings banks and for the other purposes specified in the act creating said commission. Said commission shall forthwith examine said report and any

data in its possession or in the possession of said district and shall make such additional surveys and examinations as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commission, may be desirable; provided, that it may state generally the conclusions of said commission regarding the supply of water available for the project, the nature of the soil proposed to be irrigated as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage, the cost of works, water rights and other property necessary for a complete and satisfactory project, the proper dates of maturity for the bonds proposed to be issued and whether in its opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on the bonds of such issue, as provided in section 30 of this act, it shall be lawful for the board of directors, if the issuance of such bonds is thereafter authorized by vote of the electors of the district, to use for the payment of interest on any bonds of such issue so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission.

Report of
commission

CHAPTER 1075.

An act to amend section 204e of the Code of Civil Procedure, relating to jury commissioner in counties, or cities and counties, where there is a secretary of the judges of the superior court.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 204e of the Code of Civil Procedure is hereby amended as follows: Stats 1929,
p 1872.

204e. In any county or city and county where there is a secretary of the judges of the superior court in said county, or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be six hundred dollars per month, except in counties, or cities and counties, having a population of less than five hundred thousand, as ascertained and determined in the manner provided by section 4005c of the Political Code, in which counties, or cities and counties, the salary of the secretary shall be five hundred dollars per month. Secretary
of superior
court, judges
as jury
commis-
sioner

Assistants

On the authorization of the judges in such a case, the secretary shall have two assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and one whose salary shall be three hundred dollars per month and the other two hundred fifty dollars per month. The salaries herein authorized shall be paid out of the same fund that salaries of county officers are paid.

CHAPTER 1076.

Stats 1913,
p 1379,
amended

An act to amend section 12 of chapter 690, statutes of 1913, entitled the direct primary law, as amended, relating to direct primary elections.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1919,
p 381

SECTION 1. Section 12 of the direct primary law is hereby amended to read as follows:

Primary
elections
official
ballots

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There shall also be printed and provided a nonpartisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the nonpartisan ballots shall, at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a nonpartisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May presidential primary election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May presidential primary election. Such official ballots to be used at any primary election shall be

printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

a. Words designating the city, county, district or state office which the candidate then holds.

b. If the candidate be a candidate for the same office which he then holds, the word "incumbent."

c. The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of such candidate; provided, however, the word "incumbent" shall be used only under subsection b herein.

In all cases words so used shall be printed in eight point roman bold-face capitals and lower case type.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election, except as provided in subdivision five of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

3. Across the top of the ballot shall be printed in heavy-faced gothic capital type, not smaller than forty-eight point, the words: "Official primary election ballot"; providing, that on a nonpartisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy-faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "Nonpartisan ballot." Beneath the party designation or the words "Nonpartisan ballot," as the case may be, insert the respective number of the congressional, senatorial, or assembly district in which the ballot is to be voted, in black-faced type, as large as the width of the ballot shall make possible. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official primary election ballot" shall be printed thereon in heavy-faced gothic capital type, not smaller than twenty-four point. The party or nonpartisan designation shall be printed in

heavy-faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

Instructions
to voters

4. At least three-eighths of an inch below the district designation shall be printed in ten point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

Candidates'
names

5. The instructions to voters shall be separated from the lists of candidates and the designation of the several officers to be nominated for by one light and one heavy line of rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one-half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and nonpartisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the list of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading State shall be printed the groups of names of candidates for state offices, except judicial and school offices, and for members of the state board of equalization. In the second column, under the heading Congressional shall be printed the groups of names for United States senator in congress, if any, and for representative in congress. Next, under the heading Legislative shall be printed the groups of names for state senator, if any, for member of Assembly, and for election as delegate to the state convention from a "hold-over senatorial district," if any. Finally under the heading County Committee shall be printed the names of the candidates for election to membership in the county central committee of the party. In the case of primary elections where state officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading Judicial shall be printed all the names of candidates for judicial offices, in the order of chief justice supreme court, associate justices supreme court, judge of district court of appeals, judge of superior court and justice of the peace. Next, under the heading School shall be printed all the names of candidates for school offices in the order of state superintendent of instruction, superintendent of schools, and school district

Order of
precedence

officers, if any. Next, under the heading County and Township shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The nonpartisan ballot provided for in subdivision one of this section shall be identical as to offices and names of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county.

Tally sheets.

6. The group of names of candidates for nomination to any judicial office, school office, county office, or township office shall include all the names receiving the requisite number of signatures on a nomination paper for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election, but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

Candidates for judicial offices, etc.

7 The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

Order of lists of candidates

(a) If the office is an office the candidates for which are to be voted on throughout the entire state, including United States senator in congress, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of representative in congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire state, except the office of state senator or assemblyman, the secretary of state shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for such succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each

Office to be voted on throughout entire state

county clerk or registrar or voters the certified list of names as required in section 10 of this act, the secretary of state shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district he shall transmit separate lists for each assembly district. Except for the office of state senator or assemblyman, the order in which the names filed with the secretary of state shall appear upon the ballot, shall be for each assembly district the order as determined by the secretary of state in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

Office to be
voted on
throughout
but wholly
within one
county or
city and
county

(b) If the office is an office to be voted on throughout, but wholly within one county or city and county, except the office of representative in congress or state senator or assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

Office of
state sen-
ator, etc

(c) If the office is that of state senator or assemblyman, or delegate to the state convention from a "hold-over senatorial district," or member of a county central committee, or any office except the office of representative in congress to be voted on wholly within any county or city and county but not throughout such county or city and county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Municipal
office, etc

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the county clerk or registrar of voters shall publish the names in the order in which they will appear

upon the ballot; provided, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "vote for one" or "vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy-faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Designation
of office and
direction
for voting

10. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "state," "congressional," "legislative," "county and township" or "municipal" or other proper general classification, as the case may be, printed in heavy-faced gothic capital type, not smaller than twelve point. The left-hand side of the first column of names on the ballot, and also the right-hand side of the last column of voting squares on the ballot shall be bordered by a broad printed line one-twelfth of an inch wide. The binding or stitching of each package of ballots shall be on the left side thereof. The ballots shall be printed on the same leaf with a stub not over one and one-half inches in width, and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parenthesis in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot

Names of
candidates
how printed

Stub.

number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type, at least twelve point in size, and enclosed in a parenthesis, the following: "(Fold ballot to this perforated line, leaving top margin exposed.)" Above this printed direction and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least twelve point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (X) on ballot only with rubber stamp; never with pen or pencil." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; provided, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form:

Form of official ballots

3347-1
3347

MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP, NEVER WITH PEN OR PENCIL

(Fold Ballot to the Perforated Line, leaving Top Margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT REPUBLICAN PARTY

8TH CONGRESSIONAL 17TH SENATORIAL 46TH ASSEMBLY DISTRICT

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

STATE	CONGRESSIONAL	JUDICIAL	County Clerk
Governor RICHARD BOE Governor HENRY BROWN Mayor of Madison JOHN DOR State Senator	United States Senator CHARLES H. EAST Senator WALTER PROWLOW Senator LASSIE H. CLAY Senator	Chief Justice Supreme Court WALTER WILFIE Justice JOSEPH JENNINGS Justice of Court Judge THE WASS MERTIN Justice	S. R. HAYSON County Clerk JAMES H. MCCREARY Recorder ASBURY L. LATTIMER Recorder
Lieutenant Governor WILLIAM SMITH Attorney THOMAS GREEN Merchant ROFACE JONES Farmer	Representative to Congress PA DICKER PETER PETERSON Farmer BASTON BYLAN State of Ill. HENRY HELDIN Engineer	Associate Justice Supreme Court WILLIAM BIRKBECK Associate ELIAS C. PECK Justice SAMUEL SNOW Justice C. ASBURY TARNLEY Justice Judge	Judge JOHN W. DANIEL Associate M. P. PETER County Clerk (Judge Accountant) JOHN W. PATTERSON Banker J. J. ALLEN Lawyer C. ARTHUR D. CLARK Deputy Court Clerk
Secretary of State JOHN TOWNELOTTE Secretary of State ALEXLEY BIRG Farmer PETER R. PETERSON Farmer	LEGISLATIVE Member of Assembly GEO. DICKER ANDREW ANDERSON GEO. SANDREY PETER PETERSON	Associate Justice Supreme Court Judge of the District Court of Appeal ANDREW GREENMAN JERRY DREW	Recorder JAMES H. BERRY Recorder
Deputy THE MAY THOMPSON R. S. PETERSON VANCE L. ALLEN J. J. ALLEN WILLIAM F. ALLEN	Delegate to State Conventions 17th Senatorial District WILLIAM J. STOKES ALVIN STEIN	Judge of the Superior Court WALTER CAMPBELL CHARLES B. DAVIS THOMAS MC CALL ERNEST W. ROBERTS	Recorder J. J. SPRINGER E. C. NEWLANDS E. W. PETERSON
Treasurer HENRY SAMSON SARAH COOK TREASURER A. W. CHICKEN SAMUEL JOHNSON	COUNTY COMMITTEE Member of County General Committee JOHN J. HUNT J. EDWIN THOMPSON H. L. MAYNARD E. E. WINGO H. D. ANDERSON EDWARD F. STEVENS	Justices of the Peace THOMAS NEILLAN FRED HEFFURN E. J. SWANSON	Tax Collector R. LITE PETERSON RODRIFF PETERSON T. W. FARMER
Attorney General GEORGE P. WILLIAMS W. R. COOPER THOMAS GREEN			Recorder C. L. DEWEY CHARLES W. FULLTON THEODORE L. CARTER
Surveyor General FRANK WHEATON MICHAEL KERMAN JOHN P. WALKER			Public Administrator H. M. JELLET J. W. BAILEY
Member of State Board of Equalization First District WILLIAM ALDAMS HARRY ALLEN			Deputy JAMES B. PRAZIER H. C. LINDSAY W. B. D'ENGLISHAN
			Recorder E. B. YOUNG J. H. P. BAKER
			Deputy C. B. PATTERSON THOMAS SPIGHT JAMES E. WATSON
			Deputy E. W. PARKER JOHN A. STERLING
			County and Township J. P. DOUGLASS CHESTER I. LONG R. A. ALGER A. R. KUTNER JOHN T. MORGAN R. W. ROBERTS
			Deputy C. B. PATTERSON THOMAS SPIGHT JAMES E. WATSON
			Deputy E. W. PARKER JOHN A. STERLING

MARK CROSSING OF ONLY WITH RUBBER STAMP
 MARK WITH INK OR PENCIL
 2287
 (Put ballot in this folder and mail, marking
 the box for the district.)

OFFICIAL PRIMARY ELECTION BALLOT
NON-PARTISAN BALLOT

228 Congressional, 17th Senatorial, 4228 Assembly District

To vote for a person whose name appears in the ballot, stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

JUDICIAL		County Clerk	Vote for One
Chief Justice Supreme Court	Vote for One	ALEXANDER CROSSAN Incumbent	
ROBERT ALEXANDER Incumbent		LEF C DAGGETT Incumbent	
A. C. GIDLUND State Senator		R. C. DAVIS	
J. C. CILKREK'ON Judge			
Associate Justice Supreme Court	Vote for Two	H. N. DOTY Incumbent	
A. B. HOPKINS Incumbent		E. F. CRACKER" Incumbent	
DEWEY MCCORMICK Incumbent		E. M. DUCHOW Incumbent	
L. E. WEATE Attorney		H. L. DUNNING C. P. A.	
DAVID ANTICMEZ Attorney		F. A. FALL Attorney	
Judge of the District Court of Appeal First District	Vote for One	TR. ABERNETHY Vote for One	
J. T. HICKEY Incumbent		M. D. KALLEY	
B. D. MEYER Attorney		T. J. HODGSON Incumbent	
		B. CHARE HELEY Incumbent	
Judge of the Superior Court	Vote for Two	Assessor	Vote for One
J. J. RYAN Incumbent		H. G. JACKSON Incumbent	
E. F. RYAN Incumbent		H. C. HILSON Incumbent	
E. B. WHEATLEY Attorney		CARLETON H. JOHNSON Incumbent	
W. H. STAFFORD Ch. Piler Judge		Tax Collector	Vote for One
J. J. WINSLOW Attorney		R. L. MENRITT Incumbent	
		M. M. McCOMMELL Incumbent	
		L. KENNERBASS Incumbent	
Justices of the Peace	Vote for Two	Recorder	Vote for One
J. H. TOWNSEND Attorney		H. C. NEWDELL Incumbent	
A. L. LAHN Incumbent		W. E. O'BRIEN Supt. Jail	
J. F. GARLAND Incumbent		J. F. OWELL	
		Public Administrator	Vote for One
SCHOOL		H. K. SWAN Attorney	
Superintendent of Public Instruction	Vote for One	G. A. DAG DIEL Incumbent	
G. S. ELLIOTT Incumbent		Comptroller	Vote for One
J. C. HARBLOW Teacher		WARREN E. READ Incumbent	
A. J. TORRES Teacher		J. F. RUGGLES Incumbent	
County Superintendent of Schools	Vote for One	FRED W. SMITH Incumbent	
F. W. LINGER High school Principal		Mayor	Vote for One
ELLIS BURNS Incumbent		H. P. SPOFFORD Incumbent	
WILLIAM E. MOORE Teacher		JUSTUS STANIGER Incumbent	
COUNTY AND TOWNSHIP		Parson	Vote for One
Sheriff	Vote for One	J. B. SPANN Incumbent	
M. E. TENANBY Incumbent		EDWARD O. ST. ONG Attorney	
HARRY VACHER Deputy Sheriff		B. L. TAYLOR Parson	
G. D. BEARDSLEY Coroner		Deputy	Vote for One
District Attorney	Vote for One	JAMES E. THOMPSON Incumbent	
JAMES M. BYRNE Attorney		E. G. WARNER	
R. C. COOK Attorney			
W. F. CONLEY Incumbent			

STATISTICAL SERVICE

CHAPTER 1077.

An act to amend section 1188 of the Political Code, relating to independent nominations.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1188 of the Political Code is hereby amended to read as follows: Stats 1927,
p 583

1188. A candidate for any public office including presidential electors either as individuals or by group as provided in section 1197 of this code, for which no nonpartisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: A nomination paper containing the name of the candidate to be nominated, or, in the case of presidential electors, the names of the candidates either as individuals or by group, with other information required to be given in the nomination papers provided for in the direct primary law then governing primary elections, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least five per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made subject to the restrictions contained in said direct primary law. Nomination
otherwise
than at
primary. The provisions of said direct primary law as therein applied to nonpartisan offices, when the nomination to be made under this section is for an office for which nominations are made at the August primary election, or for electors of President and Vice President of the United States, and the provisions of that law as therein applied to primaries other than the August primary election and the May primary election, when the nomination to be made under this section is for a municipal office or for any office to which that law does not apply, shall substantially govern as to the manner of the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, and fastening together of sections of the nomination paper containing such signatures and the filing thereof with the county clerk and the certification thereto by the county clerk and transmission thereof to the secretary of state or to the city clerk or secretary of the legislative body of any municipality, as the case may be, the filing of the candidate's affidavit, the payment of filing fees and all other things necessary to get the name of the candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election or a special election and not on the ballot for nomination at a primary election. Application
of direct
primary law.

Additional
matter on
nomination
paper

In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that the candidate and each signer thereof did not vote at the primary election immediately preceding at which a candidate was nominated for the public office mentioned in said nomination paper; provided, that this statement shall be omitted in case no candidate was nominated at said primary election for the public office mentioned in said nomination paper. Upon the filing of a sufficient nomination paper and affidavit by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of section 1197 of this code.

When name
goes on
ballot

CHAPTER 1078.

An act to amend sections 595 and 1054 of the Code of Civil Procedure, relating to postponement of trials and extensions of time in superior and inferior courts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1911,
p 1418

SECTION 1. Section 595 of the Code of Civil Procedure is hereby amended to read as follows:

Motion to
postpone
a trial

595. A motion to postpone a trial on the ground of the absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained; and that due diligence has been used to procure it.

The trial of any action, whether in a superior or inferior court, and irrespective of the date of the filing thereof or when it became at issue, shall be postponed when it appears to the court in which such action is pending that either a party thereto, or any attorney of record therein, or a principal witness, is actually engaged in attendance upon a session of the Legislature of the State of California as a member thereof; and such action shall not, without the consent of the attorney of record in such action, be brought on for trial before the expiration of thirty (30) days next following final adjournment of the Legislature.

Affidavit.

The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed.

Mining
claims

In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that

justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, under ground or upon the surface of the mining claims involved in said action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work.

SEC. 2. Section 1054 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1915, p. 203.

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justifications of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this code, unless otherwise expressly provided, may be extended, upon good cause shown, by the judge of the superior court in and for the county in which the action is pending, or by the judge who presided at the trial of said action; but such extension shall not exceed thirty days, without the consent of the adverse party; except that when it appears to the judge of any superior or inferior court to whom said application is made, that the attorney of record for the party applying for said extension is actually engaged in attendance upon a session of the Legislature of this state, as a member thereof; in which case it shall be the duty of such judge to extend said time until said session of the Legislature adjourns, and thirty days thereafter. Extension of time for acts to be done

CHAPTER 1079.

An act to amend section 3 331 of the School Code, relative to the payment of tuition and transportation of high school pupils attending high school in an adjoining state.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.331 of the School Code is hereby amended to read as follows: Sch Code, p. 120

3.331. The minimum of the tax to be raised shall be an amount provided for in this article, which will produce a fund large enough to pay the tuition, and also the transportation not to exceed ten dollars per pupil per month, of any pupil or pupils in the county who attended high school for the previous school year in a high school district in any adjoining state. Tuition, etc., of pupils attending high school in adjoining state

CHAPTER 1080.

An act to regulate motor boats of less than fifteen gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof.

[Approved by the Governor June 13, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Passenger
boats
permit

SECTION 1. That before any boat of fifteen tons or less gross capacity, carrying passengers for hire, and propelled by machinery, may operate within the limits of the State of California, a permit shall be obtained from the industrial accident commission of the State of California. Before the issuance of such permit, and at least annually thereafter, the industrial accident commission of the State of California shall make or cause to be made an inspection of the hull, machinery and equipment and shall satisfy itself that every such vessel so submitted to its inspection is of a structure and so equipped as to be suitable for the service in which it is to be employed; has suitable accommodations for passengers and is in a condition to warrant the belief that it may be used in navigation with safety to life. Said permit shall be posted on said boat, in such place and manner as the industrial accident commission of the State of California may order.

Inspection

Such permit shall specify:

- (1) Number of passengers that may be carried by said boat;
- (2) Seating capacity per passenger;
- (3) Deck space for each passenger for
 - (a) Inland waters,
 - (b) Exposed waters, and
 - (c) Where passengers are to engage in fishing.

Regulation.

The industrial accident commission of the State of California shall make such regulation as to strength and ventilation of fuel tanks, pumping of the bilge, requirements as to electric installation and such further rules as it shall deem necessary for safety of passengers and crew.

Fee

The fee for such permit shall be at the rate of one dollar for each gross ton, with a minimum charge of five dollars.

Registration
of pas-
sengers

SEC. 2. The industrial accident commission of the State of California may at its discretion require registration before embarking on any boat subject to the authority of this act, of the names and addresses of all passengers and said passenger list shall not be taken aboard but shall be left ashore at such depository as may be approved by the industrial accident commission of the State of California.

SEC. 3. Any person, firm or corporation who individually or acting as officer, agent or employee of such firm or corporation, or other person who operates or causes to be operated any boat of fifteen or less tons gross capacity, carrying passengers

for hire and propelled by machinery, operating in the State of California, without first obtaining a permit in accordance with section 1 of this act, or who having obtained such permit violates or allows to be violated any of the terms thereof or any of the provisions of this act or any of the rules or regulations promulgated by the industrial accident commission of the State of California under the authority granted by this act, shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment for not less than thirty days or more than six months, or both. Penalty

In any prosecution under this section, it shall be deemed prima facie evidence of a violation of any such safety provision that the accused has failed or refused to comply with an order, rule, regulation or requirement of the commission relative thereto and the burden of proof shall rest upon the accused to show that he has complied with such provision. Evidence

SEC. 4 Every violation of the provisions contained in any of the previous sections of this act, or any part or portion thereof, by any person, firm or corporation is a separate and distinct offense, and, in the case of a continuing violation thereof, each day's continuance thereof shall constitute a separate and distinct offense. Separate offense

SEC. 5. This act shall not apply to any boat the property of a corporation or person operating under a certificate of public convenience and necessity issued by the railroad commission. Exemption

SEC. 6. All fees charged and collected under section 1 of this act shall be paid into the state treasury to the credit of the "motor boat fund" which fund is hereby created, and which fund is hereby appropriated to be used by the commission for the purpose of carrying out the provisions of this act. "Motor boat fund"

CHAPTER 1081.

An act to amend section 159 of the California vehicle act, relating to the motor vehicle fund. Stats 1923,
p 517.
amended

[Approved by the Governor June 13, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 159 of the California vehicle act as amended by chapter 253, statutes of 1929, is hereby amended to read as follows: Stats 1929,
p 548

Sec. 159. Motor vehicle fund. (a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." The state treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund. Motor vehicle fund

Appropriation to division

(b) There is hereby appropriated out of such fund all moneys received as operators' and chauffeurs' license fees and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year twenty-five per cent thereof as may be necessary for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act; and the division of motor vehicles is hereby authorized out of said funds to purchase real estate and erect such buildings as it may require, subject to the approval of the department of finance. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the state Legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the department of finance and by the controller. The balance of said fund, after the expenditure of so much as may be permitted by this act for the support of the division of motor vehicles, shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified.

Revolving fund

Net receipts

Appropriation to counties for road work

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this state in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts: provided, that the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance or resolution authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, may also in its discretion expend any portion of such sums so received by such county, or city and county, for payment of interest upon, or redemption of bonds, the proceeds of which have been used for the construction, maintenance and repair of streets, bridges and culverts within such county, or city and county. The board of supervisors of any county, or city and county, is hereby empowered to expend any portion of the amounts paid to the said county, or city and county and deposited in the special road improvement fund or other road fund thereof, as herein in this section

Streets, etc., in incorporated cities

directed, in and for the construction of public highways outside of its corporate limits; provided, however, that the construction thereof is authorized by ordinance or resolution of the board of supervisors of the county or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance or resolution as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by resolution of its board of supervisors, transfer said amounts to the account of the highway commission of the State of California or to the account of the secretary of agriculture of the United States and may by said resolution specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission or said secretary of agriculture be expended for the purpose specified and determined in said resolution and not otherwise

(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided, and shall also make an annual report to the state department of public works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the state department of public works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

County road fund

Annual report

(e) The state controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which said county is entitled hereunder, except that the state controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money heretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required; provided, however, that in cases where the actual domicile, residence or place of abode of an owner, or part owner, of any motor vehicle, trailer or semitrailer is in a different county than the place which such owner has designated as his place of residence in his registration certificate, the county auditor of the county receiving such funds from

Payment to counties

the state as hereinabove provided may draw his warrant in favor of the county containing the actual domicile, residence, or place of abode of such owner, or part owner, in such sums as may properly be attributed to the latter county.

State highway maintenance fund

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the Legislature for the same purpose, shall be paid into the state highway maintenance fund and shall be expended under the direction of the state department of public works for the maintenance, repair, widening, resurfacing and reconstruction of state roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such money to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the state controller upon demands made by the state department of public works and allowed and audited by the department of finance.

State parks

CHAPTER 1082.

Stats 1923,
p 571,
amended

An act to amend section 13 of chapter 267, statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

See Ch 85,
Stats 1931

SECTION 1. Section 13 of chapter 267, statutes of 1923, entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended by chapter 779, statutes of 1929, is hereby amended to read as follows:

Motor vehicle fuel fund

Sec. 13. All money received by the state controller in payment of license taxes under the provisions of this act shall be

by him deposited in the state treasury and credited to the "Motor vehicle fuel fund," which fund is hereby created. Out of the gross amount deposited in said "Motor vehicle fuel fund" the state treasurer shall transfer, upon order of the controller, the amounts heretofore or hereafter appropriated by the Legislature for the support of the fuel tax division of the state board of equalization into the "Fuel tax enforcement fund," which fund is hereby created; provided, however, that before ordering the transfer of the amounts so appropriated the controller shall offset against said amount the amount of the registration fees credited to said "Fuel tax enforcement fund" under section 2 of this act during the biennial period next preceding the period for which said appropriations are made. The amounts so transferred by the controller into said "Fuel tax enforcement fund," together with the amount of the registration fees credited to said fund under section 2 of this act, shall be used by the state board of equalization to pay the expenses of the enforcement of the duties of said board under this act, such moneys to be available to the state board of equalization on warrants drawn by the controller upon demands made by said board and allowed and audited as provided by the rules of the state board of control. One-half of all moneys remaining in said "Motor vehicle fuel fund" after the payments into the "Fuel tax enforcement fund" shall have been made and the refunds herein provided for shall have been paid, is hereby appropriated to the counties of this state and shall be paid to the counties as hereinafter provided. The payments to the counties shall be based upon the number of vehicles registered in each of the counties as determined by the places of residence of the owners to whom the registration certificates for such vehicles have been issued by the state during the current year, and it is hereby made the duty of the motor vehicle department to furnish to the state controller a record of the number of such registrations by counties.

Fuel tax
enforcement
fund

Appropriation

Out of said appropriation each county shall first be paid five thousand dollars for each quarter of a year for the first three thousand five hundred registrations or fraction of three thousand five hundred if the county has less than three thousand five hundred registrations. The balance remaining in said appropriation, after making said apportionment of five thousand dollars quarterly for the first three thousand five hundred registrations or fraction thereof, shall be apportioned to those counties having a registration greater than three thousand five hundred, in the proportion that the registration greater than three thousand five hundred registrations in each of such counties bears to the total number of registrations above three thousand five hundred in all such counties. All such amounts so paid to the several counties shall be paid into a special road improvement fund. Such fund shall be expended by the county

Apportionment to counties

receiving it exclusively in the construction and maintenance of roads, bridges and culverts in each such county.

Streets,
etc., in
incorporated
cities

But the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance or resolution authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county is hereby empowered to expend any portion of the amounts paid to the said county, or city and county, and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; provided, however, that the construction thereof is authorized by ordinance or resolution of the board of supervisors of the county, or city and county, in which said highway is to be constructed. Where such authorization is given, as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own board, officers or commissions expend the amounts herein authorized to be expended, or may, by resolution of its board of supervisors, transfer said amounts to the account of the highway commission of the State of California or to the account of the secretary of agriculture of the United States, and may by said resolution specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission, or said secretary of agriculture, be expended for the purpose specified and determined in said resolution, and not otherwise.

In the event that any such county has not established such a road fund, its proportion of such fund shall be retained by the state until provision for such a road fund has been made, and it shall then be paid over to such county.

Payment
to counties

In the months of January, April, July and October of each year, the controller shall ascertain the gross amounts received and the net receipts remaining after the payment of the refunds for which provision is made in section 11 of this act during the preceding three months, and thereupon the controller shall draw his warrant upon the "Motor vehicle fuel fund" in favor of each county in the state for the amount to which each such county is entitled. The controller shall not draw such warrant in favor of any county which shall not have established such a road fund as is herein required or which shall be delinquent in its annual report to the state department of public works as hereinafter required.

Annual
report.

The board of supervisors of each county shall make an annual report to the state department of public works not later than three months after the close of the county's fiscal

year upon forms to be provided by such department, showing the amount of moneys received from the "Motor vehicle fuel fund" during the preceding fiscal year and the disposition of said moneys, giving such details as to the disposition of said moneys as may be required by said department. Whenever such report shall not have been duly filed in the manner and form herein provided for at or before the time herein specified, the state controller shall not draw his warrant in favor of the treasurer of such county until said report has been filed.

All moneys in the "Motor vehicle fuel fund" other than those hereinbefore appropriated, are hereby appropriated to and shall by the state treasurer be paid into the "State highway maintenance fund," which fund is hereby created, and shall be used for the maintenance, repair, widening, resurfacing and reconstruction of the state highways, and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be drawn from the state highway maintenance fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction, upon warrants drawn by the state controller upon demands made by the department of public works, division of highways, and allowed and audited as provided by the rules of the state board of control.

"State highway maintenance fund"

Roads in state parks

CHAPTER 1083.

An act to provide for the impounding and utilization of the waters of the American river for flood control, river flow control and equitation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the state department of finance to acquire for the state property useful in connection therewith; defining the powers and duties of state officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the state for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. It is the purpose of this act to provide for the development of a unit in a general program looking towards the conservation, development, utilization, and regulation of

Purpose of act

the water resources of the state for the purposes of flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, and other public uses.

Acquisition
of Ameri-
can river
dam site
authorized

SEC. 2. The state department of finance is hereby empowered to acquire for the State of California land determined by the state engineer to be necessary for the construction, operation and maintenance of a dam on the American river at a site to be selected by the state engineer upon and adjoining the property of Folsom Prison which dam may be constructed to create a reservoir to impound and utilize the waters of the river for the purposes of flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses.

Leasing
of lands
authorized

SEC. 3. The state department of finance is further empowered, in its discretion, to lease for a good and proper consideration to any one or more private persons, firms or corporations, or to any political subdivision or subdivisions of the state, land now owned by the state as a part of Folsom Prison property, and other lands that may be hereafter acquired, or any part of said land or lands, as the site for the construction of the dam mentioned or described in section 2 of this act, also for storage area, for the purpose of constructing, operating and maintaining said dam as a part of a reservoir and its necessary complementary works for impounding the waters of said American river and of a capacity and construction adequate, as determined by the state engineer or other expert adviser that shall be empowered by the state department of finance so to determine, to efficiently, economically and safely carry out the purpose or purposes of such reservoir as set out in sections 1 and 2 of this act; provided, that no such lease or leases shall be executed except upon the condition that the State of California shall at the time of such execution or prior thereto acquire satisfactory title in fee simple to all of the lands which may constitute the whole of the site of said dam.

Terms of
lease

SEC. 4. Any lease executed under the authority of this act shall be for a period not to exceed fifty years, and shall be for such consideration and upon such conditions as may be determined by the state department of finance; provided, however, that in addition to any other provisions such lease shall contain in substance the following:

(a) The lessee or lessees shall acquire within a period of time specified in the lease such other land as may be necessary to complete said reservoir and its complementary works as may be determined by the state department of finance as necessary for the purpose of said reservoir and its complementary works hereinabove stated in this act. The plans and specifications for such works and their construction, operation and maintenance shall be subject to the approval of the state officers authorized by law to approve and supervise such works and their operation; provided, that the final approval

Approval of
plans and
specifica-
tions

of the adequacy of said reservoir and works for said purposes shall rest with the state department of finance. The lessee or lessees shall undertake to operate said works efficiently, economically, and continuously for and during the period of the lease in conformity with the provisions thereof and with the laws of the state. Said lease shall contain such appropriate provisions for termination, forfeiture and possession, in the event of noncompliance by the lessee with the terms thereof, as may be deemed advisable by the state department of finance for the proper and necessary protection of the state. Said lessee or lessees shall not sell, transfer, or assign such lease or any rights or privileges thereunder except as therein provided:

Termination
of lease

(b) That the production, generation, transmission, delivery or furnishing of electricity for light, heat or power and the diversion, development, storage, supply and distribution, sale of furnishing of water for irrigation, municipal, domestic or other beneficial use, through or incident to the use of said dam, reservoir, or complementary works, at wholesale or retail, shall be subject to regulation by the railroad commission of the State of California as to service and rates and in all other respects as to the furnishing of similar service or the delivery of a similar commodity by a privately owned public utility;

Regulation
by railroad
commission

(c) That the works and improvements constructed on said leased lands and other property useful in connection with said project, or such of said works, improvements or property as may be specified in said lease, may be acquired by the State of California or any of said political subdivisions at such time, in such manner, for such compensation, and subject to such conditions as may be specified in said lease. Said lease, in the discretion of the state department of finance, may provide for the operation of said works and property by the lessee after the termination of said lease, pending the acquisition of such works, improvements or property, or any thereof, by the state or said political subdivisions.

Acquisition
of works
by state

SEC. 5. It shall be the duty of the state engineer and other state officers to render expert assistance to the state department of finance in the determination of questions of an engineering or other nature.

State
engineer.

SEC. 6. The term political subdivision, as used in this act, is hereby defined to mean and include any municipal corporation, city, county, city and county, public board, municipal utility district, public utility district, irrigation district, water district, flood control district, reclamation district, lighting district or other public corporation or quasi public corporation having authority to contract for the purchase, sale or use of water, water power or electric energy, but shall not include any privately owned public utility.

Definitions

SEC. 7. Any lease entered into under the powers conferred by this act shall be executed on or before December 31, 1932.

When lease
shall be
executed

CHAPTER 1084.

An act to amend section 2.878 of the School Code, relating to electors at school district elections.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch. Code,
p. 78

SECTION 1. Section 2.873 of the School Code is hereby amended to read as follows:

School
district
elections
who may
vote

2.878. Every elector resident of the school district, who is a qualified elector of the county, and who is registered in the precinct where the election is held at least forty days before the election, may vote thereat.

Index of
registration
book

At the time the governing board of any school district calls any election provided for by this code the clerk or secretary of the board shall in writing officially request the county clerk or registrar of voters of the county or city and county within which the school district is situated to furnish said board with as many copies as may be needed of the index of the registration book for each precinct contained in whole or in part in the school district. Upon receipt of such request the county clerk or registrar of voters shall forward to the said clerk or secretary of the governing board the number of copies requested.

Precincts

The governing board of the school district charged with the conduct of carrying on said election, may precinct or subdivide the municipality or territory within which such election is to be held, into special or consolidated election precincts for the holding of such election. In establishing such precincts, the said governing board shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated.

Manner
of voting.

Any elector desiring to vote at said election shall write his or her name and address on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the precinct index, and it has not been canceled, he shall in like manner repeat the name and address and deliver to the elector a ticket which he shall be allowed to vote.

The election clerk having in charge the copy of the index to the register or affidavits of registration shall, in like manner, repeat the name and shall write in the ruled space opposite the name in figures, the line number designating the position of the name on the roster for each elector who votes.

The said elector shall only be allowed to cast his ballot in the precinct in which his place of residence is located.

CHAPTER 1085.

An act to add a new section to be numbered 10 to chapter 326, statutes of 1925, entitled "An act to authorize and empower the state director of education, with the approval of the state board of control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," providing for a readjustment of the western boundary of the site of the San Diego State Teachers College.

Stats 1925,
p. 545,
amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 10 is hereby added ^{New section} to chapter 326, statutes of 1925, entitled "An act to authorize and empower the state director of education, with the approval of the state board of control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," to read as follows:

SEC. 10. The director of finance of the State of California is hereby empowered and directed to readjust the western boundary of the present site of the San Diego State Teachers College in the manner herein provided.

Site of
San Diego
Teachers
College re-
adjustment
of boundary

The said director of finance is hereby authorized to receive in the name of the State of California, a conveyance, made without any cost or charge whatever to the state, of the parcel of land described as follows:

Receipt of
conveyance
of certain
land by state
authorized

All that portion of lot 67 of the partition of the Rancho Mission of San Diego in the county of San Diego, State of California, according to the partition map thereof on file in the office of the county clerk of said county, in action number 348 in the superior court of said county, entitled Juan M. Luco et al. vs. The Commercial Bank of San Diego et al., bounded and described as follows, to wit:

Commencing at a point on the south line of said lot 67, which is south 89° 56' west 1039 feet distant from the northeast

corner of lot 22 and the northwest corner of lot 21 of said partition of the Rancho Mission of San Diego; which point is also the southwest corner of that tract of land conveyed by San Diego Trust and Savings Bank, a corporation, to the State of California, by deed dated June 12, 1929, and recorded in deed book number 1651 at page 251 et seq. in the county recorder's office for said county; and running thence along the west boundary of the land so conveyed north 289.26 feet to the true point or place of beginning.

Thence from said true point or place of beginning northwesterly along a curve concave to the northeast, having a radius of 225 feet, the radius from the true point or place of beginning having a bearing of north $46^{\circ} 58' 30''$ east; thence along said curve through a central angle of $15^{\circ} 52' 30''$ a distance of 62.34 feet; thence on a line tangent to said curve north $27^{\circ} 09'$ west 30 feet to the beginning of a tangent curve, concave to the east, having a radius of 600 feet; thence along said curve, through a central angle of $33^{\circ} 54'$ a distance of 355 feet to the beginning of a compound curve, concave to the southeast, having a radius of 130 feet; thence along said curve through a central angle $31^{\circ} 14'$ a distance of 70.86 feet; thence north $37^{\circ} 59'$ east 70 feet to the beginning of a tangent curve, concave to the northwest, having a radius of 196.65 feet; thence along said curve through a central angle of $37^{\circ} 59'$ a distance of 130.36 feet to a point on the said west boundary of the land conveyed by said deed; thence along said west boundary south 662.81 feet to the true place or point of beginning.

Conveyance
by director
of finance

Upon receipt of such conveyance the said director of finance shall, in consideration thereof, convey, reserving such easements and rights of way as he may deem necessary, to the party or parties making the conveyance hereinbefore described to the State of California, the parcels of land described as follows:

All those portions of lot 67 of the partition of the Rancho Mission of San Diego in the county of San Diego, State of California according to the partition map thereof on file in the office of the county clerk of said county, in action number 348 in the superior court of said county, entitled Juan M. Luco et al. vs. The Commercial Bank of San Diego et al., bounded and described as follows, to wit:

Parcel I.

Beginning at a point on the south line of said lot 67, which is south $89^{\circ} 56'$ west 1039 feet distant from the northeast corner of lot 22 and the northwest corner of lot 21 of said partition of the Rancho Mission of San Diego; which point is also the southwest corner of that tract of land conveyed by San Diego Trust and Savings Bank, a corporation, to the State of California by deed dated June 12, 1929, and recorded in deed book number 1651 at page 251 et seq. in the county recorder's office for said county, and running thence north $89^{\circ} 56'$ east along the south boundary of said lot 67, 180 feet; thence north 50 4

feet to the beginning of a tangent curve, concave to the southwest, having a radius of 215 feet; thence along said curve through a central angle of $63^{\circ} 02' 30''$ a distance of 236.56 feet to the beginning of a reverse curve, concave to the northeast, having a radius of 225 feet; thence along said curve, through a central angle of $20^{\circ} 01'$ a distance of 78.61 feet to a point in the west boundary of the said land conveyed by the said San Diego Trust and Savings Bank to the State of California; thence along said west boundary south 289.26 feet to the place of beginning.

Parcel II.

Beginning at a point on the west boundary of and north 1074.07 feet from the southwest corner of the lands conveyed by the said San Diego Trust and Savings Bank, a corporation, to the State of California by said deed recorded in said book of deeds number 1651 at page 251 et seq. and running thence east 25 feet; thence north $11^{\circ} 25'$ east 322.63 feet to the southerly end of a curve concave to the southwest, having a radius of 500 feet, from which point the radius of the curve bears south $75^{\circ} 05'$ west; thence along the said curve through a central angle of $23^{\circ} 02'$ a distance of 201 feet to a point on the above mentioned west boundary; thence along the said west boundary south 495 feet to the place of beginning, all as shown on the map hereto attached and made a part of this instrument.

CHAPTER 1086.

An act to add a new section to the School Code to be numbered 2.1504, providing for the payment of expenses incurred in holding conventions of county, city and district superintendents.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the School Code, to be numbered 2.1504, and to read as follows:

2.1504. The superintendent of public instruction is empowered to make all proper and necessary provision for the calling and holding of such convention, including the employment of speakers. All expenses incurred by the superintendent of public instruction in making such provision shall, with the approval of the director of finance, be paid from the funds of the department of education.

CHAPTER 1087.

An act to repeal article III, embracing sections 3.380 and 3.381, of chapter VI of part III of division III of the School Code, relating to agreements of affiliation by junior

colleges and junior college departments of high school districts and teachers colleges with the University of California.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Article III, embracing sections 3.380 and 3.381, of chapter VI of part III of division III of the School Code is hereby repealed.

CHAPTER 1088.

An act to amend section 1096 of the Political Code, relating to registration of electors.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

See
Ch. 1032,
Stats 1931
Elections
affidavit of
registration

SECTION 1. Section 1096 of the Political Code is hereby amended to read as follows:

1096. The affiant making the affidavit of registration must be at least twenty-one years of age at the time of the next succeeding election; a citizen of the United States ninety days prior to such election; a resident of the state one year, of the county ninety days, and of the precinct forty days next preceding such election and the affidavit must show such facts. It shall also show:

1. The name at length, including Christian or given name, the middle name, or initial, if any, said Christian or given name, if the name of a woman, to be preceded in all cases by the designations of Miss or Mrs. as the case may be.

2. The place of residence and post-office address with sufficient particularity to identify the same and determine therefrom the voting precinct of such affiant.

3. The occupation of affiant.

4. The country or state of nativity of affiant.

5. If foreign born, how citizenship was acquired, whether by citizenship of father, by provisions of a treaty or act of congress, by order of a court of naturalization, by marriage to a citizen, by naturalization of a parent or husband, or otherwise. The date or year when, and the place or state where affiant became a citizen shall be shown, except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of such parent or husband shall appear.

6. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his or her name, and whether or not the elector

has any physical disability, by reason of which he or she can not mark the ballot; and if he or she can not mark the ballot by reason of physical disability, then the nature of such disability must be entered. The affiant shall sign such affidavit with his or her own usual signature, and if unable to write he or she shall sign with a mark or cross, and the county clerk or registrar before whom such affidavit is made shall insert therein the date of such affidavit, which shall be the date of the jurat. The affiant may state in such affidavit the name of any political party or organization with which he intends to affiliate at the ensuing primary election, whether or not such party or organization is a party or organization qualified, at the time of such registration, to participate in such primary election according to the provisions of the direct primary law.

CHAPTER 1089.

An act to amend sections 630 and 631 of the Probate Code so as to permit the surviving heirs to collect wages due deceased persons, without the necessity of administration.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Probate Code is hereby amended to read as follows: Stats 1931,
Ch. 281

630. When a decedent leaves no real property in this state, and no personal property in the state other than money in bank, property in boxes and vaults of banks and safe deposit companies, shares of the capital stock of corporations, money due from building and loan associations in this state, including money invested in or represented by shares of stock, membership shares, investment certificates, promissory notes and other evidences of indebtedness standing in his name on the books and records of such associations at the time of his death, money due the decedent as wages, and money due the decedent as an heir or legatee of a person whose estate is in probate, and the total value of the decedent's property in this state does not exceed one thousand dollars, the surviving spouse, the children, the parent, the brother or sister of the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect such money and receive such property from such bank, company, corporation, association, employer, or the executor or administrator of the estate in probate, and have such capital stock transferred to him by such corporation, upon furnishing such bank, company, Summary
probate
proceedings

Affidavit
of right

corporation, association, employer, or executor or administrator, with an affidavit showing the right of the affiant or affiants to receive such money or property or to have such capital stock transferred.

Stats. 193
Ch. 281

SEC. 2. Section 631 of the Probate Code is hereby amended to read as follows:

Discharge
of estate's
debtors

631. The receipt of such affiant or affiants shall constitute sufficient acquittance therefor and shall fully discharge such bank, company, corporation, association, employer or personal representative from any further liability with reference thereto, without the necessity of inquiring into the truth of any of the facts stated in the affidavit, except that such personal representative of an estate in probate shall first present said affidavit to the judge of the superior court in which the estate is being probated and the judge shall direct him to pay to said affiant or affiants, upon distribution, the sum to which such deceased heir or legatee is entitled under the will or the laws of succession. But such payment or transfer shall not preclude administration when necessary to enforce payment of the decedent's debts.

Construction

SEC. 3. This act shall take effect at the same time as, and shall be construed as an amendment of, the Probate Code, enacted by the Legislature at its forty-ninth session.

CHAPTER 1090.

Stats. 1919,
p. 294,
amended

An act to amend section 3 of chapter 202, statutes of 1919, entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled: 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, relating to the

scope of the said act and providing that the terms thereof can not be contravened by a private agreement.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of chapter 202, statutes of 1929, ^{Stats 1919,} entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, is hereby amended to read as follows:

Sec. 3. The wages or compensation subject to the provisions of this act shall include all amounts for labor or service performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculating the same, or whether the labor or service is performed under contract, subcontract, partnership, subpartnership, station plan, or other agreement for the performance of labor or service; provided, that the labor or service to be paid for is performed personally by the person demanding payment. Nothing contained in this act shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals, or in greater amounts, or in full when or before due, but no provision of this act can in any way be contravened or set aside by a private agreement, whether written, oral or implied. ^{What wages shall include.}

CHAPTER 1091.

An act to amend sections 7, 8, 9, and 10 of an act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891," approved March 16, 1907, statutes of ^{Stats 1907, p 310, amended}

1907, page 310, relating to licensing of surveyors and the preparation and filing of maps.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1907,
p 310

SECTION 1. Section 7 of an act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891," approved March 16, 1907, statutes of 1907, page 310, is hereby amended to read as follows:

Licensed
surveyor may
administer
oaths

Sec. 7. Every licensed surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners; or if a corner or monument be found in a perishable condition, and it appears desirable that evidence concerning such corner or monument be perpetuated; or whenever the importance of the survey makes it desirable, to administer an oath, for the faithful performance of duty, to his assistants. A record of such oaths shall be preserved as part of the field notes of the survey.

Stats 1907,
p 310

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Duty of
surveyors
to erect
monuments

Sec. 8. Every licensed surveyor is hereby authorized to make surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each surveyor, whenever making any such surveys, except those relating to the retracing or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities, or counties, to set sufficient permanent and reliable monuments to enable another surveyor readily to retrace the lines, and such monuments shall be permanently marked with the initials of the surveyor setting them.

Stats 1907
p 310.

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Record of
survey

Sec. 9. Within sixty days after a survey relating to the sale or subdivision of lands, the retracing or establishing of property and boundary lines, public roads or trails, original cemetery or town sites, and their subdivisions has been made by a licensed surveyor, he shall file with the recorder of the county in which such survey or any portion thereof lies, a record of survey. Such record shall be made in a good draughtsmanlike manner, on one or more sheets of tracing cloth of good quality of the uniform size of twenty-one by thirty inches. This record of survey shall contain all the data necessary to enable any competent practical surveyor to retrace the survey. The record of the survey must show: All permanent monuments set, describing their size, kind and location, with reference to the corners which they are

What record
must show

intended to perpetuate; all bearing or witness trees marked in the field; complete outlines of the several tracts or parcels of land surveyed within courses, and lengths of boundary lines; the angles, as measured by Vernier readings, which the lines of blocks or lots, if the record relate to an original town site survey, make with each other and with the center lines of adjacent streets, alleys, roads, or lanes; the variations of the magnetic needle with which old lines have been retraced; the scale of the map, the date of survey; a proper connection with one or more points of an original or larger tract of land, and the name of the same; the name of the grant or grants, or of the township and ranges, within which the survey is located; the signature and seal of the surveyor; but no parcel numbers or letters shall be shown thereon excepting numbers or letters appearing on a map of record; provided, that nothing in this section shall require record to be made of surveys of a preliminary nature, where no monuments or corners are established, or if a map of the survey is in process of being prepared and recorded under the provisions of that act entitled "An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; authorizing cities, cities and counties and counties to adopt by ordinance subdivision regulations in addition to those provided hereby; prohibiting any attempt to place other requirements for the recording of such maps; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof by reference to any map other than a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith," approved June 17, 1929, statutes 1929, page 1790, and amendments thereto, or when the survey reproduces, without material change, survey lines, and boundaries of parcels as they appear on maps which have been recorded or filed in the office of the county recorder or county clerk.

Stats 1929,
p 1790.

Sec. 4. Section 10 of said act is hereby amended to read as follows:

Stats 1907.
p 310

Sec. 10. The record of surveys shall be presented to the county surveyor of the county in which the land included in the survey is located, and said county surveyor shall be entitled to sufficient time, not exceeding twenty days, in which to examine said map with respect to its accuracy of survey and mathematical data, its conformity to other records or satisfactory evidence of their error, and its compliance with the other provisions of this act. If the county surveyor finds such matters sufficient, he shall thereupon transmit said map to the county recorder; otherwise he shall return said map to the person who presented it, together with a written statement of the changes necessary to make the map conformable

Examination
of map.

Recording

Index.

to the standards hereinbefore set forth. The record of surveys thus filed with the county recorder of any county must be by him securely fastened into a suitable book provided for that purpose, and he must keep a proper index of such records, by name of owner, by name of surveyor, by name of grant, tract, subdivision, city, or town, and by United States subdivisions; and in all cases where such maps, plats, diagrams, or descriptions are filed by a state licensed land surveyor the county recorder shall make no charge for filing and indexing such records of surveys.

CHAPTER 1092.

An act to amend section 103c of the Code of Civil Procedure, providing for justice's clerks and deputy clerks.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1921.
p. 1124

Counties of
third class.
justice's
clerk
(Alameda)

SECTION 1. Section 103c of the Code of Civil Procedure is hereby amended to read as follows:

103c. In counties containing a population of more than four hundred thousand and less than six hundred thousand, as said population was determined by the federal census taken in the year anno Domini 1930, in townships having a population of more than two hundred thousand there shall be one justice's clerk and eight justice's deputy clerks, all of whom shall be appointed by the justice of the peace of such township and who shall hold office at the pleasure of such justice of the peace. Said clerk and deputy clerks shall be appointed immediately upon this act taking effect and shall take the oath of office prescribed for county officers and each shall give a bond in the sum of five thousand dollars, conditioned upon the faithful discharge of the duties of the office, which bonds shall be approved and filed in the same manner as the bonds of county officers. If a surety company be the surety on such bond, the premium or charge therefor shall be paid by the county in the same way and shall be governed by the same restrictions as to the amount of premium as are the bonds of county officers. Such clerk and deputy clerks shall perform the duties required of them by law and such duties as may be required by the justice of said court. The board of supervisors shall provide in a convenient locality suitable offices for said clerk and said deputy clerks. The said clerk and deputy clerks shall be in attendance at the court and in the discharge of official business daily from nine a. m. until five p. m.

Such clerk and deputy clerks are authorized to administer oaths, take and certify affidavits, to issue and sign all writs, summons and all other process in any action or proceeding in said justice's court of the township for which they are appointed or pending before any justice of the peace of said

township in the name of the justice before whom the same is pending or out of whose court the same is issued, which shall be in substantially the following form: Form of signature by deputies

Justice of the Peace.

 Justice's Clerk.

By -----
 Justice's Deputy Clerk.

All legal papers of every kind in actions or proceedings in such justices court shall be issued by the said clerk in the manner and form hereinabove set out. The said clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed, or certified by the said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in said justice's court shall be filed with such justice's clerk, who shall keep a permanent record of all such actions and proceedings in the justices docket or register of actions now provided by law to be kept by the justice. The said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same. Record.

All fees which are by law allowed for any official service of the justice of the peace shall be exacted and paid in advance into the hands of such justice's clerk, which, together with all fees, fines, forfeitures, or penalties received in such justice's court, shall be paid into the county treasury as required by law. Fees

Said justice's clerk shall render each month to the county auditor and county treasurer an exact account under oath of all fines, forfeitures, penalties and fees received by him or collected by said court. Said justice's clerk shall receive a salary of three thousand dollars per annum and said deputy clerks shall each receive a salary of two thousand one hundred sixty dollars per annum; which shall be payable in like manner and out of the same funds and at like times as county officers are paid. Report Salary.

In townships in such counties containing one hundred thousand population and less than two hundred thousand population, there shall be one justice's clerk, whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum, and one justice's deputy clerk, whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars each per annum. Said clerk and deputy clerks shall be appointed by the justice of the peace or justices, if more than one, of such township and shall hold office at the pleasure of such justice of the peace, or justices of the peace and shall perform such duties as are required of them by law for the justice of said township. The salaries of said clerk and deputy clerks shall be payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justices of the peace is paid.

In townships having a population of more than thirty-five thousand and less than fifty thousand each justice of the peace shall appoint one justice's clerk and one justice's deputy clerk who shall perform such duties as are required of them by law and such justice of the peace making the appointment. The salary of said justice's clerk is hereby fixed at one thousand eight hundred dollars per annum payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justice of the peace is paid, and said justice's deputy clerk shall receive no pay or compensation whatever from the said county or body politic.

In townships having a population of more than thirty thousand and less than thirty-five thousand each justice of the peace shall appoint one justice's clerk who shall perform such duties as are required of him by law and such justice of the peace making the appointment. The salary of such justice's clerk is hereby fixed at one thousand eight hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the justices of the peace are paid.

CHAPTER 1093.

An act amending section 103 of the Code of Civil Procedure, relating to justices' courts in townships and cities.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 103 of the Code of Civil Procedure is hereby amended to read as follows:

103. There shall be at least one justice's court in each of the townships of the state for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case, one justice of the peace must be elected, in the manner herein provided, for each of said courts; provided, however, that in every township containing a population of over two hundred thousand and less than four hundred thousand in counties containing a population of over four hundred thousand and less than six hundred thousand and in which no municipal court has been established pursuant to the provisions of section 11 of article six of the constitution, whenever in the opinion of the justice

Stats 1923,
p 1011

Justice's
courts and
justices

of the peace of such township, the public interests so justify or require, one or more sessions of said justice court, to be known as extra sessions thereof, may be held in addition to and at the same time as the sessions held by the justice of the peace of such township, which extra sessions shall have all of the powers and jurisdiction prescribed and conferred by law upon justices of the peace. The justice of the peace of a township containing a population of over two hundred thousand and less than four hundred thousand in such counties, may request any other qualified justice of the peace, or judge of any city court in such county, to hold court in such township, and while so holding court, or acting as a justice of the peace therein, he shall receive for his services the same compensation as the justice of the peace of the township in which he is requested to act, together with actual traveling expenses at the rate of twenty-five cents per mile, while traveling from his residence to the court and return therefrom. The extra compensation of the justice of the peace, or judge sitting in said court pursuant to such request shall be paid by the county which, by law is charged with the payments of the compensation of the justice of the peace making the request. The board of supervisors of such county shall provide a suitable place for the holding of extra sessions of said justices court. In counties containing a population of more than four hundred thousand and less than six hundred thousand, justices of the peace shall each receive the following salaries to be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund of the county, such warrants to be audited and paid as the salary of any county or township officer, and which salaries shall be in full for all services rendered by such justices of the peace; in townships having a population of more than two hundred thousand, six thousand dollars per annum; in townships having a population of one hundred thousand and less than two hundred thousand, four thousand six hundred dollars per annum; in townships having a population of thirty-five thousand and less than fifty thousand, three thousand three hundred dollars per annum; in townships having a population of thirty thousand and less than thirty-five thousand, three thousand three hundred dollars per annum; in townships having a population of less than thirty thousand, two thousand seven hundred dollars per annum; provided, however, that no justice of the peace receiving a salary of six thousand dollars, or more.

Extra
sessions

Alameda
county

Salaries
dependent
on popula-
tion of
townships

Fresno
county

In every township containing a population of over thirty thousand in counties containing a population of over one hundred forty-four thousand and less than one hundred forty-five thousand, as determined by the federal census taken in the year anno Domini 1930, in which no municipal court has been established, pursuant to the provisions of section 11, article six of the constitution, there shall be a justice's court composed of two justices of the peace which shall have all

the powers and jurisdiction prescribed and conferred by law upon justices of the peace. Any of said justices may hold court and there may be as many sessions of said court at the same time as there are justices thereof. The board of supervisors shall provide in a convenient locality a suitable office for the justices, justices' clerks and rooms suitable for holding sessions of said court separate from each other for each of said justices of the peace. The salary of each of said justices of the peace shall be three thousand dollars a year and shall be paid by warrant drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of the county, such warrants to be audited and paid as salary of any county or township officer.

Justice's
courts of
cities

In every city of the second class there must be two justices of the peace, and in every city of the second and one-fourth, second and one-half, second and three-fourths, third and fourth classes, save and except cities of the second and three-fourths class lying within a township wherein two township justice courts have been created and are in existence on September 15, 1931, there must be one justice of the peace, to be elected in like manner, by the electors of such cities or towns, respectively; and such justices of the peace of cities shall have the same jurisdiction civil and criminal, as justices of the peace of townships and township justice's courts. Said justices of the peace of cities and justice's courts of cities shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established both civil and criminal and of all actions for the collection of any license required by any ordinance of any such city, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of police courts, recorder's courts or mayor's courts, within such city.

Jurisdiction

Qualificat ion
of justices

No person is eligible to be office of justice of the peace in any city of the second, second and one-fourth, second and one-half, second and three-fourths or third class, who has not been admitted to practice law in this state, and no justice of the peace shall be permitted to practice law before another justice of the peace in the city, town or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in any such city, town or county. Every city justice of the peace in any city of the second class shall receive a salary of four thousand six hundred dollars per annum. Every city justice of the peace in any city of the second and one-fourth class shall receive a salary of three thousand dollars per annum. Every city justice of the peace in any city of the second and one-half class shall receive a salary of four thousand six hundred dollars per annum. Every city justice of the peace in any city of the second and three-fourths class shall receive a salary of two thousand four hundred dollars per annum. Every city justice of the peace in any city of the third class shall receive a salary of two thousand four hundred dollars per annum.

Salaries

Every city justice of the peace in any city of the fourth class shall receive a salary of one thousand five hundred dollars per annum.

Each of said justices of the peace shall be provided by the city authorities, or by the board of supervisors, in counties where the salary of the city justice of the peace is paid by the county, with a suitable office in which to hold his court. The compensation of the justice of the peace of any city shall be paid by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of such city or county as the case may be; such warrants to be audited and paid as salaries of any other city or county officials.

All fees which are chargeable by law for services rendered by such city justice of the peace in cities aforesaid shall be by them respectively collected and on the first Monday of each month, every such city justice, or his clerk, shall make a report under oath, to the city or county treasurer, as the case may be, of the amount of fees so by him collected, and pay the amount so collected into the city or county treasury, as the case may be, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justice.

Where the number of city justices herein fixed for any city exceeds the number elected at the last general election, the board of supervisors of the county in which such city is situated shall, as soon as is practicable after this amendment takes effect, make appointments in the manner provided by law, to fill such vacancies.

CHAPTER 1094.

An act to amend sections 4, 24, and 26 of, and to add section 4a to an act entitled "The road district improvement act of 1907," statutes of 1907, page 806, as amended, relating to the assessment of publicly owned property in assessment districts formed under said act.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1 Section 4 of an act entitled "The road district improvement act of 1907," statutes of 1907, page 806, as amended, is hereby amended to read as follows:

Sec. 4 After specifications have been prepared and filed for any work to be done under this act, the board of supervisors shall pass a resolution of intention to order said work done. Such resolution may, in form, and shall, in substance, be (filling all blanks) as indicated following, to wit:

In the matter of road district improvement number _____, resolution of intention number _____ (the same number for both blanks).

Form of
resolution.

Resolved, That it is the intention of the board of supervisors of the county of -----, State of California, proceeding under and by virtue of the road district improvement act of 1907, and in the matter of road improvement district number -----, on the ----- day of -----, 19---, at the hour of ----- m. of that day or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done as follows: (Here insert a description of the work, stating in general terms the location and nature of the work to be done), the said work to be done in accordance with the specifications therefor filed with the clerk of said board on the ----- day of -----, 19---, except as the boundaries of the district and grades therein specified may be changed at the hearing of the matter hereinafter mentioned, which specifications are made part hereof by this reference, and to which all persons are referred for further particulars as to the location and nature of said work. For the costs and expenses of the work and the proceedings bonds will be issued to the amount of the same, bearing interest at the rate of ----- per cent per annum, payable semiannually, and one ----- part of the principal payable annually, all in gold coin. (It may be added: "the first payment of principal will be made ----- years not to exceed five after the bonds are issued.")

A special fund for the payment of said bonds is to be constituted by the levy of special assessment taxes upon all land within a district to be known as "road improvement district number ----- of the county of -----" (and it may be added: "and partly by transfer of moneys from county road funds").

Such district (as proposed) being all that territory in the county of -----, State of California, within exterior boundaries as follows, to wit: ----- (the blank to be filled with a careful statement of the exterior boundaries of the district which will be benefited by the proposed work, including territory within an incorporated city if necessary).

Notice is hereby given that at the time specified hereinbefore for ordering the work, the matter of said road district improvement number ----- will come up for hearing, and all objections which are, under the provisions of said road district improvement act of 1907, entitled to be heard or determined, will then be heard and determined, and the boundaries of said district and grades therein be finally determined and established.

The ----- (here insert name and character of newspaper), is hereby designated as the newspaper for making publication of this resolution and for making all other publications in the proceeding.

-----, a competent person, is hereby appointed superintendent of work with compensation at the rate of ----- dollars per diem for days actually spent in the performance of duty under this appointment (or, in lieu of the paragraph last

preceding, it may appear, "-----, a county officer is hereby appointed superintendent of work."').

(Either of the following paragraphs may be added.)

The county will furnish and deliver to the contractor at ----- (here state place of delivery), the following materials to be used in said work, to wit: ----- (here insert a statement of the amount and kind of materials to be furnished by the county). The same to be purchased from its ----- fund.

The county of ----- will, out of its ----- fund, pay -----, (here set forth either a stated amount or a stated portion of the contract price) to the contractor by county warrant and said bonds will be issued for the remaining part of the costs and expenses of the work and proceedings.

The following described lots, pieces or parcels of land are owned by -----, and are now in use in the performance of a public function, namely, -----, to wit: (description of the land). The lots and parcels of land last above described in this resolution shall be omitted from the above-mentioned assessment district and from the levy and collection of the special assessment taxes hereafter to be levied and collected to cover the expenses of the proposed improvement, and the total expenses of the proposed improvement shall be met by the levying and collecting of such special assessment taxes upon and from the remaining lands within the assessment district described in this resolution, without regard to such omitted lots and parcels of land.

The foregoing resolution was, on the ----- day of -----, 19--., passed by the board of supervisors of the county of -----, State of California.

Attest:

Clerk of the board of supervisors
of said county of -----.

SEC. 2. A new section to be known as section 4a, to be added to said act, to read as follows: New section

Sec. 4a. The lands upon which said special assessment taxes shall be levied shall be all those lying within the assessment district, including any lands which are the operative property of any public utility, except as otherwise provided in this section; provided, said lands shall not include any lands belonging to the United States government or the State of California, but shall include all lands belonging to a county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, included within the assessment district, whether being in use in the performance of any public function or otherwise; provided, however, that the board of supervisors conducting the proceedings may, in the resolution of intention, declare that any land or lands described in the same, belonging to the county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the Lands upon which special assessment taxes shall be levied

Lands omitted

feeble-minded or insane, lying within the assessment district, or any of them, shall be omitted from the said district and from the levy and collection of the special assessment taxes thereafter to be levied and collected to cover the expenses of the improvement, and in the event that said lands or any of them shall by said resolution be so omitted, then the total expenses of the things done in the proceeding shall be made by the levying and collection of such special assessment taxes upon and from the remaining lands within the assessment district, without regard to such omitted lands. In order that any such lands may be so omitted, however, it must be determined and set forth in the resolution of intention that such lands are in use in the performance of a public function.

Stats 1921,
p. 311.

SEC. 3. Section 24 of said act is hereby amended to read as follows.

Payment
of bonds

Sec. 24. The principal and interest of the bonds representing the cost of work done under the provisions of this act shall be payable in gold coin of the United States of America at the office of the treasurer of the county issuing the same. The board of supervisors is hereby vested with power to determine the number of equal annual payments, not to exceed twenty, by which the aggregate principal of the bonds to be issued under this act shall be paid and discharged. The board shall, except as hereinafter provided, make the first payment of the principal of the bonds become due two years from the date of issuance thereof, and may fix the rate of interest not to exceed seven per cent per annum to be paid on said bonds and to make said bonds in all respects as indicated by the form therefor contained in this act; provided, that the board by a four-fifths vote may make the first payment of the principal of the bonds become due more than two years but not to exceed five years from the date of issuance thereof. It shall be a sufficient determination and fixing of the matters aforesaid to set forth in the resolution of intention the matters provided for in the form of said resolution as herein set forth. The portion of the principal of said bonds to be paid off each year after payments commence shall be the same for each of the years thereafter covered by said bond issue. The interest payments of said bonds shall be payable semiannually on the second days of January and July of each year, except the last installment, which shall be payable at maturity of the bonds, in the manner indicated in said form of bond. It shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

SEC. 4. Section 26 of said act is hereby amended to read as follows: Stats 1921,
p 311

Sec. 26. In each road improvement district in which bonds have been issued, a special fund to be named "Road district improvement interest and sinking fund number _____" (the number to be that of the district) for the discharge and payment of such bonds and interest thereon, shall be constituted as follows, to wit: There shall each year, at the time of the general tax levy for state and county taxes, be levied against and upon all of the land (not including improvements, but including any land which is the operative property of any public utility) within said road improvement district a special assessment tax in an amount clearly sufficient, together with any moneys which are or may be in said fund, to pay all the principal which has become or will become due and all interest which has become or will become payable on said bonds, before the proceeds of another tax levy made at the time of the general tax levy for state and county purposes, can be available for the payment of such bonds. Interest and
sinking
fund

Special
assessment
tax.

In the event that there is included within such district any land belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble-minded or insane, and which is being used in the performance of a public function, and no declaration was made in the resolution of intention omitting such land from the assessment to be made, or such land was acquired subsequent to the date when the board of supervisors conducting the proceeding obtained jurisdiction as herein provided, the amount of the special assessment tax levied each year against said land, as above provided, shall be an enforceable obligation against the owner of or the governing body controlling said land, and it shall be the duty of the officer or body having charge of the disbursement of the funds of the owner of said land to pay the amount of said special assessment tax levied, from any of the funds thereof available, immediately upon its becoming due. If for any reason there are no moneys in any of such funds, then the county whose board of supervisors conducted the proceedings shall pay said special assessment tax against said land and the said owner or governing body controlling said land shall reimburse such county immediately upon the receipt of sufficient moneys in any of its available funds. In all cases in which sufficient funds are not available to make such reimbursement before the time of another tax levy, the board or officers whose duty it is to levy taxes for said owners shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to reimburse said county. Publicly
owned land.

The board of supervisors may annually, at the time of making the said tax levy, transfer from the general road fund of the county, or from the fund of the road district or districts in which the road improvement district is situated, to Transfer.

the road district improvement interest and sinking fund, such amount as in the judgment of said board should be transferred.

Operative
properties
of public
utilities

In any event it shall be the duty of said board of supervisors to levy a special assessment tax upon all lands including lands comprising operative property of public utilities within said road improvement district, sufficient to pay the principal and interest of said bonds as the same shall become payable, and the board of supervisors is hereby vested with power to do all and singular the things which in this section aforesaid it is declared shall be done. Whenever any of said bonds or any interest thereon shall become due and there shall not be sufficient money in said road district improvement interest and sinking fund to pay same, the board of supervisors may, pending the levy and collection of a tax therefor, order the amount of money necessary to pay the bonds or interest so falling due, to be transferred from the general fund to said road district improvement interest and sinking fund, and the amount of money so transferred shall be deemed a loan to said road district improvement interest and sinking fund, and shall be repaid to the general fund from the first money coming into said road district improvement interest and sinking fund thereafter. The special assessment taxes provided for herein shall be levied and collected in the same mode and manner and by the same officers as the ordinary county taxes, and all laws applicable to the levy, collection and enforcement of such county taxes are hereby made applicable to said special taxes.

Transfer
of funds

Any money remaining in any road district improvement interest and sinking fund after all the bonds of the district have been retired, shall be transferred to the general fund of the county, and may be used in repairing any road in the district. If the greater part or all of the district has been annexed to an incorporated city said money shall be placed in the general fund of the city to be used in repairing any road within the district.

CHAPTER 1095.

An act to add a new section to the Political Code to be numbered 363q, relating to the department of public works.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 363q, relating to the department of public works, and to read as follows:

Division of
highways to
maintain
shops.

363q. The department of public works, by and through the division of highways, is authorized to establish and maintain shops for the construction, repair, and servicing of construction, maintenance, automotive and other equipment owned

or used by the department. The department is also authorized to purchase and to supply such materials and parts, and to furnish such labor as may be necessary in the construction, repair, and servicing of automotive and other equipment for other state departments; provided, however, that the department of public works shall be reimbursed for the cost of such materials, parts, and labor, including overhead charges by the state departments receiving such service.

CHAPTER 1096.

An act to add a new section to the School Code, to be numbered 5.805, providing for the exemption of certain persons from the benefits and burdens of part IV of division V of the School Code.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 5.805 is hereby New section. added to the School Code to read as follows:

5 805. The public school teachers' retirement salary fund Teachers' retirement fund board shall exempt from the burdens and benefits of this part, any person who shows to the satisfaction of such board, that he will be unable by reason of the nature of his services to become eligible to a retirement salary.

CHAPTER 1097

An act to amend section 4.922 of the School Code, relating to the computing of units of average daily attendance in secondary schools.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 922 of the School Code is hereby Sch. Code, p 197 amended to read as follows:

4 922. Units of average daily attendance in high schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular day high schools, the evening high schools, the special day and evening classes of high schools, and the part-time vocational courses of the district for the school year by the number of days school was actually taught in the regular day high schools of the district during said year. Units of average daily attendance in high schools

CHAPTER 1098.

Stats 1923,
p. 695,
amended

An act to amend sections 2 and 9 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter 145 of California statutes of 1917, relating to the same subject," approved June 13, 1923, as amended.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1923,
p. 695

SECTION 1. Section 2 of an act entitled, "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter 145 of California statutes of 1917, relating to the same subject," approved June 13, 1923, as amended, is hereby amended to read as follows:

Alms, narcotic addicts and felons must not possess certain firearms

Sec 2. On and after the date upon which this act takes effect, no person not a citizen of the United States of America and no person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state or any other government or county, or who is addicted to the use of any narcotic drug or drugs shall own or

have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be punishable by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding one year or by fine not exceeding five hundred dollars, or by both fine and imprisonment.

SEC. 2 Section 9 of said act is hereby amended to read Stats. 1923, p 695
as follows:

Sec. 9. Every person in the business of selling, leasing Dealers' registers or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferrer is a retail dealer, pawnbroker, or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and Cost obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in triplicate, one original and two duplicates for the making of carbon copies, the original, duplicate and triplicate copies to differ in color, and shall be in the form hereinafter provided.

The purchaser of any firearm capable of being concealed Signatures. upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. One of said triplicate sheets of such register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the bureau of criminal identification and investigation at Sacramento and one of said triplicate sheets of said register shall be mailed, postage prepaid, to the board of police commissioners, chief of police, city marshal, town marshal, or other head of police department of the city, city and county, town or other municipal corporation wherein the sale is made; provided, that where the sale is made in a district where there is no municipal police department said triplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein they are situated. Report of sale of pistols, etc.
Not applicable to wholesalers.

Form of register

The register provided for in this act shall be substantially in the following form:

Form of register

Original

Series No. _____

Sheet No. _____

Dealer's record of sale of revolver or pistol.
State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in triplicate

A carbon copy must be mailed on the day of sale to the state bureau of criminal identification and investigation at Sacramento, and a carbon copy must be mailed at the same time to the head of police commissioners, chief of police, city marshal, town marshal, or other head of police department of the municipal corporation, wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by _____, Salesman _____

City, town or township, _____

Description of arm (state whether revolver or pistol) _____

Maker _____, number _____ caliber _____

Name of purchaser _____ age _____ years

Permanent residence (state name of city, town or township, street and number of dwelling) _____

Height _____ feet, _____ inches. Occupation _____

Color _____, skin _____, eyes _____, hair _____

If traveling or in locality temporarily, give local address: _____

Signature of purchaser _____

(Signing a fictitious name or address is a misdemeanor)

(To be signed in triplicate)

Witness: _____ salesman.

(To be signed in triplicate)

Duplicate and triplicate carbon copies

Series No. _____

Sheet No. _____

Dealer's record of sale of revolver or pistol.
State of California.

Notice to dealers Two duplicate carbon copies are required. They must be mailed on the day of sale as set forth in the original of this registered page Violation of this law is a misdemeanor.

Sold by _____, Salesman _____

City, town or township, _____

Description of arm (state whether revolver or pistol) _____

Maker -----, number -----, caliber -----
 Name of purchaser ----- age ----- years
 Permanent address (state name of city, town or township,
 street and number of dwelling) -----
 Height ----- feet ----- inches Occupation -----
 Color -----, skin -----, eyes -----, hair -----
 If traveling or in locality temporarily, give local address:

 Signature of purchaser: -----

(Signing a fictitious name or address
 is a misdemeanor)

(To be signed in triplicate)

Witness -----, salesman.
 (To be signed in triplicate)

(Any person signing a fictitious name or address to said register and any person violating any of the provisions of this section is guilty of a misdemeanor.) Penalty

CHAPTER 1099

An act to add a new section to the Penal Code, to be numbered 396a, to regulate the operation of motor propelled boats in waters used by bathers and adjacent to landings.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 396a is hereby added to the Penal Code New section
 to read as follows:

396a. Any owner, operator or persons in command of any power boat, operating the same, or permitting the same to be operated at a speed in excess of five nautical miles per hour within one hundred feet of any persons who are engaged in the act of bathing or within two hundred feet of any beach frequented by bathers, or within two hundred feet of any swimming float, diving platform or life line, or within two hundred feet of any ways, or landing floats to which boats are made fast or which are used for the embarkation or discharge of passengers, in any of the waters of the State of California, is guilty of a misdemeanor. Counties or municipal corporations shall have authority to make further restrictions concerning the navigation and operation of power boats on waters within their corporate limits, and may grant permits to bona fide yacht clubs or civic organizations to conduct motor boat races over courses established, marked and patrolled by authority of the United States coast guard, city harbor master or other officer having authority over the waters on which such race is proposed to be conducted and on such days and between such hours as may be approved by such officer.

Power boats
regulation of
speed near
bathing
beaches and
landings

CHAPTER 1100.

An act to amend section 3.250 of the School Code, relating to the admission of minors to junior high schools.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch Code,
p. 116.

SECTION 1. Section 3.250 of the School Code is hereby amended to read as follows:

Junior high
school who
may be
admitted.

3.250. All minors who have completed the work of the sixth grade and such other minors as are, in the judgment of the principal of the junior high school and of the superintendent having immediate jurisdiction thereof, capable of doing the required work, may be admitted to a junior high school.

CHAPTER 1101.

Stats 1901,
p. 645,
amended

An act to amend section 2 of chapter 213, statutes of 1901, entitled "An act to create a state board of accountancy and prescribe its duties and powers: to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, relating to the state board of accountancy and the powers and duties thereof.

[Approved by the Governor June 19, 1931. In effect immediately.]

The people of the State of California do enact as follows:

Stats 1929,
p. 100

SECTION 1. Section 2 of chapter 213, statutes of 1901, entitled "An act to create a state board of accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended by chapter 42, statutes of 1929, is hereby amended to read as follows:

Powers and
duties of
board of ac-
countancy

Sec. 2 The state board of accountancy shall have its office in the city and county of San Francisco, and its powers and duties shall be as follows:

1. To formulate rules for the government of the board and for the examination of and granting of certificates of qualification to persons applying therefor;

2. To hold written examinations of applicants for such certificates, at least semiannually, at such places as circumstances and applications may warrant;

3. To grant certificates of qualification to such applicants as may, upon examination, be found qualified in "theory of accounts," "practical accounting," "auditing," and "commercial law," to practice as certified public accountants;

4. To charge and collect a fee of twenty-five dollars from ^{Fees} all applicants before any such applicant shall be allowed to take such examination for said certificate of qualification to practice as a certified public accountant; provided, however, that no additional fee shall be charged for the issuance of a certificate of qualification to those applicants who at such examination are found to be qualified therefor; and, provided, further, that in no event shall any portion of said fee be returned to such applicant;

5. To require the annual renewal of all such certificates, ^{Renewal fee.} and to collect therefor a renewal fee of five dollars;

6. To revoke for cause any such certificate, after written ^{Revocation.} notice to the holder, and a hearing being had thereon; provided, that such revocation must receive the affirmative vote of at least four members of the board.

SEC. 2. Inasmuch as this act concerns and is necessary to ^{Urgency} the immediate preservation of public health and safety, for the reason that it is imperative, at the earliest possible date, to provide adequate funds for the administration and enforcement of the provisions of the act hereby amended, the present funds therefor being insufficient and the existing rate of license being inadequate, and the rate in this act fixed will make possible the accomplishment of the intended object, this act shall take effect immediately.

CHAPTER 1102.

An act to repeal section 1.32 of the School Code, relating to annual estimates of amounts of state funds necessary for the support of high schools.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1 Section 432 of the School Code is hereby ^{Sch Code, p. 153.} repealed.

CHAPTER 1103

An act to add a new section to the School Code, to be numbered 6.5, relating to the providing of a water supply for schools.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1 A new section is hereby added to the School ^{New section} Code to be numbered 6 5 and to read as follows:

School water supply.

65. The governing board of each school district is directed to provide a sufficient, convenient and healthful supply of water for each school within the district.

Should the board, upon investigation by the health officer of the county in which any school under the control of the board is located, be found to have neglected to make such provision the superintendent of schools of any county having jurisdiction over such district is directed to do so and is hereby authorized to pay the cost thereof out of any funds of the district available therefor.

CHAPTER 1104.

An act authorizing a suit against the State of California to quiet title against it to certain real property in the city of Oakland, county of Alameda, State of California.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Suit against state authorized

SECTION 1. Any person or persons owning or claiming any interest in and to any of the following described real property are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of the State of California, to quiet title to the real property hereinafter described, and to prosecute said action to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to any suit brought under this authorization. If the judgment be given against the state in any such suit, no cost shall be recovered from the state.

Limitations period Service of summons Duty of attorney general

SEC 2 Any suit brought under this authorization shall be commenced within one year after this act takes effect. Service of summons in any such suit shall be upon the governor and attorney general, and it shall be the duty of the attorney general to represent the state in any such suit.

Description of property

SEC. 3. The property hereinabove referred to is that certain parcel of real property situated in the city of Oakland, county of Alameda, State of California, more particularly described as follows, to wit:

Commencing at the most western corner of lot number 24 in block 56, as said lot and block are so designated on the map hereinafter referred to; thence southwesterly along the southern line of Fourteenth avenue, as shown on said map, twenty-five (25) feet; thence southeasterly along the dividing line between lots 22 and 23 in said block 56 seventy-five (75) feet; thence at right angles northeasterly twenty-five (25) feet to the most southern corner of aforesaid lot 24; thence northwesterly along the dividing line between aforesaid lots 23 and 24 in said block 56 seventy-five (75) feet to the point of beginning.

Being lot 23 in block 56, as said lot and block are so designated on the map entitled "Map of James Larue's addition to

the towns of Clinton and San Antonio," filed in the office of the county recorder of Alameda county, California, September 13, 1855, in liber 19 of maps, page 50.

CHAPTER 1105.

An act to amend sections 1103, 1105 and 1106 of the Political Code, relating to registration of electors and conduct of elections.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1103 of the Political Code is hereby amended to read as follows. Initiative
act, 1930

1103. The person charged with the registration of voters in each county or city and county must preserve all uncanceled affidavits, and the canceled duplicates, made before himself or his deputies for the purpose of procuring registration. Each affidavit shall continue in force and effect as a part of the register of voters until canceled according to law. The affidavit shall constitute the register required to be kept by the provisions of this chapter and the person charged with the registration of voters shall not copy the facts shown by the affidavits as part of his official duties. All provisions of law in conflict herewith are hereby repealed. What
constitutes
register

SEC. 2. Section 1105 of the Political Code is hereby amended to read as follows: Initiative
act, 1930

1105 Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason therefor, and the date of such cancellation. In addition to the cancellation provided for in section 1106 and elsewhere in this code, whenever an elector transfers his registration from one precinct to another precinct in the same county, or reregisters in such other precinct as shown by the new affidavit of registration, the county clerk or registrar of voters must immediately cancel both the original and the duplicate affidavit of registration from the former precinct, and remove the original from the respective book or files as provided for in section 1113 of this code; and whenever an elector removes from one county to another county and registers in such other county, the county clerk or registrar of voters in the former county of registration, upon being informed of such removal, either by the elector personally or through the provisions of section 1104 of this code, must likewise cancel said registration and remove the original affidavit of registration in such county. All canceled original affidavits of registration must be preserved by the county clerk or registrar of voters until the first day of January of the next odd-numbered year. The county clerk or registrar of voters in distributing to each Cancellation
of registra-
tion

precinct the five indexes of registration, as required in section 1116 of this code, shall cross out of such indexes the names of all electors whose affidavits of registration from such precinct have been thus canceled.

Initiative
act, 1930

SEC. 3. Section 1106 of the Political Code is hereby amended to read as follows:

Permanent
registration

1106. The registration of the elector provided for in this section shall be permanent for all purposes during the life of such elector, unless and until said affidavit of registration is canceled by said county clerk or registrar of voters for any of the causes herein specified. The county clerk or registrar of voters must cancel the registration in the following cases:

Cancellation

1. At the request of the person registered, or on receipt of an affidavit of cancellation as required by section 1104 of this code.

2. When the insanity of the person registered is legally established.

3. Upon the production of a certified copy of a judgment of the conviction of any elector of any infamous crime, or of the embezzlement or misappropriation of any public money, in full force against the person registered, upon information of such conviction, obtained as hereinafter provided.

4. Upon the production of a certified copy of a judgment directing the cancellation to be made.

5. He also shall cancel upon the great register every name found thereon which is found upon the register of deaths, an abstract of which official record, for the previous month, of all decedents twenty-one years of age and over compiled from the death certificates registered, showing the name, age, nativity, month, day and year of death of each decedent shall be furnished as provided by law.

Failure to
vote.

6. Beginning on the first day of January, one thousand nine hundred thirty-three, and every odd-numbered year thereafter on the first day of January, the county clerk, or registrar of voters, shall examine the absent voters list, the roster of voters and a copy of the index to the register that was kept by the election officers in each and every precinct in the county or city and county used at the primary or the general election held in August and November of the next preceding even-numbered year, and shall cancel from each precinct the original and duplicate affidavits of registration and remove the original affidavit of registration of all those electors who did not vote at either of the aforesaid elections. Said elector shall not be again permitted to vote until he or she shall have registered according to law. When the county clerk or registrar of voters cancels the registration of any person for failure to vote as herein provided, he shall mail a notice to said person at the address given on said registration or at the address given upon the last application for transfer which shall have been submitted by said person as provided by section 1097 of the Political Code stating that your registration has been canceled this day for the reason you did not vote at

either the last August primary or November general election, and that you will be required to register as provided by law before you shall again be entitled to vote.

The county clerk, or registrar of voters, shall be allowed to employ such help, as is necessary to enable him to comply with the provisions of this section, at a salary of five dollars per day for each clerk so employed. The total amount to be expended for this work in any one county shall not exceed the sum of three cents per name for the total number of names appearing on the great register for said county at the last general election. Extra help.

7. Every judge before whom proceedings were had which result in any person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a state insane asylum as an insane person, shall file with the county clerk, or registrar of voters, a certificate of that fact, and thereupon the county clerk, or registrar of voters, shall cancel the name of such person upon the great register if found thereon. Insane persons.

8. The county clerk shall also, in the first week of September in each year, examine the records of the courts having jurisdiction in case of infamous crimes and the embezzlement or misappropriation of public money within his county, and the county clerk shall cancel upon the great register the names of all electors appearing thereon who shall have been convicted of an infamous crime or of the embezzlement or misappropriation of public money in such court and which conviction shall have been carried into effect; provided, further, that in counties having a registrar of voters the county clerk of said county shall furnish a copy of such record to said registrar of voters and said registrar of voters shall cancel upon the great register the names of all persons appearing thereon. County clerk to examine records

CHAPTER 1106.

An act to provide for the planting, protection, maintenance and removal of trees, shrubs and other ornamental vegetation within municipalities, and providing a method for the assessment of the costs and expenses thereof, authorizing the municipality to contribute to the cost thereof, and providing for the establishment of a city forester, and describing his duties, and fixing his compensation.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Definitions. The following words and phrases shall, where used in this act, have the following meanings: Definitions.

1. The term "improvement" includes planting, removal or maintenance of trees, and any or all acts necessary thereto.

2. The terms "municipality" and "city" include all incorporated cities, cities and counties and other corporations organized for municipal purposes, whether operating under a freeholders' charter, general law, or otherwise.

3. The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

4. The word "board" includes any board of park commissioners, park department, or any other similar municipal authority, whether composed of one or more individuals, having control or jurisdiction over, or charged with, the duty of superintending, directing, planting, removing, maintaining or otherwise caring for the parks, shrubs, trees or vegetation within the city limits of the municipalities hereinafter referred to.

5. The word "trees" includes any and all trees, shrubs, or other ornamental vegetation.

6. The word "streets" shall include and mean, where the context requires, one street or any portion thereof.

7. The words "maintenance" or "maintain" when used herein in reference to trees shall include clipping, spraying, fertilizing, irrigating, propping, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of trees.

8. The words "tax collector" shall include any municipal body, board, bureau or officer charged with the duty of collecting assessments for such municipality.

Board given jurisdiction and authority over trees

SEC. 2. Board given jurisdiction and authority over trees. In all municipalities of this state, having a board, such board shall have full power and authority over the trees planted, or to be planted, in that part of each and every street, lying between the lot lines, and in the center or side plots thereof in said city, as well as the parks, parkways and public grounds in such municipalities subject to its control, and shall have the right and power to establish rules and regulations relating to the planting, maintenance and removal of such trees, and it shall be the duty of said board to recommend to the city council of said municipalities the enactment of such ordinances as they may deem necessary to protect said trees.

Office of city forester authorized

SEC. 3. Office of city forester authorized. The said board shall have authority to appoint any qualified person to be designated as city forester or by similar title to take charge of and direct, subject to the supervision and control of the board, all of the work authorized to be done by said board under this act. In the event that a city forester has not heretofore been appointed, said board shall have sole power and authority to fix the term and compensation for said city forester, and to determine the qualifications and fitness of applicants for such position, and to remove at pleasure persons appointed thereto, provided that the methods of employing and compensating a city forester have not been regulated by law or ordinance heretofore enacted, in which

event said law or ordinance shall govern and control such matters. They shall also have power to employ, or authorize the city forester to employ, as many assistants as they may deem necessary for the purpose of carrying on said work, the number and compensation of such employees to be fixed by the board. They shall also have power and authority to purchase all machinery, tools and implements, and incur such other expense as they may deem necessary for the conduct of the work, such purchases to be made in the manner provided by law or ordinance, and only out of funds available for expenditure by the board.

SEC. 4. Salary and expenses of city forester. Said board, the city council, or the legislative body of such city as may be authorized by law so to do, shall include in the annual budget of the board, such sum as it may deem necessary, if any, to meet all expenses of doing said work during the following fiscal year, including the salaries of the city forester and other employees, but excepting so much of the expense of doing said work as is assessable to abutting property, as hereinafter provided, and the taxes levied for such purposes shall be in addition to all other taxes for park or street improvement purposes of every nature; provided, however, that if the expenditures herein provided are already provided for by law or ordinance, then such law or ordinance shall control the same.

Salary and
expenses of
city forester

SEC. 5. Powers of city forester. The city forester, under the supervision and direction of the board and according to the provisions of this act, shall have power to plant, remove and maintain all trees on or in that part of the streets, parks and other public grounds over which the board is given control by section 2 hereof.

Powers of
city forester.

SEC. 6. Summary power to remove dangerous trees. In case any tree in any municipality or any tree standing on any private estate, overhanging or projecting into any such street, appears to be dead, liable to fall, dangerous or an obstruction to public travel, the board may remove the same or such parts thereof as are liable to fall, dangerous or an obstruction to public travel; provided, that except in case of manifest public danger and immediate necessity, no such tree shall be wholly cut down or removed unless ten days notice in writing shall be given by the board to an owner, occupant, or agent of or nearest to such tree; and if any owner, occupant or agent of such estate shall, within seven days after the giving of such notice, file with the said board, his objections in writing to such removal, such tree shall not be cut down or removed unless said board shall give such owner or other proper person who has made said objection, a reasonable opportunity to be heard in support of such objection, and shall thereafter approve, in writing, the removal of the same, if such objection is not sustained.

Summary
power to
remove
dangerous
trees

SEC. 7. Written proposal to city council. Diagram of proposed improvement. When the board shall propose the

Written pro-
posal to city
council.

planting, maintenance or the removal of any living shade tree or trees in streets of the municipality, the city forester, under the direction of said board, shall present said proposal in writing to the city council, which said written proposal shall specify in detail the streets upon which the improvement is proposed to be made; it shall also describe the general nature and estimated total cost of the improvement and the kinds of trees to be planted, if any. Such proposal shall be accompanied by a diagram showing the streets to be improved and the abutting lots or parcels of land and the front footage of each thereof; upon said several lots or parcels as they appear in said diagram shall be written the legal descriptions thereof.

Diagram of
proposed im-
provement

SEC 8. Assessment on front footage basis. The total cost of any such improvement shall be assessed upon the lots or parcels of land fronting thereon, except as may be otherwise specifically provided in this act; every lot, parcel or portion thereof being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

Assessment
on front
footage
basis

SEC. 9. Petition by property owners. Alternative authority of board and city forester. Nothing herein contained shall be construed as requiring that the proceeding herein specified may originate only by written proposal filed by the city forester with the city council, and such proceeding may as an alternative be instituted by a petition of property owners, and upon such petition being filed the city forester shall file with the city council the diagram with the written proposal specified, which shall describe the improvement proposed by such petition. Nothing herein contained shall be construed to prevent a board or the city forester at any time from planting, maintaining or removing one or more trees in streets of the municipalities by private arrangement for reimbursement with the owner of any lot or parcel fronting the property upon which said planting, maintenance or removal is to be done, nor to prevent a board or the city forester from expending funds which it may have on hand for any purpose whatsoever for the planting, maintaining or removing of one or more trees, and such board or city forester is hereby given authority to so expend such funds if in its judgment such expenditures will not embarrass or affect the efficient discharge of its duties as such duties may be defined by this act, or any other law or ordinance, or by city charter, and are advisable and for the best interests of the public. Any planting, maintaining or removing done under the circumstances specified in the preceding sentence shall not require the initiation of the proceeding specified in this act, or any other proceeding whatsoever, or any formal action by said board or the city council.

Petition by
property
owners.

SEC. 10. Resolution of intention. Before ordering any improvement specified in the written proposal described in section 7 hereof, the city council shall adopt a resolution of intention, declaring its intention so to do, briefly describing

Resolution
of intention

the improvement, the streets which are to be improved, the general nature and estimated cost thereof, and the kinds of trees to be planted, if any. If the proposal includes the maintenance of trees which are already planted, or are proposed herein to be planted, then the said resolution shall provide for the maintenance thereof for the period specified in said proposal, but in any event not to exceed five years. The city council may, in its discretion, order in said resolution of intention, or thereafter, that a certain portion or percentage or all, of the costs and expenses of said improvement, the amount of which shall be specified in said resolution, shall be paid out of the treasury of such municipality from such funds as the city council may designate. Property owners are hereby given the right to object to said improvement by filing with the city council a written protest, specifying the objections at any time before the time fixed for the hearing thereof; the resolution of intention shall fix the time when the city council shall hear and pass upon said protests.

SEC. 11. Notice to be given property owners. Upon the adoption of said resolution of intention, written notice thereof by mail or otherwise, shall be sent to the owner or his agent, if known, of all the lots or parcels specified in the diagram referred to in section 7 hereof. Said notice shall specify the streets upon which the improvement is proposed to be made, the general nature and estimated cost thereof or such portion thereof as the city council does not order to be paid out of municipal funds, as specified in section 10, a statement that the total cost will be assessed against the particular lots or parcels on a foot frontage basis, the kinds of trees to be planted, if any. Said notice shall refer to the resolution of intention, and provide that any lot owner may protest the improvement as in said resolution provided.

Notice to
be given
property
owners.

SEC. 12. Hearing of protests. Ordering of work. On the date fixed by the resolution of intention for the hearing of protests, the city council shall proceed to hear and pass on all protests so made, and its decision shall be final and conclusive. If said council decides to proceed, it shall, by resolution, order said improvement to be made according to the resolution of intention, or according to such alterations or changes as it may deem best. After any such hearing, the city forester, under the direction and supervision of the board shall abandon said work or proceed with it, according to the decision of the city council. Anything to the contrary herein notwithstanding, all further proceedings on any such improvement shall be barred, if owners owning a majority of the front footage involved in the improvement object to the same, and the proceeding can not in such case be renewed for a period of six months, and must be renewed by the enactment of another resolution of intention.

Hearing of
protests

Ordering
of work

SEC. 13. Cost of improvement chargeable to abutting property. The entire cost of planting, maintenance or removal of trees between the lot lines, in front of any lot or parcel

Cost of im-
provement
chargeable
to abutting
property

of land abutting on a street when such work is done pursuant to the preceding section, shall be chargeable to and assessed upon such lots or parcels of land, except such sums as may be allocated by the city council therefor, as herein provided.

Assessment
and levy

SEC. 14. Assessment and levy. If said improvement is ordered to be made, the city council shall thereupon levy the assessment for the total amount required to pay for said improvement, less any sum that may be allotted by the city council therefor in its resolution of intention or otherwise, upon the respective lots or parcels specified in the diagram referred to in section 7. Upon the levying of such assessment, the clerk of said council shall transmit to the city tax collector the diagram and assessment upon which said levy is based.

Contest of
assessment

SEC. 15. Contest of validity of assessment. The validity of any assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such an action or proceeding must be perfected within thirty days after the entry of such judgment.

Procedure
to collect
assessments
Delinquent
assessments

SEC. 16. Assessment roll. Assessments payable immediately. Lien. Publication of notice of record of assessment roll. Delinquent assessments. Upon the receipt of the diagram and assessment referred to in section 7 hereof, the tax collector shall record the same in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens except liens for state, county and municipal taxes, and shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency. The tax collector shall, upon the recording of such assessment, give notice by publication for five days in a daily newspaper, published and circulated in said city, or by two insertions in a weekly newspaper so published and circulated. If there be no such newspaper, the said notice shall be given by posting the same in three public places in the municipality. Said notice shall provide that said assessments have been recorded in his office, and that all sums assessed therein are due and payable immediately, and that payment of said sums must be made to him within thirty days after date of the first publication or posting, which date shall be stated in the notice. Said notice shall also contain the statement that all assessments not paid before the expiration of the said thirty days shall be delinquent, and thereupon ten per cent of the amount of each such assessment shall be added thereto. When payment of any assessment is made, the tax collector shall mark oppo-

site such assessment the word "paid," with the date of the payment thereof, and shall give a receipt therefor. Upon the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the tax collector shall mark each such assessment "delinquent," and shall add ten per cent to the amount thereof.

SEC. 17. Sale of property upon which assessments are delinquent. The tax collector shall, within thirty days after the date of such delinquency, begin the publication of a notice of sale of the property upon which the assessments have not been paid, which publication must be made by two consecutive insertions in a daily or weekly newspaper published and circulated in the city. If there be no such newspaper, the notice thereof shall be given by posting the same in three public places in the municipality. The dates fixed for the sale of the property upon which assessments have not been paid shall be not less than five days, nor more than ten days after the last publication of said list, or after the completion of posting—as the case may be. The list so published must contain a description of each lot or parcel of land delinquent, and opposite each description the name of the owner in the assessment roll, and the amount of the assessment and costs due, including the cost of advertisement, which cost of advertisement shall not exceed the sum of fifty cents for each parcel of land separately assessed. He shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and cost thereon, is paid, the property upon which the assessment is a lien will be sold at public auction, at a time and place to be specified in said notice.

Sale of property upon which assessments are delinquent

At any time after such delinquency and prior to the sale of any parcels of land assessed and delinquent, any person may pay the assessment thereon, together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of notice of sale or posting of said notice.

At the time and place fixed therein the tax collector shall proceed with such sale, commencing at the head of the list of lands contained in such notice and continuing in the numerical order thereof until all the property is sold; provided that he may postpone, or continue, the sale from day to day until the sale is completed. The tax collector shall separately sell each parcel of land described in such notice, or so much thereof as shall be necessary to realize the amount assessed against the same, together with the penalties and costs as aforesaid, and fifty cents for a certificate of sale. In case there is no other purchaser the same shall be struck off to the city as purchaser.

SEC. 18. Certificate of sale. The tax collector shall issue for each sale an original and duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate he shall deliver to the purchaser, and the duplicate he shall keep on file in his office.

Certificate of sale

Redemption
of property.

SEC. 19. Redemption of property. At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty per cent of said amount. Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

Notice to
owner and
deed to
property.

SEC. 20. Deed to property. Notice to owner. Owner must pay for service of notice. At any time after the expiration of twelve months from the date of sale, the tax collector must execute to the purchaser, or his assignee on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in this certificate, also any assignment thereof, and the fact that no person has redeemed the property. The tax collector shall receive, from the applicant for a deed, one dollar for making such deed, unless the municipality is the purchaser, in which case no charge shall be made therefor. The purchaser or his assignee must, at least thirty days before he applies for a deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice setting forth a description of the property, that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the tax collector for a deed. If the said owner can not be found, after due diligence, said notice must be posted in a conspicuous place upon said property at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the tax collector an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the tax collector in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions

of this section and filed with the tax collector the proper affidavits.

SEC. 21. Deed prima facie evidence. The deed of the tax collector shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

Deed prima
facie
evidence

SEC. 22. Collection and disbursement of fund for improvement. The funds collected by the tax collector under the proceedings herein provided for, shall be paid by said tax collector, as fast as collected, to the treasurer of the city, who shall place the same in a special fund designated by the name of the improvement proceeding, and payment shall be made out of said special fund only for the purpose provided for in this act. To expedite the making of any such improvement, the city council may at any time transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund, and shall be repaid out of the proceeds of the assessments provided for in this act.

Collection
and dis-
bursement
of fund for
improvement.

SEC. 23. Work to be done by city forester. The city forester, under the direction of the board, shall do or cause to be done, all of the work ordered to be done by the city council, and the payments out of the fund specified in the preceding section, shall be made to the board by the city treasurer from time to time as required by the board for the prosecution and completion of the work.

Work to be
done by city
forester.

If, in the opinion of the board, it is desirable to let contracts for all or any part of any improvement ordered by the city council to be made as herein provided, the city forester, under its direction, shall let the same to the lowest responsible bidder, after notice published by two insertions in any daily, or one insertion in any weekly, newspaper published in the city, or in the event there be no such newspaper, the said notice shall be posted for five days at three public places in the city. Such work shall be done under the city forester's supervision.

If the contractor abandons the work, or fails to proceed with the same as rapidly as required by his contract, the city forester may relet the work in the same manner as in the first letting, or complete or cause the same to be completed in such other manner as he may deem advisable, and retain the amount of any expense incidental to the reletting, out of any funds due or to become due to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure, on his bond.

SEC. 24. Application of act. This act shall in no wise affect the tree planting acts of 1893, 1913, 1915 or any other acts on the same subject, or acts supplementary or amendatory thereof. It is hereby intended to provide an alternate system of proceedings for making the improvements provided for by this act. When any proceedings are commenced under this

Application
of act

act, its provisions, together with any amendments subsequently adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act.

If any provision of this act is contrary to or in conflict with the provisions of the city charter of any municipality to which this act applies, or such provision of such city charter requires any matter or thing herein specified to be done in a particularly described manner, then such provisions of such city charter shall take precedence over the provisions of this act, and be controlling, anything contained herein to the contrary notwithstanding.

Construction
and consti-
tutionality

SEC. 25. Construction. Title. The provisions of this act shall be liberally construed to promote the objects thereof, and no publication or notice other than that provided for in this act, shall be necessary to give validity to any proceedings had hereunder. Should any part, paragraph, section or subsection hereof be hereafter declared to be unconstitutional, such findings shall in no way affect the constitutionality or validity of any other such part, paragraph, section or subsection hereof, and the Legislature hereby expressly declares that it would have passed such other part, paragraph, section, or subsection, regardless of the validity or constitutionality of such other part, paragraph section or subsection.

Short title

This act may be designated and referred to as the tree planting act of 1931.

CHAPTER 1107.

Stats 1921,
p. 1658,
amended.

An act to amend the title and section 1 of the county improvement act of 1921, as amended, relating to improvement work in another county, or in any city and county, under the provisions of the act.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p 1396

Title

SECTION 1. The title of the county improvement act of 1921 is hereby amended to read as follows:

An act to provide for work in, under and upon highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks in unincorporated territory of counties and any of the same lying within municipalities or in any other county or city and county, whenever necessary or proper to complete or connect with any work outside thereof, and any of the same forming the exterior boundaries of any municipality or city and county or other county, where such municipality or city and county or other county joins unincorporated territory of the county, whether partly or wholly within or without

the boundaries of such municipality or city and county or other county, and in, under and upon all publicly owned property and rights of way, whether within or without municipalities, or in any other county or city and county, and in, under and upon any property and rights of way of which the county has possession and right of use under the provisions of section 14 of article one of the constitution of the State of California, and for establishing and changing the grade of such highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks; to provide for the issuance, payment and enforcement of improvement bonds to represent certain assessments for the costs thereof and a method for the payment of such bonds; to provide for the formation, management and dissolution of districts to be assessed to pay the expenses of the maintenance and operation of improvements such as are permitted to be or are constructed hereunder and the assessing, levying and collecting of special assessment taxes to pay such expenses; and to provide for county aid in all of such work.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats. 1925,
p 729

Section 1. All highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks (hereafter in this act collectively designated as "public ways," which term shall mean and include any or all of the foregoing wherever it is used) now open or dedicated, or which may hereafter be opened or dedicated to public use in unincorporated territory of any of the counties of this state, and all public ways, now open or dedicated, or which may hereafter be opened or dedicated to public use, forming the exterior boundaries of any municipality or city and county or other county of this state, where such municipality or city and county or other county joins unincorporated territory of a county, whether such public ways be partly or wholly within or without the boundaries of such municipality or city and county or other county, and all property for which an order to take immediate possession and use of a right of way thereover for a public use has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the laying out, opening, extending, widening or straightening, in whole or in part, or any public way, in compliance with the provisions of section 14 of article one of the constitution of this state, shall be deemed and held to be open public ways for the purposes of this act, and the board of supervisors of each county is hereby empowered to establish and change the grade or grades of any or all of such public ways and to fix the width thereof, and is hereby invested with jurisdiction and power to order to be done in, under or upon the whole or any portion of any or all of such public ways and in, under or upon all publicly owned property and rights of way, any work or improvement of the character mentioned in that act of the Legislature known as the "improvement act of 1911," which work or Highway im-
provement
in unin-
corporated
territory.

Stats 1911,
p 730.

improvement shall be done in accordance with the procedure and in pursuance of the provisions of said improvement act, and the provisions of said improvement act are hereby adopted by reference for the purposes of this act; provided, that certain words used in said improvement act shall, for the purposes of this act, be construed as follows. The words "city" and "municipality" shall be construed as referring to "county"; the words "city council" as referring to "board of supervisors"; the word "mayor" as referring to the "chairman of the board of supervisors"; the word "clerk" as referring to "county clerk"; the words "council chambers" as referring to the "chambers of the board of supervisors"; the words "city treasurer" as referring to "county treasurer"; the words "street superintendent" and "city engineer" as referring to "county surveyor," and all words relating to municipal officers and matters as referring to the corresponding county offices and matters under this act; provided, that the board of supervisors may appoint any competent county officer, other than the county surveyor, without compensation, as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in said improvement act; provided, further, that said board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in the improvement act of 1911 shall be performed by said engineer of work, whose compensation and expenses shall constitute an incidental expense in the cost of said work. Said board may provide that the work shall be done under his direction and to his satisfaction and that the materials used shall comply with the specifications and be to the satisfaction of such engineer of work instead of said county surveyor and may provide that he shall make and sign the assessment instead of the county surveyor. The contract shall nevertheless be entered into with the county surveyor and the assessment and warrant when confirmed shall be recorded in the office of said county surveyor.

Definitions.

Powers of supervisors, appointment of officers

Same other public work

Said board of supervisors shall also have jurisdiction and power to include in the same proceeding and under the same provisions of law and to order, with any of the work aforesaid, any work of the same kind or kinds upon any one or more public ways or publicly owned property or rights of way within any one or more municipalities or any city and county or other county whenever in the judgment of said board such work therein is necessary or proper to complete or connect with any work outside thereof; provided, that the consent of the legislative body of such municipality or city and county or other county, expressed by resolution, shall first be obtained for the use for such purpose of such public ways or publicly owned property or rights of way within such municipality or city and county or other county, and such consent shall likewise be obtained for the doing of work upon any public way forming the exterior boundary of a

municipality or city and county or other county, where such municipality or city and county or other county joins unincorporated territory of the county, if the whole or a part of such public way lies within the boundaries of such municipality or city and county or other county.

CHAPTER 1108.

An act to establish a refuge for the protection of certain kinds of marine life.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Any person who catches or takes, within that portion of fish and game district number sixteen to be known as Hopkins marine life refuge the dimensions of which are hereinafter described, any invertebrate or specimen of marine plant life, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; provided, however, that nothing in this act contained shall apply to any officer, employee or student of the Leland Stanford Junior University or licensee of the board of trustees of the Leland Stanford Junior University, or any officer, employee or student of the University of California or licensee of the regents of the University of California, while employed in catching or taking of invertebrates or specimens of marine plant life for scientific purposes.

The portion of fish and game district number sixteen to which this act shall apply is hereby declared to be a fish and game district to be known as Hopkins Marine Life Refuge and shall consist of the land and ocean waters from the highest tide line on the south to a distance of one thousand feet northerly from said high tide line and bounded on the east by the northerly extension of the west side of Eardley avenue and on the west by the northerly extension of the west side of Third street in the city of Pacific Grove; provided, further, that the present laws or the laws which may be hereafter enacted for the protection of fish and game or marine life in fish and game district sixteen shall also apply to the Hopkins marine life refuge herein described.

SEC. 2. All fines imposed or collected for any violation of the provisions of this act must be paid to the division of fish and game for deposit in the state treasury to the credit of the fish and game preservation fund.

CHAPTER 1109.

An act to add a new section, to be numbered 110a, to the Code of Civil Procedure, relating to salaries of justices of the peace in townships of thirty thousand population or more in counties of the first class, and the determination of such population.

[Approved by the Governor June 15, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section to be numbered 110a is hereby added to the Code of Civil Procedure, to read as follows:

Salaries,
justices of
the peace
counties of
first class
(Los An-
geles)

110a. In counties of the first class, each justice of the peace in townships containing a population of thirty thousand or more shall receive a salary of four thousand eight hundred dollars per annum, payable by warrants drawn each month upon the salary fund, or if there be no salary fund, then out of the general fund of the county. For the purposes of this section, the population of the townships in counties of this class shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half, such determination to be made by the board of supervisors of the county and until such determination is first made hereunder the population of such township shall be deemed to be above or below thirty thousand as may have been found by the supreme court of this state to be the fact in any proceeding in mandamus, prior to January 1, 1931, to compel the justices of such townships to exercise original jurisdiction in certain causes, otherwise as shown by the census taken under the direction of the congress of the United States in the year 1930.

CHAPTER 1110.

An act to amend section 902 of the Code of Civil Procedure, relating to writs of execution.

[Approved by the Governor June 19, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p 642.

SECTION 1. Section 902 of the Code of Civil Procedure is hereby amended to read as follows:

Contents of
execution

902. The execution must be directed to the sheriff or to a constable of the county in which it is to be served, and must be subscribed by the justice or clerk and bear date of issuance thereof. It must intelligently refer to the judgment, by stating the names of the parties, and the name of the justice before whom, and of the county and the township or city where, and the time when it was rendered; the amount of

judgment, if it be for money; and, if less than the whole is due, the true amount due thereon. It must contain, in like cases, similar directions to the sheriff or constable, as are required by the provisions of title nine, part two, of this code, in an execution to the sheriff

CHAPTER 1111.

An act to provide for the funding and refunding of the indebtedness of districts organized under and in pursuance of the "Road district improvement act of 1907" and to provide for the levy of assessments and reassessments for such refunding, and to enforce the liens of said assessments and reassessments, and for the issue and sale or exchange of refunding bonds and the retirement of the unpaid bonds of said districts, and to provide for the payment of bonds and for proceedings to test the validity of such refunding and reassessment.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Whenever the owners of all of the unpaid bonds issued for any district formed under the provisions of the road district improvement act of 1907 and all of the owners of lands to be assessed to pay the principal and interest of said bonds shall, in writing filed with the legislative body of the county in which said district lies, agree that said bonds and any unpaid loans to the interest and sinking fund of said district may be refunded as in this act provided, then such legislative body, if it shall find that the public interest, convenience and necessity require that said unpaid bonds and unpaid loans be refunded, shall proceed to levy reassessments upon said lands and to issue new bonds for the refunding of such unpaid bonds and unpaid loans, as in this act provided. Said agreement shall state the period over which said refunding bonds shall extend. The words "unpaid bonds," as used in this act, shall be deemed to include all unpaid interest coupons of such bonds

Refunding
agreement

Stats 1907,
p 806

Definitions

The words "unpaid loans" or "unpaid loans to the interest and sinking fund of said district," as used in this act, shall be deemed to mean all sums transferred from the general fund of the county to the interest and sinking fund of said district under the authority of that portion of section 26 of said road district improvement act of 1907, which states substantially that the amount of money so transferred "shall be deemed a loan to said road district improvement interest and sinking fund," which have not been repaid.

The words "owners of land" or "landowners," as used in this act, shall include a trustee of an express trust in land other than as security for the payment of money of the land held in

such trust, a trustee in bankruptcy of the lands of the bankrupt, a guardian of the lands of his ward, and an executor or administrator of the lands comprising the estate of the decedent, and any of such persons, is authorized to sign any agreement or petition provided in this act to be signed by owners of land or landowners.

Refunding

SEC. 2. Whenever twenty per cent or more of the interest payable in any one calendar year, or twenty per cent or more of the principal payable in any one calendar year, upon bonds issued for any district formed under the provisions of the road district improvement act of 1907 is due and unpaid because of the delinquency of all or any portion of the property assessed to pay such principal or such interest, or both, and such principal or such interest has been due and unpaid for a period of at least thirty days, the legislative body of the county in which such district lies may determine that the public interest, convenience and necessity require that the unpaid bonds of such district, and any unpaid loans to the interest and sinking fund of said district, be refunded and that it is the intention of said legislative body to refund the same, and that a reassessment for the refunding of such bonds and loans be made and levied as in this act provided; provided, however, that no such unpaid bonds or loans may be refunded, or a reassessment for the refunding thereof made, unless and until all owners of the unpaid bonds of said district have filed with said legislative body an agreement in writing assenting to the refunding of such bonds and loans and the making of said reassessment and stating the names of the person or persons to whom the refunding bonds and any moneys collected on the reassessments or in the interest and sinking fund of said district shall be paid and delivered and the proportions in which the same shall be paid and delivered. Said legislative body shall also state in the resolution declaring its intention to refund said unpaid bonds and unpaid loans the period over which said refunding bonds shall extend. After said legislative body has declared its intention to refund such unpaid bonds and unpaid loans, and the owners of such unpaid bonds have agreed in writing to such refunding, no payment of delinquent assessments thereafter shall deprive said legislative body of the jurisdiction to proceed with said refunding and notwithstanding the payment thereafter of any or all of such delinquent assessments said legislative body shall proceed to refund all unpaid bonds of said district and all such unpaid loans as in this act provided.

Action of legislative body

Assent of bondholders

Resolution

Same on petition of landowners

SEC. 3. Whenever the owners of a majority of the area of the lands to be assessed to pay the principal and interest of bonds issued for any district formed under the provisions of the road district improvement act of 1907 file with the legislative body of the county in which said district lies a petition requesting that the unpaid bonds of said district and any unpaid loans to the interest and sinking fund of said district be refunded in accordance with the provisions of this act, said

legislative body may determine that the public interest, convenience and necessity require that said unpaid bonds and unpaid loans be refunded and that a reassessment for the refunding thereof be made and levied as in this act provided, and may proceed to levy a reassessment and issue refunding bonds as in this act provided; provided, however, that no such unpaid bonds or unpaid loans may be refunded, or a reassessment for the refunding thereof made, unless and until all owners of the unpaid bonds of said district have filed with said legislative body an agreement in writing assenting to the refunding of such unpaid bonds and unpaid loans and the making of said reassessment, and stating the names of the person or persons to whom the refunding bonds and any moneys collected on the reassessments or in the interest and sinking fund of said district shall be paid and delivered and the proportions in which the same shall be paid and delivered. When fifty per cent or more of the special assessment tax levied in any year for the payment of the interest or the principal and interest of unpaid bonds of any district formed under the provisions of said road district improvement act of 1907 is delinquent and has been delinquent for at least ninety days, if said legislative body determines that the public interest, convenience and necessity require the refunding of the unpaid bonds and unpaid loans of such district, it shall proceed therewith as provided in this act; provided all owners of the unpaid bonds of said district file the agreement in writing provided in this section; and if, in such case of fifty per cent or more unpaid special assessment tax, the owners of a majority in area of the lands upon which such special assessment tax was levied petition for such refunding and all owners of unpaid bonds of such district file their said agreement assenting thereto, such legislative body shall proceed with such refunding and reassessment under the provisions of this act. If seventy-five per cent or more of said special assessment tax levied in any year upon the lands in any such district is delinquent and has been delinquent for at least ninety days, said legislative body shall proceed to refund the unpaid bonds and unpaid loans of such district under the provisions of this act and to levy the reassessment therefor; provided all owners of unpaid bonds of such district file the agreement in writing provided in this section. In its resolution determining that the public interest, convenience and necessity require the refunding of such bonds and loans, said legislative body shall also state the period over which the refunding bonds shall extend

Assent of
bond-
holders

When 50%
of tax
delinquent

When 75%
of tax
delinquent

SEC. 4. Said legislative body shall direct the county surveyor to prepare a diagram of the property included within the district to be assessed to pay the principal and interest of said unpaid bonds. If in the original proceedings for the formation of said district and the issuance of bonds thereof any lots, pieces or parcels of land therein were excepted from the levy of the special assessment tax to pay the principal and

Diagram
for reas-
sessment

interest of said bonds, said lots, pieces or parcels of land shall be shown upon said diagram, but no reassessment shall be levied thereon. Said diagram shall show each separate lot, piece or parcel of land in said district and the dimensions of each such lot, piece or parcel of land and the relative location of the same to the work done. When said diagram is completed, said county surveyor shall proceed to make the reassessment as herein provided.

Total of re-
assessment
expenses

The total amount for which said reassessment shall be made shall include the principal amount of all bonds issued for said district in the original proceedings with interest thereon at the rate stated in such bonds from the date of such bonds to the date of the hearing on the reassessment, as stated in the notice of hearing provided in section 7 hereof, and the estimated expenses of the reassessment and refunding proceedings, which shall include the expense of making the reassessment and of issuing the refunding bonds. The person or persons to whom the cash amounts collected upon the reassessments are to be paid, and to whom the refunding bonds are to be delivered, shall pay to the county treasurer the amount of such estimated expenses of the proceedings prior to receiving such refunding bonds or cash collections, or concurrently therewith.

Scope and
procedure
of reas-
sessment
Valuation
of separate
parcels

Said reassessment shall be made upon all such lots, pieces or parcels of land within the assessment district as were to be assessed under the original proceedings to pay the principal and interest of the bonds issued therein, and the total amount to be reassessed shall be apportioned upon said lots, pieces or parcels of land in proportion to the assessed value thereof as shown by the county assessment roll last equalized at the date of the hearing on the reassessment as specified in the notice provided for in section 7 hereof. In any case in which a lot, piece, or parcel of land upon which a reassessment is to be levied is not assessed as a separate parcel upon said assessment roll, upon request of the county surveyor, the county assessor shall make and file with said county surveyor an assessed value for such parcel and such assessed value shall be subject to objection or protest and to change or modification at the hearing herein provided and as made or as changed at such hearing shall be deemed the assessed value of such parcel for the purpose of the reassessment and refunding proceedings, and the reassessment shall be apportioned upon such parcel in proportion to such filed assessed value. The reassessment apportioned as in this act provided is hereby determined to be in accordance with the benefits derived and to be derived from the improvement, to pay the costs and expenses of which the bonds to be refunded were issued.

Reassess-
ment of
portions of
single origi-
nal parcel
Credit of
sums paid
on original
assessment

SEC. 5. When said reassessment has been made upon the various lots, pieces and parcels of land to be reassessed, there shall be credited upon such reassessment any sum paid for any lot, piece or parcel of land upon assessments theretofore levied to pay the principal and interest of bonds of said district. In case any such lot, piece or parcel of land was a

portion of a larger parcel of land for which a payment was made, the portion of such payment to be credited to said smaller lot, piece or parcel of land shall be the proportion of such payment that the assessed value of said smaller lot, piece or parcel of land bears to the total assessed value of all of the parcels which comprise said larger parcel of land, as said assessed value is shown upon the aforesaid assessment roll or as made by the county assessor under the provisions of section 4 of this act. In any case not covered by the foregoing provisions, if, in order to credit to any smaller lot, piece or parcel of land its proportion of a payment for a larger parcel of land, of which said smaller parcel formed a part, it is necessary to make an assessed value for any parcel or parcels of land situated within or without the district, at the request of the county surveyor, the county assessor shall make and file with said county surveyor an assessed value for such parcel or parcels and such assessed value shall be subject to objection or protest and to modification or change at the hearing herein provided and as made or as changed at such hearing shall be deemed the assessed value of such parcel for the purpose of the reassessment and refunding proceedings.

SEC. 6. The lots, pieces and parcels of land upon which such reassessment shall be levied shall include all parcels of land in the assessment district upon which an assessment would have been levied to pay the principal and interest of the bonds issued in the original proceedings. Scope of re-assessment

Said reassessment need not be in any particular form, but shall briefly refer to the district for which said reassessment is to be made by its number or other suitable designation, shall contain a brief reference to the work or improvement done, and shall show the total amount for which said reassessment shall be made. Such reassessment shall also show the amount of each reassessment against each lot, piece or parcel of land and the description thereof, and shall have attached thereto a plat or diagram showing the public way or public property, right of way, or easement on which any of said work was done, and the relative location of each such lot, piece or parcel of land to such work done, and each such lot, piece or parcel of land shall be numbered to correspond with the numbers of the reassessments. Said reassessment shall also show the sum or sums credited upon any reassessment and the net amount of the reassessment to be levied against and to constitute a lien upon any such lot, piece or parcel of land. Said reassessment shall be filed with the clerk of said legislative body. Form.

SEC. 7. When said reassessment has been filed with the clerk, the legislative body shall direct said clerk to give notice of the filing thereof and of a time and place when and where all persons interested in such reassessment will be heard by said legislative body. Such notice shall be substantially in the following form (filling blanks): Form of notice of hearing on reassessment

Notice of hearing on proposed reassessment for refunding of unpaid bonds and unpaid loans of road district improvement No. ----- of the county of -----.

Notice is hereby given that a reassessment for the refunding of the unpaid bonds and unpaid loans of the above entitled district has been filed with the clerk of the board of supervisors of the county of ----- and may be examined by any person interested. The work and improvement to pay the costs and expenses of which said bonds were issued is described in general terms as follows: (Here insert a statement in general terms of the location and extent of the work and improvement as stated in the resolution of intention in the original proceedings and refer to said improvement in place.)

The district of the lands benefited by said work and improvement is described in general terms as follows: (Here insert description in general terms of the district as shown upon the plat or diagram attached to the reassessment, excepting therefrom any lands not to be reassessed.)

Reference is hereby made to the diagram contained in said reassessment for the extent of the said assessment district and said diagram shall govern in all details as to the extent thereof. Said diagram shows each lot, piece or parcel of land reassessed and said reassessments show the amounts proposed to be reassessed upon each such lot, piece or parcel of land.

Notice is further given that it is proposed to levy said reassessment for the refunding of said unpaid bonds and unpaid loans of said district. The total amount of the proposed reassessment is the sum of \$----- The sum of \$----- has been paid upon the annual special assessment taxes levied upon the lands in the district and is credited upon such reassessment to the respective parcels of land for which same was paid. The amounts to be paid upon the reassessment proposed to be levied are in the total principal sum of \$-----.

Notice is further given that on the ----- day of -----, 19--, at the hour of ----- o'clock --m., at the chambers of the board of supervisors of the county of ----- in the city of ----- is the time and place the said board of supervisors will hold the hearing upon said reassessment. Protests or objections to said reassessment or to any proceedings taken relative to said reassessment, or any part of such proceedings, or protests or objections to any specific reassessment upon any ground whatsoever, may be filed in writing with the clerk of said board of supervisors at or before the time of said hearing. Upon the confirmation and recording of said reassessment, the respective amounts reassessed shall be immediately due and payable. The reassessment proceedings are under and serial bonds shall be issued in the manner and form provided in (here set out the title of this act) to represent each reassessment remaining unpaid after the expiration of thirty days from the date of recording said reassessment. Such bonds shall bear interest at the rate of ----- per cent from the date of recording such reassessment and shall be payable in -----

installments extending over a period of _____ years from the second day of January next succeeding the fifteenth day of the next November following their date.

Clerk of the board of supervisors of
the county of -----

SEC. 8. Said notice shall be published by at least two inser-
tions in a newspaper of general circulation published in said
county. Copies of such notice shall also be posted upon
all open streets within the district of lands proposed to be
reassessed. Such notices shall be not more than three
hundred feet in distance apart and not less than three of
such notices shall be posted. The heading upon such posted
notices shall be in letters at least one-half inch in height. The
posting and publication of such notices must be completed at
least twenty days prior to the date of hearing stated in such
notice. The affidavits of publication and posting shall be filed
in the office of the clerk of said legislative body. Publication

SEC. 9. Protests or objections to said reassessment or to any
of the reassessments upon the respective lots, pieces or parcels
of land to be assessed or to any action or determination in the
making of said reassessment or in the proceedings for said reassessment
and refunding, including objections to the amounts of the reassessments,
to the credits allowed upon the various parcels of land for which
payments have been made, or to the validity or legality of any of the
proceedings for said reassessment and refunding, may be made in writing
and filed with the clerk of said legislative body at or before the time
fixed for the hearing on said reassessment. Such protests or objections
may be made by any person interested in the reassessment and
refunding proceedings. It is the intent of this section that
protests or objections upon any ground whatsoever may be
made as provided by this section. Such protests or objections
need not be in any particular form, but if protest against or
objection to the regularity or legality of the proceedings for the
reassessment or refunding is made, such protest must clearly set forth
the alleged irregularity or invalidity. Any objection or protest upon
any ground whatsoever not made at the time and in the manner
hereinbefore provided shall be deemed to be waived voluntarily by
any person who might have made such a protest or objection, and the
proceedings for the said reassessment and refunding may not thereafter
be attacked upon any ground not stated in an objection or protest
so filed, and any landowner or any person otherwise interested in
any lands within said district, or in the reassessment and refunding
proceedings, shall be estopped to attack the said reassessment and
refunding proceedings upon any ground not stated in a protest filed by
him in accordance with the provisions of this section. At the time
fixed for the hearing, any person interested may appear and be heard
upon any of the matters set forth in his protest or objection. Protests
Form of Protests.
Hearing

objections may be taken up in such order as the legislative body deems advisable and any evidence offered thereon by any property owner or person otherwise interested in the proceedings for said reassessment and refunding shall be heard by said legislative body. Said legislative body may also hear any evidence offered in support of said reassessment and refunding proceedings. The determination of said legislative body upon any of the matters presented in any of said protests or objections and upon all matters involved in said reassessment and refunding proceedings, and upon the reassessment, shall be final and conclusive. Said hearing may be adjourned from time to time by an order entered on the minutes of the said legislative body, provided that the hearing must be finally completed within sixty days from the date thereof stated in the published or posted notice of hearing. At said hearing, said legislative body shall have power to revise, correct or modify said reassessment in such manner as may be just and in accordance with the facts, in respect of the property to be reassessed, the amounts of the respective reassessments, the credits allowed for the various parcels of land for which payments have been made, the incidental expenses of said reassessment and refunding proceeding, and any other matter affecting the regularity or validity of said reassessment. Said reassessment may be confirmed as filed or as revised, corrected or modified. Confirmation of said reassessment shall be made by resolution of the legislative body entered upon its minutes and such resolution shall declare the findings of said legislative body. If no changes are made in any of the matters contained in said reassessment, it shall be sufficient in said resolution to declare that said reassessment is confirmed, but if any changes are made, such changes shall be mentioned in said resolution of confirmation and said resolution shall declare that said reassessment, as revised, corrected or modified by said changes, is confirmed. Said legislative body shall also have power at said hearing to correct any of its previous actions, determinations, resolutions or orders, and any of the proceedings for the reassessment and refunding. Any resolution confirming the said reassessment as filed, or as revised, corrected or modified, shall also determine that the reassessment and refunding proceedings have been regularly and legally taken. The findings and determinations of said legislative body upon all matters herein mentioned and upon all matters in connection with said reassessment and refunding proceedings shall be final and conclusive upon all persons and in all actions or proceedings as to all matters expressly found and determined, and as to the regularity and sufficiency of the reassessment and refunding proceedings, and said resolution confirming said reassessment shall be conclusive evidence that said reassessment and all proceedings prior thereto are valid and sufficient. No defect in the form of such reassessment and no omission, failure or neglect of and no action or determination of any officer, body, or person in the reassessment and refunding proceedings, no error in

Modification
of reas-
sessment

Confirmation
of reas-
sessment

Corrector
of pro-
ceedings

Finality of
legislative
action

Defects

the amounts to be reassessed upon any of the lots, pieces or parcels of land, and no error in the amounts of the credit upon said reassessments shall invalidate said reassessment or any of the reassessments therein contained, and each of the reassessments in said reassessment shall become a lien upon the property upon which the same is levied notwithstanding any error, defect or omission therein, or in any of the proceedings therefor, and notwithstanding that the proceedings for the making of said reassessment are not in full conformity with the requirements of this statute, and any action or determination necessary or convenient in the making of said reassessment or in the reassessment and refunding proceedings not expressly provided for in this statute is hereby authorized and the same, when made, shall be valid and sufficient.

SEC. 10. Said reassessment, as confirmed, shall be recorded with the county surveyor of said county. When so recorded, the several amounts reassessed upon the lots, pieces or parcels of land in said reassessment district shall be a lien thereon as of the date of such recordation. Such lien shall continue until it is discharged of record. Such lien shall be subordinate to all special assessment liens imposed upon the same property prior to the date of such recordation, but it shall be superior to and have priority over all special assessment liens created against the same property subsequent to the date of such recordation. Any foreclosure of said reassessment lien or sale of property for said lien shall convey said property to said purchaser free and clear of all encumbrances, except general taxes and special assessment liens imposed upon the same property which are by the terms of this section superior to said reassessment lien. From and after the date of the said recording of said reassessment, all persons shall be deemed to have notice of the contents thereof. The amounts assessed in said reassessment shall be payable to the county surveyor with whom said reassessment is recorded and said county surveyor is authorized to receive the amount due upon any reassessment and give a good and sufficient discharge therefor, provided a bond has not been issued to represent such reassessment. The county surveyor shall give notice by publication for ten days in a daily newspaper of general circulation printed and published in the county in which the lands reassessed lie or by three successive insertions in a weekly newspaper of general circulation printed in such county that said reassessment has been recorded in his office and that all sums assessed therein became due and payable upon the recordation of said reassessment, stating the date of such recordation and that the payment of the said sums is to be made to him within thirty days after the date of such recordation. Said notice shall also contain a statement that for any reassessment not paid before the expiration of said thirty days a bond will issue in the manner and form provided in this act and shall state the period over which said bond or bonds shall extend and the rate of interest which shall

Lien of reassessment

Notice of recordation

be payable thereon. Such notice shall also be given by mailing a post card to the owner of each lot, piece or parcel of land reassessed according to the name and address appearing on the last equalized assessment roll for county taxes prior thereto or as known to the county surveyor; provided that the failure of the surveyor to give such notice by mailing or of the person addressed to receive the same shall not affect the validity of the proceedings or the validity of the lien of any reassessment or of any bond issued thereon. Upon payment of any reassessment, the county surveyor shall mark upon said reassessment note of the said payment and shall cancel said reassessment, and upon request, said county surveyor shall also give a receipt to the person paying said reassessment. Any reassessment upon publicly owned property may be foreclosed in the manner provided in section 27 of the "Improvement act of 1911," as amended; provided, however, that the notice to be given upon the tax bill need not be given or made, and that any foreclosure action may be brought at any time after thirty days after the recording of such reassessment, and in any such foreclosure action said reassessment and diagram with proof of nonpayment shall be prima facie evidence of the right of plaintiff to recover in the action. Said action shall be brought in the name of the county, the legislative body of which levied said reassessment, upon the request of any person entitled to any portion of the moneys to be derived from said reassessment. The person requesting that said foreclosure action be brought must advance the costs and expenses thereof, and said action may be brought by any competent attorney appointed by the board of supervisors which levied said reassessment. No refunding bond shall issue against such public property.

Payment or
foreclosure
of reass-
essment

Stats 1911,
p 730

Time within
which reass-
essment
may be
attacked

SEC. 11. No action, suit or proceeding to set aside, cancel, void, annul or correct any reassessment hereunder or to review any of the proceedings, acts or determinations made in the proceedings for said reassessment and refunding or to question the validity of or enjoin the collection of said reassessment or any reassessment therein or to enjoin the issuance of any bond or bonds to represent the same shall be maintained by any person unless such action, suit or proceeding shall have been commenced within thirty days after the date of recording of said reassessment, and thereafter all persons shall be barred from any such action, suit or proceeding or any defense of the invalidity of said reassessment or any of the reassessments therein contained or any bonds issued thereon.

Annual pay-
ments on re-
assessment

SEC. 12. After the full expiration of thirty days from the date of recording said reassessment the county surveyor shall make and certify to the county treasurer a complete list of all reassessments therein unpaid, except assessments upon public property. The principal of each of said unpaid reassessments shall thereafter become due and payable to the treasurer in equal annual payments on the fifteenth day of

each November succeeding the recordation of such reassessment until fully paid. The number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of the bonds issued to represent said unpaid reassessments. The interest on said unpaid reassessments shall be payable on each fifteenth day of May and November succeeding the recordation of such reassessments, the last interest payment coming due forty-five days before the last annual payment of the principal of the bonds issued to represent said unpaid reassessments. Said bonds and the interest thereon shall be paid at the office of said treasurer, who shall keep a fund designated by the name of said bonds into which he shall place all sums paid him for the principal of said bonds and the interest thereon, together with all penalties thereon and from which he shall disburse such sums upon the presentation of the interest and principal coupons, and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, payee and endorsees of each bond and the number and amount of each coupon of principal or interest paid by him, and shall cancel and file each coupon so paid. An even annual proportion of the principal sum of each bond shall be payable by coupon on the second day of January every year after the fifteenth day of the next November following their date until the whole of said principal is paid.

SEC. 13. All moneys collected on the reassessments, all moneys in the interest and sinking fund of the district for which the bonds are refunded, and all refunding bonds shall be paid and delivered to the owners of the bonds refunded, as provided in their agreement or assent on file with the legislative body; provided, however, that prior to said payment and delivery or concurrently therewith said bond owners must pay to said legislative body the incidental expenses of the refunding and reassessment proceedings, as stated in the reassessment, and all unpaid loans which are refunded in such proceedings and deliver up the unpaid refunded bonds for cancellation, and same shall forthwith be canceled. When the said payments are made and refunding bonds delivered, as provided in said agreement or assent, all unpaid special assessment taxes levied to pay principal and interest of the bond issue refunded and all penalties and interest on said special assessment taxes shall be deemed canceled and annulled and the clerk of the legislative body shall notify the proper county officials that the bonds of said district have been refunded and that said special assessment taxes, penalties and interest are canceled and annulled, and such officials shall thereupon proceed to make the necessary entries showing the cancellation thereof.

Mailing notice of amount due

SEC. 14. The said treasurer at least fifteen days before each respective fifteenth day of May and November until the said reassessments be paid in full shall mail, postage prepaid, to each owner of property described in said reassessment at his last known address as it appears upon the tax rolls of said county a postal card notifying him of the amount due and the date when payment is due from him on said reassessment and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons; provided that the failure of the said treasurer to mail said cards or the failure of the property owner to receive the same shall in no wise affect the validity of any penalty or invalidate any act or proceeding. Should any payment of principal of said unpaid reassessment or of interest thereon be not paid on the date upon which the coupon or coupons representing it are payable, the said treasurer shall, after the close of business on said due date, add to the amount of principal or interest so delinquent a penalty of five per cent of the total amount of such delinquency, and at the beginning of business on the first day of each succeeding month until such delinquent payment and all penalties thereon be fully paid he shall add an additional penalty of one per cent of the amount of such delinquency and said treasurer shall collect such penalties with and as a part of such delinquent payments.

Penalty for delinquency

Form of refunding bonds

SEC 15 The treasurer shall upon the filing of such list of unpaid reassessments with him make out, sign and issue to the owners of said unpaid bonds, as provided in the agreement or assent on file, a separate bond representing upon each lot, piece or parcel of land upon the list the net amount of the reassessment against the same as thereon shown. If said lot, piece or parcel of land is described upon the said reassessment and diagram by its number or blocks, or both, and is also designated by its number or block, or both, upon any map on file in the office of the county recorder of the county in which said district is situated, then it shall be in said bond a sufficient description of said lot, piece or parcel of land to designate it by said number or block or both, as it appears on said recorded map. Each of said bonds shall bear interest at the rate stated in the original bond issue from the date of the recording of the reassessment until the said bond is fully paid, and coupons for the various payments of interest on each of said bonds to the date of the maturity of such bonds shall be attached to each such bond. Said bonds shall be substantially in the following form:

Road Improvement District Number _____ of the County of _____
 -----Refunding Bond.

Series -----

\$----- Number -----

Under and by virtue of an act of the Legislature of the State of California entitled “(here quote title of this act)”, I, out of the fund for the above designated road improvement dis-

trict number ----- of the county of ----- refunding ^{Same} bond, series -----, will pay to ----- or order the sum of ----- dollars (\$-----) with interest thereon at the rate of ----- per cent per annum, all as is hereinafter specified and at the office of the treasurer of the county of -----, State of California

This bond is issued to represent a reassessment for the refunding of unpaid bonds (add and unpaid loans, if any) in the matter of road improvement district number ----- of the county of ----- Said reassessment is recorded in the office of the county surveyor of its county. Said amount is the amount assessed in said reassessment against the lot or parcel of land numbered therein and in the diagram attached thereto as number ----- and which now remains unpaid, but until paid with accrued interest is a lien upon the property affected thereby, as the same is described therein and in said recorded reassessment with its diagram, to wit, the lot, piece or parcel of land in said county of -----, State of California, described as follows:

This bond is payable exclusively from said fund and neither the said county nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is ----- years from the second day of January next succeeding the fifteenth day of the next November following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year following the fifteenth day of the next November after its date an even annual proportion of its whole amount is due and payable upon presentation of the coupon therefor until the whole is paid with all accrued interest thereon at the rate of ----- per centum per annum.

The interest is payable semiannually, to wit, on the second days of January and July of each year hereafter upon presentation of the coupons therefor hereto attached, the first of which is for the interest from date to the next second day of ----- and thereafter the interest coupons are for semi-annual interest.

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed and this bond is by law made conclusive evidence thereof.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein in the manner provided in said act at any time before maturity and before commencement of proceedings for sale or foreclosure upon payment to the county treasurer for the holder of this bond of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid, together with interest for six months at the rate named in said bond.

Should default be made in the annual payment on the principal or in any payment of interest from the owner of said lot or parcel of land or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable and to have said lot or parcel of land advertised and sold forthwith in the manner provided by law or the lien of the reassessment foreclosed. In case of such default, there shall be immediately added to such defaulted amount five per cent of the amount thereof and on the first day of each month following such default there shall be added a further penalty of one per cent of such defaulted amount. The county shall be entitled to one-half the penalty first imposed, namely, two and one-half per cent, and the other two and one-half per cent and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

Dated at _____, California, this _____ day of _____ in the year one thousand nine hundred and _____

 Treasurer of the county of _____
 State of California.

Maturity of bonds

Said bonds shall be payable to the party to whom they issue or order. Said bonds shall be dated as of the date of the recording of said reassessment and shall extend over a period not to exceed twenty years from the second day of January next succeeding the fifteenth day of the next November following their date, and an even annual proportion of the principal sum of each bond shall be payable by coupon on the second day of January every year after the fifteenth day of the next November following their date until the whole is paid, and the interest shall be payable semiannually by coupon on the second days of January and July, respectively, of each year after their date at the rate stated in the bonds to be refunded. Upon any of such bonds dated after the fourteenth day of May of any year and on or before the fourteenth day of the following November the first interest coupon shall become due and payable on the second day of the next succeeding January, and upon such bonds dated after the fourteenth day of November of any year and on or before the fourteenth day of the following May the first interest coupon on said bonds shall become due on the second day of the next succeeding July. The period over which the refunding bonds shall extend shall be determined by the legislative body.

Coupons

Legality of bonds

Said refunding bonds or any thereof shall be conclusive evidence of the regularity and validity of all of the proceedings for the issuance of such refunding bonds and the levying of the reassessment therefor and of the legality and validity of the lien of said reassessment.

Record of payments

SEC. 16. The treasurer shall, in addition to his other duties, keep a record of bonds issued by him, of all payments

on said bonds with the dates thereof, and of all penalties accruing thereon, and he shall report all payments of coupons or penalties upon said bonds, with the dates thereof, to the county surveyor, who shall forthwith endorse the same upon the margin of the record of the reassessment to the credit of which the same are paid, and until paid the said reassessment with accrued interest thereon and penalties, if any, shall be and remain a lien upon the property affected thereby and shall have priority and superiority, as hereinbefore defined in this act.

Whenever payment either upon the principal or of the interest due upon any refunding bond issued hereunder has not been made when the same has become due, the holder of the bond may foreclose the said bond, as herein provided, or may demand in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in said bond, as hereinafter provided. The owner of or any person interested in any lot, piece or parcel of land upon which a refunding bond has been issued under the terms of this act may, at any time before commencement of proceedings for sale or foreclosure, pay off such bond and discharge the land described in the bond from the lien of the reassessment by paying to the said treasurer for the holding of such bond the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate named in the bond, and all penalties accrued and unpaid, together with interest for six months at the rate named in such bond. Upon such payment being made to the treasurer, he shall report the same to the county surveyor, who shall forthwith mark "paid" on the margin of the record of the reassessment, the reassessment to represent which such bond was issued, and thereupon the lien of such reassessment shall cease and the treasurer shall forthwith notify the holder of the bond and call in the same. Said treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the reassessment being extinguished as aforesaid shall cancel the said bond and file it in his office.

Foreclosure
by treas-
urer's sale

SEC. 17. It shall be the duty of the county treasurer on or before the fourth Monday in September of each year to certify to the county tax collector a list of the properties within said county upon which any payment, either of principal or interest, has not been paid when due upon any bond issued by said county treasurer under this act. The tax collector shall cause to be pasted or attached to or stamped or printed upon the tax bill or tax receipt a notice which shall in substance be as follows:

Notice of
delinquency.

“NOTICE OF DELINQUENCY.

Form

There is a street improvement bond chargeable against this property, payment upon which is delinquent, which must be paid to the county treasurer without delay to avoid foreclosure.”

SEC. 18. In the event of the nonpayment of any installment of the interest or principal and by way of a separate,

Foreclosure
by suit.

distinct and cumulative remedy, the holder of any refunding bond upon which any payment, either upon the principal or of the interest, has become delinquent may, at any time after four months next succeeding the fourth Monday of September following the date of delinquency of principal or interest and prior to the expiration of four years after the due date of the last installment upon any bond or of the last principal coupon attached thereto, file and maintain a suit to foreclose the lien of the bond and recover the amount due thereon; provided, however, that suit may be brought at any time following the expiration of thirty days after the service of personal demand for payment as herein provided upon the owner of the premises. Such demand shall be served in the manner provided by law for the making of personal service of summons. If suit be brought costs for the service thereof shall be allowed in an amount equivalent to the fees prescribed by law for the service of summons. Said demand shall be in substantially the following form:

Demand

“DEMAND FOR PAYMENT OF STREET
IMPROVEMENT BOND.

You are hereby notified that refunding bond No. _____, series _____, for an improvement in the county of _____ is delinquent. Unless the amount of the unpaid principal on said bond together with interest and penalties is paid to the county treasurer on or before thirty days after the service on you of this demand, the date of such service being this _____ day of _____, 19___, the undersigned will institute suit to foreclose the lien of said bond in the manner prescribed by law.”

The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and appropriate allegations be made therein regarding the payments made upon the principal and interest of such bond. If personal demand for payment be made as herein provided, the complaint shall so allege. Such suit shall be brought in the superior court of the county in which said district lies, and in case the owner of the lot, piece or parcel of land covered by said bond can not with due diligence be found, the service of summons in such action may be had in the manner prescribed in the codes and laws of this state. The said bond, together with proof, either orally by the said county treasurer or by a certificate signed by him showing the nonpayment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action; provided that if personal demand for payment be made, proof of service of the demand as herein provided shall be required. The court in said suit shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and shall cause said premises to be sold as in other cases of the sale of real estate by the process of said court to satisfy and discharge such bond and lien, and the amount of interest and penalties due shall be

Sale of
property

calculated in the same manner set forth in this act up to the date of the judgment. On appeal, the appellate court shall have the same power to adjudge and decree a lien and order such premises to be sold as is conferred on the court from which an appeal is taken. The court having jurisdiction of said cause shall also fix and allow a reasonable attorney's fee for the prosecution of said suit.

Attorney's fee

The plaintiff in the suit may also recover the cost of any abstract or report of search of title procured in good faith, in order to determine ownership, such search to be by a reputable abstractor or title company, and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action.

Cost of abstract

Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also, when not in conflict herewith, by the codes of this state.

Redemption

A written notice of the pendency of any action for recovery on a bond shall be filed with the treasurer. After the filing of such notice the treasurer shall not receive any money on account of said bond and he shall have no authority to cancel the entries on said bond in his register or give a discharge of said bond without the written consent of the owner thereof until judgment has been rendered in such action or the same has been dismissed.

Notice of pendency of suit

Should suit be brought for recovery on any bond prior to the time provided herein, the plaintiff shall not recover in such suit and the defendant in such suit shall be entitled to have and recover such attorney fees as the court may deem reasonable, in addition to all taxable costs.

Penalty for premature suit

SEC. 19. Whenever payment either upon the principal, or of the interest, upon any bond issued under this act has not been or shall not be made when the same has become, or shall become due, and the holder of the bond demands in writing that the treasurer proceed to advertise and sell the lot or parcel of land described in said bond as being that upon which the assessment represented by said bond was levied, then said treasurer shall proceed as provided in the next section.

Foreclosure by treasurer's sale.

SEC 20 The treasurer shall publish by two insertions in a newspaper of general circulation, published in the county in which said bond was issued, a notice which shall be substantially (filling in all blanks) as indicated following, to wit:

Publication of notice

“In the matter of road district improvement No _____ of the county of _____ Form

NOTICE OF SALE OF PROPERTY DELINQUENT FOR NONPAYMENT
OF REFUNDING BOND NO. _____, SERIES NO. _____
ISSUED FOR THE IMPROVEMENT OF _____.

Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said

bond having demanded in writing that the county treasurer of the county of ----- proceed to advertise and sell the lot or parcel of land mentioned in the said bond. Now, therefore, I give notice that I will on the ----- day of -----, 193__, at the hour of ----- o'clock __m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place at or in the county courthouse) unless the amount due on said bond and the accrued interest thereon together with the cost of the publication of this notice are paid; and that I will so sell the same to the person who will take the least amount of said lot or parcel of land and pay the full amount of unpaid principal and interest on said bond, together with costs of publication. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit. (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, \$----- dollars; due on account of interest, \$----- dollars (here set forth the interest calculated and compounded semiannually up to the day on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid); due on account of penalties, \$----- dollars. Total amount due on said bond (here set forth the total of the foregoing items).

In order to avoid this sale, payment of the total amount above named will be required, together with the cost of publications made before such payment and the additional interest accruing up to the date of payment.

In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale, the cost of publication of notice of sale, and one dollar for the issuing of certificate of sale. The ----- (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated -----, 19__.

 Treasurer of the county of

The day named in the notice shall not be less than fifteen (15) days from the date of the first publication of the notice.

Affidavit of
 publication

SEC. 21. An affidavit of the publisher of the newspaper in which the notice was published, or of someone in behalf of said publisher, setting forth a copy of the publication and stating that the publication was made in the said newspaper on specified dates shall be filed with the county treasurer, and shall be primary evidence of the due publication of the notice.

Sale

SEC. 22. The treasurer shall collect the sum of one dollar as hereinbefore mentioned for the issuance of the certificate of

sale, which sum shall belong to, and be subject to the disposition of the county; any person interested in the lot or parcel of land described in the notice of sale may at any time prior to the sale, pay the whole amount of principal of said bond remaining unpaid, the interest thereon compounded semi-annually up to the date of such payment, at the rate named in said bond upon such amount of said principal remaining unpaid for the whole period for which interest has not been paid, and all penalties which have accrued, together with the cost of the publication of the notice of sale; in such event the payment being made, the bond shall be canceled; but if such payment be not made, the sale shall be made as advertised; the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of said lot or parcel and pay all of the sums specified in the notice of sale given by the treasurer. In the event that through error or otherwise the total amount for which said sale shall be made is less than that which may be required by the provisions hereof, and the holder of the bond is the purchaser at the sale and elects to accept the certificate of sale hereinafter mentioned, or if he accepts from the treasurer such sum derived from said sale made to some other purchaser, then the fact that the sale may have been made for less than the amounts specified herein shall not affect or invalidate the sale, and such receipt of said certificate or said sum shall be a waiver on the part of the holder of said bond, and the said deficient amount of sale shall be the amount upon which redemption from the sale shall be calculated to all effects the same as if the sale had been made for the full amount authorized hereby.

SEC. 23. The treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description of the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words: "canceled by sale of the property," giving the date of such sale. Record
of sale

SEC. 24. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the treasurer of the purchase money, including costs herein provided for, inclusive of moneys paid for taxes, street improvement assessments, or other tax or statutory lien or to redeem from sale as hereinafter specified, and the fee of the recorder for recording the certificate of sale, with interest thereon at the rate of one per cent per month from the date of sale; the treasurer shall issue for each sale an original and a duplicate certificate of sale reciting therein the date, number Rights of
purchaser

and series of the bond under which the sale was made, describing the land sold, and giving the date of sale, purchaser's name, amount paid, and the number of the certificate. He shall deliver the original certificate to the purchaser and shall record the duplicate in the office of the recorder of the county in which the land sold is situated. At any time after delivery to him by the treasurer of said certificate of purchase the legal holder thereof may pay any general taxes, street improvement assessments, or any other tax or statutory lien upon the property described in said certificate of purchase which may be prior to his or redeem said property from any sale made in collection or enforcement of such general taxes, foreclosing street improvement assessments or other tax or statutory lien and the treasurer, upon production by the holder of said certificate of purchase of the official receipt for the amounts so paid by him shall make an endorsement upon said certificate of purchase showing that said receipts have been so produced stating the nature of the lien paid, and the amount thereof and he shall make a like entry upon the book as provided in section 23 of this act, and shall collect the amount thereof as a part of the amount represented by said certificate of purchase together with interest thereon at the same rate as provided in the certificate of purchase.

Redemption

SEC. 25. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided; redemption must be made in lawful money of the United States, and when made to the treasurer he must mark the word "redeemed," the date and by whom redeemed on the margin of the book where the entry of the certificate is made, and credit the amount paid to the purchaser named in the certificate, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of an assignment thereof, if any.

Treasurer's deed to purchaser

SEC. 26. If the property is not redeemed within the time allowed by section 25 hereof for its redemption, the treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the county treasury for the use of the county after payment has been made therefrom for the acknowledgment of said deed; provided, however, that the purchaser of the property, or his assignees, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his application for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written

Notice

notice, stating that said property or a portion thereof, has been sold to satisfy the bond lien, the date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemption, or thirty days before the purchaser applies for a deed; and no deed to the property sold, in accordance with the provisions of this act, shall be issued by the treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his service of such notice and the making of said affidavit, which sum of fifty cents shall be paid by the redemptioner at the time and in the same manner as the other sums, costs and fees are paid.

SEC. 27. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county and municipal taxes, and special assessment liens having priority thereover under the provisions of this act.

SEC. 28. At any time within thirty days after the recording of the reassessment, any person interested in any of the bonds to be refunded or in any of the lands reassessed may bring an action in the superior court of the county, the legislative body of which conducted the reassessment proceedings, to determine the validity or invalidity of such reassessment. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for four weeks in some newspaper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Said summons shall contain a general description of the boundaries of the district of the lands upon which said reassessment is levied. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such reassessment or uphold the same. Such action shall be speedily tried and judgment

Effect of
deed

Action to
determine
validity
of reass-
essment

Appeal

rendered declaring such matter so contested either valid or invalid. Either party shall have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. The motion for a new trial of any such proceeding must be heard and determined within ten days from the filing of the notice of intention.

The court hearing the said proceeding, in inquiring into the regularity, legality or correctness of such reassessment, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to the proceeding herein provided for. The costs of the legal proceedings provided for in this section may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. After said reassessment has been recorded, it shall not be contested in any way other than at the time and in the manner specified in this section, and in any such action all findings, conclusions and determinations of the legislative body which conducted the reassessment proceedings shall be conclusive in the absence of actual fraud.

Effect of
invalidity

SEC. 29. If in any action or proceeding any reassessment or any refunding bond is held illegal or invalid, then the unpaid bonds refunded and for the refunding of which the reassessment was levied shall be deemed to be in full force and effect from the date of such final judgment or decree, and if said unpaid bonds have been canceled or destroyed, the proper officials of the county which issued the original bonds shall issue new bonds of the same tenor, force and effect as such canceled or destroyed unpaid bonds, and all of the provisions of the road district improvement act of 1907 relative to the payment of bonds issued thereunder and the levy, collection and enforcement of special assessment taxes therefor shall apply to such unpaid bonds or to any bonds issued to replace such unpaid bonds.

Until all unpaid bonds issued under the provisions of the road district improvement act of 1907 for any district organized under said act have been fully paid or have been legally refunded under the provisions of this act it shall be and remain the duty of the legislative body empowered and directed to levy the special assessment taxes for the payment of such bonds to proceed under the provisions of said road district improvement act of 1907 as amended to levy the said taxes provided in said road district improvement act of 1907 in accordance with the provisions of said act and said special assessment taxes shall be levied, collected and enforced as provided in said act.

Construc-
tion
Constitu-
tionality

SEC. 30. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or

phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

CHAPTER 1112.

An act to repeal chapter 660, of the statutes of 1927, entitled Stats 1927,
p 1118,
repealed
“An act requiring certain reports to be made concerning children with impaired hearing.” approved May 20, 1927; to add a new chapter to part II of division I of the School Code to be known as chapter III, to embrace sections 1.500 to 1.514, both inclusive, providing for the education of minors who are deaf or have impaired hearing.

[Approved by the Governor June 10, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new chapter is hereby added to part II of division I of the School Code to be known as chapter III, to embrace sections 1.500 to 1.513, both inclusive, and to read as follows: New chapter.

CHAPTER III—COMPULSORY EDUCATION OF THE DEAF.

1.500. Every parent, guardian or other person having charge or control of any minor who is over five years of age and is less than twenty years of age and who, by reason of deafness or impaired hearing, is unable to benefit materially by the methods of instruction in use in the public schools, shall be required to send such minor to a school or class for the deaf maintained by a school district or by the state for the full time for which such school or class shall be in session. Such child or minor shall attend such school or class year after year until completion of the prescribed course of study or until discharged for good reason by the principal or other person in charge of such school or class with the approval of the governing board. Deaf minors must attend school for deaf

1.501. There is hereby created in each county a board to be known as the board for the education of the deaf. Such board shall consist of the principal of the California School for the Deaf who shall be chairman thereof, the chief of the division of special education in the state department of education and, if there be such, the principal or other person in charge of a public school or class for the deaf or those with impaired hearing maintained by the district in which the child resides. Such board shall be responsible for all matters pertaining to the attendance and the exemption therefrom of deaf children and those with impaired hearing, upon the Board for the education of the deaf.

schools or classes. Said board shall meet at the call of the chairman.

Exempt
children

1.502. The following classes of children shall be exempt from the provisions of this chapter:

1. Bodily or
mentally
unqualified

1.503. Children whose bodily or mental conditions are such as to prevent or render inadvisable their attendance upon a school or class:

2 Whose
presence
constitutes
a menace

1.504. Children afflicted with such contagious or offensive disease or possessing such habits as to render their presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient by the board for the education of the deaf;

3 Privately
tutored

1.505. Children who are being efficiently and satisfactorily taught for at least four hours per day for at least one hundred eighty days per year in a private school, or by a private tutor or other person holding a valid and proper state credential, using the course of study as issued by the principal of the California School for the Deaf and as approved by the state superintendent of public instruction. No exemption shall be allowed under the provisions of this section unless approved by the board for the education of the deaf for the county in which the child resides;

4 Who have
fulfilled the
require-
ments

1.506. Children who have completed the prescribed course of the schools or classes for the deaf or have completed the requirements of the sixth grade of schools for the deaf and are in attendance at a junior high or high school, where, in the opinion of the board for the education of the deaf of the county in which they reside they are able to receive a satisfactory education, provided they comply with all requirements of the general state law relating to compulsory education;

Physician's
reports of
deaf
children

1.507. It shall be the duty of every attending or consulting physician who examines any child under twenty years found to be totally deaf or with impaired hearing to report at once to the principal of the California School for the Deaf the name, age, residence and name of parent or guardian of such minor.

Notification
of county
superin-
tendent

1.508. It shall be the duty of the principal of the California School for the Deaf to immediately notify the superintendent of schools of the county, city or city and county of which said child is a resident, the name, age, residence of such child and name and residence of the parent or guardian of such child.

Health offi-
cer's reports
of deaf
children

1.509. It shall also be the duty of city, county and city and county health officers, all school nurses, the principal or other person in charge of every public or private school, all truant officers and welfare workers, to report at once to the principal of the California School for the Deaf the name, age, sex, residence and name and residence of parent or guardian of any child under twenty years of age and found to be deaf or with impaired hearing, examined by them, to the principal of the California School for the Deaf.

1.510. The principal of the California School for the Deaf shall be supplied with proper blanks whereby he will notify parents or guardians of the children reported, of the address of the California School for the Deaf and also of the nearest public school or class for the deaf and the nearest public school or class for the hard of hearing, if there be either or both in the county in which the child resides with information concerning the advantages offered by the school and the benefits to accrue to the child from attendance at such schools or either of them. Notification of parents

1.511. The principal of the California School for the Deaf shall issue to said parent or guardian of said minor thus reported an official registration card signifying that said child has been properly registered with the local and state boards of education and to send to the school or class for the deaf located nearest the place of residence of such parent or guardian the name, address and age of said minor child. Registration card

1.512. No official or agent or representative in carrying out the provisions of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of said child. Limit of enforcing officer's power

1.513. Any parent, guardian, or other person having control or charge of any child subject to the provisions of this chapter who shall fail to comply with the provisions of this chapter, shall, unless excused or exempted therefrom as hereinbefore provided, be deemed guilty of a misdemeanor, and, upon conviction, shall be liable, for the first offense, to a fine of not less than ten nor more than fifty dollars or to imprisonment for not more than five days, or to both such fine and imprisonment, and for each subsequent offense he shall be liable to a fine of not less than ten, nor more than fifty, dollars, or to imprisonment for not less than five days, nor more than twenty-five days, or to both such fine and imprisonment. Penalty for violation

1.514. Nothing in this act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction of physical defect or defects shall be provided for a child or the agency or agencies to be employed for such purpose. Powers of parent

SEC. 2. Chapter 660 of the statutes of 1927 entitled "An act requiring certain reports to be made concerning children with impaired hearing." approved May 20, 1927, is hereby repealed. Repeal

CHAPTER 1113.

An act to add a new section to the School Code to be numbered 6.36, relating to the powers and duties of governing boards of school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the School Code to be numbered 6.36, and to read as follows:

Repairs may be made by day labor.

6.36. In each school district governed by a city board of education, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds and erect new buildings by day's labor, whenever the total cost of labor on the job does not exceed one thousand dollars.

In any school district not governed by a city board of education, the governing board may perform similar work as elsewhere herein provided, whenever the total cost of the job does not exceed five hundred dollars.

CHAPTER 1114.

An act authorizing the director of finance to deed certain property of the state to the city of Santa Barbara for street and highway purposes.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

State land to be deeded to city of Santa Barbara:

SECTION 1. The director of finance, with the approval of the director of education, is hereby authorized to deed to the city of Santa Barbara for street and highway purposes, subject to such restrictions and conditions as the director of finance and the director of education may impose, the following described parcels of property:

Parcel No 1.

Parcel No 1

All that certain strip, piece or parcel of land situate in the city of Santa Barbara, county of Santa Barbara, California, and particularly described as follows, to wit: Beginning at a monument located at the angle point of an offset line five feet northerly from the scutherly line of Alameda Padre Serra between Sierra street and Bonita avenue; thence north $17^{\circ} 53' 20''$ east 56.68 feet to the true point of beginning; thence north $58^{\circ} 06' 40''$ west 100 feet along the northerly line of Alameda Padre Serra; thence south $67^{\circ} 52' 19''$ east 97.30 feet; thence south $76^{\circ} 21' 01''$ east 97.30 feet to the northerly line of Alameda Padre Serra, thence north $86^{\circ} 06' 40''$ west

100 feet along the northerly line of Alameda Padre Serra to the true point of beginning as shown on map C-8-160 on file in the office of the city engineer of said city.

Parcel No. 2.

All that certain strip, piece or parcel of land situate in the city of Santa Barbara, county of Santa Barbara, California, and particularly described as follows, to wit: Beginning at a monument located at the angle point of a line parallel to and five feet distant northerly from the southerly line of Alameda Padre Serra and a line parallel to and distant five feet northerly from the southerly line of Lasuen road, sometimes known as Freelon avenue, prolonged westerly; thence north $3^{\circ} 19' 40''$ west 55.43 feet to the true point of beginning; thence north $86^{\circ} 06' 40''$ west 75.00 feet along the northerly line of Alameda Padre Serra; thence north $80^{\circ} 28' 42''$ east 90.91 feet; thence north $84^{\circ} 57' 47''$ east 157.04 feet; thence north $80^{\circ} 55' 50''$ east 260.12 feet along a line parallel to and distant two feet northerly from the northerly line of Lasuen road; thence along an arc of a curve to the left, having a radius of 94.50 feet and delta of $67^{\circ} 14' 29''$ a distance of 110.90 feet the long chord of which arc bears north $34^{\circ} 06' 04''$ east 104.65 feet to the westerly line of Alvarado place; thence south $0^{\circ} 28' 50''$ west 79.42 feet along the westerly line of Alvarado place to the northerly line of Lasuen road; thence south $80^{\circ} 55' 50''$ west 318.52 feet along the northerly line of Lasuen road; thence south $79^{\circ} 27' 20''$ west 174.55 feet along the northerly line of Lasuen road to the true point of beginning as shown on map C-8-160 on file in the office of the city engineer of said city.

Parcel
No. 2

Parcel No. 3.

All that strip, piece or parcel of land situate in the city of Santa Barbara, county of Santa Barbara, California, and particularly described as follows, to wit: Beginning at the intersection of the westerly line of Alvarado place with the southerly line of Mission Ridge road; thence south $0^{\circ} 28' 50''$ west 35.00 feet along the westerly line of Alvarado place; thence north $21^{\circ} 13' 44''$ west 33.70 feet to the southerly line of Mission Ridge road, thence north $73^{\circ} 58' 20''$ east 13.00 feet along the southerly line of Mission Ridge road to the true point of beginning, as shown on map C-8-160 on file in the office of the city engineer of said city.

Parcel
No. 3.

CHAPTER 1115.

An act to repeal articles VII and VIII, embracing sections 2.170 to 2.187, both inclusive, of chapter II of part I of division II of the School Code and to add to chapter II of part I of division II of the School Code a new article to be known as article VII, embracing sections 2.170 to 2.179,

both inclusive, relating to the suspension and lapsation of school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

- Sch. Code,
p 33
- SECTION 1. Articles VII and VIII, embracing sections 2.170 to 2.187, both inclusive, of chapter II of part I of division II of the School Code are hereby repealed.
- New article
- SEC. 2. A new article is hereby added to chapter II of part I of division II of the School Code to be known as article VII, embracing sections 2.170 to 2.179, both inclusive, and to read as follows:
- Article VII—Suspension and Lapsation of Districts.
- Recommendation of county superintendent
- 2.170. If in any elementary school district there has been an average daily attendance of only five or a number of pupils less than five during the whole school year, the county superintendent of schools having jurisdiction shall report the fact to the board of supervisors at their first meeting in July or August with his recommendation that the district be suspended or lapsed.
- Action of board
- 2.171. The board of supervisors shall at such meeting suspend or lapse the district as the county superintendent may have recommended.
- Merger of suspended district.
- 2.172. A suspended district may be merged with one or more adjoining districts whenever a petition signed by the majority of heads of families residing in such suspended district shall be presented to the board of supervisors. Such petition must be filed with the county superintendent and by him presented to the board of supervisors with such suggestion as he thinks best.
- Lapsation
- 2.173. If a district shall not be reestablished within two years after having been suspended the board of supervisors shall declare the district lapsed.
- Attachment to adjoining district
- 2.174. After a district has been declared lapsed, the territory thereof shall be attached by the board of supervisors to one or more of the adjoining districts in such manner as may be by them considered most convenient for the residents of said lapsed district.
- Sale of property
- 2.175. When any district has been declared lapsed, the board of supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district.
- Payment of indebtedness
- 2.176. After the sale of the property, the superintendent shall determine all outstanding indebtedness of the lapsed district, and shall draw his requisition upon the county auditor in payment thereof.
- Transfer of remaining moneys
- 2.177. Any balance of moneys remaining to the credit of the lapsed district after all indebtedness has been paid shall be transferred by the superintendent to the credit of the district into which the lapsed district has been merged.

2.178 If the lapsed district has been attached to more than one of the adjoining districts, the superintendent must apportion the moneys remaining to the credit of the lapsed district to the several districts pro rata according to the number of pupils in average daily attendance in the respective districts, as shown by the teacher's report for the preceding school year.

Apportionment of remaining moneys

2.179. Should there not be sufficient funds to the credit of the lapsed district to liquidate all of the outstanding indebtedness thereof, the superintendent shall draw his requisition upon the county auditor pro rata for the several claims.

Payment of deficiency

CHAPTER 1116.

An act to amend section 20 of the California barber law, as amended, relating to the tenure of office of the members of the board.

Stats. 1927, p 1748, amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 20 of the California barber law is hereby amended to read as follows:

Stats 1927, p 1748

Sec. 20. A board is hereby created to be known as the state board of barber examiners, which shall consist of three (3) members appointed by the governor. Each member shall be a practical barber who has followed the practice of barbering in this state for at least five (5) years immediately prior to his appointment and one of whom shall be a journeyman barber and one of whom shall be a barber employing one or more journeymen barbers.

Barber board

Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: One member, September 15, 1931; one member, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. The governor may remove a member for cause.

Terms of members.

CHAPTER 1117.

Stats 1915, *An act to amend section 2 of "An act to insure the better*
 p 698, *education of dental surgeons and to regulate the practice*
 amended. *of dentistry in the State of California, providing penalties*
for the violation hereof," approved May 21, 1915, as
amended, relating to the tenure of office of the members of
the board of dental examiners.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1915, SECTION 1. Section 2 of the act cited in the title hereof is
 p 698. hereby amended to read as follows:

Board
 of dental
 examiners
 created

Sec. 2. A board of dental examiners to consist of seven practicing dentists is hereby created, to be known as the board of dental examiners of California, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of this board shall be appointed by the governor of California, all of whom shall have been actively and legally engaged in the practice of dentistry in the State of California, for at least five years next preceding the date of their appointment, and none of whom shall be members of the faculty of any dental college or dental department of any medical college in the State of California, or shall have any financial interest in any such college. Except as herein provided, the term of office of the members of the board shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: One member, September 15 1931, two members, January 15, 1932; two members, January 15, 1933; two members, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term, within thirty days after such vacancy occurs. The governor shall have the power to remove from office at any time any member of the board for continued neglect of duty required by this act, or for incompetency, unprofessional or dishonorable conduct.

Terms of
 members

Vacancies

CHAPTER 1118.

An act to amend section 5 of "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, relating to the tenure of office of the members of the state board of pharmacy.

Stats 1905,
p. 535,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1905,
p. 535.

Sec. 5. The governor shall appoint seven competent registered pharmacists, residing in different parts of the state, to serve as a board of pharmacy. The members of the board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this act. Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; two members, January 15, 1932; two members, January 15, 1933; two members, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms would have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. The office of the board shall be located in San Francisco. The board shall organize by electing a president, a secretary, and a treasurer. The secretary may or may not be a member of the board as the board in its sound discretion shall determine. The secretary and treasurer shall each give a satisfactory bond running to the board of pharmacy in a sum of not less than two thousand dollars, and such greater sum as the board may from time to time, require for the faithful discharge of their respective duties.

Board of
pharmacy

Terms of
members

Organiza-
tion.

CHAPTER 1119.

Stats 1917,
p. 331,
amended *An act to amend section 26 of the "Workmen's compensation,
insurance and safety act of 1917," approved May 23, 1917,
as amended.*

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p. 1213 SECTION 1. Section 26 of the "Workmen's compensation,
insurance and safety act of 1917" is hereby amended to read
as follows:

Subrogation
procedure

Sec. 26 The term "employee" as used in this section, shall include the person injured and any other person in whom a claim may arise by reason of the injury or death of such injured person and the terms "compensation," "injury," "person," and "insurance" shall be defined as set forth in this act. The term "employer," as herein used shall include "insurance carrier" as defined in this act. The death of the employee, or of any other person, shall not abate any right of action established by this section. The claim of an employee for compensation shall not affect his claim or right of action for all damages proximately resulting from such injury or death against any person other than the employer; and any employer having paid, or having become obligated to pay compensation, may likewise make a claim or bring an action against such other person, and in the latter event the said employer may also recover in the same suit said damages of said employee in addition to the amount of compensation he has paid and/or become obligated to pay. If either such employee or such employer shall bring an action against such third person, he shall forthwith notify the other in writing, by personal service or registered mail, of such fact and of the name of the court in which such suit is brought, filing proof thereof in such action, and, if the action be brought by either, the other may, at any time before trial on the facts, join as party plaintiff or must consolidate his action, if brought independently. If the suit be prosecuted by the employer alone evidence of any amount which the employer has paid and become obligated to pay by reason of said injury or death shall be admissible, and such expenditures or liability shall be considered as proximately resulting from such injury or death, in addition to any other items of damage proximately resulting from such injury or death, and after recouping himself for such special damages, together with a reasonable attorney's fee to be fixed by the court, said employer shall pay the excess to the injured employee or other person entitled. If the employee joins in or prosecutes such suit, either the evidence of the amount of disability indemnity or death benefit paid or to be paid by the employer or the evidence of loss of earning capacity by the employee shall be admissible, but not both, but

proof of all other items of damage to either said employer and employee proximately resulting from such injury or death shall be admissible and shall be deemed part of the damages. The court shall first apply out of the entire amount of any judgment for any damages recovered by the employee a sufficient amount to reimburse the employer for the amount of his expenditures for compensation. If the employer has not joined in the action or has not brought action, or if his action has not been consolidated, the court shall, on application of the employer, allow as a first lien against the entire amount of any judgment for any damages recovered by the employee the amount of the employer's expenditures for compensation, and the court shall, upon further application at any time before said judgment is satisfied, allow as a further lien the amount of any expenditures of said employer for compensation subsequent to the original order. After payment of the employer's lien, said employer shall be relieved from the obligation to pay further compensation to or on behalf of said employee under this act up to the entire amount of the balance of said judgment, if satisfied, without any deduction; provided, however, that no satisfaction of such judgment in whole or in part, shall be valid without providing said employer with notice and a reasonable opportunity to perfect and satisfy his lien as herein provided. No release or settlement of any claim for damages under this section shall be valid without the written consent of both employer and employee; but the consent of both the employer and employee filed in court in writing, together with the approval of the court, shall be sufficient in any action or proceeding where such approval is required by law; provided, further, that no release or settlement under this section after suit and before judgment shall be valid and binding without notice to both employer and employee with opportunity to said employer to recover the amount of compensation he has paid and/or become obligated to pay, the entire amount of such settlement, or of any settlement without suit, to be subject to the employer's full claim for reimbursement for his compensation expenditures or liability. The commission is empowered to and shall allow a credit to the employer to be applied against his liability for compensation the amount of any recovery by the employee for his injury, either by settlement or after judgment, that has not theretofore been applied to reimburse the employer. ^{Same}

CHAPTER 1120.

Stats. 1917,
p 831,
amended

An act to amend section 15 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended by making further and different provisions regarding notice of injury.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1917,
p 831.

SECTION 1. Section 15 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby further amended so as to read as follows:

Notice to
employer

Sec. 15. No claim to recover compensation under this act shall be maintained unless within thirty days after the occurrence of the injury which is claimed to have caused the disability or death, notice in writing, stating the name and the address of the person injured, the time and the place where the injury occurred, and the nature of the injury, and signed by the person injured or some one in his behalf, or in case of his death, by a dependent or some one in his behalf, shall be served upon the employer; provided, however, that knowledge of such injury, obtained from any source, on the part of such employer, his managing agent, superintendent, foreman, or other person in authority, or knowledge of the assertion of a claim of injury sufficient to afford opportunity to the employer to make an investigation into the facts, shall be equivalent to such service; and provided, further, that the failure to give any such notice, or any defect or inaccuracy therein, shall not be a bar to recovery under this act if it is found as a fact in the proceedings for the collection of the claim that the employer was not in fact misled or prejudiced by such failure.

CHAPTER 1121.

Stats 1917,
p 831,
amended

An act to amend section 11 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended by making additional provisions regarding serious and wilful misconduct and regarding employees who are totally disabled and bedridden.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1917,
p 831

SECTION 1. Section 11 of the "Workmen's compensation, insurance and safety act of 1917," as amended, is hereby amended to read as follows:

When right
to institute
proceedings
barred

Sec. 11. (a) Unless compensation is paid or an agreement for its payment made within the time limited in this section

for the institution of proceedings for its collection, the right to institute such proceedings shall be barred; provided, that the filing of an application with the commission for any portion of the benefits prescribed by this act shall render this section inoperative as to all further claims of any person or persons for compensation arising from the same transaction, and the right to present such further claims shall be governed by the provisions of section 20d and section 65b of this act.

(b) The periods within which proceedings for the collection of compensation may be commenced are as follows: Periods within which proceedings for collection may be commenced

(1) Proceedings for the collection of the benefit provided by subsection (a) of section 9 or for the collection of the disability payment provided by subsection (b) of said section 9 must be commenced within six months from the date of the injury, except as otherwise provided in this act.

(2) Proceedings for the collection of the death benefit provided by subsection (c) of said section 9 must be commenced within one year from the date of death, and in any event within two hundred forty weeks from the date of the injury, and can only be maintained when it appears that death ensued within one year from the date of the injury, or that the injury causing death also caused disability which continued to the date of the death and for which a disability payment was made, or an agreement for its payment made, or proceedings for its collection commenced within the time limited for the commencement of proceedings for the recovery of the disability payment.

(c) The payment of compensation, or any part thereof, or agreement therefor, shall have the effect of extending the period within which proceedings for its collection may be commenced, six months from the date of the agreement or last payment of such compensation, or any part thereof, or the expiration of the period covered by any such payment; provided, however, that nothing contained in this section shall be construed to bar the right of any injured employee to institute proceedings for the collection of compensation within two hundred forty-five weeks after the date of the injury upon the grounds that the original injury has caused new and further disability; and the jurisdiction of the commission, in such cases, shall be a continuing jurisdiction at all times within such period.

(d) If an injured employee, or in the case of his death, one or more of his dependents, shall be under twenty-one years of age or incompetent at any time when any right or privilege accrues to such person under the provisions of this act, a general guardian, appointed by the court, or a guardian ad litem or trustee appointed by the commission or a commissioner may, on behalf of any such person, claim and exercise any such right or privilege with the same force and effect as if no such disability existed; and no limitation of time provided by this act shall run against any such person Guardian for minor or incompetent.

under twenty-one years of age or incompetent unless and until such guardian or trustee is appointed. The commission shall have power to determine the fact of the minority or incompetency of any injured employee and may appoint a trustee to receive and disburse compensation payments for the benefit of such minor or incompetent and his family.

Refusal to
submit to
medical
treatment

(e) No compensation shall be payable in case of the death or disability of an employee if his death is caused, or if and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment, or to any surgical treatment, the risk of which is, in the opinion of the commission, based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

Previous dis-
ability does
not affect
later
disability

(f) The fact that an employee has suffered a previous disability, or receives compensation therefor, shall not preclude him from compensation for a later injury, or his dependents from compensation for death resulting therefrom, but in determining compensation for the later injury, or death resulting therefrom, his average annual earnings shall be fixed at such sum as will reasonably represent his annual earning capacity at the time of the later injury.

Payments
due em-
ployee

(g) Any payment, allowance or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this act was not then due and payable or when there is any dispute or question concerning the right to compensation, shall not, in the absence of any agreement, be construed to be an admission of liability for compensation on the part of the employer, or the acceptance thereof as a waiver of any right or claim which the employee or his dependents may have against the employer, but any such payment, allowance or benefit may be taken into account by the commission in fixing the amount of the compensation to be paid.

Affirmative
defense

(h) The running of the period of limitations prescribed by this section is an affirmative defense and operates to bar the remedy and not to extinguish the right of the employee. It may be waived, and failure to present such defense prior to the submission of the case for decision shall be a sufficient waiver.

Serious and
wilful mis-
conduct of
employer

(i) Proceedings for collection of compensation on the ground of serious and wilful misconduct of the employer under provisions of section 6 (b) must be commenced within twelve months from date of injury, anything in this act to the contrary notwithstanding. No payment of compensation or agreement therefor, or filing of application for compensation benefits under other provisions of this act shall extend such period of limitation.

CHAPTER 1122.

An act to amend section 2.446 of the School Code, relating to a change of boundaries as a consequence of two or more school districts forming a union or joint union district.

[Approved by the Governor June 13, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2.446 of the School Code is hereby amended to read as follows: Sch. Code, p. 47

2.446. If such election is held in consequence of two or more school districts having been formed into a union or joint union district, and if such election results in the new union or joint union district not becoming a part of a high school district, then elections may be held in the separate districts which form the union or joint union districts as such elections are provided for in article VII of chapter IX of this part; provided, however, that the formation of a union or joint union elementary school district or the annexation of an elementary school district to a union or joint union elementary school district shall not change existing high school district boundaries unless such change shall be effected through specific action as otherwise provided in this code. Districts in union district may hold separate elections

CHAPTER 1123.

An act to amend an act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations," approved April 30, 1919, by amending sections 2 and 2a thereof, relating to the powers and duties of the insurance commissioner, and repealing section 5 thereof. Stats. 1919, p. 265, amended

[Approved by the Governor June 19, 1931. In effect August 14 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the act entitled "An act to provide for proceedings against the liquidation of delinquent insurance corporations and associations," approved April 30, 1919, is hereby amended to read as follows: Stats. 1919, p. 265.

Sec. 2. Whenever any corporation (a) is insolvent; or (b) has refused to submit its books, papers, accounts or affairs to the reasonable inspection of the insurance commissioner, or his deputy or examiner; or (c) has neglected or refused to observe an order of the insurance commissioner to make good within the time prescribed by law any deficiency, whenever its capital, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired; Commissioner to take over business of insurance corporation.

or (d) has, by contract of reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other corporation or association without having first obtained the written approval of the insurance commissioner; or (e) is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policyholders, or to its creditors, or to the public; or (f) has wilfully violated its charter or any law of the state; or (g) whenever any officer thereof has refused to be examined under oath touching its affairs; or (h) if such corporation be organized under chapter six, division one, part four, title two of the Civil Code, or as a corporation to carry on the business of mutual live stock insurance upon the assessment plan, its condition is found after examination, to be such that it can not meet the requirements for incorporation and authorization specified in the law relating thereto, the insurance commissioner may apply to the superior court, or any judge thereof, in the county in which the principal office of such corporation is located for an order directing such corporation to show cause why the insurance commissioner should not take possession of its property, and conduct its business, and for such other relief as the nature of the case and the interest of its policyholders, creditors, and the public may require.

Stats 1921,
p. 1917.

Proceedings
against
delinquent
insurance
company.

SEC. 2. Section 2a of said act is hereby amended to read as follows:

Sec. 2a. Whenever it shall appear to the insurance commissioner that any person or corporation has committed any of the acts set forth in paragraph two of this act, or that any officer or attorney in fact of such corporation has embezzled or sequestered or wrongfully diverted to his or its own benefit any of the moneys, assets or securities of such corporation, and that irreparable loss and injury to the property and business of such corporation has or may occur unless the insurance commissioner take immediate charge of the property, business and affairs of such corporation, then and thereupon the insurance commissioner shall forthwith, without notice and before applying to the court for any order as herein provided, seize and take possession of the property and business of such person or corporation, its books, records and accounts and the offices and premises occupied by such corporation for the transaction of its business, and retain possession of the same subject to the order of the court; and for such purpose the insurance commissioner may require the aid of all peace officers to enforce such seizure and possession by the insurance commissioner.

Thereupon the insurance commissioner shall apply to the superior court, or any judge thereof, in the county in which the principal office of such corporation is located for the order provided for in section 2 of this act, and thereafter shall

proceed in such application and in the disposition of the property, business and affairs of said corporation as hereinafter in this act provided.

SEC. 3. Section 5 of said act is hereby repealed.

Stats 1919,
p 265.

CHAPTER 1124.

An act to amend sections 3897 and 3897a of the Political Code, and to add a new section thereto to be numbered 3897b, relating to the termination of the right of redemption of tax deeded lands, the disposition thereof and the sale by the state of tax deeded property for a public purpose.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3897 of the Political Code is hereby amended to read as follows: Stats 1921,
p. 400.

3897. Except when otherwise disposed of as provided in sections 3897a and 3897b of this code, whenever the state shall have become the owner of any property sold for taxes and the deed to the state has been filed with the controller as provided in section 3785, the controller may thereupon by a written authorization direct the tax collector of the county or city and county to sell the property or any part thereof as in his judgment he shall deem advisable in the manner following. Sale of tax
deeded
lands

He must give notice of such sale by first publishing a notice for at least three successive weeks in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be in the United States post office, nearest the land, in addition to a notice conspicuously posted on the land itself for the same period. Such notices must state specifically the place of and the day and hour of sale and shall contain a description of the property to be sold and shall also contain a detailed statement of all the delinquent taxes, penalties, costs, interest, graduated penalties required under section 3817 as if redemption were to be made, and expenses up to the date of such sale and shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof and said notice shall embody a copy of the authorization received from the controller. It shall be the duty of the tax collector to mail within five days after the publication of said notice of sale a copy of said notice, postage thereon prepaid and registered, to the party to whom the land was last assessed next before the sale, at his last known post-office address twenty-one days before the date of sale thereunder. Notice

Sale to
highest
bidder

At the time set for such sale, the tax collector must sell the property described in the controller's authorization and said notices, at public auction to the highest bidder for cash in lawful money of the United States;

Limit on
amount
of bid

But no bid shall be received or accepted at such sale for less than the amount of all the taxes levied upon such property and all costs and penalties for every year delinquent as shown by the delinquent rolls for said years and also all tax liens up to the date of the execution of the deed to the state and all expenses accrued to the date of the sale under this section, together with interest at seven per cent per annum and also the graduated redemption penalties required under section 3817 computed upon the aggregate amount of the taxes for each year delinquent from the first day of July following delinquency in each of said years to the date of the sale hereunder; provided, however, that if the board of supervisors of the county, or city and county, in which any such property is situate, shall, by resolution entered upon their minutes, declare that, in their judgment, the property so owned by the state, and particularly described in said resolution, is not at that time of value great enough that it can be sold by the state for a sum equal to the amount of all taxes levied upon said property, and all interests, costs and penalties and expenses up to the date of such sale, and that it would be to the best interest of the state to sell the said property for a sum to be stated in said resolution, less than the sum above named, upon receipt of a copy of said resolution, certified by the clerk of said board of supervisors, the state controller may thereupon, by written authorization, direct the tax collector of the county, or city and county, to sell the said property so described in said resolution for a sum not less than the sum so stated in said resolution, together with expenses of sale

Exception

Expense of
notice

The expense of giving the notice herein required shall be a charge against the property so advertised, and shall be collected by the collector, and no redemption of such property before said sale may be had without payment of such cost of advertising; and to secure the payment of such advertising cost the collector shall demand in advance from the party or parties seeking to purchase, a deposit with said officer of a sum sufficient to defray such cost of advertising, which deposit shall be forfeited in the event said party or parties fail or refuse to purchase at such sale; provided, that if the party or parties so depositing fail to secure such property on their bid, such deposit shall be returned, and such advertising cost shall be collected from the successful purchaser; provided also, that if the board of supervisors of the county, or city and county, in which the property is situated shall by resolution entered upon the minutes, direct the tax collector to apply for an authorization of sale of any property which has been deeded to the state, and shall authorize him to order the necessary advertising to be

done at county expense, the tax collector shall thereupon proceed as though a deposit had been made to cover advertising costs, and shall add a proportionate part of the total expense of advertising to the amount of taxes, penalties and interest chargeable against each tract or parcel sold. In any case in which no sale is made, the advertising shall be charged and paid as are other county charges

SEC. 2. That section 3897a of the Political Code be and the same is hereby amended to read as follows: Stats 1929,
p. 1157.

3897a. Whenever the state shall have become the owner of any property sold for taxes, and the deed to the state has been filed with the controller, as provided in section 3785, the right of redemption may be terminated absolutely by the state in the following manner: Right of
redemption
of tax
deeded lands
terminated

Whenever any state officer, duly authorized therefor, or any city, county, or city and county officer duly authorized therefor by the legislative body thereof, on behalf of the state, or of such city, county, or city and county, as the case may be, certifies in writing in duplicate to the tax collector of the county wherein such lands are situated that certain tax-deeded lands, giving a legal description thereof, are suitable for public purposes, setting forth the purposes, and deposits with said tax collector sufficient funds to pay all delinquent taxes levied against such land, and all delinquent installments of special assessments charged on the tax roll, together with all penalties and charges imposed by section 3756 hereof, and expenses of notice herein required, said tax collector shall forward to the state controller the original copy of said certificate upon which he shall have noted that such deposit had been made, and the state controller may thereupon by written authorization direct said tax collector to give the notice herein required. It shall thereupon be the duty of the tax collector to give notice by publication or posting and by registered mail, for the same time and in the same manner as provided in section 3897 of this code. The notice shall embody a copy of the authorization received from the controller; shall contain a description of the property; shall contain a detailed statement of the moneys required by section 3817 hereof to be paid to effect a redemption of the property up to the time fixed for termination of the right of redemption; shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof; and shall state that if said property is not redeemed within six months after the date of the first publication of said notice, specifying the date of said first publication, said right of redemption will terminate. Procedure

After such notice shall have been published as herein required said tax collector shall transmit to said controller a copy of said notice, to which he shall affix his certificate setting forth the date of each publication thereof and the date upon which a copy of said notice was deposited in the mail. Certificate
of notice

Time of
termination

In all cases where the right to redemption exists such right shall terminate six months after the date of first publication of the notice herein required.

Vesting
of title

After such right of redemption shall have been terminated, and any deed herein provided for has been executed, title to said lands described in the notice herein provided for will vest absolutely in the state or in such city, county, or city and county, as the case may be, duly authorized to receive the same, subject to any lien for special assessments which shall have theretofore attached.

Records

The controller shall keep a record of all of the tax-deeded lands to which the right of redemption has been terminated under the provisions of this act in a book to be kept in the office of the state controller for that purpose.

Immediately following the termination of the right of redemption in any tax-deeded lands said tax collector shall notify said controller in writing that such lands have not been redeemed and the controller shall note upon his records a description of said lands, with the disposition of the same. It shall be the duty of the tax collector to give the same notice following the execution of the deed of such termination of the right of redemption to the recorder and to the assessor that is provided for by section 3898 of the Political Code, with the description of property and name of state, city, county, or city and county to whom the deed was made and such report is to become a part of their official records. It shall be the duty of such recorder to enter upon the official records with appropriate entries the fact that the right of redemption has been terminated in said lands so described in the authorization from the state controller. Except as against actual fraud, such entry shall be conclusive evidence of the regularity of all proceedings, from the assessment of the assessor to and including the making of such entry.

Tax collec-
tor's deed

It shall be the duty of the tax collector to execute his deed to such city, county, or city and county, as the case may be, or to the officer, board or commission authorized by law to take the title thereto, conveying the land described in such authorization.

Form of
deed

Such deed shall be in substantially the following form:

"This indenture, made the _____ day of _____, 19____, between _____, as tax collector of the county of _____, State of California, first party, and the _____ of _____ State of California (or the officer, board, or commission authorized by law to take title to the property involved) second party.

Witnesseth:

That, whereas, the real property hereinafter described was duly sold and conveyed to the State of California for the non-payment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law; and

Whereas, the right of redemption of said property has been terminated pursuant to the provisions of section 3897a of the

Political Code by payment of the total amount necessary to terminate such right \$-----.

Now, therefore, said first party, in consideration of the premises and in pursuance of the statute in such case made and provided, does hereby grant to said second party, its successors and assigns, that certain real property hereinbefore referred to, and situate in the ----- county of -----, State of California, more particularly described as follows, to wit:

In witness whereof, said first party has hereunto set his hand the day and year first above written.

As tax collector of the county of -----.''

Said tax collector shall thereupon present such deed to the county recorder and it shall be the duty of such recorder to receive and record the same. Recordation.

Except as against actual fraud, such deed duly acknowledged, shall be conclusive evidence of the regularity of all proceedings, from the assessment of the assessor to and including the execution of such deed. Except as hereinbefore provided, such deed shall convey to the grantee therein named the absolute title to the property described therein, free and clear of all encumbrances. Effect of deed

No action, suit or proceeding to set aside, cancel, or question the validity of any proceeding instituted under the provisions of this section to terminate any right of redemption, or to quiet title of any lands affected thereby, shall be instituted or maintained unless the same shall have been commenced within three months after the date when such right of redemption shall have been terminated as herein provided, and thereafter all persons shall be barred from commencing or prosecuting any such action, or maintaining any defense in any action, based upon the alleged invalidity of, or any alleged irregularity in, such termination proceeding. Limitations on action to set aside

If redemption is made in accordance herewith, the moneys deposited by such officer with said tax collector shall be refunded to the depositor. Disposition of moneys.

If redemption is not so made, said tax collector shall distribute such moneys to the state, county, city and county, municipality, or other lesser taxation districts, and to each special assessment district, the amount of the taxes or assessments due them respectively, together with the penalties thereon, and the remainder of said deposit to the county as reimbursement for expenses incurred.

SEC. 3. A new section is hereby added to the Political Code to be numbered 3897b and to read as follows: New section

3897b. Whenever any state officer, duly authorized therefor, or the legislative body of any city, county or city and county, shall declare by resolution spread upon its minutes, and file with the county tax collector two certified copies thereof, that certain property described therein, lying Sale of tax-deeded property to political subdivision

within the territorial boundaries of said city, county, or city and county, which shall have been deeded to the state for delinquent taxes, is suitable and desired for public purposes, setting forth the purposes, requesting the tax collector to apply to the state for authority to sell such property in accordance with the provisions hereof, and shall direct the auditor to draw his warrant in favor of, and deposit same with, said tax collector for an amount sufficient to pay all delinquent taxes levied against such property, and all delinquent installments of special assessments charged on the tax roll, together with all penalties and charges imposed by law, and expenses of notice herein required; said tax collector shall forward to the state controller one of such certified copies of such resolution, upon which he shall have noted that such deposit has been made, and the state controller may thereupon, by written authorization, direct said tax collector to sell the property described in such resolution in the manner hereinafter provided. It shall thereupon be the duty of said tax collector to give notice by publication, posting, and mailing, in the same manner, as is required by section 3897 hereof, that unless sooner redeemed, the property described in said authorization will be sold by said tax collector, at the time and place therein mentioned, for such delinquency.

Notice
of sale

Such notice shall contain a detailed statement of the moneys required by section 3817 of this code to be paid to effect a redemption of the property, including expenses to the date of such sale; shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property, or any part thereof, and shall embody a copy of the authorization received from the controller.

Tax collec-
tor's deed.

At the time set for such sale, unless the property shall have been redeemed prior thereto, a sale of said property shall be, and shall be deemed to have been, consummated to said city, county, or city and county, and said tax collector shall thereupon execute his deed therefor to such city, county, or city and county, or to the officer, board or commission authorized by law to take title thereto, conveying the property described in such authorization.

Form
of deed

Such deed shall be in substantially the following form:

"This indenture, made the _____ day of _____ 19____, between _____, as tax collector of the county of _____, State of California, first party, and the _____ of _____ State of California, (or the officer, board or commission authorized by law to take title to the property involved) second party.

Witnesseth:

That, whereas, the real property hereinafter described was duly sold and conveyed to the State of California for the non-payment of taxes which had been legally levied and which were a lien upon said property under and in accordance with law; and

Whereas, the period of five years has elapsed since said sale and no person has redeemed said property; and

Whereas, in conformity with law, the State of California, acting by and through ----- tax collector as aforesaid, did sell such property to said second party for the sum of \$ -----;

Now, therefore, said first party, in consideration of the premises and in pursuance of the statute in such case made and provided, does hereby grant to said second party, its successors and assigns, that certain real property hereinbefore referred to, and situate in the ----- county of -----, State of California, more particularly described as follows, to wit:

In witness whereof, said first party has hereunto set his hand the day and year first above written.

As tax collector of the county of -----."

Said tax collector shall thereupon present such deed to the county recorder and it shall be the duty of such recorder to receive and record the same. Recordation.

Except as against actual fraud, such deed, duly acknowledged, shall be conclusive evidence of the regularity of all proceedings, from the assessment of the assessor to and including the execution of such deed, and title to the lands described therein will vest absolutely in the grantee thereof, subject to any lien for special assessments which shall have theretofore attached. Effect of deed

No action, suit or proceeding to set aside, cancel, or question the validity of any proceeding instituted under the provisions of this section to quiet title of any lands affected thereby, shall be instituted or maintained unless the same shall have been commenced within three months after the date of the execution of such deed, and thereafter all persons shall be barred from commencing or prosecuting any such action, or maintaining any defense in any action, based upon the alleged invalidity of, or any alleged irregularity in, such proceeding. Limitations on action to set aside deed

If a sale is consummated hereunder, said tax collector shall apply the amount deposited as the purchase price at said sale. The deposit and distribution of the amount thereof, the settlements therefor, and the duties of the tax collector, recorder and assessor shall be made and performed as provided in section 3898 of this code. Disposition of moneys

If redemption of such property is made, such deposit shall be returned to the depositor thereof.

CHAPTER 1125.

An act to amend sections 2 and 8 of an act entitled "An act to define commercial feeding stuffs and to establish a standard therefor, providing for the branding and labeling of same, empowering the state board of health to enforce the Stats 1919, p 551, amended

provisions of the act and providing penalties for the violation of same," approved May 16, 1919, relating to commercial feeding stuffs.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 551

SECTION 1. Section 2 of an act entitled "An act to define commercial feeding stuffs and to establish a standard therefor, providing for the branding and labeling of same, empowering the state board of health to enforce the provisions of the act and providing penalties for the violation of same," approved May 16, 1919, is hereby amended to read as follows:

Standards

Sec. 2. The standards for commercial feeding stuffs shall be the latest revision of the definitions of feeding stuffs adopted by the Association of American Feed Control Officials, excepting that alfalfa meal shall contain not less than fourteen per cent protein, and/or not more than thirty per cent crude fiber.

Stats. 1927,
p. 622

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Offenses and
penalties

Sec. 8. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale, or distribute in this state, any commercial feeding stuffs without having attached thereto such labels or tags as required by the provisions of this act, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said state board of health or its authorized agent in the performance of its duty in connection with the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs as defined in section 1, without complying with the requirements of the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs which contain a smaller per centum of crude protein or crude fat or a larger per centum of crude fiber or ash than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manufacture or who shall fail to properly state the per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, when such constitute a portion of the package, lot or parcel or the per centum of grit or mineral matter shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be fined not more than one hundred dollars for the first violation and not less than one hundred dollars for each subsequent violation. Any manufacturer, jobber, importer, firm, association, corporation or person who shall mix or adulterate any feeding stuffs with any substance or substances injurious to the health of live stock or poultry shall be deemed guilty of a violation of the provisions of this act, and in addition to the penalty provided in this section, the lot of feeding

Injurious
substances

stuffs shall be subject to seizure, condemnation and sale as the court may direct. The court may in its discretion release the feeding stuffs so seized when the requirements of the provisions of this act have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with such seizure. One-half of all fines, and the proceeds from condemned foodstuffs collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer, and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and the state board of control. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in the United States, from whom he purchased such commercial feeding stuffs to the effect that the same are not adulterated, mislabeled or misbranded within the meaning of this act, and can also establish by satisfactory evidence that the commercial feeding stuffs sold, offered or exposed for sale or distributed in this state were mislabeled or did not conform to the analysis declared on the label or tag affixed thereto, and that at the time of selling, offering or exposing for sale or distributing in this state such commercial feeding stuffs the dealer was not aware of that fact; such guaranty may be either general or special. A general guaranty shall guarantee without conditions or restriction all of the commercial feeding stuffs purchased, prepared, compounded, packed, distributed or sold by the guarantor as not mislabeled or adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular commercial feeding stuffs listed in an invoice of the same and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such commercial feeding stuffs to said dealer. If the guaranty be to the effect that such commercial feeding stuffs are not adulterated, mislabeled or misbranded within the meaning of the national pure food act, approved June 30, 1906, it shall be sufficient for the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said national pure food act alone shall not be sufficient for the purposes of this act in any case where at any time the standard for the commercial feeding stuffs concerned under this act is higher than the standard for like commercial feeding stuffs under said national pure food act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state and it appears from the certificate of the director of the state laboratory that such commercial feeding stuffs were adulterated, mislabeled or misbranded, within the meaning of this act or

State
laboratory
maintenance
fund.

Guaranty of
wholesaler.

Higher state
standard

Notice to
United
States attorney
general

the national pure food act approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

CHAPTER 1126.

An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1929,
p. 368.

Board of
election

SECTION 1. Section 1142 of the Political Code is hereby amended to read as follows:

1142. (a) At each general election, and at each election, where other provisions are not made by law or charter, the election officers appointed for each precinct shall constitute a board of election for such precinct. Such board shall consist of one inspector, two judges and three clerks; provided, that in any precinct in which the total registration does not exceed one hundred electors or at any special election for selection of a board of freeholders or a . which propositions, not exceeding four in number, are presented to the electors (including proposals for issuance of bonds, for annexation of territory and adoption or amendment of a charter), or at any special election where other provisions as to election officers is not made by law, the board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered, qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; provided, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed; and provided, further, that in the event a sufficient number of qualified persons have not applied for the position of election officer as herein-after provided to constitute such board, then in that event each of such officers shall be a registered, qualified elector of the precinct for which he is appointed and in which he acts, or a registered, qualified elector of a precinct adjoining the precinct for which he is appointed and in which he acts.

Appoint-
ment.

(b) The board of supervisors, or other board having charge or control of elections in each of the counties, and cities and counties, must, not less than thirty days prior to an election issue its order appointing the members of the several boards of election and designate the polling places unless otherwise provided herein or by law.

Substitute
appointees

(c) If the election officers for any precinct have not been appointed or can not serve, or the polling place therein, has

not been designated by the twentieth day prior to any election, the county clerk or registrar of voters shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require and said officer shall have power to excuse electors appointed from serving whenever he is satisfied any such elector ought to be excused, and to substitute new appointees in all cases when any elector appointed shall be excused or found disqualified or deemed incompetent down to a time when said officer shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the final order of appointment for such precinct; such appointments shall be in the form prescribed in subdivision (f) of this section, and in addition shall have at the head thereof the words in capitals "Amended and final precinct list of election officers."

The county clerk or registrar of voters shall require inspectors of election who have been appointed to take the oath of office before any officer qualified to take oaths and return said oath of office to county clerk or registrar of voters at least fifteen days before the day of election, and if such inspector shall refuse or fail to so take such oath of office said officer shall substitute and appoint an inspector and cause to be administered such oath of office to such newly appointed inspector.

There shall be no fee or charge for administering an oath to an election officer.

Said oath shall be substantially in the following form: Form

State of California,)
 County of ----- } ss.

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of ----- on the board of election for ----- precinct according to the best of my ability.

 Subscribed and sworn to before me this ----- day of -----, 19---.

 (Name and designation of official before whom taken.)

(d) Any elector who has filed an application for the position of an election officer as herein provided, who, having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment. Any elector serving as an election officer at any election, shall, on the day of such election, be entitled to absent himself from any service or employment in which he, or she, is then engaged or employed; and such elector shall not, because of so absenting

Oath of office

Form

Failure to serve as officer.

Preference.

himself, or he: self, be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall such elector be suspended or discharged from any service or employment because of so absenting himself or herself. In appointing election officers preference shall so far as possible be given to any elector otherwise qualified, who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer if otherwise qualified. Any elector may file an application for the position of an election officer on blanks prepared by the officer in charge of registration, which shall be substantially as follows:

Application

APPLICATION TO SERVE AS ELECTION OFFICER.

State of California, }
 County of _____ } ss.

My name in full is _____

My actual residence is _____

My age is _____; my occupation is _____

I am employed at _____ (give place of employment).

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer or as a clerk engaged in the registration of voters, by the state, county, city and county, or incorporated city or town in which I now reside.

I have _____ acted as an election officer at an election _____, (If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have.")

I have _____ passed a civil service examination _____. (If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have.")

My experience in clerical work has been as follows: (State briefly.)

For further information, I would refer to the following:

 (Names and addresses of two or three well known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as an elector in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own handwriting.

 Signature of applicant.

Subscribed and sworn to before me this ----- day of -----
19----

(Name and designation of official before whom taken).

All such applications must be sworn to and the county clerk or registrar of voters shall take such oath without charge.

(e) No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he, or she, acts and a registered and a qualified elector thereof, except as provided in subdivision (a) hereof, or who has, within ninety days preceding such election, been employed in any capacity, other than that of an election officer, or as a clerk engaged in the registering of electors, by the state, county, city and county, or incorporated city and town in which he resides. Persons eligible

(f) Upon filing a list of the names and addresses of those who have been appointed election officers the county clerk or registrar of voters shall immediately mail or deliver to each elector appointed a notice that he, or she, has been appointed, stating therein the position to which he or she has been assigned, and the penalty for failure to serve, also such other matter as the county clerk or registrar of voters may determine. He shall also publish the list of the names of the election officers appointed and the polling places designated for each election precinct in any daily or weekly newspaper of general circulation published in the county, or city and county where the election is to be held, for two issues, the last publication to be at least one week before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice of the electors appointed to serve as election officers in that precinct. Said notice shall be substantially in the following form: Notice of appointment.

Office of the county clerk (or registrar of voters). Form.
County of -----

NOTICE TO ELECTION OFFICERS.

To -----, inspector for ----- precinct.

The polling place for the ----- precinct at the election to be held on ----- the ----- day of ----- is ----- and the board of election for said precinct is composed of the following electors:

Position	Name	Address
-----	-----	-----
-----	-----	-----
-----	-----	-----

You, as inspector, must, before the polls are opened, see that each of these persons have taken the oath required by law and that no person is permitted to act as election officer unless he or she has taken such oath and is registered as an elector thereof and is not and has not been employed in any

capacity, other than that of election officer, or as clerk engaged in the registering of electors, within ninety days of the election, by the state, county or city and county or by the incorporated city and town in which he, or she resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the inspector shall appoint in his or her place one who is qualified who shall take the required oath of office which will be found set forth in the tally list.

County clerk (or other official).

Oath of
election
officer.

(g) On the day of election and before entering upon the performance of their duties, each of the election officers shall take an oath, same as prescribed in subdivision (c) hereof, before said inspector, or in case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the tally list for that precinct.

Persons
eligible

(h) No person shall be eligible to act as a member of any election board who can not read and write the English language, nor shall any person be appointed an election officer or act as such who is not at the time in every respect qualified to act as such election officer, except as hereinbefore provided, nor shall any elector so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision.

Canvass
of votes.

Not more than two members of any board of election shall be absent from the polling place at any one time. Such board of election shall canvass the votes for such precinct, and all of said board must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the board; provided, that there shall always be two members simultaneously keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; and provided, further, that the final certificate shall be signed by a majority of the whole.

In city and
county hav-
ing registrar

(i) In any city and county having a registrar of voters all preliminary or other lists of electors qualified to act as election officers and all appointments of election officers shall be made by said registrar of voters and he shall have power to

excuse electors appointed from serving whenever he is satisfied any such elector ought to be excused, and to substitute new appointees in all cases when any elector appointed shall be excused or found disqualified or deemed incompetent down to a time when said registrar of voters shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the registrar's final order of appointment for such precinct; such appointments shall be in the form prescribed in subdivision (f) of this section, and in addition shall have at the head thereof the words in capitals "Final precinct list of election officers."

In a city and county having such a registrar of voters he may require inspectors of election who have been appointed to take the oath of office at the office of said registrar of voters at least ten days before the day of election, and if such inspector shall refuse or fail to so take such oath of office said registrar may substitute and appoint an inspector and administer such oath of office to such newly appointed inspector. In a city and county the publication of the list of election officers referred to in this section, may, in the discretion of the registrar of voters, be made only once.

CHAPTER 1127.

An act to provide for certain investigations relating to conservation of water and to make an appropriation therefor.

[Approved by the Governor June 19, 1931, with the reduction hereunder noted In effect August 14, 1931]

[I object to the item of \$25,000 in section 2 of Senate Bill No. 461, and reduce the amount thereof to \$17,000. With this reduction I approve the bill Dated June 19, 1931 JAMES ROLPH, JR., Governor.]

The people of the State of California do enact as follows:

SECTION 1. The department of natural resources, division of forestry, with the approval of the department of finance, is hereby empowered to enter into agreements with federal agencies for the purpose of investigating the effect of forest cover in the conservation of water and the prevention of erosion on watershed areas. Federal-state contracts for water investigation

SEC. 2. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the department of natural resources, division of forestry; seventeen thousand dollars thereof, for the purpose of carrying out the terms of the agreement or agreements provided for in section 1 of this act, to become available only in the event and at the times equal sums are made available by the United States forestry service or other interested agencies for the same purpose; and the balance for the purpose of an investigation of the effects of fire and Appropriation Fire and brush cover investigation

brush cover on ground water supply, one-half to be expended during the eighty-third fiscal year and the remainder to be expended during the eighty-fourth fiscal year.

CHAPTER 1128.

An act in relation to the control and eradication of bovine tuberculosis; to provide an appropriation for the purposes of this act; to prescribe penalties for violation of the provisions hereof, and to repeal certain acts therein specified.

[Approved by the Governor June 19, 1931, with the reduction hereunder noted In effect August 14, 1931]

[I object to the item of \$530,000 in section 16 of Senate Bill No. 472, and reduce the amount to \$415,000 With this reduction I approve the bill Dated: June 19, 1931 JAMES ROLPH, JR. Governor.]

The people of the State of California do enact as follows:

Short title SECTION 1. This act shall be known and may for all purposes be cited as the "Bovine tuberculosis law."

Definitions SEC. 2. The following words, terms, and phrases, when used in this act, shall, for the purposes hereof, be defined as follows:

(a) Unless otherwise indicated, "Department of agriculture" means the department of agriculture, of the State of California, and shall include the director of agriculture and person or persons designated by him to act for said department.

(b) "Person" includes both the singular and plural, as the case demands, and includes individuals, firms, and corporations.

(c) "Tuberculin" means the product of the growth of the tubercle bacillus from any source, used or intended to be used in the diagnosis of tuberculosis in live stock and poultry.

(d) "Tuberculin test" means the use of tuberculin for the purpose of diagnosing tuberculosis in cattle.

(e) "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a tuberculin test or that is adjudged tuberculosis on physical examination by an approved veterinarian.

(f) "Accredited herd" means a herd of cattle for which the owner holds a valid certificate of accreditation, issued to him by the United States department of agriculture and the department of agriculture.

(g) "Tuberculosis control area" means an area established and delimited as such by proclamation of the department of agriculture.

(h) "Grade animal" means an animal not identified in the herd book of any breed record association recognized by the United States department of agriculture.

(i) "Purebred animal" means an animal identified in the herd book of a breed record association recognized by the United States department of agriculture.

(j) "Premises" means any place where cattle have been or are kept at present.

(k) "Modified accredited area" means an area so declared by the federal and state departments of agriculture.

(l) "Calf segregation area" means an area established as such by proclamation of the department of agriculture to promote the eradication of bovine tuberculosis among calves in said area.

(m) "Cattle" and "bovine animals" mean neat cattle and shall be construed to import both the singular and plural, as the case demands.

(n) "Approved veterinarian" means a veterinarian who has been granted permission to buy, possess or use tuberculin as provided for in subdivision (a) of section 4 of this act.

SEC. 3. (a) It is unlawful for any person to sell, or otherwise dispose of any tuberculin in the State of California that has not been produced under license of the bureau of animal industry of the United States department of agriculture.

Sales of
tuberculin

(b) All sales and all other disposition of tuberculin to be used within the State of California shall be reported within five (5) days thereafter to the department of agriculture.

SEC. 4. (a) It shall be unlawful for any person other than a veterinarian who has been granted permission by the department of agriculture to buy, possess, or use tuberculin as defined in this act for any purpose whatsoever. Permission granted any veterinarian may be suspended or revoked by the department of agriculture.

Restriction
on use of
tuberculin.

(b) Any use or disposition of tuberculin by an approved veterinarian shall be reported to the department of agriculture within five (5) days after such use or disposition.

(c) The result of every tuberculin test shall be reported to the department of agriculture by the veterinarian conducting said test within five (5) days after completion of said test.

SEC. 5. (a) Whenever an authorized agent of the department of agriculture has reason to suspect an irregularity in the application of a tuberculin test or the branding of reactors, he shall have power to enter any premises, for the purpose of examining any bovine animals therein or thereon to determine if there has been any abuse or misuse of tuberculin, or faulty, unskillful or irregular technic or procedure in the application of the tuberculin test, branding of reactors, or identification of animals under tuberculin test.

Examination
of bovine
animals.

(b) Any approved veterinarian shall have power to ear tag or otherwise identify any bovine animal for purpose of establishing the identity of said animal while applying a tuberculin test thereto.

(c) It is unlawful for any person to hamper, obstruct, attack or interfere with, or permit to be hampered, obstructed,

attacked, or interfered with, an approved veterinarian conducting a tuberculin test, or to attempt to defeat, obstruct or interfere with the application of a tuberculin test, or to neglect or fail to properly secure and restrain any bovine animal to be tuberculin tested, or under tuberculin test, for examination, injection, observation, or other procedures pertaining to a tuberculin test.

(d) It is unlawful for any person to knowingly inject into any bovine animal any substance purporting to be tuberculin which is not in fact tuberculin.

(e) Any bovine animal which has been found to be a reactor by an approved veterinarian shall forever after be considered a tuberculous animal, and it is unlawful to apply a tuberculin test to such reactor.

Branding
reactors.

SEC. 6. Every reactor shall immediately upon the determination of such reaction be branded with a permanent brand by its owner or his agent, under the supervision of the approved veterinarian conducting the tuberculin test, with a hot iron with the letter "T" on the left jaw. Said letter "T" shall be not less than three (3) inches in length from top to bottom, and two (2) inches wide at the top, and the branding edge of the "T" shall not be greater than one-eighth ($\frac{1}{8}$) of one inch in width.

Unlawful
exhibition
of reactors

SEC. 7. It is unlawful to have any bovine animal at any live stock fair or show, unless said animal is free from tuberculosis as evidenced by a tuberculin test record approved by the department of agriculture.

Cooperation
with United
States.

SEC. 8. The department of agriculture is hereby authorized, in cooperation with the United States department of agriculture, to undertake tuberculosis control in bovine animals under the accredited herd plan, in accordance with the rules and regulations of the department of agriculture and the United States department of agriculture.

Tuberculosis
control
areas.

SEC. 9. (a) The department of agriculture is hereby authorized and empowered to establish and maintain tuberculosis control areas within this state, wherein said department shall examine and tuberculin test all dairy cattle, and, with the consent of the owner, certain beef cattle, as often as may be deemed necessary, in order to determine which animals are affected with tuberculosis for the purpose of bringing said disease of tuberculosis under control in the State of California. Any tuberculosis control area shall consist of an entire county or group of entire counties. Immediately after this act becomes effective, the department of agriculture shall establish and maintain tuberculosis control areas in all areas in which tuberculosis eradication areas were established under the bovine tuberculosis law, chapter 47, statutes 1927.

Duty of cat-
tle owners

(b) All owners, of cattle subject to examination and tuberculin testing, within a tuberculosis control area, shall, upon request of the department of agriculture or duly authorized

agent thereof, provide necessary facilities for making tuberculin tests, and render such assistance as may be required.

(c) Any bovine animal, in a tuberculosis control area, reacting positively to a tuberculin test conducted by a representative of the federal or state department of agriculture, or adjudged tuberculous upon physical examination by said representative, shall immediately be segregated from other bovine animals which are not reactors. Within thirty days after the appraisal of said reacting bovine animal, as provided for herein, it shall be slaughtered under the direction of the department of agriculture; and in consideration of the fact that the eradication of bovine tuberculosis is beneficial to public health and welfare, before said animal is slaughtered, its value shall be determined by appraisalment by a representative of the said department of agriculture or a representative of the bureau of animal industry of the United States department of agriculture, and the owner or his agent. In case of failure to agree on the valuation, said reacting bovine animal shall be appraised by the chief appraiser of said department of agriculture or his representative. In either event, the value determined shall be final. Except as hereinafter provided, the State of California shall pay to the owner of any reacting bovine animal slaughtered under the provisions of this section one-third of the difference between the appraised value of such reacting bovine animal and the proceeds from the sale of the salvage, and the owner shall also receive the proceeds from the sale of the salvage, provided that in no case shall any payment by the State of California, hereunder, exceed thirty-five dollars (\$35) for any grade animal or seventy dollars (\$70) for any purebred animal, and no payment shall be made unless the owner has complied with all the provisions of this act relating to tuberculosis control areas and the regulations promulgated by the department of agriculture for its enforcement.

(d) If at any time the congress of the United States shall fail or refuse to make an appropriation to assist in the eradication of tuberculosis in cattle in California, or if at any time the Legislature of the State of California shall fail or refuse to make an appropriation for the eradication of tuberculosis and in payment for cattle destroyed under the provisions of this section, or if at any time an appropriation made by the Legislature of the State of California for such purposes shall become exhausted, the testing of cattle as provided for in this section shall be suspended until such time as money shall be available for payment for cattle slaughtered under the provisions of this section of this act.

(e) No indemnity shall be paid to any person in any of the following cases:

1. For any steer or grade bull determined to be a reactor.
2. For any bovine animal brought into a tuberculosis control area, which reacts to a tuberculin test applied within thirty to ninety days after arrival of said animal in such area,

Disposition
of reactorsPayment
to owner of
reactor.When
funds fallRestrictions
on payment
of indem-
nity

as provided for in this act, or which was brought into a tuberculosis control area, contrary to any provision of law or rules and regulations of the state or federal department of agriculture.

3. For any reacting bovine animal until the premises, where said animal had been kept, have been cleaned and disinfected by the owner and in a manner approved by an agent of the state or federal department of agriculture.

4. For any reacting bovine animal which has not been slaughtered within thirty days after such animal has been appraised as provided in this act.

5. For any reacting bovine animal owned by the United States, State of California, or any county, city, town or township, in the State of California.

No subsequent payment of indemnity shall be made to any person in any of the following cases:

1. Unless the provisions of this act have been fully complied with for each and every bovine animal added to his herd.

2. Unless and until the premises are and have been maintained in a sanitary condition satisfactory to the state or federal department of agriculture.

Proof of pedigree.

(f) The pedigree of any purebred bovine animal shall be proved by a certificate of registry from the herd books where registered and said registration papers of any purebred bovine animal slaughtered on account of tuberculosis and for which indemnity is paid shall be marked "canceled" by the department of agriculture.

Payment of claims

(g) Each claim against the state for payment in consideration for the slaughter of any reacting bovine animal shall be presented to the state controller, audited and paid out of appropriations or funds available therefor, in accordance with law.

Proclamation establishing control area

(h) Whenever the department of agriculture shall establish a tuberculosis control area, said department shall issue a proclamation which shall designate the boundaries thereof; and said proclamation shall be published for three successive weeks in a newspaper of general circulation published in such area.

Powers of inspectors and agents.

SEC. 10. For the purpose of carrying out the provisions of this act, the duly authorized inspectors or agents of the state or federal department of agriculture, may at any time or place, enter upon any premises, except dwelling houses. No person shall obstruct, hamper, or interfere with the work of said agents or inspectors of said departments, while enforcing the provisions of this act. Should any owner or person in charge of cattle subject to examination, tuberculin testing, branding, or slaughter, under the provisions of this act, after ten days' notice in writing, refuse properly to confine in corrals or stanchions said cattle in his charge, possession, or control, in order to permit such examination, tuberculin testing, branding, or slaughter, the department of agriculture, agents or inspectors thereof are authorized to employ help and incur such expense as is necessary in order to properly so examine,

tuberculin test, brand, or slaughter, any and all said cattle and the expense so incurred shall become and remain a lien upon said cattle and such lien, unless paid within ten (10) days after written notice of the amount of the same has been given by the said department of agriculture to the owner or person in possession of said cattle, shall be foreclosed in the manner provided by law. Nothing in this act shall apply to animals which are being used in research projects, conducted by the University of California, under the authorization of the board of regents thereof.

SEC. 11. Cattle which have shown a positive reaction to the tuberculin test, and which have been branded in accordance with the provisions of this act, and intended for immediate slaughter, may be transported through, from or into a tuberculosis control area by permit of the department of agriculture.

Transportation of infected animals.

SEC. 12. No cattle, except as otherwise provided, shall be permitted to enter any tuberculosis control area unless they are accompanied by a tuberculin test certificate, acceptable to the department of agriculture issued by a duly authorized veterinarian, showing said cattle to have negatively passed a tuberculin test applied within sixty days if entering from another state, or thirty days if from within the state, prior to the shipping, transporting, or moving of said cattle, and unless the entire herd or herds from which said animals originate are tuberculin tested and the number of animals reacting does not exceed ten per cent of the total number of the herd, and said cattle after arrival in a tuberculosis control area shall be held under supervision and tuberculin retested within thirty to ninety days by an agent of the state or federal department of agriculture; provided, that cattle regularly tested and non-reacting in a tuberculosis control area and cattle from state and federal accredited herds and modified accredited areas may be brought into a tuberculosis control area by permit from the department of agriculture; and provided, further that cattle of beef breeds may be permitted to enter any tuberculosis control area, in accordance with the regulations of the department of agriculture; and, provided, further, that in the case of cattle which have been brought into any tuberculosis control area to be sold at public or private sale, the place where the sale is made shall not be construed to be the final destination as defined in this act, but said cattle may be reshipped under permit of the department of agriculture, and the destination of such reshipment shall be considered to be the final destination. A copy of each tuberculin test certificate accompanying cattle, entering any tuberculosis control area, shall be forwarded to the department of agriculture on or before the date of shipment or movement, and the forms for such certificates, to be issued for cattle originating within the state, shall be obtained from the department of agriculture.

Entry of cattle into tuberculosis control area.

"Modified
accredited
area"

SEC. 13. The department of agriculture is hereby authorized, in cooperation with the United States department of agriculture, to declare a county as "modified accredited area" when the percentage of tuberculosis cattle, within said county, is reduced to meet the requirements of "modified accredited areas," as adopted by the United States bureau of animal industry.

Calf segre-
gation area

SEC. 14. (a) Following public hearing before the board of supervisors of any county on the subject of the formation of a calf segregation area, said board of supervisors may request the department of agriculture to declare said county a calf segregation area, and thereupon the department of agriculture shall establish by proclamation such calf segregation area in accordance with the provisions of this act. Said proclamation shall designate the territorial boundaries of such area and shall be published for three successive weeks in one newspaper of general circulation printed and published in said county.

Calf raising
in calf
segregation
area

(b) The offspring of all bovine animals within any calf segregation area shall be removed from such animals within forty-eight hours after the birth thereof and thereafter said offspring shall be kept segregated and apart from any untested cattle or any cattle which have reacted positively to the tuberculin test, and on premises free from tuberculosis infection; and said offspring shall not be fed any milk or product thereof produced by any animal which has not negatively passed a tuberculin test applied by a veterinarian approved by the department of agriculture until such milk or product thereof has been pasteurized, or heated to a temperature as efficient as pasteurization in the destruction of pathogenic bacteria, in a manner acceptable to the department of agriculture. Until determined to be nonreacting animals by the department of agriculture, said offspring shall be tuberculin tested once in every six months, and any animal which positively reacts to said test shall be branded as provided for herein and immediately segregated from any animals which fail to react to said test, and shall be slaughtered within thirty days from date of said test: and it shall be unlawful for any owner or person in control of any such cattle to neglect or refuse to so segregate and feed, or have such segregated offspring tuberculin tested and the positive reactors so branded, removed and slaughtered; provided, that the offspring of range cattle which are to be raised for beef or veal shall be exempt from the provision of this section. No indemnity for any reactor in a calf segregation area shall be paid to any person by the state.

Entry into
calf segre-
gation area

(c) No cattle, except as otherwise provided, shall be permitted to enter any calf segregation area until they have been certified to as nonreacting cattle as evidenced by a tuberculin test applied by an approved veterinarian, and in accordance with the regulations of the department of agriculture; provided, that cattle of the beef breeds may be permitted to enter

any calf segregation area in accordance with the regulations of the department of agriculture.

SEC. 15. The slaughtering of all animals, under the provisions of this act, shall be under the supervision of an inspector of the department of agriculture, or of the United States bureau of animal industry, provided, that in any chartered or incorporated city or city and county that maintains a regular meat inspection service by persons who have passed the civil service meat and/or market inspectors' examination the slaughtering of said animals under the provisions of this act may be under the supervision of such an inspector or inspectors of such chartered or incorporated city or city and county. The carcasses shall be disposed of in accordance with the rules and regulations of the department of agriculture, or bureau of animal industry governing meat inspection.

Slaughter
under pro-
visions of
this act

SEC. 16. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated, in addition to existing appropriations, the sum of five hundred thirty thousand dollars to be expended in accordance with law in carrying out the provisions of this act.

Appropriation

SEC. 17. In order to carry into effect the provisions of this act, the department of agriculture is hereby authorized to make such rules and regulations as may be deemed necessary, proper or advisable.

Rules and
regulations.

SEC. 18. It shall be the duty of district attorneys, sheriffs, constables, and their deputies within their respective jurisdictions to render all necessary assistance to enable the department of agriculture or duly authorized agents thereof to administer the enforcement of the provisions of this act.

Duty of
local officers

SEC. 19. Any person, who violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days in jail, or by both such fine and imprisonment.

Penalty for
violations

SEC. 20. If any of the provisions of any section of this act be declared unconstitutional, such decision shall not affect the validity of the remaining provisions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that such provisions or any or either thereof be declared unconstitutional.

Constitutionality.

SEC. 21. Chapter 668, statutes of 1921, entitled "An act providing for the suppression, eradication, and control of tuberculosis among cattle," approved June 3, 1921, as amended; and chapter 714, statutes of 1921, entitled "An act to prevent, control, and eradicate tuberculosis in cattle in the State of California; to empower the director of agriculture to establish tuberculosis eradication or free areas; providing penalties for the violation hereof," approved June 3, 1921, as amended; and chapter 47, statutes 1927, known as the "Bovine tuberculosis law," approved April 4, 1927, as

Repeals
Stats 1921,
p. 1145.

Stats 1921,
p. 1226.

Stats 1927,
p 80

Stats 1929,
p. 1750. amended; and chapter 829, statutes 1929, known as the "Bovine tuberculosis law," approved June 17, 1929, are hereby repealed.

CHAPTER 1129.

An act to amend section 204 of the Code of Civil Procedure, relating to jury lists.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 599.

SECTION 1. Section 204 of the Code of Civil Procedure is hereby amended to read as follows:

Jury lists,
by whom and
when made

204. In the month of January in each year it shall be the duty of the superior court in each of the counties of this state to make an order designating the estimated number of grand jurors and also the number of trial jurors, that will, in the opinion of said court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year; and immediately after said order designating the estimated number of grand jurors shall be made, the court shall select and list the grand jurors required by said order to serve as grand jurors in said superior court during the ensuing year, or until new lists or jurors shall be provided, and said selections and listings shall be made of men and women suitable and competent to serve as jurors, as set forth and required in sections 205 and 206 of this code, which list of persons so selected shall at once be placed in the possession of the county clerk; and immediately after said order designating the estimated number of trial jurors shall be made, the board of supervisors shall select, as provided in sections 205 and 206 of this code, a list of men and women to serve as trial jurors in the superior court of said county during the ensuing year, or until a new list of jurors shall be provided.

Particular
counties

In counties and cities and counties having a population of ninety thousand inhabitants or over, such selection shall be made by a majority of the judges of the superior court; provided, further, that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, it shall be the duty of the judge presiding in each such respective session, to make an order in the manner and within the time above specified, designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of said session of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and it shall also be the duty of said judge to make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing within the township within which said city is located.

Provided, further, that in counties and cities and counties having a population of three hundred thousand inhabitants or over, such order designating the number of trial jurors, and such selections and listings of men and women suitable and competent to serve as trial jurors, shall be made by a majority of the judges of the superior court and shall be made in the months of January and July of each year.

CHAPTER 1130.

An act to amend sections 221, 224m, 226 and 227 of the Civil Code, relating to adoption

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 224 of the Civil Code is hereby amended to read as follows: Stats 1927.
p 1196

224. A legitimate child can not be adopted without the consent of its parents if living, nor an illegitimate child without the consent of its mother if living, except that consent is not necessary in the following cases: Consent to
adoption

1. When a father or mother has been judicially deprived of the custody and control of such child by order of the juvenile court, declaring such child to be free from the custody and control of his parents as provided in the "Juvenile court law," approved June 15, 1915, or any act or acts superseding or amending the same.

2. Where the father or mother of any child has deserted the child without provision for its identification.

3. Where the father or mother of any child has relinquished said child for adoption as provided in section 224m of this code.

SEC. 2. Section 224m of the Civil Code is hereby amended to read as follows: Stats 1927.
p 1196.

224m. The father or mother may relinquish a child for adoption by a written statement signed before two subscribing witnesses and acknowledged before the secretary or assistant secretaries of an organization licensed by the state department of social welfare to find homes for children and place children in homes for adoption. Such relinquishment, when reciting that the person making it is entitled to the sole custody of the minor shall when duly acknowledged before such officer be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to relinquish. Relinquish-
ment for
adoption

In cases where a father or mother of a child resides outside the State of California and such child is being cared for and is placed for adoption by an organization licensed by the state department of social welfare to place children for adoption,

such father or mother may relinquish the child to that organization by a written statement signed by such father or mother before a notary on a form prescribed by the organization, and previously signed by the secretary or assistant secretary of the organization, which signifies the willingness of such organization to accept the relinquishment.

The relinquishment authorized by this section shall be of no effect whatsoever until a certified copy is filed with the state department of social welfare.

Stats 1937,
p 1197

SEC. 3. Section 226 of the Civil Code is hereby amended to read as follows:

Petition for
adoption

226 Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the state department of social welfare at Sacramento in writing of the pendency of the action. In all cases in which consent is required, except in the case of an adoption by a step-parent where one natural parent retains his or her custody and control of the child, unless a society licensed by the state department of social welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the consent for adoption must be signed in the presence of an agent of the state department of social welfare on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

Consent

Effect of
consent

Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

Duty of
department
of social
welfare.

In all cases of adoption in which no agency licensed to place children for adoption is a party, except in the case of an adoption by a step parent where one natural parent retains his or her custody and control of the child, it shall be the duty of the department of social welfare to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to accepting the consent of a natural parent to the adoption of the child by the petitioner.

Appeal

If the department of social welfare refuses to accept the consent of the natural parent, for adoption, on the ground that the best interests of the child will not be promoted by the proposed adoption, said parent may appeal from said refusal to the superior court of the county in which the petition is filed, in which event the clerk of the court shall immediately notify the department of social welfare which shall within ten days file a report of its findings as to refusal to accept consent. After the filing of said findings, the court may allow the signing of consent in open court.

In all cases in which consent is not necessary and no society licensed to place children for adoption is a party to the petition, the state department of social welfare must, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the department of social welfare unless the child's welfare will be promoted by the adoption.

Where consent of parent unnecessary

Except in the case of the adoption of a child by a step-parent where one natural parent retains his or her custody and control of the child, it shall be the duty of the department of social welfare to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition.

Duty of department of social welfare

In case of an adoption of a child by a step-parent where one natural parent retains his or her custody and control of said child, the consent of either or both parents may be signed in the presence of and filed with the clerk of the superior court of the county where the petition is filed and the clerk shall file a certified copy of such consent to adoption with the state department of social welfare.

Adoption by step-parent

If the father or mother of a child to be adopted resides outside the State of California, his or her consent may be signed before a notary and in such case the consent of the department of social welfare will also be necessary.

Consent of nonresident parents

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation upon such parent reaching his or her majority.

Minor parents

SEC. 4. Section 227 of the Civil Code is hereby amended to read as follows:

Stats 1927, p 1197

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court. The court must examine all persons appearing before it pursuant to this section, each separately, and if satisfied that the interests of the child will be promoted by the adoption, the party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties, and the court shall thereupon make an order awarding the custody of the child to the adopting parent or parents. The petition, relinquishment, agreement and order must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the state department of social welfare except upon the written authority of the judge of the superior court.

Hearing, agreement and order

CHAPTER 1131.

An act to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 12a, 13, 14, 15, 16, 18, 19, 20, 21, and to add a new section to be num-

Stats 1927, p 1711, amended

bered 24 to chapter 845, statutes 1927, "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the state board of cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," approved by the governor, May 31, 1927.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927,
p 1711.

SECTION 1. Section 2 of chapter 845, statutes of 1927, entitled "An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the state board of cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act," to read as follows-

Definitions

Sec. 2. (a) Wherever in this act the word "board" is used it shall be construed to mean the state board of cosmetology

(b) The word "cosmetology," as used in this act, is defined as the following practices, namely: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means, the hair of any person; massaging, cleansing, or stimulating the scalp, face, neck, arms, bust, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions or creams; beautifying the face, neck, arms, bust, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams. Removing superfluous hair from the body of any person by the use of electrolysis, or by the use of depilatories or by the use of tweezers, chemicals, preparations, or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays; cutting, trimming, polishing, tinting, coloring,

cleansing, or manicuring the nails of any person, and massaging, cleansing, treating, or beautifying the hands of any person.

(c) The words "hairdresser and cosmetician or cosmetologist" are defined as follows: A person who engages in the practice of cosmetology or in a majority of the branches thereof, except the branch of electrolysis.

(d) The word "electrologist" is defined as follows: A person who removes from or destroys hair on the human body by the use of an electric needle only.

(e) The word "manicurist" is defined as follows: A person who engages in the occupation of cutting, trimming, polishing, coloring, tinting, cleansing or manicuring the nails of any person, and massaging, cleansing, treating, or beautifying the hands of any person.

(f) The words "permanent waver" are defined as follows: Any person who engages in the occupation of waving the hair by the use of permanent waving machines, with the cleansing and dressing of the hair necessary thereto.

(g) The words "cosmetological establishment" are defined as follows: Any premises, building, or part of a building, whereon or wherein any branch or any combination of branches of cosmetology, or the occupation of a hairdresser and cosmetician or cosmetologist, except the branch of manicuring as practiced in barber shops, are practiced.

(h) The words "junior operator" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the occupations of a hairdresser and cosmetician, or cosmetologist, in a licensed cosmetological establishment, under a licensed hairdresser and cosmetician or cosmetologist.

(i) The words "junior manicurist" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the practice of manicuring in a licensed cosmetological establishment under a licensed hairdresser and cosmetician or cosmetologist, or licensed manicurist.

(j) The words "junior electrologist" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the practice of electrolysis in a licensed cosmetological establishment under a licensed electrologist.

(k) The words "junior permanent waver" are defined as follows: Any person who is engaged in learning or acquiring a knowledge of the practice of permanent waving in a licensed cosmetological establishment under a licensed hairdresser and cosmetician or cosmetologist, or a licensed permanent waver.

SEC. 2. Section 3 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Stats. 1927,
p 1711.

Sec. 3. On and after the first day of October, 1927, every person, firm, or corporation who shall conduct or operate a cosmetological establishment, school of cosmetology, hairdressing shop, beauty parlor, or any other place of business in which

Licenses

any one or any combination of the occupations of a hairdresser and cosmetician, or cosmetologist, are taught or practiced, except the branch of manicuring as practiced in a barber shop, and every person who shall engage in, or attempt to engage in, the practice of cosmetology, or any branch or branches thereof, without a license therefor, issued as herein provided, by the state board of cosmetology, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), or by imprisonment for a term of not less than fifty (50) days or not more than one hundred eighty (180) days, or by both such fine and imprisonment; provided, however, that nothing in this act shall be construed to prohibit any junior operator from engaging in any one or any combination of the occupations of a hairdresser and cosmetician, or cosmetologist, under the immediate supervision of a licensed hairdresser and cosmetician, or cosmetologist, in a licensed cosmetological establishment, nor to prohibit any junior manicurist from engaging in the practice of manicuring in a licensed cosmetological establishment under a licensed cosmetologist or a licensed manicurist; nor to prohibit any student in any school of cosmetology, legally established under the provisions of this act, from engaging, in said school and as such student, in work connected with any branch or any combination of branches of cosmetology taught in said school; provided that nothing in this act shall be construed to prohibit any junior electrologist from engaging in the occupation of an electrologist under the immediate supervision of a licensed electrologist; provided, further however, that nothing in this act shall be construed to prohibit any junior permanent waver from engaging in the occupation as a permanent waver under the immediate supervision of a licensed permanent waver in a licensed cosmetological establishment.

Construction
of act.

Stats 1927,
p. 1711.

Sec. 3. Section 4 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

State board
of cosme-
tology

Sec. 4. There is hereby created the state board of cosmetology, to consist of five members. Within thirty days after this act becomes effective, the governor shall appoint, as members of said board, persons who are at least twenty-five years of age, who shall have been citizens of this state for at least three years immediately prior to their appointment, and who are not ineligible as in this section provided.

Qualifica-
tions.

No person shall be eligible to appointment as one of the first five members constituting said board (a) who has not been engaged in actual practice, as a hairdresser and cosmetician, for at least five years; (b) who is connected, directly or indirectly, with any school of cosmetology.

In the matter of the appointment of succeeding members of the board, no person shall be eligible to appointment as a member (a) who is not registered as a hairdresser and cosmetician or cosmetologist under the provisions of this act;

(b) who is connected directly, or indirectly, with any school of cosmetology, or was so connected while previously serving as a member of said board; (c) who is not, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in a branch of cosmetology; (d) who is not of good moral character; (e) or who is connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale, or distribution of cosmetological appliances or supplies

The personnel of the board shall, at all times, be so constituted that two graduates of the same school of cosmetology shall not be members at the same time

Except as herein provided, the term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office when this amendment takes effect shall expire as follows: one member, September 15, 1931; one member, January 15, 1932; two members, January 15, 1933; one member, January 15, 1934. Such terms shall expire in the same relative order as to such members as the terms for which they hold office before this amendment takes effect, except that members whose terms have expired on the same day shall determine their relative order by lot. The terms commencing September 15, 1931, shall expire January 15, 1935. Vacancies occurring under the provisions of this section shall be filled by appointment for the unexpired term. Before entering upon the discharge of their duties each member shall make, and file with the secretary of state, the constitutional oath of office.

Each member of the board shall receive as compensation for his services, the sum of ten dollars (\$10) for each day's actual attendance at board meetings, and each member shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties hereunder. All such compensation and necessary traveling expenses shall be paid by the board out of the funds received by it, and no part thereof shall be paid by the state.

The members of the board shall, annually, elect from their number, a president and shall, annually, subject to the approval of the director of the department of professional and vocational standards, appoint a secretary, who shall not be a member of the board. The compensation of the secretary shall be fixed by the board, subject to the approval of the director of the department of professional and vocational standards, and shall be paid out of the funds received by it, and no part of such compensation shall be paid by the state.

The board shall prescribe the duties of its officers and employees, subject to the approval of the director of the department of professional and vocational standards, and the compensation shall be fixed by said director; and the board, subject to the approval of said director, shall establish a principal office and branch offices at such places in the state as

may be deemed necessary, at which principal office all records and files of the board shall be kept; which records and files shall, at all reasonable hours, be open to public inspection. The board shall also adopt a seal.

The director of the department of professional and vocational standards is authorized, whenever in his judgment it is deemed necessary, to employ inspectors, investigators, assistants, deputies and clerks, and to secure legal services; provided, however, that the compensation of such inspectors, investigators, assistants, deputies and clerks, and for legal services, and all reasonable expenses incurred by the board, shall be paid out of the funds received by the board and no part of such compensation or expenses shall be paid by the state.

Rules and regulations

It shall be the duty of the board to adopt reasonable rules for carrying out the provisions of this act, for conducting examinations of applicants for registration and license, and for governing the recognition of, and the credits to be given to, the study of cosmetology, or any branch thereof, under a hairdresser and cosmetician, or cosmetologist, or in a school of cosmetology, licensed under the laws of another state or territory of the United States, or the District of Columbia, and to adopt such sanitary rules as it may deem necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments, or schools of cosmetology, or in the practice of a hairdresser and cosmetician, or cosmetologist, and in the practice of any branch or branches of cosmetology; but no sanitary rule thus adopted shall have any force or effect unless and until the same has been approved by the state board of health. A copy of all sanitary rules, thus adopted and approved, shall be furnished to each person, firm or corporation to whom a certificate of registration and license is issued for the conduct of a cosmetological establishment, school of cosmetology, or for the practice of the occupation of a hairdresser and cosmetician, or cosmetologist, or for the practice of any branch or branches of cosmetology.

Examination and registration

It shall be the duty of the board to hold examinations, as to their qualifications, of all applicants for registration, (except as herein otherwise provided), whose applications have been submitted to it in proper form; to issue certificates of registration and licenses to such applicants as may be entitled thereto; to register cosmetological establishments, and schools of cosmetology; to report to the proper prosecuting officers all violations of this act coming within its knowledge; to make a written report, annually, to the governor, concerning the condition, in this state, of cosmetology, and the branches thereof: which report shall also contain a brief reference to the proceedings had by or before the board in carrying out the provisions of this act, for the year last past, and statement of all moneys received and expended by the board during such year.

The board shall keep a record of registration, containing the name and known places of business, and the date and number of license, of every licensed hairdresser and cosmetician, or cosmetologist, and those engaged in the practice of any branch of cosmetology, together with the names and addresses of all cosmetological establishments, and schools of cosmetology, registered under this act; which record shall also contain a specification of such facts as applicants may make in their application for examination for registration and license. Records

The board shall also keep a record of its proceedings, and it shall do all other things necessary to carry out the provisions of this act.

SEC. 4 Section 5 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows: Stats 1927,
p. 1711.

Sec 5 The board shall hold meetings for the examination of applicants for registration and license under this act, at least four times a year; one of which meetings shall be held in the city and county of San Francisco, one in the city of Sacramento, one in the city of Los Angeles, and one in the city of San Diego; and the board may hold such other meetings, with the approval of the director of the department of professional and vocational standards for the examination of applicants for registration and license, or for the transaction of such business as may be necessary. Meetings

SEC. 5. Section 6 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows: Stats 1927,
p 1711

Sec. 6. On and after the first day of October, 1927, the board shall admit to examination for a certificate of registration and license as a hairdresser and cosmetician, at any meeting of the board duly held for the purpose of conducting examinations, any person who shall have made application to the board in proper form, and paid the required fee, as provided in this act, and who shall be qualified as follows: Preliminary qualifications of hair-dresser and cosmetician applicants

(a) who is not less than eighteen years of age; (b) who is of good moral character and temperate habits; (c) who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state; (d) who has been actually engaged in the practice of the occupations of a hairdresser and cosmetician for a period of one year prior to the date of application, or, (e) who has had training of at least one thousand hours, extending over a school term of six months, in a school of cosmetology approved by the board, or (f) who has served at least one year as a junior operator in a cosmetological establishment in which a majority of the occupations of a hairdresser and cosmetician are practiced; provided, however, that on and after the first day of October, 1927, no person shall be admitted to examination for a certificate of registration as a hairdresser and cosmetician, or cosmetologist, (g) who has not been actually engaged in the practice of the occupations of a hairdresser and cosmetician,

or cosmetologist, for a period of two years, or, (h) who has not had training in a licensed school of cosmetology as outlined in paragraph (e) of this section, or, (i) who has served less than two years as a licensed junior operator in a licensed cosmetological establishment in which a majority of the occupations of a hairdresser and cosmetician, or cosmetologist, are practiced.

Electrologist
applicant's

On and after the first day of October, 1927, any applicant for admission to examination as an electrologist, who shall have made application to the board, in proper form, and paid the required fee, as provided in this act, and who is not less than eighteen years of age, and is of good moral character and temperate habits, and who shall have completed the eighth grade in the public schools of this state or its equivalent, and who shall have had a practical training of five hundred hours, extending over a period of four consecutive months, under the immediate supervision of a licensed electrologist, in a licensed school in which such practice is taught, or who shall have studied such practice as a licensed junior electrologist, for a period of six consecutive months, in a licensed cosmetological establishment, under an electrologist licensed under this act, or who was actually engaged in the practice of electrology, for a period of one year, shall be admitted to examination for the practice of electrolysis.

Manicurist
applicant's

On and after the first day of October, 1927, any applicant for admission to examination as a manicurist, who shall have made application to the board in proper form, and paid the required fee, as provided in this act, and who is not less than eighteen years of age, and is of good moral character and temperate habits, and who shall have completed the eighth grade in the public schools of this state or its equivalent, and who shall have had a practical training of at least one hundred fifty hours, extending over a period of two consecutive months, under the immediate supervision of a licensed hairdresser and cosmetician, or cosmetologist, or a licensed manicurist, in a licensed school in which such practice is taught; or who shall have studied such practice as a licensed junior manicurist, for a period of three consecutive months, in a licensed cosmetological establishment, under a manicurist licensed under this act or a hairdresser and cosmetician, or cosmetologist, so licensed; or who has been actually engaged in the practice of manicuring, for a period of one year; shall be admitted to examination for the practice of manicuring.

Permanent
waver
applicant's

On and after the first day of October, 1927, any applicant for admission to examination as a permanent waver, who shall have made application to the board, in the proper form, and paid the required fee, as provided in this act, and who is not less than eighteen years of age, and is of good moral character and temperate habits, and who shall have had a practical training of at least two hundred hours, extending over a period of two consecutive months, under the immediate supervision of a licensed hairdresser and cosmetician, or

cosmetologist, or a licensed permanent waver, and who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state, or who shall have studied such practice as a licensed junior permanent waver, for a period of six consecutive months, in a licensed cosmetological establishment, under a permanent waver licensed under this act, or a hairdresser and cosmetician, or cosmetologist, so licensed; or who was actually engaged in the practice of permanent waving, for a period of one year; shall be admitted to examination for the practice of permanent waving.

SEC. 6. Section 7 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows: Stats 1927,
p 1711

Sec. 7. Every application for admission to examination, and every application for license as a hairdresser and cosmetician, or cosmetologist, or in any branch of cosmetology, shall be in writing, on blanks prepared and furnished by the board. Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination for registration and license as provided herein, and shall be verified by the oath of the applicant, and shall also be accompanied by two photographs of the applicant, taken within thirty days prior to date of application, size of photograph to be five inches (5 in.) by three inches (3 in.). Applica-
tions.

Every person who makes application to the board in the proper form accompanied by two photographs size three by three inches, and who is of good moral character and temperate habits, over the age of sixteen years, and who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state, shall upon the payment of a fee of one dollar (\$1 00), be issued a license as a junior operator. Junior
operator.

Every person who makes application to the board in the proper form accompanied by two photographs size three by three inches, and who is of good moral character and temperate habits, over the age of seventeen years and six months, and who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state, shall upon the payment of a fee of one dollar (\$1.00), be issued a license as a junior electrologist. Junior
electrol-
ogist.

Every person who makes application to the board in the proper form accompanied by two photographs size three by three inches, and who is of good moral character and temperate habits, over the age of seventeen years and nine months, and who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state, shall upon the payment of a fee of one dollar (\$1.00), be issued a license as a junior manicurist. Junior
manicurist.

Every person who makes application to the board in the proper form accompanied by two photographs size three by Junior
permanent
waver.

three inches, and who is of good moral character and temperate habits, over the age of seventeen years and six months, and who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state, shall upon the payment of a fee of one dollar (\$1.00) be issued a license as a junior permanent waver.

Stats 1927,
p 1711

SEC. 7. Section 8 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Examina-
tions

Sec. 8. The examination of applicants for license in any of the branches or practices of cosmetology shall include both a practical demonstration and a written and oral test and shall embrace the subjects concerning the particular branch or branches, practice or practices for which a certificate for license is applied; shall not be confined to any special system or method; shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought. In the conduct of examinations, practical demonstrations shall prevail over written tests, i.e. a greater number of credits shall be allowed on practical demonstrations than on written tests.

Examinations for certificates of registration and license as hairdressers and cosmeticians, or cosmetologists, shall include practical demonstrations in shampooing the hair, hairdressing, marcel waving, water waving, hair coloring, manicuring, facial massage, and scalp massage, with the hands; written and oral tests in antiseptics, sterilization, sanitation, and the use of mechanical apparatus, and electricity as applicable to the practice of the occupations of a hairdresser and cosmetician, or cosmetologist, and may include such other demonstrations, and tests, as the board, in its discretion may require.

Examinations for license for the practice of permanent waving shall be by practical demonstration, written and oral tests.

The scope of examinations in any other branch of cosmetology shall be such as the board, in its discretion, may require.

Stats 1927,
p 1711

SEC. 8. Section 9 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Certificate of
registration
and license

Sec. 9. Every applicant who shall pass a satisfactory examination, conducted by the board to determine his or her fitness in the practice of the occupations of a hairdresser and cosmetician, or cosmetologist, shall receive from the board a certificate of registration and license as a hairdresser and cosmetician, or cosmetologist, which license shall entitle the holder thereof, without additional cost, to engage in the practice of the occupations of a hairdresser and cosmetician or cosmetologist, up to and including the thirtieth day of September following the date of issue.

Every applicant for registration to engage in the practice of permanent waving, in electrolysis, or manicuring, who shall

pass a satisfactory examination, conducted by the board to determine his or her fitness in the practice of permanent waving, electrolysis, or manicuring, shall receive from the board a certificate of registration and license to engage in the practice of permanent waving, or as an electrologist, or manicurist, as the case may be, in like manner for a like period.

Every certificate of registration, and every license, issued by the board shall specify the occupation or occupations which said certificate and license entitle the holder thereof to practice.

SEC. 9. Section 10 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows: Stats 1927,
p 1711

Sec. 10. Every license, issued by the board shall be signed by the president, and attested by the secretary and shall bear the impress of the board's seal. Execution
of licenses

SEC 10. Section 12 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows: Stats 1927,
p 1711

Sec. 12. Upon application to the board in due form, as provided in section 7 hereof, accompanied by the required fee, a person registered as a hairdresser and cosmetician, or cosmetologist, or in any branch of cosmetology, under the laws of another state or territory of the United States, or of the District of Columbia, shall, without examination (unless the board, in its discretion, sees fit to require examination), be granted a certificate of registration and license to practice the occupation or occupations in which such person was so previously registered, upon the following conditions: That the applicant is not less than eighteen years of age, of good moral character and temperate habits, and that the requirements for registration or licensing of hairdressers and cosmeticians, or cosmetologists, and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or in the District of Columbia, were, at the date of such previous registration or licensing, substantially equal to the requirements therefor then in force in this state. Nonresident
practi-
tioners

The fees for registration and licensing of applicants under the provisions of this section shall be (a) hairdresser and cosmetician or cosmetologist, ten dollars (\$10), provided, however, that anyone failing to pass the first examination, shall upon application, be permitted a second examination for which no fee shall be required; (b) permanent waver, seven dollars and one half (\$7.50), provided, however, that anyone failing to pass the first examination, shall upon application, be permitted a second examination, for which no fee shall be required; (c) electrologist, ten dollars (\$10), provided, however, that anyone failing to pass the first examination, shall upon application, be permitted a second examination, for which no fee shall be required; (d) manicurist, five dollars (\$5), provided, however, that anyone failing to pass the first examination, shall upon application, be permitted a second examination, for which no fee shall be required. Fees for
registration,
etc.

Stats 1927,
p 1711.

SEC. 11. Section 12a of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Use of
X-ray,
phenol and
mercury

Sec. 12a. Any person licensed under the "Act concerning cosmetology" as amended, who shall use any X-ray appliance, apparatus or machine in the treatment of any human being or for the purpose of or with the intent to remove superfluous hair from the face or body of any human being, or any one licensed hereunder who applies to any human being a solution of phenol greater than ten per cent, or corrosive sublimate (mercury) or any of its preparations, derivatives, or compounds in a solution greater than one in five hundred shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25), or more than two hundred fifty dollars (\$250), or by imprisonment in the county jail for a term of not less than fifty (50) days or not more than one hundred eighty (180) days, or by both such fine and imprisonment.

Stats 1927,
p 1711

SEC. 12. Section 13 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Fees

Sec. 13. Each applicant for examination for determining his or her fitness to receive a certificate of registration and license as a hairdresser and cosmetician, shall pay to the board a fee of ten dollars (\$10); provided, however, that anyone failing to pass the first examination, shall upon application, be permitted a second examination, for which no fee shall be required.

The fee for examination in permanent waving shall be seven dollars and a half (\$7.50), provided, however, that anyone failing to pass the first examination, shall upon application, be permitted a second examination, for which no fee shall be required.

The fee for examination as an electrologist shall be ten dollars (\$10), provided, however, that anyone failing to pass the first examination, shall upon application be permitted a second examination, for which no fee shall be required.

The fee for examination as a manicurist shall be five dollars (\$5), provided, however, that anyone failing to pass the first examination, shall upon application be permitted a second examination for which no fee shall be required.

Stats. 1927,
p 1711

SEC. 13. Section 14 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Renewal of
licenses.

Sec. 14. Every licensed hairdresser and cosmetician, or cosmetologist, every licensed electrologist, every licensed manicurist, and every licensed permanent waver who continues in actual practice, shall, annually, on the first day of October, have his or her license renewed by the board, upon payment of his required renewal fee. Applications for renewal for licenses may be made to the board at any time during the month of September.

The annual renewal fee for each license shall be two dollars; and every license which has not been renewed on the first day of October in each year shall expire on said last mentioned date, and if not so paid on or before said date, a delinquency fee of two dollars shall be added for renewal.

Renewal
fee.

A licensed hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, or permanent waver, whose license has expired, may have the same renewed, only, upon payment of the renewal fee together with a delinquency fee of two dollars provided for in this section. Any registered hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, or permanent waver, who retires from practice for more than one year, may have his or her license restored, only, upon payment of all lapsed renewal and delinquency fees; provided, however, that no hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, or permanent waver, who has retired from practice for more than three years, may have his or her license restored, without examination, unless the board, in its discretion, sees fit to examine such applicant.

Delinquency
fee

SEC. 14. Section 15 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Stats. 1927,
p. 1711

Sec. 15. Such board may, in its discretion, issue a temporary license, upon evidence that the applicant therefor has the necessary qualifications to engage in the practice of the occupation or occupations for which a temporary license is sought; such temporary license shall remain in force thirty days after the next regular meeting of the board at which examinations are held, and no longer. Two such temporary licenses may not be issued to the same person. Upon each temporary license shall appear the date of expiration, and after said date said license shall be void.

Temporary
licenses

SEC. 15. Section 16 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Stats. 1927,
p. 1711

Sec. 16. Nothing in this act shall be construed to prohibit service contemplated by this act in cases of emergency or domestic administration, without compensation; and the following persons shall be exempted from the provisions hereof, namely: (a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, osteopathy, chiropractic, naturopathy or chiropody; (b) commissioned officers of the medical corps of the United States army, navy, or marine hospital service or public health service when engaged in the actual performance of their official duties, and attendants attached to same; (c) barbers, in so far as their usual and ordinary vocation and profession is concerned when engaged in any of the following practices, namely: Arranging, dressing, curling and waving, cleansing, cutting, or singeing, the hair of any person; or in massaging, cleansing, stimulating, exercising, or similar work, the scalp, face or neck, of any person, with the hands or with mechanical or electrical apparatus or

Exemptions.

appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

Stats 1927,
p 1711

Sec. 16. Section 18 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Application
for shop,
school
certificates
and licenses

Sec. 18. Cosmetological establishments, other than those referred to in section 17 hereof, may be operated as follows: Any person, firm, or corporation, desiring to operate a cosmetological establishment shall make application to the board for a certificate of registration and license so to do, said application to be accompanied by the annual registration fee of one dollar. Said cosmetological establishment shall, at all times, be in charge of and under the immediate supervision of a licensed hairdresser and cosmetician or cosmetologist.

Conduct of
schools

Schools of cosmetology, other than those referred to in section 17 hereof, may be conducted as follows: Any person, firm, or corporation desiring to conduct a school of cosmetology, shall make application to the board for a certificate of registration and license so to do, said application to be accompanied by the annual registration fee of one hundred twenty-five dollars (\$125) provided, however, that when said application is made between the first day of October and the thirtieth day of September following, there shall be paid to said board of cosmetology that portion of the registration fee specified in this section which the unexpired number of months in such year bears to the entire year including the month in which said application is made and in such cases said board of cosmetology shall issue a license for such fractional part of said year; provided, further, that nothing in this section contained shall be construed as authorization or permission to conduct a school of cosmetology without a valid, existing, and unexpired certificate of registration. Each and every school shall, at all times, be in charge of, and under the immediate supervision of a licensed hairdresser and cosmetician or cosmetologist, who has had at least three years practical experience in the practice of a majority of the branches of cosmetology in an established place of business, and shall fulfill the following requirements: (a) It shall maintain a school term of not less than one thousand hours, extending over a period of not less than six consecutive months, and shall maintain a course of practical training and technical instruction, equal to the requirements for a certificate of registration and license as a hairdresser and cosmetician or cosmetologist as set forth in section 8 hereof; and so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by said school; (b) it shall possess sufficient apparatus and equipment necessary for the ready and full teaching of all the subjects or practices of cosmetology; (c) it shall attach to its staff of instructors a regularly licensed physician and surgeon, and shall maintain licensed hairdressers and cosmeticians or cosmetologists competent to impart instruction in all the branches

or practices of cosmetology; (d) it shall keep a daily record of the attendance of each student, and the time devoted by each student to the various practices or branches of cosmetology; (e) it shall establish grades, and hold examinations before issuing diplomas.

Every cosmetological establishment exacting a fee for the teaching of any branch of cosmetology shall be classed as a school of cosmetology within the meaning of this section and shall be required to comply with all of its provisions. Certificates of registration for cosmetological establishments and schools of cosmetology shall be renewed and the registration fees herein provided for shall be due and payable to said board during the month of September of each and every year. If such certificates of registration be not so renewed and said fees be not so paid on or before the thirtieth day of September of each year, said certificates shall expire on said last mentioned date and may thereafter be renewed only upon the payment of a delinquency fee as provided for in section 14 of this act.

What are schools

The certificate of registration or license herein provided for authorizes the school of cosmetology holding the same to transact operations in this state during the year or fraction thereof for which such license is issued, subject to the rules and regulations of the board. "Year" within the meaning of this act means from and including the first day of October to and including the thirtieth day of September next thereafter.

Scope of certificate, etc

SEC. 17. Section 19 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Stats 1927, p 1711.

Sec. 19. Every holder of a license issued by the board to operate a school of cosmetology, or cosmetological establishment, or to practice the occupations of a hairdresser and cosmetician, or cosmetologist, or any branch of cosmetology, or a license to engage as a junior operator, junior permanent waver, junior electrologist, or junior manicurist, shall display said license in a conspicuous place in the principal office, place of business, or place of employment of said holder.

Display of licenses

Every registered hairdresser and cosmetician, or cosmetologist, electrologist, manicurist, and permanent waver, shall, within thirty days after changing the address of his or her place of business, as designated on the books of the board, notify the secretary thereof of his or her new place of business, and, upon receipt of said notification, the secretary shall make the necessary changes in the register.

Change of place of business

A duplicate license shall be issued upon the filing of a statement covering the loss of license, verified by the oath of the applicant. A fee of one dollar will be charged for the issuance of such duplicate license. Each duplicate license shall have the word "DUPLICATE" stamped across the face thereof, and will bear the same date and show the number of the original license.

Duplicate license

Stats 1927,
p 1711.

SEC. 18. Section 20 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Residential
and sleeping
quarters

Sec. 20. No person having charge of a cosmetological establishment, or school of cosmetology, whether as an owner or an employee, shall permit to be used for sleeping or residential purposes any room or part thereof, wherein any of the branches or practices of cosmetology are conducted, or practiced, or taught, or to be used for any other purpose that would tend to make the room unsanitary. Such cosmetological establishment shall have a direct entrance thereto, separate and distinct from any entrance in connection with private quarters. Violations of the provisions of this section shall constitute a misdemeanor, punishable as provided in section 3 hereof.

Penalty

Stats 1927,
p 1711

SEC. 19. Section 21 of an act known as the "Act concerning cosmetology," approved May 31, 1927, is hereby amended to read as follows:

Grounds for
suspension
revocation
or refusal
to renew
licenses

Sec. 21. The board shall not renew, or may revoke, or suspend at any time any license as required by the provisions of section 3 hereof in any of the following cases: (a) Failure of a person, firm or corporation operating a cosmetological establishment to comply with the requirements of this act; (b) failure to comply with the sanitary rules, adopted by the board and approved by the state board of health, for the regulation of cosmetological establishments, schools of cosmetology, or the practice of the occupations of a hairdresser and cosmetician, or cosmetologist; (c) obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation; (d) gross malpractice; (e) continued practice by a person knowingly having an infectious or contagious disease; (f) habitual drunkenness, or habitual addiction to the use of morphine or any habit forming drug; (g) advertisement by means of knowingly false or deceptive statements; (h) permitting a certificate of registration or license to be used where the holder thereof is not personally actively and continuously engaged in business; (i) failure to display the license, as provided in section 19 of this act; (j) or for any other unfair or unjust practice, method or dealing which in the judgment of the board may justify such action; provided, however, that the said board shall not refuse to issue or renew any license as required by the provisions of section 3 hereof, or to revoke or suspend any such license already issued, except upon twenty days' notice in writing to the interested parties, which notice shall contain a brief statement of the reasons for the contemplated action of the board and designate a proper time and place for the hearing of all interested parties before any final action is taken as hereinabove provided; provided, however, that due notice within the provisions of this section shall be deemed to have been given when the board shall have placed in a United States post office a copy of the notice as hereinabove provided, addressed to the designated or last known residence of the

Notice and
hearing

person applying for such license or to whom such license has already been issued; provided, further, that any such person, firm, or corporation, whose license to do business as herein provided is revoked or suspended, or who is refused a license, or any renewal of a license already issued, or any such practitioner whose license is revoked or suspended or who is refused a license, or a renewal of a license already issued may commence an action in a court of competent jurisdiction against the state board of cosmetology for the purpose of canceling or obtaining other relief from the act of the said board. All the provisions of the Code of Civil Procedure relating to the pleadings, proof, trials and appeals shall be applicable to such action.

Proceedings for the revocation of licenses shall be begun by filing with the secretary of the board written charges against the accused, such charges shall be in detail, and sworn to under oath by the complainant. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses or to produce witnesses in his own defense. The board shall have the power to compel the attendance of witnesses and the production of necessary papers and documents.

The board may, for good cause shown, reissue a license to any person whose license has been revoked; provided, a majority of the members of the board vote in favor of such reissuance for reasons the board may deem sufficient, and under such conditions as the board may impose.

SEC. 20. A new section to be known as section 24 is added to an act known as the "Act concerning cosmetology," approved May 31, 1927, to read as follows:

Sec. 24. It shall be unlawful for any person to employ, or to allow to be employed in or about a cosmetological establishment as a hairdresser and cosmetician or cosmetologist; or as a permanent waver; or as an electrologist; or as a manicurist, any person not duly registered or licensed by the state board of cosmetology.

Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable as such.

CHAPTER 1132.

An act to amend section 3265g of the Civil Code, relating to stopping payment of checks.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 3265g of the Civil Code is hereby amended to read as follows:

3265g. No order stopping payment on a check shall be valid unless the same be in writing specifically describing the

Appeal

Procedure

Reissue after revocation

New section

Employment of unlicensed persons.

Penalty

Stats 1927, p 1000

Stopping payment on checks

check ordered stopped and delivered to the particular office or branch of the bank on which said check was drawn.

Payment
after stop
order

Any bank that pays a check, the payment of which has been ordered stopped as herein provided, shall be responsible to the person who so ordered the payment thereof stopped, for any actual loss incurred by such person because of the payment by such bank of such check.

CHAPTER 1133.

An act to amend sections 3644 and 3646 of the Political Code, relating to taxation of boats and vessels.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1885,
p 93

SECTION 1. Section 3644 of the Political Code is hereby amended to read as follows:

Assessment
of registered
vessels

3644. All vessels, except ferryboats and except as provided below, which may be registered, of every class which are by law required to be registered, must be assessed, and the taxes thereon paid, only in the county, or city and county, where the same are registered, enrolled, or licensed; provided, however, that yachts or pleasure craft not used for business or commercial purposes, shall be assessed and their taxes paid only in the county, or city and county, in which they make their home port or their habitual place of anchorage or mooring when not in service when the assessor of the county or city and county where such boats are registered is given notice in writing as to such place of anchorage or mooring.

Pol Code
1372

SEC. 2. Section 3646 of the Political Code is hereby amended to read as follows:

Nonregis-
tered boats

3646. All boats and small craft not required to be registered, must be assessed in the county where such boats are habitually anchored or moored when not in service.

CHAPTER 1134.

An act to add a new section to the Political Code to be numbered 440, relating to the issuance of warrants and the duties and obligations of the controller and other persons in relation thereto.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section, to be numbered 440, is hereby added to the Political Code, to read as follows:

Issue of
warrant by
controller

440. Upon the presentation to the controller of a verified demand for the issuance of a warrant upon the treasurer for any sum or sums of money specified in said demand for the

payment of salaries of officers or employees, or for support, of any department, or for the payment of an obligation incurred by any department, said demand containing therein or being accompanied by an itemized statement showing in detail the names of the persons to whom and the purposes for which such money is to be paid and the amount to be paid to each such person and for each said purposes, and said demand being approved thereon in writing by the chief officer or other person in said department authorized by law to approve the same, the controller may, provided the payment of such amounts to such persons and for said purposes is authorized by law, issue his warrant in accordance with said demand upon the treasurer for the amount thereof, or such other amount as may be authorized by law, payable to the order of the chief officer of said department or such other person in said department as may be requested in said demand. It shall be the duty of said chief officer or other person to whom said warrant is made payable to disburse the amount thereof in accordance with the itemized statement accompanying said demand or stated therein. Upon the issuance of such warrant the controller and his bondsmen shall thereafter be under no further obligation for the proper disbursement of the amount of such warrant or the money represented thereby.

Responsibility for disbursement

CHAPTER 1135.

An act to amend chapter 586 of the statutes of 1913, known as the "Water commission act," approved June 16, 1913, as amended, by amending section 24 thereof and by adding thereto a new section to be numbered 24a, both relating to references to the state water commission.

Stats 1913,
p 1012,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 24 of chapter 586 of the statutes of 1913, known as the "Water commission act," as amended by chapter 153 of the statutes of 1917, is hereby amended to read as follows:

Stats 1917,
p 231

Sec. 24. In case suit is brought in any court of competent jurisdiction for determination of rights to water or the use of water, the court may, in its discretion, order a reference thereof to the state water commission, as referee, which reference may include any issue or issues, or all issues, involved in such suit. Also, the court may, in its discretion, refer such a suit to the state water commission for investigation of and report upon any one or more or all of the physical facts involved, in which event, said commission may, in its discretion, base its report solely upon its own investigation or inves-

Water
commission
may act as
referee,
make in-
vestigation

tigations or in addition thereto may hold a hearing or hearings and take testimony and the report filed by the commission upon such a reference for investigation by it shall be prima facie evidence of the physical facts therein found; provided, however, that the court shall hear such evidence as may be offered by any party to rebut such report of the state water commission or such prima facie evidence.

Report

The report of the state water commission as referee may contain such an opinion upon the law and the facts as may be deemed proper by it in view of the issues submitted and shall set forth such findings of fact and conclusions of law as may be required by the court's order of reference. Before filing its report the commission shall announce it in the form of a draft of which it shall give notice, together with a copy of its opinion and findings of fact and conclusions of law, to the parties or their attorneys by mail. Within thirty days after the aforesaid date of mailing any party may file objections with the commission to the draft so announced and after such objections have been considered by the commission or a hearing held thereon if deemed advisable by the commission, it shall file its report as referee with the clerk of the court and give notice by mail of the filing of its report to the parties or their attorneys. The report of the state water commission as referee shall be subject to review by the court upon exceptions thereto filed with the clerk of the court within thirty days after date of the filing thereof, provided that no exception shall be considered except in the court's discretion, or for good cause shown, unless it shall appear that the matter of the exception had theretofore been presented to the commission in the form of an objection.

Expenses of
commission

In acting pursuant to the foregoing provisions of this section the state water commission shall not be entitled to any fee for its services but shall be paid or reimbursed in the amount of the total expense incurred by it, including salaries, wages, traveling expenses, and all costs of whatsoever character which are properly chargeable to any such reference. Said total expense shall be equitably apportioned by the commission against the parties to the suit and a statement thereof and of said apportionment shall be included in the commission's report to the court. The apportionments so made and reported shall be paid by the respective parties, or their successors in interest, in the amounts so allocated, after the filing of said report and within thirty days after mailing of notice by the commission to the respective parties or their attorneys, provided, however, that upon application in writing by any party aggrieved within said thirty-day period, the court shall after expiration of said time set a hearing for the determination of any objection or objections to the expense of a reference or to the apportionment thereof and the clerk of the court shall, at least ten days prior to the date of such hearing, give notice thereof by mail to all parties or their attorneys. Parties failing to object to the expense of a reference

Apportion-
ment of
expenses

or the apportionment thereof shall be conclusively deemed to have waived all objection thereto. Upon the hearing of an objection or objections to the expense of a reference or the apportionment thereof the court shall determine the issues involved relative to the expense of a reference and the apportionment thereof and enter a final order determining said expense and its allocation as the court may deem equitable. All apportionments shall be paid after entry of such an order of the court and within thirty days after notice of said order mailed by the commission to the parties or their attorneys. Execution shall issue in favor of the commission and against any party delinquent upon application therefor by the commission in like manner and with like effect as in instances of writs of execution upon a final judgment. If the funds available for use by the commission are inadequate to permit of its advancing the expense of a reference, or if in the opinion of the commission the payment of the expense of any reference under the procedure above set forth will not be reasonably certain, it shall in any such instances refuse to undertake a reference unless and until adequate provision shall be made by the parties and approved by the court whereby payments shall be made to the commission to meet its expenses.

SEC. 2. A new section is hereby added to said act to be numbered 24a and to read as follows: New section.

Sec. 24a In case suit is brought in a federal court for determination of rights to water or the use of water within this state or partially therein, the state water commission may accept a reference of such suit as master or referee for such court. In so acting the commission shall proceed according to the rules of practice and procedure of such court or as otherwise directed by such court. Federal court reference

CHAPTER 1136.

An act to amend chapter 586 of the statutes of 1913, known as the "water commission act," approved June 16, 1913, as amended, by amending section 36f thereof, relating to the adjudication of appropriative water rights and by adding thereto a new section to be numbered 36g, relating to modification of court decrees as to quantities of water awarded. Stats 1913, p 1012 amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 36f of chapter 586 of the statutes of 1913, known as the "water commission act," as amended by chapter 832 of the statutes of 1927 is hereby amended to read as follows: Stats 1927, p 1668

Sec. 36f. The state water commission shall have authority and power in making an order of determination as to the Determination of rights by commission

rights by appropriation of the waters of any stream system, to fix a time limit for the completion of all appropriations of water from such stream, where such rights of appropriation have been initiated according to law and since prosecuted with reasonable diligence, and such appropriators having been duly notified as provided in this act, must appear and submit their proofs of claim, in accordance with section 28 of this act, or they shall be deemed and held to be in default, and to have abandoned or to have no right, title or interest in or to the waters of such stream. In determining rights of such appropriators, the state water commission shall prescribe such a reasonable time for the completion of such appropriations, and the application of the water appropriated to a beneficial use, as will enable such appropriators acting in good faith and with due diligence to complete the same. The order of determination of the state water commission shall provide for the submission of proof or evidence as to the completion of such an appropriation and the amount of water actually applied to beneficial use and such proof shall be submitted not more than ninety days prior to the expiration of the time allowed for completion of use. Any party desiring to offer proof of completion shall file a notice of intention to offer such proof and the clerk of the court shall post at the courthouse where such hearing is to be held a notice of the time for hearing such proof at least ten days prior to such hearing.

Jurisdiction
of superior
court

Extension
of time

Upon the filing of a certified copy of its order of determination with the superior court as provided for in section 36a of this act, jurisdiction relative to such incomplete appropriations shall vest in said superior court and said court shall have authority to thereafter hear and determine proof offered as to the completion of any such right. Time for completion of such an appropriation may be extended from time to time by the court upon motion made prior to expiration of the limit of time fixed therefor. Notice of motion for such an extension of time shall be filed not more than ninety days prior to the expiration of such a time limit and shall be posted by the clerk of the court at the courthouse where such hearing is to be held at least ten days prior to the hearing thereof. After hearing said motion the court shall refer the matter of said motion to the state water commission for its report and recommendation thereon. Upon receipt of the report and recommendation of said commission or if said commission shall fail to file its report and recommendation within ninety days after such a reference, the court shall grant such an extension of time as there is, in its discretion, good and sufficient cause for, or shall deny said motion. In event of denial of such motion the applicant for the extension so denied may within ten days after notice by the clerk of said denial file notice of intention to offer proof of completion and the clerk of the court shall post at the courthouse where such hearing is to be held a notice of the time for hearing

such proof at least ten days prior to such hearing. Upon submission of proof of completion, after entry of decree as provided in section 36b or 36c of this act, the court shall enter a supplemental decree determining the right before it and in event of failure, after entry of decree as provided in section 36b or 36c of this act, to submit proof within the time allowed or to move for and secure an extension of time to do so the court shall enter a supplemental decree denying the right involved. Upon entry of a supplemental decree establishing a right hereunder the state water commission shall issue a certificate of water right in accordance with such supplemental decree which certificate shall be of the content prescribed for similar certificates provided for in section 36d of this act; but this section shall not be construed to confer any rights of appropriation upon parties who shall have abandoned their said appropriations or failed to use due diligence in the application of the water to a beneficial use and in the completion of their appropriations; and all such parties, who shall fail to complete their said appropriations within the limit of time fixed by the state water commission in its order of determination, or within such further time granted upon motion made prior to the expiration of such time limit as the court shall find equitable and just, shall be deemed to have abandoned their said rights of appropriation in so far as the same remain incomplete, and such appropriators shall be deemed and held to have no right, title or interest in or to the waters of such stream in so far as their said appropriations have not been completed. Appeals may be taken to the supreme court by the state water commission or any party in interest, in the same manner and with the same effect as in civil cases.

SEC. 2. A new section is hereby added to said act to be numbered 36g and to read as follows:

Sec. 36g. In rendering its decree for the determination of rights to water or the use of water, whether in suits referred to the state water commission under the provisions of section 24 of this act, or in adjudications under the provisions of sections 25 to 36f, both inclusive, of this act, the court may, in its discretion, provide that the state water commission, or any party affected by said decree, may, at any time within three years from entry thereof, apply to the court for a modification of said decree in so far only as said decree determines quantities of water, and after hearing said motion and any competent and admissible evidence offered in support of or against said motion the court may modify said decree by increasing or decreasing the quantities of water therein allowed.

CHAPTER 1137.

An act to amend section 4.741 of the School Code, relating to the determination of the units of average daily attendance in schools closed by boards of health or public disaster.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch Code,
p. 187.

Determina-
tion of aver-
age daily
attendance
of closed
school

SECTION 1. Section 4.741 of the School Code is hereby amended to read as follows:

4.741. The units of average daily attendance of said school shall be determined by dividing the total number of days of pupils' attendance upon school by the number of days actually maintained in such school during the year but in no case shall the divisor be less than one hundred and seventy.

CHAPTER 1138.

An act to amend sections 4.340, 4.343, 4.344, 4.346, 4.347, 4.350 and 4.351 of the School Code, and to repeal section 4.348 thereof, all relating to orders and requisitions upon school district funds.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch Code,
p. 167.

Procedure
for drawing
requisition

SECTION 1. Section 4.340 of the School Code is hereby amended to read as follows:

4.340. It is the duty of the superintendent of schools of each county on the order of the governing board of any school district to draw his requisition upon the county auditor for all necessary expenses against the school fund of such district.

Sch. Code,
p. 167.

SEC. 2. Section 4.343 of the School Code is hereby amended to read as follows:

Itemized bill
required

4.343. No requisition shall be drawn upon the order of the governing board of a school district against the funds of such district except for the payment of salaries unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn.

Sch Code,
p. 167.

SEC. 3. Section 4.344 of the School Code is hereby amended to read as follows:

Monthly
salaries
must be
stated.

4.344. No requisition for teachers' or janitors' or other employees' salaries shall be drawn unless the order shall state the monthly salary of the teacher, and the monthly or daily or hourly salary of the janitor or other employee, as the case may be, and name the months for which such salary is due.

SEC. 4. Section 4.346 of the School Code is hereby amended to read as follows: Sch Code, p. 167

4.346. The order of the governing board of any school district shall be made only on forms prescribed by the county superintendent of schools and approved by the superintendent of public instruction. Said forms shall be printed and furnished to the school districts by the board of supervisors of the county. Forms for order.

SEC. 5. Section 4.347 of the School Code is hereby amended to read as follows: Sch Code, p. 167

4.347. The order of the governing board of the school district when signed by at least two members of the board of trustees or by the official or officials authorized to sign orders for the board of education, shall be transmitted to the superintendent who shall, in case he approves such order, indorse upon it, "examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order. Issue of order.

SEC. 6. Section 4.350 of the School Code is hereby amended to read as follows: Sch. Code, p. 168.

4.350. The county superintendent of schools, after examining and approving any order, shall transmit the same directly to the county auditor, who after allowing such order shall return the same to the county superintendent of schools, who shall thereupon return said order to the governing board of the school district, which shall issue said order to the claimant or to his order. Approval of order

SEC. 7. Section 4.351 of the School Code is hereby amended to read as follows: Sch Code, p. 168

4.351. When the auditor allows any order which has a bill attached, he shall give the bill the same number that he gives the order and shall detach and file the bill. Duty of auditor

SEC. 8. Section 4.348 of the School Code is hereby repealed. Sch Code, p. 168

CHAPTER 1139.

An act to amend sections 5.611 and 5.616 of the School Code, relating to the payment of expenses of holding teachers' institutes.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5.611 of the School Code is hereby amended to read as follows: Sch Code, p. 245.

5.611. The county superintendent shall draw his requisition upon the county auditor, who shall draw his warrants proportionately on the unapportioned county elementary and high school funds to pay the expense of the county institute. Payment of county institute expense.

Sch. Code,
p. 246

SEC. 2. Section 5.616 of the School Code is hereby amended to read as follows:

Payment of
joint
institute
expense

5.616. The expense of participating in a joint institute shall be paid in each county from the unapportioned county elementary or high school funds, in each city and county from the city and county school fund, and in each city school district from such school district's county school fund.

CHAPTER 1140.

An act to amend section 2.1427 of the School Code, relating to the duties of the superintendent of public instruction.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. Code,
p. 102

SECTION 1. Section 2.1427 of the School Code is hereby amended to read as follows:

Estimate of
apportion-
ment of
moneys

2.1427. Not later than the thirtieth day of July in each year to prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and to furnish a certified copy of the estimate to each county, or city and county superintendent of schools.

CHAPTER 1141.

An act to amend sections 3.301, 3.302, 3.306 and 3.309 of the School Code and to repeal section 3.307 thereof, relating to the attendance of pupils in a high school district in which such pupils do not reside.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. Code,
p. 119

SECTION 1. Section 3.301 of the School Code is hereby amended to read as follows:

Attending
high school
in different
district of
same county

3.301. Any person who is, under the provisions of this article, eligible to attend a high school and who resides in a high school district, may attend a high school in a high school district in the same county, other than that in which he resides, only upon such terms as may be agreed upon by the high school boards of the two districts, or, if such boards fail to agree, on such terms as the county superintendent of schools may prescribe.

Sch. Code,
p. 119

SEC. 2. Section 3.302 of the School Code is hereby amended to read as follows:

3.302. Any person who is, under the provisions of this article, eligible to attend high school and who resides in a high school district may attend school in a high school district of another county only upon such terms as may be agreed upon by the high school boards of the two districts, or, if such boards fail to agree, on such terms as may be agreed upon by the county superintendents of schools of the two counties concerned.

Attending
high school
in another
county

Any person who is, under the provisions of this article, eligible to attend high school and who resides in a high school district lying in two or more counties, may attend high school in a high school district in a county other than the county the superintendent of schools of which has jurisdiction over the high school district wherein he resides, only upon such terms as may be agreed upon by the governing board of the two high school districts concerned, or, if such boards fail to agree, upon such terms as shall be agreed upon by the county superintendents of schools of the two counties concerned.

SEC. 3 Section 3.306 of the School Code is hereby amended to read as follows:

Sch. Code,
p. 119.

3.306. When terms have been made and agreed upon by high school boards as provided for in this article, or, if such boards fail to agree, when terms have been prescribed by the county superintendent or superintendents of schools, as provided in this article, the superintendent of schools of the county in which the person resides is hereby authorized and required to apportion and cause to be paid to the special fund of the high school district which such person attends, from the funds of the proper high school district or from the unapportioned county fund of his county such amounts as shall have been agreed upon by such high school boards or as shall have been prescribed by such superintendent.

Apportion-
ment of
funds.

SEC. 4. Section 3.309 of the School Code is hereby amended to read as follows:

Sch. Code,
p. 120.

3.309. No student residing in one high school district shall be admitted to the high school of another high school district if there is no room to receive such student or if terms have not been agreed upon for the admission of such student as required by this article.

Conditions
of admis-
sion.

SEC. 5 Section 3.307 of the School Code is hereby repealed

Sch. Code,
p. 119

CHAPTER 1142.

An act to amend section 3.350 of the School Code, relating to junior college courses of study maintained by high school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3.350 of the School Code is hereby amended to read as follows:

Sch. Code,
p. 121.

Junior col-
lege courses
in high
schools

3.350. The governing board of any high school district having an assessed valuation of three million dollars or more may, with the approval of the state board of education, prescribe junior college courses of study, including not more than two years of work to include the thirteenth and fourteenth grades.

CHAPTER 1143.

An act to amend section 626m of the Penal Code, relating to hunting and fishing at night.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1929,
p. 676

SECTION 1. Section 626m of the Penal Code is hereby amended to read as follows:

Night hunt-
ing and
fishing

626m. Every person who, at any time between one-half hour after sunset of any one day and one-half hour before sunrise of the following day, hunts, pursues, takes, catches, kills, or destroys any of the game birds, or animals of this state; or who, between one hour after sunset of any one day and one hour before sunrise of the following day, takes, catches, kills or destroys, any game fish in fish and game districts one, one and one-half, one and three-quarters, two, two and one-half, three, four, four and one-half, four and three-quarters, twenty-three, twenty-four and twenty-five, is guilty of a misdemeanor. Nothing in this section contained shall be deemed to repeal nor in anywise affect any of the provisions of section 626u of this code. Anyone who at any time uses a spotlight in the hunting of any kind of game anywhere in this state, is guilty of a misdemeanor.

Construc-
tion.

Spotlight

CHAPTER 1144.

An act to amend section 653c of the Penal Code, relating to the hours of labor on public works.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1928,
p. 1602.

SECTION 1. Section 653c of the Penal Code, is amended to read as follows:

Hours of
labor on
public works.

653c. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision or district thereof, or upon work done for or by the authority of said state, or any county, city and county, city, town, township, district or any other political subdivision thereof, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours during any one calendar day; and it shall be

unlawful for any officer or agent of said state, or of any political subdivision or district thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer, board or commission awarding the contract a report, verified by his oath, setting forth the nature of the said emergency, which report shall contain the name of the said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. Such contractor and each subcontractor shall also keep an accurate record showing the names and actual hours worked of all workers employed by him, in connection with the said public work, which record shall be open at all reasonable hours to the inspection of the officer, board or commission awarding the contract, or their deputies or agents, and to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies or agents.

Report on
emergency
work.

Record of
employees
and subcon-
tractors

Any officer or agent of the State of California, or of any political subdivision or district thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work herein mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit as a penalty, to the state or political subdivision or district in whose behalf the contract is made and awarded, ten dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work herein mentioned, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this section, and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of this section committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision or district, party to the contract, authorized to pay to the contractor moneys becoming due to him under said contract, and said representative, when making payments of moneys thus due,

Stipulation
for for-
feiture.

Collection of
forfeiture

shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation, and the terms of this act; provided, however, that no sum shall be so withheld, retained or forfeited, except from the final payment, without a full investigation by either the division of labor statistics and law enforcement of the state department of industrial relations or by said awarding body; and provided, further, that in all cases of contracts with assessment or improvement districts where the full payment is made in the form of a single warrant, or other evidence of full payment, after the completion and acceptance of the work, the awarding body shall accept from the contractor in cash a sum equal to, and in lieu of, any amount required to be withheld or retained under the provisions of this section, and said awarding body shall then release the final warrant or payment in full. It shall be lawful for any contractor to withhold from any subcontractor under him sufficient sums to cover any penalties withheld from him by the awarding body on account of the said subcontractor's failure to comply with the terms of this act, and if payment has already been made to him the contractor may recover from him the amount of the penalty or forfeiture in a suit at law.

Penalties

Any officer, agent or representative of the State of California, or of any political subdivision or district thereof, who shall violate, or omit to comply with, any of the provisions of this section, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who shall neglect to keep an accurate record of the names and actual hours worked by the workers employed by him, in connection with the said public work, or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this section, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Scope of section

Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type, as well as street, sewer or other improvement work done under the direction and supervision of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholders' charter heretofore or hereafter approved or not, shall be held to come under the provisions of this section; provided, however, that nothing in this section shall apply to the operation of the irrigation or drainage system of any irrigation or reclamation district.

CHAPTER 1145.

An act to amend section 2.464 of the School Code, relating to the taxation of elementary school districts, and for the

payment by said school districts of the quotient cost of educating pupils of such elementary school district attending a high school district.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.464 of the School Code is amended to read as follows:

Sch. Code, p. 49.

2.464. If the order be rescinded, the board of supervisors shall cause to be levied upon the property of the elementary school district, a tax which shall produce an amount computed as follows: From the entire cost of maintenance of the high school for the year, plus the interest and payments on bonds of the high school district for the year, there shall be subtracted the entire income of the high school from the state and county sources; the remainder shall be divided by the units of average daily attendance in the high school; and the quotient so obtained, shall be multiplied by the units of average daily attendance of pupils from the elementary school district.

Tax to cover elementary district's share of high school expense.

CHAPTER 1146.

An act to amend section 5.812 of the School Code, relating to the retirement of teachers.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5.812 of the School Code is hereby amended to read as follows:

Sch. Code, p. 253.

5.812. No service after January 1, 1924, except service of a teacher in a state teachers college, shall be so reckoned unless the teacher offering such service shall be the holder of a valid teacher's certificate or a California state teacher's credential during such service.

Reckoning of service.

CHAPTER 1147.

An act relating to citrus fruit fairs and expositions and providing that such fairs and expositions shall be entitled to receive and participate in the benefits and aid provided for agricultural fairs in and by the act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Any citrus fruit fair and exposition which has been conducted and carried on annually for a period of not less

Citrus fruit fair may receive benefits under Stats. 1909, p. 979.

Stats 1909,
p 979

than twenty years by an association, shall be deemed to be a fair and exposition and an association within the meaning of the act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended, or any other act supplementing such act dealing with the same subject, shall be entitled to participate in the benefits provided in and by said act, and shall receive aid as provided therein, in the same manner as if such citrus fair and exposition was being conducted and carried on by an association organized under the provisions of such act; provided, such citrus fair and exposition is conducted and carried on for the purpose of promoting and encouraging the citrus fruit industry of California by a nonprofit corporation organized and existing under and pursuant to the laws of the State of California.

CHAPTER 1148.

An act defining cemetery and the various words and terms used in connection therewith, providing for the permanency of cemeteries by limiting their operation to corporations of unlimited existence, authorizing the operation of cemeteries for or without profit, prohibiting crematories without provision for completing final interment of the cremated remains, providing for the acquisition of cemetery property, the dedication thereof to cemetery purposes, declaring dedication supreme until removed by decree of court, exempting dedicated cemetery property from condemnation and from public improvement assessment, declaring liens subject to dedication, providing for the sale of dedicated cemetery property for interment purposes, authorizing its sale subject to conditions and restrictions imposed by owner, defining the property rights of plot owners and the alienable and inalienable character of burial plots, providing for joint ownership and joint ownership representation, authorizing the establishing and enforcing of rules and regulations for cemetery government, authorizing perpetual care and the establishment of irreducible perpetual care funds, providing how perpetual care shall be administered, providing how and in what securities perpetual care funds shall be invested, authorizing the sale through court proceeding of surplus road and other space in cemeteries without perpetual care for purpose of providing a perpetual care fund therefor, authorizing special care of cemetery property and the administration of funds contributed therefor, specifying upon whom the right to control the disposition of remains

and the duty of interring devolves, authorizing the payment for burial plot and memorial out of estate, requiring records to be made and kept of the final disposition of all remains and of all removals thereof, prohibiting vandalism and prescribing punishment therefor, providing method for removal of dedication through court proceedings, conferring police power upon sextons and superintendents, making sales under misrepresentations a misdemeanor, recognizing and adopting by reference that certain legislative act relating to abandonment of cemeteries and parts thereof, approved June 5, 1923, and amendment thereto, exempting certain religious, community and public cemeteries from operation of act, defining scope of act, repealing the rural cemetery corporation act adopted in 1859, and all acts amendatory and supplementary thereof, repealing sections 608, 609, 610, 611, 612, 613, 614, 615, 616 and 617 of the Civil Code, repealing sections 292, 294 and 296 of the Penal Code, repealing all acts and parts of acts in conflict therewith, and declaring the constitutionality of the act and all parts thereof.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Designation of act. This act shall be known as the "General cemetery act" and, except as otherwise provided in section 31 thereof, shall be applicable to all corporations now engaged in and/or which shall hereafter engage in any business of a cemetery within this state, and to such other corporations as shall subject themselves to any special provision or section thereof, and to such other persons, associations, trusts, copartnerships or corporations who shall, by violating any of its provisions, become subject to the penalties provided therein; it is and shall be also applicable to all property used and/or intended to be used for the interment of the human dead. Designation
of act

SEC. 2. Definitions. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city" and "city and county"; "territory" includes "district." When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings. Definitions.

The term "cemetery," within the meaning of this act, is hereby defined as a place dedicated to and used and intended to be used for the permanent interment of the human dead. It may be either a burial park, for earth interments; a mausoleum for vault or crypt interments, a crematory, or

Definitions crematory and columbarium for cinerary interments, or a combination of one or more thereof.

“Burial park” means a tract of land which has been dedicated to the purposes of and used, and intended to be used, for the interment of the human dead in graves.

“Grave” means a space of ground in a burial park intended to be used, for the permanent interment in the ground of the remains of a deceased person.

“Mausoleum” means a structure or building of most durable and lasting fireproof construction used, or intended to be used, for the permanent interment in crypts and vaults therein of the remains of deceased persons.

“Crypt” or “vault” as herein used means the chamber in a mausoleum of sufficient size to inter the uncremated remains of a deceased person.

“Columbarium” means a structure or room or other space in a building or structure of most durable and lasting fireproof construction, containing niches, used, or intended to be used, to contain cremated human remains.

“Crematory” means a building or structure containing one or more furnaces used, or intended to be used, for the reduction of bodies of deceased persons to cremated remains.

“Crematory and columbarium” means a building or structure of most durable and lasting fireproof construction containing both a crematory and columbarium, used, or intended to be used, for the permanent interment therein by inurnment of the remains of deceased persons.

“Niche” is a recess in a columbarium, used, or intended to be used, for the permanent interment of the cremated remains of one or more deceased persons.

“Lot,” “plot” or “burial space” means space in a cemetery, owned by one or more individuals, an association, or fraternal or other organization and used or intended to be used, for the permanent interment therein of the remains of one or more deceased persons. Such terms include and shall apply with like effect to one, or more than one, adjoining graves; one, or more than one, adjoining crypts or vaults; or one, or more than one, adjoining niches.

“Temporary receiving vault” as herein used means a vault in a structure of most durable and lasting construction used and intended to be used for the temporary deposit therein for a reasonable time only of the remains of a deceased person.

“Interment” means the permanent disposition of the remains of a deceased person by cremation, inurnment, entombment or burial.

“Cremation” as herein used means the interment of the body of a deceased person by reduction to cremated remains in a crematory and the deposit of the cremated remains in a grave, vault, crypt or niche.

“Inurnment” means placing the cremated remains in an urn and permanently depositing the same in a niche.

“Entombment” means the permanent interment of the remains of a deceased person in a crypt or vault.

“Remains” means the dead body of a deceased person.

“Cremated remains” means remains of a deceased person after incineration in a crematory.

“Cemetery business,” “cemetery businesses” and “cemetery purposes” are herein used interchangeably and shall mean any and all business and purposes requisite or necessary for or incident to the establishing, maintaining, managing, operating, improving and conducting a cemetery and the interring of the human dead, and the care, preservation and embellishment of cemetery property.

The terms “cemetery association” and “association” are herein used interchangeably and shall mean any corporation now or hereafter organized which is or shall be authorized by its articles to conduct any one or more or all of the businesses of a cemetery.

“Directors” as herein used, means the board of directors, board of trustees or other governing body of the cemetery association.

The term “plot owner,” “owner,” or “lot proprietor” as herein used, means any person in whose name a burial plot stands of record, as owner, in the office of the association, or who holds from such association a deed or certificate of ownership.

SEC. 3. Authority to corporations. Any private corporation, now or hereafter organized, and authorized by its articles so to do, may establish, maintain, manage, improve, and/or operate a cemetery and conduct any one or more or all of the businesses of a cemetery, either for or without profit to its members or stockholders.

SEC. 4. Cemeteries must incorporate. It shall be unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this state except by means of a corporation duly organized for such purpose.

SEC. 5. No crematory without provision for completion of permanent interment. No crematory shall conduct, or shall hereafter be constructed, established, or authorized to conduct, any business unless there be in connection therewith in the same fireproof building or structure or in a separate fireproof building within the same burial park within which the same is situated, either a columbarium amply equipped for the permanent deposit therein of cremated remains of the bodies cremated thereat, or a burial park or mausoleum wherein the cremated remains may be placed in completion of the permanent interment thereof, and all cremated remains not removed for permanent deposit elsewhere must be permanently interred in either a grave, crypt or niche within a reasonable time after date of such cremation.

Acquisition
of property

SEC. 6. Acquisition of property. Cemetery associations may take by purchase, donation or devise, property, consisting of lands, mausoleums, crematories and columbariums, and/or other property within which the permanent interment of the dead shall be authorized by law. Such cemetery association may execute a declaration acknowledged by the president and secretary or other authorized officer or officers, so as to entitle it to be recorded, describing said property and declaring its intention to use said property or any part thereof for interment purposes, which declaration it may file for record in the office of the recorder of the county wherein the property is situated, and from the date of such filing the same shall be constructive notice of the use for which such property is intended.

Dedication.

SEC. 7. Dedication. Every cemetery association, from time to time as its property may be required for interment purposes, shall:

(a) In case of land, survey and subdivide such land into sections, blocks, lots, avenues, walks and/or other subdivisions; make a good and substantial map or plat thereof showing said sections, lots, avenues, walks and/or other subdivisions, with descriptive names or numbers; and/or (b) in case of a mausoleum and/or crematory and columbarium it shall make a good and substantial map or plat thereof on which shall be delineated the sections, halls, rooms, corridors, elevators and/or other divisions thereof with their descriptive names and numbers; and shall file such map or plat in the office of the recorder of the county in which such property or some part thereof is situated, and shall also file for record in such county recorder's office a written certificate or declaration of dedication of the property delineated, on said plat or map, dedicating the same exclusively to cemetery purposes. Which certificate or declaration shall be in such form as the directors or officers may prescribe, and shall be subscribed by the president or vice president and the secretary of the association, or such other person or persons as the board of directors may authorize and acknowledge so as to entitle it to be recorded; and upon the filing of said plat and the filing of said certificate for record, the dedication of said property shall be complete for all the purposes of this title, and thereafter such property shall be held, occupied and used exclusively for a cemetery and for cemetery purposes. Provided, however, that when reservation is made therefor in the certificate or declaration of dedication, any part or subdivision of the property so mapped and platted may, by order of the directors, be resurveyed and altered in shape and size and an amended map or plat thereof filed, so long as such change does not disturb the remains of any deceased person interred therein. Such filed map and recorded declaration shall constitute and be constructive notice to all persons of the dedication of such property to interment purposes.

It shall be the duty of the county recorder of the county in which such map is filed to number and file such map or plat and to index the same in the general index, giving reference to date of filing and number so that the same may be easily found, for which service the recorder shall receive a fee of one dollar.

It shall also be the duty of the county recorder of the county in which such declaration of dedication is filed to record the same in the official records of his office and index the same in the general index for which service the recorder shall receive a fee of one dollar.

SEC. 8. Dedication supreme until removed by court. After such property is so dedicated to cemetery purposes neither the dedication, nor the title of a plot owner, shall ever be affected by the dissolution of the association, or by nonuser on its part, or by alienation of the property, or by any incumbrances thereon, or by sale under execution, or otherwise, and such dedication shall not be deemed or held invalid as violating any existing laws against perpetuities or the suspension of the power of alienation of title to or use of property, but such dedication is hereby expressly permitted and shall be and shall be deemed to be in respect for the dead, a provision for the disposition of the bodies of deceased persons, and a duty to, and for the benefit of, the general public; and said property shall be held and used exclusively for cemetery purposes, unless and until the dedication shall be removed by an order and decree of the superior court of the county in which the same is situated, in a proceeding brought therefor, as in this act hereafter provided upon notice and proof satisfactory to the court that all bodies have been removed therefrom, or that no interments were made therein, and that the same is no longer used or required for interment purposes.

SEC. 9. Dedicated cemetery property exempt from condemnation and public improvement assessment. After such dedication, and as long as said property shall remain dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility whatsoever shall ever be laid out, through, over or across any part thereof without the consent of the directors of the cemetery association owning and operating the same, or of not less than two-thirds ($\frac{2}{3}$) of the owners of burial plots therein, and all of such property, including roads, alleys, and walks therein, shall be exempt from public improvement assessments, and shall not be liable to be sold on execution or applied in payment of debts due from individual owners of burial plots therein.

SEC. 10. Sale of property for interment purposes. After filing the map or plat and recording the certificate or declaration of dedication, and subject to its rules and regulations and/or to such limitations, conditions and restrictions, as may be inserted in or by reference made a part of the instrument of conveyance, the cemetery association may sell and convey the burial plots to purchasers. All lots, sections or parts

thereof, the use of which has been so conveyed by deed or certificate of ownership as a separate plot, shall be indivisible except with the consent of the cemetery association, or as shall be provided by law. All conveyances made by the cemetery association shall be signed by the president or the vice president and the secretary or other officers authorized by the cemetery association.

Property
rights

SEC. 11. Property rights. All lots, plots and burial space so conveyed shall be presumed to be the sole and separate property of the person or persons named as grantee in the instrument of conveyance; provided, however, that the wife or husband shall have a vested right of interment of his or her body in any burial plot so conveyed to the other, which right shall continue as long as he or she shall remain the wife or husband of the plot owner or shall be his or her wife or husband at the time of such plot owner's demise. No conveyance or other action without the joinder therein or by written consent attached thereto shall divest such husband or wife of such vested right of interment; provided, however, that a final decree of divorce between them shall terminate such vested right of interment unless it shall be otherwise provided by such decree of divorce.

In all conveyances to two or more persons as joint tenants each joint tenant shall have a vested right of interment of his or her remains in the plot so conveyed. Upon the death of a joint tenant, the title to the burial plot theretofore held in joint tenancy immediately vests in the survivor or survivors, subject to the vested right of interment for the remains of the deceased joint tenant owner.

A vested right of interment as in this section provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto under this section.

Inalienable
by Inter-
ment.

SEC. 12. Inalienable by interment. Whenever an interment is made in a burial plot which has been transferred by deed or certificate of ownership to an individual owner and said owner dies without making specific disposition of such burial plot in his will, or by a written declaration filed and recorded in the office of the cemetery association, upon the death of such owner the whole of such burial plot thereby becomes inalienable and shall be held as the family burial plot of the owner, in which one grave, niche or crypt may be used for the owner's interment, one for the surviving husband or wife, if any, of the owner who by law has a vested right of interment therein, and in those remaining, if any, the parents and/or children of such deceased owner, in the order of need, may be interred without the consent of any person claiming any interest therein. In the event there shall be no parent or child surviving such deceased person, the right of interment therein shall go to the next heirs at law of said deceased owner as specified by the statutes of descent. Any surviving wife or husband, and any parent, child or heir of such deceased owner

may waive his or her right to interment in said plot in favor of any other relative of such deceased owner, or of his wife, and upon such waiver the body of the person in whose favor the waiver is made may be interred therein.

If no interment shall have been made in a burial plot which has been transferred by deed or certificate of ownership to an individual owner by the association, or if all the bodies shall have been lawfully removed therefrom, in the absence of the specific disposition thereof by the owner's last will and testament, the whole of said burial plot, except the one grave, niche or crypt which must be reserved to the surviving husband or wife of the owner, shall upon the death of said owner descend in regular line of succession to the heirs at law of the owner.

SEC. 13. Inalienable by conveyance. A cemetery association may take and hold any plot conveyed or devised to it by the plot owner so that thereafter it will be inalienable, and the interments therein shall be restricted to such person or persons as may be designated in the conveyance or devise.

Inalienable
by con-
veyance

SEC. 14. Representative for joint ownership plot. When there are several owners of a burial plot, or of rights of interment therein, such owners may designate one or more persons to represent said plot and file written notice of such designation with the cemetery association; in the absence of such notice or of written objection to its so doing, the cemetery association shall not be liable to any owner for interring or permitting an interment therein upon the request or direction of any registered coowner of such plot.

Representa-
tive for
joint owner-
ship plot

SEC. 15. Rules and regulations. The cemetery association may make, adopt and enforce rules and regulations for the use, care, control, management, restriction and protection of its cemetery, and of all parts and subdivisions thereof; for restricting and limiting the use of all property within its cemetery; for regulating the uniformity, class and kind of all markers, monuments, and other structures within said cemetery and subdivisions thereof and/or prohibiting the erection of monuments, markers and/or other structures in or upon any and/or all portions of such property; for regulating and/or preventing monuments, effigies and structures within any and/or all portions of the cemetery grounds and for the removal thereof; for regulating or preventing the introduction and/or care of plants or shrubs within such grounds; for the prevention of interment in any part thereof of a body not entitled to interment therein; for preventing the use of burial plots for purposes violative of its restrictions; for regulating the conducts of persons and preventing improper assemblages therein; and for all other purposes deemed necessary by the board of directors for the proper conduct of the business of the association and the protection and safe-guarding of the premises, and the principles, plans and ideals on which the cemetery was organized; and from time to time may amend, add to, revise, change and/or modify such rules and regulations. Such rules and regulations shall be plainly printed or typewritten and

Rules and
regulations

maintained subject to inspection in the office of the association or in such place or places within the cemetery as the directors may prescribe. The directors may prescribe penalties for the violation of any rule or regulation which penalties may be recoverable by the association in a civil action.

General per-
petual care

SEC. 16. General perpetual care. Every cemetery association which has established and is now maintaining, operating and conducting a cemetery, and every association which shall hereafter establish, maintain, operate and/or conduct a cemetery, within this state pursuant to this act, is hereby authorized to establish, maintain and operate an irreducible fund for the general perpetual care of its cemetery and to place its cemetery under perpetual care. The principal of all funds for perpetual care shall forever remain irreducible and inviolable and shall be maintained separate and distinct from all other funds. The principal of such fund shall be invested, from time to time reinvested, and kept invested as authorized by law for the investment of such funds, and the income arising therefrom shall be used solely for the general care, maintenance and embellishment of the cemetery for which the fund is established, and shall be applied in such manner as the board of directors may from time to time determine to be for the best interest of the cemetery for which such fund is established.

Plans in
corporated
in deed

In establishing its perpetual care fund, the association may from time to time adopt plans for the general care, maintenance and embellishment of its cemetery, and charge and collect from all subsequent purchasers of burial plots therein such reasonable sum or sums as, in the judgment of the board of directors of the association, will aggregate a fund, the reasonable income from which will perpetually provide such care, maintenance and embellishment. Upon payment of the purchase price and the amount fixed as a proportionate contribution for perpetual care, there may be included in the deed of conveyance or by separate instrument an agreement perpetually to care in accord with the plan so adopted for such cemetery and its appurtenances to the proportionate extent the income received by the association from such amount will permit. Such association also, upon the application of an owner of any plot, and upon the payment by him of the amount fixed as reasonable and proportionate therefor, may enter into a like agreement with him for the like care of his plot and its appurtenances.

Trustees of
perpetual
care fund

The board of directors may by resolution appoint a board of trustees of not less than three in number as trustees of its perpetual care fund. The members of the board of trustees shall hold office subject to the direction of the board of directors. The directors of the association may be the trustee of its perpetual care fund. When such fund is in the care of the board of directors as such board of trustees the secretary of the association shall act as its secretary and keep a true record of all of its proceedings. No sum in excess of five per cent (5%) of the income derived from such fund in any year

shall be paid or allowed as compensation to the board of trustees for its services as such trustee.

Such trustees must, annually, and within thirty days after Report. the end of the calendar or fiscal year of said association, make, render to and file with the association a true and correct report in writing, verified by the oath of one or more of such trustees, which report shall show the actual financial condition of the trust, as shall be required by the association.

A cemetery association which has established a perpetual care fund may also take, receive and hold therefor and as a part thereof or as incident thereto any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it therefor.

The perpetual care fund authorized by this section and all Status of perpetual care fund sums paid therein or contributed thereto are, and each thereof is, hereby expressly permitted and shall be and be deemed to be for charitable and eleemosynary purposes. Such perpetual care shall be deemed to be a provision for the discharge of a duty due from the person or persons contributing thereto to the persons interred and to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are situated. No payment, gift, grant, bequest or other contribution for such general perpetual care shall be or be deemed to be invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating said trust, nor shall said fund or any contribution thereto be or be deemed to be invalid as violating any law against perpetuities or the suspension of the power of alienation of title to property.

SEC. 17. False representation a misdemeanor. Every person, firm and/or corporation who shall sell, offer for sale or advertise any cemetery plot under representation that such plot is under perpetual care, before a perpetual care fund has been established for the cemetery in which such property so sold, offered for sale or advertised is situated, shall be guilty of a misdemeanor. False representation a misdemeanor

SEC. 18. Perpetual care for old cemeteries. Whenever a majority of the lots, as platted or laid out in any cemetery heretofore established or any part thereof, has been sold without the owner having made provision for the establishment of an adequate perpetual care fund for the perpetual care, maintenance and embellishment of such cemetery or such part thereof, the avenues, walks, driveways, alleys, streets and parks therein may be vacated or altered and replatted into lots which may be sold for interment purposes in the following manner: Perpetual care for old cemeteries

Application for the alteration or vacation of any alley, street, avenue, walk, driveway and/or park and for the replatting of the same, or any portion thereof for cemetery lots in such cemetery shall be made to the superior court in Procedure

the county in which the property or some portion thereof is situated. Such application may be by the association owning or operating the cemetery or should there be no association operating the cemetery, by a group of twenty or more persons owning lots or plots therein. Such petition shall be verified and shall specify the facts of such ownership and shall state the reasons for the proposed change and what provisions have theretofore been made for the perpetual care of said cemetery, and there shall be presented therewith a plat of said cemetery together with the proposed replat which shall have clearly indicated thereon the proposed changes. Such petition shall be filed with the clerk of said superior court as provided by the Code of Civil Procedure for filing petitions for the probate of estates, and the clerk shall fix the time for the hearing thereof, and shall set the same for hearing not less than thirty nor more than sixty days from the date of filing, and notice thereof shall be given by publishing a copy of such notice in a newspaper of general circulation nearest such cemetery in the county in which such property is situated, once a week for a period of three consecutive weeks prior to the date of hearing and copies of such notice shall also be posted in three conspicuous places within the cemetery. Such notice shall be addressed to all persons owning lots in said cemetery or interested therein but need not name them, and shall set forth in a general way the proposed changes, the reasons stated in the application for making the same, the time when the hearing of the petition will be had, and shall state that a plat showing the proposed changes is on file with the clerk of said court.

Notice

At the time specified for the hearing, the court shall hear and consider any evidence introduced in favor of such changes and all objections thereto and may allow such proposed change and replat in whole or in part or may order and allow modifications thereof.

Hearing

The association or other person directed by the court shall accept such newly created lots and shall sell and convey such lots only for interment purposes at a price not less than the price fixed by the court. Not less than seventy per cent (70%) of all funds derived from the sale of such lots shall be placed in an irreducible and perpetual fund and the interest therefrom shall be used for the perpetual care, maintenance and embellishment of such cemetery.

Prior rights
of adjacent
owners

The vacation of an alley, roadway, walk, driveway, street or parking adjacent to a privately owned plot shall vest no interest in the owner of such plot to the vacated portion; but such adjacent owner shall, for ten days after the date of the order of vacation, have the right to purchase the new lot or plot at the price fixed by the court therefor, or if there be more than one adjacent lot owner then the new lot or lots will be sold to the one offering the highest price therefor. In allowing damage to any lot owner for such vacation, the court shall

take into consideration the benefit to be received from perpetual care.

The provisions of this section are hereby declared to be a necessary exercise of the police power of the State of California in order to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkept and places of reproach and desolation in the communities in which they are located. The taking of roads, walks, avenues, driveways, streets and parks for the purposes and by the method in this section specified, regardless of the private character of the association or person applying therefor, is hereby declared an exercise of the right of eminent domain in behalf of the public health, safety, comfort, pleasure, protection and historic instruction to present and future generations. Provided, however, that the authority herein granted shall not apply to cemeteries which have been abandoned and/or in which interments have been prohibited by law.

Declaration
of policy

SEC. 19. Investment of perpetual care funds. Perpetual care funds shall not be used for any other purpose than to provide through the income only therefrom the perpetual care stipulated in the resolution, by-law or other action or instrument by which the fund was created or established, and it shall be the duty of the board of directors of the association in charge thereof, and its duly appointed trustee or trustees to invest, reinvest and keep such funds invested in bonds of the United States or the State of California, or of any county, city and county, or city of the State of California, or in first mortgages or first trust deeds on improved real estate, or in centrally located income producing improved real estate in any city or city and county in this state, or in bonds legal for investment for savings banks in this state, or in investment certificates in any building and loan association organized, existing and doing business under the laws of this state.

Investment
of perpetual
care funds

SEC. 20. Special care. A cemetery association which has established perpetual care may also take and hold any property bequeathed, granted or given to it in trust to apply the principal, or proceeds, or income therefrom to either or all of the following purposes: To the improvement or embellishment of such cemetery, or any part thereof, or any lot therein, to the erection, renewal, repair, or preservation of any monuments, fence, building or other structure in such cemetery; to the planting, cultivation of trees, shrubs, or plants in or around such cemetery, or any part thereof; for the special care or ornamenting of any burial plot, lot, section or building or any portion thereof in said cemetery or to any other purpose or use not inconsistent with the purpose for which such cemetery was established or is being maintained.

Special
care

SEC. 21. Duty of interring and right to control disposition of remains. The right to control the disposition of the body of a deceased person, unless other directions shall have been made therefor by the deceased, shall be vested in, and the

Duty of
interring and
right to
control
disposition
of remains.

duty of interment and the liability for the reasonable cost of the interment of such deceased person shall devolve upon, his or her surviving wife or husband, or if there be no surviving wife or husband they shall vest in and devolve upon the surviving child or children of deceased, or if there be no surviving husband or wife or child of deceased, they shall vest in and devolve upon the surviving parent or parents of such deceased, or if there be no surviving husband, or wife or child or parent of such deceased they shall vest in and devolve upon the person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of said deceased.

In all other cases, the disposition of the body and the duty of interment devolves upon the coroner conducting the inquest upon the body of the deceased, if any such inquest is held, and if there be no inquest, they shall devolve upon the person or persons charged with the support of the poor in the locality in which the death occurs and the expense thereof shall be paid from the general charity fund; provided, further, that any person representing himself as knowing the facts who shall sign any order or statement, other than a death certificate, for the purpose of procuring the interment of any remains shall be deemed to warrant the identity of the person whose remains are sought to be interred or cremated, and shall be personally and individually liable for all damage occasioned thereby or resulting directly or indirectly therefrom

Charge
on estate

Provided, however, that where any deceased leaves an estate in this state, the reasonable cost of his or her interment, burial plot and memorial, proportionate to the value of said estate and appropriate to his or her station in life while living together with interest thereon from the date of such interment, shall be a lien upon his or her said estate and payable as a preferred claim out of said estate; and provided further that nothing herein contained shall be deemed to prohibit any relative or friend of said deceased from assuming the duty of interring said deceased or from paying the expense thereof.

Estate
allowance

SEC. 22. Estate allowance. The superior court may allow out of the estate of a decedent a reasonable sum together with interest thereon from the date of such interment, for a suitable burial plot and/or memorial for such decedent proportionate to the value of the estate and the standard of living the decedent had followed, and in addition thereto, a reasonable sum for perpetual care thereof.

Records of
interments

SEC. 23. Records of interments. A record shall be kept of every interment in the cemetery showing the date the body was received, the date of interment, the name and age of the person interred, when these particulars can be conveniently obtained, and the plot and the grave, niche, crypt, or vault therein, in which such interment was made. No remains, either cremated or uncremated, of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior

court of any county in which such cemetery is situated. A duplicate copy of which order shall be maintained as a part of the records of such cemetery. It shall be the duty of any person and/or persons, removing any remains from any cemetery to keep and maintain a true and correct record showing the date such remains were removed, the name and age of the person removed, when these particulars can be conveniently obtained, and the place to which the same were removed, and the cemetery and the plot therein in which such remains were buried; if there be disposition of such remains other than interment, a record shall be made and kept of such disposition. Such person or persons shall deliver to the cemetery association operating the cemetery from which such remains were removed, a true, full and complete copy of such record.

SEC. 24. Removals. The remains of a deceased person interred in a plot in a cemetery may be removed therefrom, with the consent of the cemetery association and the written consent of the surviving wife or husband, or if there is no surviving husband or wife, then of the children, or if there is no surviving husband or wife nor children then of the parents of the deceased, or should there be no surviving husband or wife nor children nor parent, then of the brothers and/or sisters of the deceased. If the consent of any such person or of the association can not be obtained, permission by the superior court of the county where the cemetery is situated shall be sufficient. Notice of application to the court for such permission must be given, at least ten days prior thereto, personally, or at least fifteen days prior thereto if by mail, to the cemetery association, and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court. Provided that this provision shall not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by the cemetery association from a plot for which the purchase price is past due and unpaid, to some other suitable place. Neither shall this provision apply to the disinterment of remains upon order of court or coroner.

SEC. 25. Vandalism and punishment. Every person who shall unlawfully or wilfully destroy, cut, mutilate, efface or otherwise injure, tear down or remove any tomb, monument, memorial or marker erected to any person or place in a cemetery, or any gate, door, fence, wall, post, or railing or any enclosure for the protection of said cemetery or any property therein, or obliterate any grave, vault, niche, or crypt, or destroy, cut, break or injure any building, statuary ornamentation, tree, shrub, or plant within the limits of any cemetery, shall be guilty of misdemeanor and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars (\$25), or more than five hundred dollars (\$500), or imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment; and such offender shall also be liable, in any civil action by and

in the name of the cemetery association, to pay all such damages as have been occasioned by his unlawful act or acts, which, when recovered shall be applied in payment for the reparation and restoration of the property so injured or destroyed. Provided, that the provisions of this act shall not apply to the removal or unavoidable breakage or injury, by the cemetery association, of anything placed in or upon any portion of such cemetery in violation of any of the rules or regulations of the cemetery association owning or operating the same, or to the removal of anything placed in said cemetery by or with the consent of the association which has become in a wrecked, unsightly or dilapidated condition.

Police power
to sexton

SEC. 26. Police power to sexton. The sexton, superintendent or other person in charge of a cemetery shall have and is hereby granted, all and equal powers, functions, duties and authority granted by law to a police officer within the city or city and county or cities in which such cemetery is located, or if such cemetery be located outside of a city, to a constable and/or sheriff of the county or counties wherein the same is situated, for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the state and the ordinances of such city, city and county, or county, and he shall be charged with the enforcement thereof within the cemetery over which he has charge, and within such radius of the same as shall be necessary to protect the cemetery property.

May contract
pecuniary
indebtedness
but all liens
subordinate
to dedica-
tion.

SEC. 27. May contract pecuniary indebtedness but all liens subordinate to dedication. Cemetery associations, unless otherwise limited by the law under which created, shall in the conduct of their business have the same powers granted by law to corporations in general, including the right to contract such pecuniary obligations within the limitation of such general law as may be required, and may secure the same by mortgage, deed of trust or otherwise upon their property. Provided, that all mortgages, deeds of trust and other liens of whatsoever nature, hereafter contracted, placed or incurred upon property which has been and was at the time of the creation or placing of such lien, dedicated as a cemetery as in this act authorized and provided, or upon property which shall afterwards, with the consent of the owner of any such mortgage, trust deed or lien, be dedicated to cemetery purposes as authorized by this act, shall in no wise or at all affect or defeat the dedication thereof, but such mortgage, deed of trust or other lien shall be subject and subordinate to such dedication and any and all sales made upon foreclosure thereof shall be subject and subordinate to the dedication of such property to cemetery purposes.

Status of
other ceme-
tery acts
Stats 1923,
p 646

SEC. 28. The provisions of that certain act of the Legislature approved June 5, 1923, relating to the abandonment of cemeteries and parts thereof, entitled "An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county having a population of more

than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed"; and the provisions of section 10 of said act, as amended by an act of the Legislature approved June 14, 1929, are hereby continued in full force and effect, and said act as amended is hereby approved, adopted and enacted as section 28 of this act, as fully as if copied herein. Nothing contained herein shall affect proceedings heretofore commenced for the disinterment, removal and reinterment of the remains of the dead under the provisions of said act approved June 5, 1923, as amended by said act approved June 14, 1929, but all such proceedings heretofore commenced may be prosecuted regardless of any provisions of this act, and the bodies of the dead in the cemeteries of the class mentioned in said act approved May 20, 1923, as amended, may be disinterred, removed and reinterred pursuant to the provisions of said last mentioned act; provided, however, that the time prescribed by any municipal ordinance heretofore enacted pursuant to the provisions of the above-mentioned act for the disinterment and removal of bodies from any such cemetery, is hereby extended for the period of two years from the date of approval of this act by the governor. Such time may be further extended by the superior court of the county, in which such cemetery is located, upon good cause shown upon application for such extension by the person, corporation, association or corporation sole owning or controlling such cemetery. When by any law or ordinance the bodies buried in any cemetery must be removed therefrom and reinterred elsewhere, no county, town or political subdivision wherein the reinterment of disinterred remains takes place, shall charge for any permit or levy a tax of any nature for the reinterment, cremation or replacing in a mausoleum of such disinterred remains.

SEC. 29. Nothing in this act shall be construed as repealing the following acts or any provisions thereof:

(a) An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, approved May 20, 1921, statutes 1921, page 199, as amended and approved June 4, 1929;

Stats. 1929,
p. 1683.

Acts not
affected

Stats 1921,
p. 199.

Stats. 1929,
p. 413.

(b) An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, approved May 4, 1929, statutes 1929, page 413.

Application
of act.

SEC. 30. Application of act. The powers, privileges, duties and restrictions conferred and imposed upon any corporation, firm, copartnership, association, trust or individual, existing and doing business under the laws of this state, are hereby abridged, enlarged or modified as each particular case may require to conform to the provisions of this act notwithstanding anything to the contrary in their respective articles of incorporation, charter or other evidence of organization. All the provisions of this act shall apply with equal force and effect to all corporations which are now doing or which may hereafter do a cemetery business in the State of California, except where express exception or exemption may be made herein, and to such other persons, associations, copartnerships, trusts, firms and/or corporations which shall, by violating any of these provisions, become subject to the penalties provided herein. The legality of title to property heretofore acquired or conveyed through transaction heretofore had, and of any and all contracts made and business conducted by any cemetery, corporation, individual or other organization pursuant to any provision or law in force at the time the same was had or conducted shall not be affected by the provisions of this act.

Exceptions
and exemptions
from
provisions
of act

SEC. 31. Exceptions and exemptions from provisions of act. Nothing in this act contained shall be construed or deemed to repeal, alter, restrict or enlarge any law or any power now granted by any present existing law of this state to and under which any religious corporation, church, religious society, denomination, or corporation sole administering temporalities of any religious denomination, society or church which is now existing or may hereafter be organized, or to or under which any cemetery now or hereafter organized, maintained, controlled and operated by any such religious corporation, church, religious denomination or corporation sole administering temporalities of any religious denomination, society or church, but all laws under which such corporations are formed, and all laws granting, authorizing, restricting and in anywise applicable to cemeteries of such religious corporation, church, religious society, denomination, or corporation sole administering temporalities of any religious denomination, society or church, are and shall continue to be applicable to all such corporations and the cemeteries so established, maintained, controlled and operated by them and such corporations and/or the cemeteries established, maintained, controlled and/or operated by them shall be unaffected by anything contained in this act.

Neither shall anything herein be construed or deemed to repeal or affect any present law of this state under which cemeteries belonging to the state or any county, city, city and county or town within the state, and commonly referred to

as public cemeteries, and organized, maintained or operated, but all such laws are and shall continue to be applicable to such cemeteries. Neither shall the provisions of this act be construed to in any manner affect any small private, fraternal or community cemetery not exceeding ten acres in area nor shall any such cemetery be required to be operated by a corporation. Neither is anything in this act intended to conflict with, or in any manner restrict, any public health law now existing in this state, but the same shall be deemed in aid and assistance of such health law.

SEC. 32. Acts repealed. The following acts, parts of acts, and code sections are hereby expressly repealed, to wit: Acts repealed

(a) That certain act entitled "An act to authorize the incorporation of rural cemetery corporations," approved April 28, 1859, statutes 1859, page 281, as amended statutes 1863-64, page 12, and as amended statutes 1891, page 264, and as amended statutes 1911, page 1099, is hereby repealed. Stats 1859,
p. 281.

(b) That certain act entitled "Supplemental to an act entitled 'An act to authorize the incorporation of rural cemetery association,' approved April 28, 1859, authorizing such association to erect, purchase, or lease buildings and furnaces and other works for cremation of human bodies; also to erect or lease buildings in which shall be entombed only the ashes of cremated dead, to make provision for the care of the burial places and ashes of the dead; also to provide for the cremation of the unclaimed dead and bodies liable, if interred, to spread disease," statutes 1899, page 36, is hereby repealed; Stats 1899,
p 36

(c) That certain act entitled "An act to provide the manner of execution of deeds by cemetery corporations," approved March 26, 1895, is hereby repealed; Stats. 1895.
p 75

(d) Sections 608, 609, 610, 611, 612, 613, 614, 615, 616, and 617 of the Civil Code are and each thereof is hereby repealed;

(e) Sections 292, 294, 296 of the Penal Code are, and each thereof is hereby repealed; and

(f) All acts and parts of acts and code sections in conflict with this act and not expressly excepted herefrom, are hereby repealed:

Providing that no repeal of any law, act or part of act, as in this section provided, shall be construed as impairing, modifying, terminating, or in any manner affecting the corporate existence, or any contract or right or obligation of any incorporated cemetery organized and existing under the act of the Legislature of the State of California entitled "An act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, or under any present, existing law, but as to such cemeteries, their contracts, obligations and rights, and the vested rights of their members or proprietors, the laws under which they were organized and exist and under which such rights became vested shall be deemed applicable and are repealed subject to this provision. Vested rights

SEC. 33. Constitutionality. If any section, subsection, sentence, clause, word or phrase of this act is for any reason held Constitutionality

to be unconstitutional, such holding shall not affect the validity of the remaining portions of this act. The Legislature hereby expressly declares that it would have passed this act and each section, subsection, sentence, clause, word and phrase irrespective of the fact that any one or more section, subsection, sentence, word or phrase be declared unconstitutional.

CHAPTER 1149.

Stats 1913, p. 1086, amended. *An act to amend section 16x18 of the "weights and measures act," relating to sealers of weights and measures in counties of the eighteenth class.*

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927, p. 1836 (formerly Sec 16x17). Imperial county sealer.

SECTION 1. Section 16x18 of the "weights and measures act" is amended to read as follows:

Sec. 16x18. The sealer of weights and measures in counties of the eighteenth class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 1150.

Stats 1913, p. 1086, amended. *An act to amend section 16x33 of the weights and measures act, relating to sealers of weights and measures in counties of the thirty-third class.*

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927, p. 1837 (formerly Sec. 16x28) Mendocino county sealer.

SECTION 1. Section 16x33 of the weights and measures act is amended to read as follows:

16x33. The sealer of weights and measures in counties of the thirty-third class shall receive a salary of one hundred fifty dollars per month, and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 1151.

Stats 1913, p. 1086, amended. *An act to amend section 16x21 of the weights and measures act, relating to sealers of weights and measures in counties of the twenty-first class.*

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927, p. 1837 (formerly Sec 16x21) Monterey county sealer.

SECTION 1. Section 16x21 of the weights and measures act is amended to read as follows:

Sec. 16x21. The sealer of weights and measures in counties of the twenty-first class shall receive a salary of two hundred

dollars per month, and deputies shall receive five dollars per day for every day actually employed.

CHAPTER 1152.

An act to amend section 16x41 of the weights and measures act, relating to sealers of weights and measures in counties of the forty-first class. Stats 1913, p. 1086, amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 16x41 of the weights and measures act is amended to read as follows: Stats 1927, p. 1839 (formerly Sec. 16x43)

Sec. 16x41. In counties of the forty-first class, deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. San Benito county sealer.

CHAPTER 1153.

An act to amend section 16x51 of the weights and measures act, relating to sealers of weights and measures in counties of the fifty-first class. Stats 1913, p. 1086, amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 16x51 of the weights and measures act is amended to read as follows: Stats 1927, p. 1839 (formerly Sec. 16x47)

Sec. 16x51. In counties of the fifty-first class deputy superintendents of weights and measures shall receive a salary of one dollar per annum. In counties of this class the sealer of weights and measures shall be allowed such additional assistants as may be necessary, but the aggregate amount which may be expended in any one year for such additional assistants shall not exceed the sum of three hundred dollars Inyo county sealer

CHAPTER 1154.

An act to add a new article to be numbered VIIIa embracing sections 2.440a, 2.441a, 2.442a, 2.443a, 2.444a, 2.445a, 2.446a, 2.447a, 2.448a, 2.449a, 2.450a, 2.451a, 2.452a, 2.453a and 2.454a to chapter VI of part I of division II of the School Code, and to repeal an act entitled "An act providing for the organization of certain elementary or Sch Code, p. 354, repealed

union elementary school districts into high school districts," approved June 18, 1929, all relating to withdrawal of territory from high school districts and formation and government of new high school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New article

SECTION 1. A new article to be numbered VIIIa is hereby added to chapter VI of part I of division II of the School Code embracing sections 2.440a to 2.454a, inclusive, to read as follows:

Article VIIIa—Exclusion of Elementary School Districts from High School Districts and Subsequent Formation into High School Districts

Petition to form high school districts

2.440a Whenever a majority of the heads of families or of the electors residing in an elementary school district or union elementary school district having six hundred or more units of average daily attendance in the elementary or union elementary schools thereof as shown by the last reports of the teachers in the district and a total assessed valuation of at least eight million five hundred thousand dollars, which elementary or union elementary school district is a part of any high school district, as shown by the affidavits of one or more of the petitioners, shall present to the superintendent of schools having jurisdiction over such elementary or union elementary school district, a petition asking for the organization of a high school district to be composed of the elementary or union elementary school district represented in the petition, specifying in the petition the name of the proposed high school district, the county superintendent of schools shall within twenty days after receiving the petition verify the signatures thereto and if he finds them sufficient submit the petition to the state board of education for approval.

Facts to be shown

2.441a. The petition shall not be approved by the state board of education unless it appears from a certified statement of the county assessor of the county or counties within which the high school district from which said elementary or union elementary school district is withdrawing is situated, that the assessed valuation of the territory remaining in the said high school district after the withdrawal of the said elementary or union elementary school district will be in excess of twenty million dollars, and unless it appears from a certified statement of the county superintendent of schools having jurisdiction over the said high school district that the average daily attendance in the high schools of the said high school district after the withdrawal of the said elementary or union elementary school district will be in excess of one thousand.

Election

2.442a. Should the state board of education approve the petition the superintendent of schools shall within twenty days after receipt of such approval call an election for the

determination of the question, and shall appoint three qualified electors in such elementary district or in each elementary district comprising such union elementary district petitioning to conduct the election therein as in this article provided.

2.443a. The election shall be called by posting notices ^{Notice.} thereof in three public places in the district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published within the proposed high school district, if there be such a newspaper, the first publication to be not less than two weeks before the election.

2.444a. The election shall be held at a public schoolhouse ^{Polls} in the district petitioning.

2.445a. The election shall be conducted by the officers ^{Law governing} appointed for that purpose in the manner provided by law for conducting elections of school trustees.

2.446a. The ballots used in the election shall contain the ^{Ballots} words "High school district—Yes" and "High school district—No," and electors voting at the election shall make a cross with pencil, ink, or rubber stamp after the answer they desire to give.

2.447a. It shall be the duty of the election officers to canvass the vote of the election as soon as the polls are closed, ^{Canvass and report} and report the result to the superintendent of schools within five days subsequent to the holding of the election.

2.448a. Within ten days after receiving the returns of the ^{Record of result} election, the superintendent of schools shall declare and record the result, with the details of the vote, in a book kept by him for that purpose.

2.449a. If a majority of the votes cast at the election are ^{Certificate to county clerk} in favor of the formation of the high school district, he shall also file with the county clerk of the county, or of each county in which any part of the elementary or union elementary school district is situated, a certificate showing the total number of votes cast in the district in favor of the high school district, the total number of votes cast in the district against the high school district, the aggregate result of the election and the boundaries of the proposed district.

2.450a. If it shall appear from the certificate filed by the ^{Order excluding district} superintendent of schools that a majority of the votes cast at the election were cast in favor of the formation of the district, the board of supervisors having jurisdiction shall make an order excluding the elementary or union elementary school district from the high school district of which it was a part.

2.451a. No order excluding territory from any high school ^{Restriction on order} district under the provisions of this article shall be made if the exclusion of the territory would reduce the assessed valuation of the high school district to twenty million dollars or less.

2.452a. Any elementary or union elementary school district ^{Existing indebtedness} electing to withdraw from a high school district at an election

petitioned for and called under the provisions of this article shall continue to remain liable for such proportion of the bonded indebtedness, incurred before such withdrawal, of the said high school district, as it would have been liable for had it not withdrawn.

Entry of
order in
record of
high school
districts

2.453a. The order of the board of supervisors excluding the elementary or union elementary school district from the high school district shall be entered by the clerk of the board of supervisors in his record of high school districts, and he shall also send a copy thereof to the county clerk of each county in which any part of the high school district is situated, which county clerk shall enter it in his record of high school districts.

Order estab-
lishing
high school
district

2.454a. The board of supervisors, after making the order of exclusion, shall make an order establishing the high school district asked for in the petition, and the county clerk shall record the certificate of the county superintendent of schools and the orders of the board of supervisors in full in his record of high school districts.

Repeal.

SEC. 2. An act entitled "An act providing for the organization of certain elementary or union elementary school districts into high school districts," approved June 18, 1929, is hereby repealed.

CHAPTER 1155.

Stats 1919,
p. 928

An act to add section 11a to, and to amend section 33 of, an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, as amended, relating to municipal elections.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, as amended, to be numbered 11a and to read as follows:

Poll list

Sec. 11a. Wherever in this act or in other provisions of law applicable to elections in cities of the fifth and sixth class, reference is made to the poll list, it shall be deemed to mean the roster and tally list provided in this act, and such roster and tally list shall be the only list of voters of a precinct necessary to be filed.

Stats 1919,
p. 928.

SEC. 2. Section 33 of said act is hereby amended to read as follows:

Delivery of
packages

Sec. 33. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the city clerk, who shall endorse on such packages the name of the party delivering them and date of such delivery.

One package to contain the voted ballots, only; one package to contain one tally list only; one package to contain the precinct registers, index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots.

Contents.

CHAPTER 1156.

An act to amend section 45 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts, and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915," approved May 28, 1917, as amended, relating to fish and game districts.

Stats 1917,
p. 1047,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 45 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts, and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 15, 1915" approved May 28, 1917, as amended, is hereby amended to read as follows:

Stats 1929,
p 1181.

Sec. 45. Fish and game district four "G" shall constitute and include all lands lying within the county of Riverside within the following boundaries: Beginning where Snow creek crosses the north line of section twenty-eight, township three south, range three east, San Bernardino base and meridian thence following southerly up Snow creek to the junction of the west fork thence southerly up the crest of the ridge between the west fork of Snow creek and Snow creek to Mount San Jacinto, thence southerly along the crest of the ridge to Marion mountain thence southwesterly following the crest of the ridge to the north of Strawberry creek to the San Jacinto river thence southeasterly to a point on the San Jacinto river where the ridge to the south of Strawberry creek meets the river thence easterly and northerly along the crest of the ridge to the north of the south fork of the San Jacinto river and to the west of Herkey creek to the summit of Tahquitz peak, thence in a southeasterly direction along the summit of the main ridge of Antsell rock, and thence following the ridge to the intersection of the east boundary line of the San Bernardino national forest at the southeast corner of section twenty-four of township five south, range three east; thence

Fish and
game
district
four "G"

in a northerly direction along the boundary line of said national forest to the northeast corner of section one of township four south, range three east; thence in a northwesterly direction along the boundary line of said national forest to point of beginning.

CHAPTER 1157.

Stats. 1927,
p. 1568,
amended

An act to amend section 11 of an act entitled "An act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," approved May 27, 1927.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats. 1927,
p. 1568.

SECTION 1. Section 11 of an act entitled "An act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," is hereby amended to read as follows:

Disposition
and use of
receipts

Sec. 11. All moneys collected from the sale of licenses as provided in this act, and all fines and forfeitures imposed and collected for the violation of any of the provisions thereof, shall be paid into the state treasury to the credit of the fish and game preservation fund; provided, that the fish and game commissioners are hereby authorized and directed to expend, for a period of ten years, beginning with January 1, 1928, not less than one-third of all moneys collected annually from the sales of hunting licenses in the purchase, lease or rental, and the development, improvement, maintenance and administration of land, or land and water, or land and water rights therefor, suitable for game refuges or public shooting grounds, or both, within the State of California. Said land, or land and water, or land and water rights therefor, shall be acquired in the name of the people of the State of California and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the board of fish and game commissioners for the occupation, use, operation, protection and administration of such areas as game refuges or public shooting grounds, or both. The board of fish and game commissioners shall do all things necessary to secure a valid title in

Game refuges
and public
shooting
grounds.

the State of California to the areas which may be acquired as herein provided, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the attorney general, and shall be vested in the State of California; but the acquisition of such areas by the State of California shall in no case be defeated because of rights of way, easements, and reservations, which from their nature will, in the opinion of the board of fish and game commissioners, in no manner interfere with the use of the areas, so encumbered, for the purpose herein specified; provided, further, that the appointment of a committee to be known as the game refuge and public shooting grounds advisory committee is hereby authorized, and shall consist of the director of the California Academy of Sciences, director of Hooper Foundation for Medical Research of the University of California, and five other members to be appointed by the fish and game commissioners, with the approval of the governor, and each appointive member of said committee shall serve at the pleasure of the appointing power, and without pay. Necessary expenses of the committee incurred in the discharge of duties herein provided, shall, upon approval by the fish and game commissioners, be paid out of the fish and game preservation fund. The game refuge and public shooting grounds advisory committee shall hold meetings and make a survey of the state for the purpose of ascertaining the needs for game refuges and public shooting grounds and shall report its findings to the fish and game commissioners, who shall determine and purchase, lease, rent, or otherwise acquire land, or land and water, or land and water rights therefor, in the manner herein provided; provided, further, that any person who shall hunt, pursue, take, catch or kill any wild mammal or bird, or nest or egg thereof, on any area of the State of California, acquired, as herein provided, as a refuge or public shooting ground, or enter therein except in accordance with rules and regulations which the board of fish and game commissioners is hereby authorized and directed to make, is guilty of a misdemeanor.

Game refuge
and public
shooting
grounds
advisory
committee

Expenses and
meetings of
committee,
etc.

Unlawful
hunting

CHAPTER 1158.

An act to amend section 626 of the Penal Code, relating to the protection of game.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 626 of the Penal Code is hereby amended to read as follows:

626 Every person who, at any time hunts, pursues, takes, kills or destroys or has in his possession any rail, or wood duck or any shore bird, or sage hen or grouse except

Stats 1927,
p 1.

Certain birds
and rabbits
protected

Wilson snipe, or any sandhill crane, whooping crane or little brown crane, or who, between the sixteenth day of December and the fourteenth day of November, of the following year, both dates inclusive, hunts, pursues, takes, kills or destroys or has in his possession any mountain, desert or valley quail, or cottontail or brush rabbits; or who, between the first day of October and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any dove is guilty of a misdemeanor; provided, that in fish and game districts four, four and one-half, and four and three-quarters every person who between the first day of November and the thirty-first day of August, of the year following, both dates inclusive, hunts, pursues, takes, kills or destroys or has in possession, any dove is guilty of a misdemeanor; provided that brush, cottontail or any other rabbits may be hunted, taken or killed, in fish and game district four and three-quarters in any number and at any time of the year; provided that in fish and game district one and one-half every person who, between the first day of January and the thirty-first day of October, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any valley or mountain quail is guilty of a misdemeanor; provided, further, that nothing in this section shall prohibit the hunting, pursuing, taking, killing or destroying of any cottontail or brush rabbit by the owner or tenant of any premises, or by any person authorized in writing by such owner or tenant, but the rabbits so hunted, pursued, taken, killed or destroyed shall not be shipped or sold during the closed season.

Districts
4, 4½ 4¾.

Rabbits in
district 4¾.

District 1½

Owners or
tenants

CHAPTER 1159.

An act to amend section 628f of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats. 1929,
p. 1556

Protection
of abalone.

SECTION 1. Section 628f of the Penal Code is hereby amended to read as follows:

628f. Every person who between the fifteenth day of January and the fifteenth day of March of the same year, both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any red abalone (*Haliotis rufescens*), or any black abalone (*Haliotis crackerodie*), or any green abalone (*Haliotis fulgens*) is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*), the shell of which is less than seven inches in greatest diameter, or any green abalone (*Haliotis fulgens*), the shell of which is less than six and one-half inches in greatest diameter, or any

pink abalone (*Haliotis corrugata*), the shell of which is less than six inches in greatest diameter, or any black abalone (*Haliotis crackerodie*), the shell of which is less than five inches in greatest diameter, or who by any means whatsoever, takes or catches any abalone (*Haliotis*) and does not bring the same naturally attached to the shell and alive, to the shore above high water mark, or who takes, catches or kills any abalone (*Haliotis*) for other than food purposes, or who, at any time, dries any abalones (*Haliotis*) or who offers for shipment or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat or abalone shells, excepting articles manufactured from abalone shells, as a finished product; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor; provided, further, that nothing in this section shall prohibit any person from holding in his possession during the closed season, sliced abalone legally caught in the open season when the holder of such abalone shall comply with the regulations to be prescribed by the fish and game commission. Every person who, in the fish and game districts seven, fifteen, sixteen, seventeen, nineteen, twenty and twenty "A" of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who, in fish and game districts seven, fifteen, sixteen, seventeen, nineteen, twenty and twenty "A," takes, catches, or kills or has in possession during any one calendar day more than ten abalone (*Haliotis*), or who takes, catches or kills more than twenty abalones in any calendar week, shall be guilty of a misdemeanor; provided, that the daily or weekly limits herein provided for fish and game districts fifteen, sixteen and seventeen shall not apply to abalones brought in by boats when not caught or taken in fish and game districts fifteen, sixteen, or seventeen. Every person who in fish and game districts seven, ten, and eighteen in water less than twenty feet in depth takes more than ten abalones in any one calendar day or who sells or offers for sale any of said abalones is guilty of a misdemeanor. Every person who in fish and game districts seven, ten or eighteen takes or has in possession for commercial purposes any red abalones whose shells measure less than eight inches in greatest diameter is guilty of a misdemeanor.

Districts 7,
15, 16, 17,
19, 20,
20 "A."

Districts
15, 16, 17.

Districts
7, 10, 18.

Districts
7, 10, 18.

None of the provisions of this act shall apply to abalone or clams caught or taken without the waters of this state and bearing after inspection such evidence of having been so caught or taken as may be prescribed by the fish and game commission; provided, however, that such clams and abalones must conform to the size limits as provided in the laws of this state, and must not be brought into this state or held in possession during the closed season for clams or abalones as provided in the laws of this state; and provided, further, that the expense of such inspection shall be determined by the

Abalone and
clams caught
outside
state.

fish and game commission and must be paid by the importer of such clams and abalones.

Pismo clam
protected

Every person who gathers or takes in any manner or destroys or has in his possession any clam known as the Pismo clam (*Tivela stultorum*) whose shell shall measure less than five inches in greatest diameter or who during any one calendar day, takes, gathers in any manner or has in his possession more than fifteen of said clams or who, between the first day of May and the thirty-first day of August, both dates inclusive, of any year, takes, catches or gathers any clams in fish and game district seventeen is guilty of a misdemeanor.

District 17.

Every person who ships, offers for shipment or receives for shipment any Pismo clams (*Tivela stultorum*) or, who has in possession any Pismo clams not in the shell except Pismo clams being prepared for immediate consumption, is guilty of a misdemeanor. Every person who takes or gathers any clams whatsoever in fish and game district eighteen "A" is guilty of a misdemeanor.

District
18 "A"

Cockle and
razor clams
protected

Every person who takes, gathers in any manner or has in his possession or who ships, offers for shipment, or sells or offers for sale any hard-shell cockles (*Chione fluctifraga*, *Chione undatella* or *Chione succinta*) or any thin-shelled cockle (*Paphia tenerrima*) or any rock cockle (*Paphia staminea*) whose shell measures less than one and one-half inch in greatest diameter is guilty of a misdemeanor. Every person who takes, catches or gathers in any way more than thirty razor clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Rubber-neck,
big-neck,
great Wash-
ington clam

Every person who during any one calendar day takes, gathers in any manner, or has in his possession, or who ships, offers for shipment, sells or offer for sale, more than ten clams of the species *Schizothaerus nuttallii*, variously known as rubber-neck, big-neck or great Washington clam, is guilty of a misdemeanor. Every person who in fish and game district number ten takes or gathers or has in possession during any one calendar day, more than fifteen Washington clams, is guilty of a misdemeanor.

District 10

Mussels in
districts
18, 19, 21.

Every person who takes or gathers during any one calendar day in fish and game districts eighteen, nineteen or twenty-one, or who has in possession within said districts or on land within one mile due inland of the shore boundaries of said districts, more than fifteen pounds of mussels (*mytilus californianus*) is guilty of a misdemeanor. Every person who takes, gathers or has in possession any scallops (*Pecten circularis*) whose shell measures less than two inches in greatest diameter, or who sells, offers or exposes for sale any scallops (*Pecten circularis*) is guilty of a misdemeanor. Every person who during any one calendar day takes, or gathers in any manner, more than ten black abalones in fishing districts fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty "A" and twenty-one is guilty of a misdemeanor.

Scallops.

Black
abalone in
districts 14,
15, 16, 17,
18, 19, 20,
20 "A", 21.

Every person who during any one calendar day takes, or gathers in any manner, more than ten black abalones in fishing districts fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty "A" and twenty-one is guilty of a misdemeanor.

Every person who takes, catches or kills or has in possession any clam or clams taken from fish and game districts eight or nine, between the first day of May and the thirty-first day of August of any year, both dates inclusive; or who at any time ships or offers for shipment or receives for shipment or transportation, to any place outside the limits of fish and game district one and one-half, any clam or clams of any species taken in fish and game districts seven, eight or nine, is guilty of a misdemeanor. Districts
8, 9.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid to the division of fish and game for the deposit in the state treasury to the credit of the fish and game preservation fund. District 13
Districts
7, 8, 9.
Penalties.
Disposition
of fines

CHAPTER 1160.

An act to add a new section to the Penal Code to be numbered 628m, relating to the protection of white sea bass.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 628m, is hereby added to the Penal Code to read as follows: New section.

628m. Every person who between the first day of May and the thirtieth day of June of the same year, both dates inclusive, takes, catches, kills, or has in his possession, in any fish and game district in the State of California, any white sea bass (*Cynoscion nobilis*) or sea trout, is guilty of a misdemeanor. Every person who at any time, takes, catches, kills, or has in his possession, any white sea bass (*Cynoscion nobilis*) of less than twenty-eight inches in length, measured from the tip of the lower jaw to the end of the longest lobe of the tail, or who shall bring to shore any white sea bass (*Cynoscion nobilis*) in such a condition that the same can not be measured shall be guilty of a misdemeanor. Provided that not to exceed five white sea bass or sea trout, irrespective of size, may be taken by hook and line at any time and held in possession, but such white sea bass or sea trout are not to be bought or sold or offered for sale. Every person found guilty of a violation of any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars, or more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had, of not less than Protection
of white
sea bass.
Penalty.

ten days or more than one hundred fifty days or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 1161.

An act creating a game refuge within a certain fish and game district in El Dorado county, providing for the protection thereof, and providing penalties for violations of this act.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Silver lake
game refuge
created.

SECTION 1. For the protection, conservation and propagation of game animals, except fish, there is hereby set apart and established, a district to be known as the "Silver lake game refuge," the boundaries of which are hereby determined to be as follows, to wit:

Boundaries

All that certain territory within the county of El Dorado, bounded and described as follows, to wit:

Beginning at a point in section nineteen, township ten north, range fifteen east, Mount Diablo meridian at the intersection of the Iron Mountain and Morrison-Hells Delight road; thence along the south side of said road to the old Hilton place on Hells Delight creek in section twenty, township ten north, range sixteen east, Mount Diablo meridian; thence northeast along Hells Delight creek to its junction with the Silver fork of the American river in section seventeen, township ten north, range sixteen east, Mount Diablo meridian; thence up said Silver fork of the American river to the intersection of North Tragedy creek in section twenty-seven, township ten north, range sixteen east, Mount Diablo meridian; thence up said North Tragedy creek to the Alpine highway in section seven, township nine north, range seventeen east, Mount Diablo meridian; thence down north side of the Alpine highway to its junction with the Iron mountain road in section sixteen, township nine north, range sixteen east, Mount Diablo meridian; thence along the east side of said Iron mountain road to the point of beginning in section nineteen, township ten north, range fifteen east, Mount Diablo meridian.

Law
applicable

SEC. 2. The provisions of law for the protection of fish in fish and game district number one shall be enforced within said Silver lake game refuge, and there shall be no open season therein for any game animals except fish.

Acts
prohibited.

SEC. 3. It is unlawful within said territory at any time:

(a) To hunt, pursue, take, kill, or destroy any game birds or animals, except to capture the same to be set at liberty elsewhere as hereinafter specially provided;

(b) To hunt, pursue, take, kill, or destroy any other wild birds or animals except as hereinafter provided;

(c) For any person to have in his possession any firearm, trap, or other contrivance designed to be used to kill, destroy, or capture game animals except fish, without first having obtained a permit so to do from the fish and game commission of this state; but, nothing in this act contained shall prohibit the lawful occupant of any privately owned lands within said district, or his employees at the direction of said occupant, from killing ground squirrels, gophers, owls, hawks, blue jays, skunks, and other destructive animals which are not game animals as hereinafter defined that may be on the land of said occupant; and nothing in this subdivision (c) contained shall apply to persons traveling upon any public highways within said territory. The term game animals used herein includes all birds and animals which are protected or fostered by any of the laws of this state.

SEC. 4. Except as herein provided, the provisions of law governing the fish and game district of which this refuge is a part, shall apply. Law applicable

SEC. 5. Any person who violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one hundred fifty days, or by both such fine and imprisonment. Penalty

SEC. 6. It is the duty of the fish and game commission of the State of California, and of its deputies, and also of the district attorney, and of the sheriff, and of all other peace officers of El Dorado county to enforce all the provisions of this act, and to institute and assist in prosecution for violations hereof. Enforcement

CHAPTER 1162.

An act to amend sections 1 to 7 inclusive of "An act to provide for the filing of names, marks or other devices used to indicate ownership, providing for certain benefits therefrom, and prescribing penalties for violating the provisions hereof; repealing an act (approved March 21, 1911) entitled 'An act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing an act to amend an act entitled "An act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider,

ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer or other beverages (approved March 31, 1891) by adding thereto a new section after section 4 thereof, relating to deposits, to be numbered as section 5 of said act, by renumbering section 5 of said act as section 6 thereof, and amending the same relating to assignments, and by renumbering section 6 of said act as section 7 thereof," approved March 5, 1903,' " approved May 26, 1921, relating to containers

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1921,
p 627.

SECTION 1. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Registering
trade-marks
used on
containers

SECTION 1. Any and all persons, firms, corporations or associations engaged in the manufacture, packing, canning, bottling or selling of any substance in containers with his, her or its name or names, or other marks or devices impressed or produced thereon; or whose equipment or supplies, owned by and used in his, her or its business, bears a name or other mark or device impressed or produced thereon, and any and all corporations and associations whose members are so engaged and use such containers or have such equipment or supplies, may file in the office of the county clerk of the county in which his, her or its principal place of business, or the principal place of business of its members, is situate, or if such place of business is situate out of the state, then in the office of the county clerk of any county of the state, and also in the office of the secretary of state, a description of the name or names, marks or devices so used, as a brand: and also cause such description to be printed once a week for three successive weeks in a newspaper published in the county in which said description may have been filed as aforesaid. There shall be included as a part of each brand the words, "Registered in California," or the abbreviation, "Reg. Cal."

Stats 1921,
p 627.

SEC. 2 Section 2 of said act is hereby amended to read as follows:

Unlawful
use of
containers

SEC. 2. It is hereby declared unlawful for any person, firm, corporation or association, except the owner of the brand, the registrant thereof and the members of any corporation or association which is the registrant, to use or fill with any substance, any container so marked or distinguished as aforesaid, with or by any name, mark or device, of which a description shall have been filed and published, as provided in section 1 of this act, or to erase, obliterate or otherwise cover up or conceal such name, mark or device on any such container or on any such equipment or supplies or any article thereof, or to sell, buy, give, take or otherwise traffic in the same without the written consent of the registrant of such brand to use the same on the containers or the articles of

equipment or supply described in such consent, unless the same shall have been purchased from the person, firm, corporation or association whose mark shall be or shall have been thereon.

SEC. 3. Section 3 of said act is hereby amended to read as follows: Stats 1921, p 627

Sec. 3. The use by any person other than the person, firm, corporation or association whose name, mark or device shall be upon same, and other than the members of any corporation or association registering the same, of any such container, supplies or equipment, without the written consent provided for in section 2 of this act, or the having by any junk dealer, or dealer in second-hand articles, possession of any such containers, supplies or equipment, the description of the name, mark, or device having been so filed and published as aforesaid, shall be and is hereby declared to be presumptive evidence of unlawful use of or traffic in such containers, supplies, or equipment. Evidence of unlawful use

SEC. 4. Section 4 of said act is hereby amended to read as follows: Stats 1921, p. 627

Sec. 4. Whenever the owner or owners of said containers so marked or of said equipment or supplies used in said business or businesses aforesaid, so marked or otherwise impressed, or others lawfully entitled to use the same, shall require taking or accepting of any sum of money as a deposit for security for the safekeeping and return of such article or articles, it shall not constitute a sale of such property, either optional or otherwise, in any proceeding under this act. Deposit for return of container

SEC. 5. Section 5 of said act is hereby amended to read as follows: Stats 1921, p 627.

Sec. 5. Whenever any of said persons, firms, corporations or associations mentioned in section 1 of this act, or the agent or agents of said persons, firms, corporations, or associations, or the member or members of such corporations or associations, shall make oath before any magistrate that he has reason to believe, and does believe, that any of the containers, supplies or equipment mentioned in section 1 of this act, are being unlawfully sold, filled or used, or are secreted in any place, the said magistrate shall issue a search warrant to discover and obtain the same, and may also cause to be brought before him, the person in whose possession such articles may be found, and if said magistrate finds that such person has been guilty of a violation of this act, he must impose the punishment herein prescribed, and also award the possession of the property taken upon such search warrant to the owner thereof, or to the corporation or association of which the owner is a member Search warrant to discover unlawful use of container

SEC. 6. Section 6 of said act is hereby amended to read as follows: Stats 1921, p 627

Sec. 6. Any person, firm, corporation or association, or any member of such corporation or association acquiring containers, supplies or equipment so marked, by purchase or other lawful Containers acquired by purchase

means, and having the written consent provided for in section 2 of this act, shall not be required to again file and publish said description, but shall, as to the containers, supplies and equipment, described in such written consent acquire as a part of said purchase all such benefit as the vendor has under this act.

Stats 1921,
p. 627.

SEC. 7. Section 7 of said act is hereby amended to read as follows:

Existing
registrants
and licenses

Sec. 7. Each brand heretofore registered and published pursuant to this act, and the owner of such brand, the registrant thereof and every person, firm, corporation and association lawfully entitled to use such brand and all containers and articles of supply and equipment bearing such brand shall hereafter be entitled to all of the protection and benefits of this act as amended, to the same extent as if such brand were hereafter registered and published, and it shall not be necessary for any such brand to be changed, reregistered and/or republished on account of any amendment or amendments to this act hereby made.

New section

SEC. 8. A new section 10 is hereby added to read as follows:

Return of
property

Sec. 10. It shall be the duty of every person, firm, corporation or association, who finds or receives in the regular course of business or in any other manner, any such property mentioned in section 1 of this act marked with a brand registered under the provisions of this act, to make diligent effort to find the owner thereof and restore or return said property.

New section

SEC. 9. A new section 11 is hereby added to read as follows:

Constitutionally

Sec. 11. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 1163.

Stats 1917,
p 1275,
amended

An act to amend sections 5, 6, 7 and 8 of an act entitled, "An act to license canners, curers, preservers and packers of fish and handlers of crustaceans and mollusks, and providing a revenue therefrom for the conservation, propagation and restoration of fish in the State of California, and providing for a record of fish caught or received, and providing penalties for the violation of the provisions thereof,

and repealing all acts or parts of acts in conflict therewith," approved May 28, 1917

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the act cited in the title hereof is hereby amended to read as follows: Stats 1917,
p 1275.

Sec. 5. Every person operating under a license as provided in section 1 of this act, and every person dealing in fresh fish shall keep a book or books in which shall be entered a full and correct record, in the English language, of all fresh fish purchased or received by them from fishermen or taken by themselves, giving the names of the different species, and the number of pounds so received or caught of each different species, and the name and address of the person or persons from whom such fish were received. Said book or books are to be open at all times for the inspection of members of the fish and game commission or persons duly authorized by them. Record of
fish pur-
chased

SEC 2 Section 6 of the act cited in the title hereof is hereby amended to read as follows: Stats. 1917,
p 1275

Sec. 6. Every person operating under a license as provided in section 1 of this act, and every person dealing in fish who receives fish from fishermen shall issue receipts to the fishermen from whom fish are received and shall give in such receipt the date of issuance, the name of the fisherman or fishermen to whom issued, number of the boat, the weight in pounds of each variety of fish received, the price per pound paid to the fishermen, and the signature of the dealer who issued the receipt. A duplicate manifold copy of this receipt shall be kept on file by the dealer issuing the same, for a period of six months and the said duplicate copy shall be available for inspection at any time within six months, upon demand of the fish and game commission, or any duly authorized assistant thereof, and a triplicate copy shall be furnished to the fish and game commission. Receipts to
fishermen.

SEC. 3. Section 7 of the act cited in the title hereof is hereby amended to read as follows: Stats 1917,
p 1275

Sec. 7. Every person operating under a license, as provided in section 1 of this act, shall, in addition to the license fee, pay a privilege tax of two and one-half cents for each one hundred pounds, or fraction thereof, of fish purchased or received by them, or fish caught or taken by themselves, with their own equipment; provided, that any fish, excepting mollusks and crustaceans, so taken or received, which are utilized for human consumption in its fresh state, shall not be subject to such tax; and such person shall, monthly report to the fish and game commission, showing the total amount of fresh fish, in pounds, purchased, caught or received by them (for purposes other than human consumption in its fresh state), and of mollusks and crustaceans purchased or received by them Privilege
tax

Months
report

from fishermen, or caught by themselves, whether they be used fresh or otherwise, during the month next preceding. Blanks for this report shall be furnished by the fish and game commission, and such report shall be rendered to the fish and game commission not later than the fifteenth day of the month following. Said reports shall be accompanied by an affidavit by the person or firm purchasing, taking, catching or receiving such fish, to the effect that said report is a true and correct record of all fish caught or received by them (for purposes other than human consumption in its fresh state); and of all mollusks and crustaceans purchased or received from fishermen, or caught by themselves, during the month covered by the report. Said privilege tax shall be paid to the fish and game commission, or some one authorized by them, within thirty days after the close of each month. Upon failure of any person operating under a license as provided in section 1 of this act to pay the privilege tax as provided herein within thirty days after the close of any month, said license shall be deemed forfeited and shall thereupon be ineffective and inoperative for any purpose whatsoever; provided, further, that all unpaid taxes as herein provided, and any portions thereof, shall become and constitute a lien upon the plant and real property wherein and whereon said packing operations shall have been conducted and carried on.

Affidavit

Forfeiture
of licenseStats 1917,
p 1275Moneys used
for inspection
and
conservation
work

SEC. 4. Section 8 of the act cited in the title hereof is hereby amended to read as follows.

SEC. 5. All moneys collected from the sale of licenses and from the privilege tax on fish, as herein provided, shall be paid to the fish and game commissioners, or some one designated by them for that purpose, and all money so collected shall be paid by the fish and game commissioners into the state treasury, to the credit of the fish and game preservation fund, and shall be expended for patrol of packing plants, inspection and regulation of the industry and on conservation work for the benefit of the commercial fishing industries within the districts from which the revenues are derived.

CHAPTER 1164.

An act to add a new section to the School Code to be numbered 1.73, providing for the payment of the cost of food and lodging to secondary school pupils by governing boards of secondary school districts in lieu of the transportation of such pupils.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the School Code to be numbered 1.73, to read as follows:

1.73. In lieu of furnishing transportation to pupils attending upon the schools of a secondary school district, the governing board thereof may pay to the parents or guardian of each such pupil the cost of food and lodging of the pupil at a place convenient to such schools; but the amount paid on account of each such pupil shall not exceed the estimated cost to the district of transporting such pupil from his home to the school he attends.

Commutation
of trans-
portation
money.

CHAPTER 1165.

An act to amend section 20 of chapter 492, statutes of 1907, entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, as amended, relating to rules, regulations and requirements in cases of the transportation of the dead.

Stats 1907,
p 893.
amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 20 of chapter 492, statutes of 1907, entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, is hereby amended to read as follows:

Stats 1907,
p 893

Sec. 20. The following rules and requirements in cases of the transportation of the dead shall be strictly observed, subject, however, to such changes and modifications as the state board of health or its secretary may otherwise require and direct:

Rules for
transporta-
tion of dead

Rule 1. The transportation within the boundaries of the State of California, from any other state, territory, district, or islands of the United States, or from any foreign country, of remains or bodies dead from plague, Asiatic cholera, yellow fever, typhus fever, anthrax, glanders, or smallpox, or the transportation of the same from this state to any part of the United States, or any foreign country, is absolutely prohibited.

Rule 1

No remains or bodies of those dead from any of said diseases shall be transported within this state to any place beyond a distance of twenty-five miles except by permission and under the direction of the state board of health or its secretary, and subject also to the conditions provided in rules 2, 5 and 6 of this section hereinafter set forth.

Rule 2. The bodies of persons dead of Asiatic cholera, smallpox, yellow fever, diphtheria, membranous croup, scarlet fever (scarlatina, scarlet rash), erysipelas, glanders, anthrax, or leprosy, shall not be accepted for transportation unless prepared

Rule 2

for transportation by (a) arterial and cavity injection with a disinfecting fluid approved by the state board of health; (b) disinfection and stopping of all orifices with absorbent cotton, and (c) washing the body with a disinfectant; said body shall be properly clothed, and placed in an air-tight metal-lined casket, all joints and seams hermetically sealed, and all enclosed in a strong, wooden transportation case; provided, that instead of such metal-lined casket, the body having been prepared for transportation by disinfecting as above, may be placed in a wooden casket, same encased in a metal-lined transportation case. all joints and seams of said case hermetically soldered.

In the transportation of bodies dead from any disease named in this rule, such body must not be accompanied by persons or articles which have been exposed to the infection of the disease. unless certified by the health officer to have been properly disinfected.

Rule 3

Rule 3. The bodies of those dead from typhoid fever, puerperal fever, tuberculosis, measles, or other contagious or infectious diseases not enumerated under rules 1 and 2 of this section, may be received for transportation when prepared for transportation by arterial and cavity injection with an approved disinfecting fluid, washing the exterior of the body with the same; said body must be properly clothed, and placed in an air-tight metal-lined casket, and enclosed in a wooden transportation case; or a wooden casket enclosed in a metal-lined transportation case; provided, that this shall apply only to the bodies which can not reach their destinations within ninety hours from the time of death.

Rule 4

Rule 4. The bodies of those dead from any cause not stated in rules 1, 2 and 3 of this section, shall not be received for transportation unless said body has been embalmed and prepared by a licensed embalmer, and placed in a sound casket and enclosed in a wooden transportation case. If the body can not reach its destination within ninety hours from the time of death, it must be placed in a metal-lined casket or a wooden casket enclosed in a metal-lined transportation case.

CHAPTER 1166.

Stats. 1877-78, p. 263, amended

An act to amend section 6 of an act entitled "An act concerning the water front of the city and county of San Francisco," approved March 16, 1878, as amended, relating to the powers of the board of state harbor commissioners.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1927, p. 616

SECTION 1. Section 6 of an act entitled "An act concerning the water front of the city and county of San Francisco,"

approved March 16, 1878, as amended, is hereby amended to read as follows:

Sec. 6. (a) The said commissioners shall have the possession, jurisdiction and control over the blocks and parts of blocks formed by the change of the water front and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves and thoroughfares. The commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public, or they may, in their discretion, inclose them. The commissioners are also authorized to assign the use of such portion thereof as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the commissioners.

Control of
certain
blocks

(b) The commissioners are also authorized to lease such portions or portion of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, "a," "b," "c," and "d" and such portions of that certain land described as follows, to wit:

Lease of
seawall lots.

Beginning at a point on the easterly line of Third street distant thereon one hundred sixty feet southerly from the southerly line of Islais street; thence running easterly parallel with Islais street three thousand one hundred thirty-seven and nineteen hundredths feet more or less to the inner line of the Embarcadero, thence southeasterly along the inner line of the Embarcadero nine hundred ninety-nine and thirty-two hundredths feet more or less to a point distant one thousand feet at right angles southerly from the southerly line of Islais street; thence westerly parallel with Islais street two thousand seven hundred forty-three and five hundredths feet more or less to the northeasterly line of Arthur avenue extended southeasterly across Third street; thence along the last described line northwesterly one thousand two hundred eighteen and thirty-six hundredths feet more or less to the easterly line of Third street; thence northerly along the easterly line of Third street fifty-nine and forty-two hundredths feet more or less to the point of beginning, and such portions of that certain land described as follows, to wit: Beginning at a point on the northerly line of Seventeenth street produced easterly and located one hundred fifty feet easterly along the westerly line of Illinois street; running thence easterly along said northerly line of Seventeenth street produced, a distance of ninety-two feet; thence southerly parallel to the westerly line of Illinois street a distance of two hundred twenty feet; thence easterly parallel to the northerly line of Seventeenth street, a distance of

Description.

one hundred ninety feet; thence southerly four hundred feet to a point located three hundred eighty-five feet easterly from the westerly line of Illinois street; running thence southerly to a point on the southerly line of Eighteenth street produced easterly, located two hundred sixty feet easterly from the westerly line of Illinois street; running thence westerly along the southerly line of Eighteenth street produced to a point located one hundred fifty feet easterly from the westerly line of Illinois street, running thence northerly parallel to the westerly line of Illinois street to the place of beginning; provided, that before the execution of any lease notice of the letting or leasing of any of the lots or property hereinabove mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the property or lot or portion thereof to be leased and that bids will be received by the commissioners at a place and time designated in such notice; and that said lots and property shall be let to the highest and best bidder; provided, further, that all bids for lease of property or lots or portions thereof, herein mentioned, shall set forth the purposes for which said property or lots or portions thereof shall be used, and that the statement of such bid shall be embodied in the lease given by the board of state harbor commissioners with the condition that the property or lot shall be used for such purposes only; provided, further, that said board shall have the power to reject any and all bids; and provided, further, that in no event shall any such lease or leases be made for a term exceeding twenty-five years; provided, however, that all leases made and executed within two years preceding February 15, 1901, and on file in the office of the secretary of state, of land belonging to the state less than fifty acres in area, and which lease has been made to any corporation incorporated in this state, or to any person or persons, for terminal facilities, is hereby recognized, approved and ratified, and the conditions, covenants and agreements of the parties thereto are made binding on the said parties and on their successors and assigns and on the State of California; provided, further, that all such leases shall contain a provision providing that in the event of the establishment by the United States of a free zone in the port of San Francisco, and in the event that said leased land is necessary to said free zone that then the state board of harbor commissioners for that purpose, shall have the right to declare such leases canceled and terminated upon payment to the lessees of the actual physical value of all improvements erected by said lessees on said leased land.

(c) The commissioners are further authorized to lease such lands, or portions of lands, under their jurisdiction for the purpose of providing terminals for bridges, approaches thereto and lands necessary for the placement of said bridge terminals and lands crossed over or to be crossed over by any such bridge or built over in the preparation for and the placement of

Notice of
letting

Use of
property

Term of
lease

Establish-
ment of
free zone

Bridge
terminals

bridge terminals, as they may deem expedient for such purposes and most advantageous to the commerce of the port of San Francisco, for a term not exceeding fifty years; provided, that before the execution of any lease of such land or lands for the aforesaid purposes, notice of the letting or leasing of any of the lots or property or lands hereinabove last mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city and county of San Francisco for at least ten days; such notice shall state the property, or lot or portion thereof, or land to be leased, and that bids will be received by the commissioners at a place and time designated in such notice; and that said lots and property shall be let to the highest and best bidder; provided, further, that all bids for lease of property or lots or portions thereof hereinbefore last mentioned shall set forth the purposes for which said property or lots or portions thereof shall be used, and that the statement of such bid shall be embodied in the lease given by the board of state harbor commissioners with the condition that the property shall be used for such purposes only, provided further, that said board shall have the power to reject any and all bids; and provided, further, that the words "bridge terminal" for the purposes of this act shall mean the end or resting point of any trans-bay railroad, vehicular, passenger or other bridge; the word "approaches" as used in this act shall be held to mean any land or space upon land submerged or otherwise adjacent to, surrounding, or in front of the terminal of any bridge in this act referred to

Notice of letting

Use of property

Definitions

CHAPTER 1167.

An act relating to the liability in damages of municipalities, counties, cities and counties, and school districts, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property; prescribing the duties of the officers thereof in such cases, and authorizing such public or quasi public corporations to take out and pay for insurance to protect them against such liability.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Whenever it is claimed that any person has been injured or any property damaged as a result of the dangerous or defective condition of any public street, highway, building, park, grounds, works or property, a verified claim for damages shall be presented in writing and filed with the clerk or secretary of the legislative body of the municipality, county, city and county, or school district, as the case

Claim for damages suffered on public property.

may be, within ninety days after such accident has occurred. Such claim shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received.

Duty of attorney for municipalities, etc

SEC. 2. Whenever any suit for damages is brought against any municipality, county, city and county, or school district on account of injuries to persons or property, alleged to have been received as a result of the dangerous or defective condition, of any public streets, highway, building, park, grounds, works or property, it shall be the duty of the attorney for such municipality, county, city and county, or school district, as the case may be, to act as counsel in defense of such suit, unless lawful provision has been made for the employment of other counsel in connection therewith; and the fees and expenses involved therein shall be a lawful charge against such municipality, county, city and county, or school district, as the case may be.

Municipalities, etc. may insure.

SEC. 3. Municipalities, counties, cities and counties, or school districts, may insure against any liability, other than a liability which may be insured against under the provisions of the workmen's compensation insurance and safety act, or under the workmen's compensation insurance and safety act of 1917, for injuries or damages resulting from the dangerous or defective condition of public streets, highways, buildings, parks, grounds, works and property, either by self-insurance, or in any insurance company authorized to transact the business of such insurance in the State of California; and the premium for such insurance shall be a proper charge against the public treasury of such municipality, county, city and county, or school district, as the case may be.

Payment or compromise of claims

SEC. 4. In any case where legal liability is admitted or disputed the municipality, county, city and county, or school district may pay any bona fide claim or compromise any such disputed claim out of public funds, provided that in any such compromise the district attorney, city attorney, county counsel, or attorney having charge of such matters approves the terms of such compromise.

Definitions

SEC. 5. Wherever the word "person" or "public" are used in this act, such words shall be deemed to include any pupil attending the public schools of any school or high school district.

CHAPTER 1168.

An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers; prescribing the duties of claimants in such cases, and authorizing the state and such

public or quasi public corporations to take out and pay for insurance to protect their officers against such liability.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Whenever it is claimed that any person has been injured or any property damaged as a result of the dangerous or defective condition of any public street, highway, building, park, grounds, works or property, and/or the negligence or carelessness of any public officer, a verified claim for damages shall be presented in writing and filed with such officer and the clerk or secretary of the legislative body of the municipality, county, city and county, or school district, as the case may be, within ninety days after such accident has occurred. Such claim shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received. In the case of a state officer said notice and claim shall be filed with the governor as well as the officer himself.

Claims based on negligence of public officer

SEC. 2. Whenever any suit for damages is brought against an officer of any municipality, county, city and county, school district, or the State of California on account of injuries to persons or property, alleged to have been received as a result of the dangerous or defective condition of any public streets, highway, building, park, grounds, works or property, and/or the negligence or carelessness of such officer, it shall be the duty of the attorney for such municipality, county, city and county, school district, or other public or quasi public corporation, or of the State of California, as the case may be, to act as counsel in defense of such suit, unless lawful provision has been made for the employment of other counsel in connection therewith; and the fees and expenses involved therein shall be a lawful charge against such municipality, county, city and county, school district, or of the State of California, as the case may be.

Duty of attorney for municipality, etc

SEC. 3. Municipalities, counties, cities and counties, school districts or the State of California, may insure their officers against any liability, other than a liability which may be insured against under the provisions of the workmen's compensation insurance and safety act, or under the workmen's compensation insurance and safety act of 1917, for injuries or damages resulting from the dangerous or defective condition of public streets, highways, buildings, parks, grounds, works and property, and due to their alleged negligence or carelessness, as specified in this act, either by self-insurance, or in any insurance company authorized to transact the business of such insurance in the State of California; and the premium for such insurance shall be a proper charge against the public treasury of such municipality, county, city and county, school district, or the State of California, as the case may be.

Municipalities, etc., may insure officers

Definitions

SEC. 4. Wherever the word "person" or "public" are used in this act, such words shall be deemed to include any pupil attending the public schools of any school or high school district.

CHAPTER 1169.

An act to add a new section to the Penal Code to be numbered 374½, relating to the discharge of oil from vessels.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Penal Code to be numbered 374½, and to read as follows:

Unlawful to discharge oil on navigable waters

374½. Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by law, it shall be unlawful for any person to discharge, or suffer, or permit the discharge of oil by any methods, means, or manner, into or upon the navigable waters of the State of California from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements, and such as may be acquired under the laws of the United States and the State of California, and the rules and regulations prescribed thereunder. When used in this section, the term "oil" shall mean oil of any kind or in any form, including fuel oil, oil sludge and oil refuse. The term "person" shall mean an individual, partnership, corporation, or association, any owner, master, officer, or employee of a vessel, and any officer, agent, or employee of the State of California, and the term "navigable waters of the State of California," shall mean all portions of the sea within the territorial jurisdiction of the State of California, and all inland waters navigable in fact in which the tide ebbs and flows.

Definitions

Penalty

Any person, firm or corporation violating or causing or permitting to be violated any provision of this section, shall be guilty of a misdemeanor.

CHAPTER 1170.

An act to amend section 1382 of the Penal Code, relating to dismissal of an action for want of prosecution.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Code
Amends
1880, p. 29.

SECTION 1. Section 1382 of the Penal Code is hereby amended to read as follows:

1382. The court, unless good cause to the contrary is shown, must order the prosecution to be dismissed in the following cases: When
prosecution
may be
dismissed

1. When a person has been held to answer for a public offense and an information is not filed against him, within fifteen days thereafter.

2. If a defendant, whose trial has not been postponed upon his application, is not brought to trial within sixty days after the finding of the indictment, or filing of the information.

3. If a defendant in a misdemeanor case in a justices court, whose trial has not been postponed upon his application, is not brought to trial within thirty days after the filing of the complaint.

CHAPTER 1171.

An act to amend section 3627a of the Political Code, relating to the taxation of securities and solvent credits.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 3627a of the Political Code is hereby amended to read as follows Stats 1929,
p. 35.

3627a. Notes, debentures, shares of capital stock, bonds, deeds of trust, mortgages, and any legal or equitable interest therein, of the classes taxable to the owner thereof on the date of the adoption of section 16 of article thirteen of the constitution of this state, and not otherwise taxed under subdivisions (a) or (b) of section 14 or under section 15 of article thirteen of said constitution, are hereby taxed upon their actual value at the rate of two-tenths of one per cent. Solvent credits, of the class taxable to the owner thereof on the date of the adoption of section 16 of article thirteen of the constitution of this state, and not otherwise taxed under subdivision (a) or (b) of section 14 or under section 15 of article thirteen of said constitution, are hereby taxed upon their actual value at the rate of one-tenth of one per cent. Securities
and solvent
credits.

Property taxable under the provisions of this section shall be taxed to the owner or possessor of the fee simple estate or life estate therein, if such estate has its situs within this state. If any property taxable under the provisions of this section is held in trust by any person, association, or corporation domiciled or the principal place of business of which is located in this state, such property shall be taxable solely to the trustee thereof. Such tax to the possessor of such property or owner of the fee simple estate or life estate therein, or trustee, shall be deemed to include the entire tax upon all legal or equitable interest in such property. If the property taxed at its situs in this state is a legal or equitable interest in property in which the fee simple estate or the major portion Situs for
taxation

thereof has its situs outside the state, but taxable if within this state, such legal or equitable interest shall be taxed to the owner or possessor or trustee thereof at the actual value of such interest. In determining the actual value of an equitable or legal interest in such property there shall be considered as determining the value of said equitable or legal interest only that property which would be taxable if it had its situs within this state.

Mode of collection

The tax hereby imposed upon said property shall be assessed, equalized, levied and collected in the same manner as are other county and city and county taxes, except as hereinafter otherwise provided, and shall be in lieu of all other property taxes thereon.

Distribution of tax moneys

The proceeds of said tax shall be paid into the treasury of the county or city and county in which it is collected and shall be distributed therefrom by the county or city and county auditor to the county or city and county and to the city and school districts within which said property has its situs as follows:

If the property has its situs within a city and a school district or school districts, the proceeds shall be distributed one-third to the city, one-third to the school district or school districts, and one-third to the county in which said city is located; and if the property has its situs outside of a city, but within a school district or school districts, the proceeds shall be distributed one-half to the school district or school districts and one-half to the county in which the property is situated. In the event that such property has its situs within the boundaries of an elementary school district or districts and a high school district or districts, then the same shall be divided equally between the said elementary school district or districts and the high school district or districts, it being the purpose of this section to divide the proceeds allotted to the support of schools hereby equally between districts supporting elementary schools and districts supporting high schools excluding from revenue derived therefrom all other educational districts of any kind or description.

The details of the method of such distribution shall be supplied by the county or city and county auditor, shall be approved by the board of supervisors of such county or city and county, and shall fairly carry out the purpose of this section.

Returns

Any person, partnership, corporation, association or other organization owning, controlling, or in possession of any such notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, or any legal or equitable interest therein taxable to him or it hereunder shall return the same in the manner provided for the return of other property to the assessor of each county or city and county between the first Monday in March and the first Monday in July of each year.

In the event of the failure or neglect of any person to return such taxable property between the said dates, it shall, upon the discovery of the escape, be assessed and levied upon, and entry thereof immediately made upon the assessment roll, such entry to be followed by the words "penalty for failure to file return within the time required by law." Thereupon, a penalty shall attach to the tax so levied and entered in an amount equal to two times the tax.

Penalties for failure to file return

The tax imposed herein shall become due and payable at noon on the first Monday in March, 1929, and on the first Monday in March annually thereafter, unless the same be made a lien upon real estate under other provisions of this code, all of which are made applicable to the tax levied under the provisions of this section.

When tax due

The authority herein granted to the assessors to place any tax or penalty upon property which has escaped taxation upon the assessment or tax roll of the year for which said property should have been assessed or taxed shall be limited to a period of not more than three years from the date upon which the lien attaches for the current assessment roll.

Limitations period on penalty.

Nothing herein contained shall require the county or city and county assessor as a condition precedent to placing such penalty upon the assessment roll, or the county or city and county in collecting such tax and penalty, to establish any intention on the part of the taxpayer to defraud, deceive or evade the assessing or taxing officials.

No showing of intention required

CHAPTER 1172.

An act to amend sections 1279 and 1298 of the Penal Code, relating to bail.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1279 of the Penal Code is hereby amended to read as follows:

Penal Code 1872

1279. The qualifications of bail are as follows:

1. Each of them must be a resident, householder, or freeholder within the state; but the court or magistrate may refuse to accept any person as bail who is not a resident of the county where bail is offered;

Qualifications of bail

2. They must each be worth the amount specified in the undertaking, exclusive of property exempt from execution, except that if any of the sureties is not worth the amount specified in the undertaking, exclusive of property exempt from execution, but owns any equity in real property, a hearing must be held before the magistrate to determine the value of such equity. Witnesses may be called and examined at such hearing and if the magistrate is satisfied that the value of the

equity is equal to twice the amount of the bond such surety is justified. In any case, the court or magistrate, on taking bail, may allow more than two sureties to justify severally in amounts less than that expressed in the undertaking, if the whole justification be equivalent to that of sufficient bail

Stats 1919,
p 240

SEC. 2. Section 1298 of the Penal Code is hereby amended to read as follows:

Deposit of
United
States and
state bonds,
or equity
in real
property
as bail
Hearing

1298. In lieu of a deposit of money, the defendant may deposit bonds of the United States or of the State of California of the face value of the cash deposit required, and such bonds shall be treated in the same manner as a deposit of money or the defendant may give as security any equity in real property which he owns. A hearing, at which witnesses may be called or examined, must be held before the magistrate to determine the value of such equity and if the magistrate finds that the value of such equity is equal to twice the amount of the cash deposit required he shall allow such bail. The clerk shall, under order of the court, when occasion arises therefore, sell the said bonds or the equity and apply the proceeds of such sale in the manner that a deposit of cash may be required to be applied.

CHAPTER 1173.

An act to amend section 6.4 of the School Code, relating to the payment of assessments levied against real property owned by, or under the control of, boards of school trustees and city boards of education.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. Code.
p 268

SECTION 1. Section 6.4 of the School Code is hereby amended to read as follows:

Power of
school
boards to
pay public
improvement
assessments

6.4. Boards of school trustees and city boards of education shall have power to, and may in their discretion, appropriate money to pay assessments, for the improvement of streets or other public places, levied against any real property owned by, or under the control of said boards, when said property is included within an assessment district formed in pursuance of any general law of the state or under the charter of any municipality. Such assessments may be paid out of any funds belonging to the school district concerned, except funds derived from the sale of bonds or required by law to be used for teachers' salaries.

CHAPTER 1174.

An act to amend section 750 of the Code of Civil Procedure, relating to the issuance and publication of summons in actions to determine conflicting claims to real property.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 750 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1903.
p 105

750. Within one year after the filing of the complaint, as required by the preceding section, a summons must be issued, which shall contain the matters required by section 407 of this code, and in addition a description of the property and a statement of the object of the action. In said summons the said unknown defendants shall be designated as in the complaint. Within thirty days after the issuance of the summons, the plaintiff shall post or cause to be posted a copy thereof in a conspicuous place on the property. All defendants residing in the State of California, whose place of residence is known to the plaintiff, shall be served personally. After service on all such defendants has been made, the plaintiff, or his agent, or attorney, shall make and file an affidavit wherein there shall be stated the names of the defendants who have been served personally, the names of the defendants who reside out of the state and their places of residence, if known to the plaintiff, and the names of the defendants residing in or out of the state whose place of residence is unknown to the plaintiff. And thereupon the court or a judge thereof shall make an order directing the said summons to be served upon the defendants residing out of the state, whose place of residence is known to the plaintiff and upon the defendants residing in or out of the state, whose place of residence is unknown to the plaintiff, and upon all the unknown defendants as stated in the complaint and summons, by publication in some newspaper of general circulation printed and published in the county where the property is situated, and if there be no such paper in such county, then in some adjoining county, to be designated by the court or judge thereof, which publication shall be for once a week for four (4) successive weeks. Four (4) weekly publications shall be a sufficient publication of said summons. If said summons is published in a daily newspaper, publication thereof once a week for four (4) successive weeks, shall be sufficient. A copy of the summons and complaint, within ten days after the making of said order, properly addressed and with the postage thereon fully prepaid, shall be mailed to each of the defendants who reside out of the state, at their place of residence, if known, and also to the defendants residing in or out of the state, whose place of residence is unknown to plaintiff, addressed to them at the county seat of the county where the

Summons

Posting

Service on
resident
defendants
Affidavit
of service

Publication
in case of
nonresident
and unknown
defendants

Mailing copy
of complaint
and summons
to nonresident
and
unknown
defendants

Rights and
liabilities
of unknown
defendants

action is commenced. All such unknown persons so served shall have the same rights as are provided by law in cases of all other defendants named, upon whom service is made by publication, or personally, and the action shall proceed against such unknown persons in the same manner as against the defendants who are named upon whom service is made by publication or personally and with like effect; and any such unknown person who has or claims to have any right, title, estate lien or interest in the said property, or cloud on the title thereto, adverse to plaintiff, at the time of the commencement of the action, who has been duly served as aforesaid, and any one claiming under him, shall be concluded by the judgment in such action as effectually as if the action was brought against the said person by his or her name and personal service of process was obtained, notwithstanding any such unknown person may be under legal disability. Service shall be deemed complete upon the completion of the publication.

CHAPTER 1175.

An act to add a new section to be known as section 751a of the Code of Civil Procedure, relating to a person who has received or taken title to real property in a certain name and thereafter disposes of it in a different name than the name in which it was received.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

New section SECTION 1. A new section to be numbered 751a is hereby added to the Code of Civil Procedure to read as follows:

Adjudication
of identity
of grantor

751a. Whenever any person who by any conveyance, judgment or decree has received or taken, or who hereafter receives or takes, the title to, or any interest in, or lien upon real property in a certain name and thereafter has conveyed, or conveys, or reconveyed, or reconveys, the same or any part thereof, or has satisfied, or satisfies, such lien in a name other than, or different from, the name under which title was received, or any interest or lien thereon was taken, the identity of such person, or persons, may be adjudicated and determined on petition of any subsequent owner or the successor in interest, of said property, or any part thereof, or of any interest therein.

Joinder of
parties

As many such persons as appear of record in the chain of title to the land described in the petition may be joined in one petition or proceeding.

Filing
petition

The petition must be filed in the superior court of the county in which the land or some part thereof is situated and shall be verified as provided in this code for verification of a complaint.

The petition may be substantially entitled, "In the matter of the determination of the identity of -----" (naming all the persons sought to be identified), and may set forth Form of petition

1. A statement of petitioner's interest in the property as owner, part owner, or otherwise.

2. A particular description of the petitioner's property.

3. The name or names of the person or persons sought to be identified, setting out the name and a reference to the record of the conveyance under which title was received, and the name and a reference to the record of the conveyance whereby the title was conveyed, and that such names were and are the names of the same person, and that such conveyances affect the title to petitioner's property.

4. A prayer that the identity of such persons be established.

The clerk must thereupon set the petition for hearing by the court and the petitioner must give notice thereof by causing notices of the time and place of hearing to be posted in at least three public places in the county, one of which must be at the place where the court is held, and one in a conspicuous place on the property described, at least ten days before the hearing. Notice of hearing

The said notice shall be substantially in the following form: Form

(Title of court and cause)

Notice is hereby given that ----- has filed a petition herein claiming to be the owner of the following described lands ----- (description);

And praying that the identity of the following named persons, in former conveyances to said lands be determined, to wit: ----- (names as J. Doe and John Doe);

And that the time and place of hearing of said petition has been set for ----- the ----- day of -----, 19____, at the hour of -----, ___m. of said day at the court room of said court in the city of -----, county of -----, State of California.

Clerk.

At any time before the date fixed for such hearing, any person interested in said property may answer said petition and deny any of the matters contained therein. Answer

At the time fixed for the hearing, or such time thereafter, as may be fixed by the court, the court must hear the proofs offered by the petitioner, and by any persons answering the same, and must make and enter a decree determining the identity of the person, or persons, set out in the petition in accordance with the proofs. Hearing and decree.

An appeal may be taken by any party aggrieved to the supreme court of California as set forth in this code. Appeal

After the said decree has become final it shall have the force and effect of a judgment in rem. A certified copy of said decree shall be recorded in the office of the county recorder in which any part of the land is situated. Effect of decree

CHAPTER 1176.

An act to appropriate the sum of twenty-eight thousand five hundred dollars to be used in construction, renewal, and repair of works for restraining, impounding and control of debris resulting from mining operations and other causes along the Yuba river, and to provide for the manner of expending such appropriation.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Appropriation for Yuba river debris control

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-eight thousand five hundred dollars to be used in the construction, renewal, and repair of works for restraining, impounding, and control of debris resulting from mining operations, natural erosion, and other causes along the Yuba river.

Direction of California debris commission.

SEC. 2. All work to be paid for from this appropriation shall be executed by or under the direction of the California debris commission, according to the plans approved by the department of public works.

Dependent on federal allotment

SEC. 3. The moneys hereby appropriated shall become available to the California debris commission at the time and in the event any sum is appropriated by the government of the United States for the same work, and only in amounts equal to the sums so appropriated or allotted by the government of the United States.

Fiscal arrangement

SEC. 4. The controller of the State of California is hereby authorized and directed, upon the request of the California debris commission, approved by the department of public works and the state board of control, to draw his warrants on the state treasury from time to time in such amounts as the said California debris commission may require, and the state treasurer is authorized and directed to pay such warrants.

 CHAPTER 1177.

An act to repeal chapter II, embracing sections 4.410 to 4.434, both inclusive, of part III of division IV of the School Code, relating to taxes for school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. Code, p. 170

SECTION 1. Chapter II, embracing sections 4.410 to 4.434, both inclusive, of part III of division IV of the School Code is hereby repealed.

CHAPTER 1178.

An act to amend section 2.801 of the School Code, relating to the liability of boards of school trustees, and to add a new section to the School Code, to be numbered section 2.990, providing for insurance by school districts.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2.801 of the School Code is hereby amended to read as follows: Sch Code, p 73.

2 801. Boards of school trustees, high school boards, junior college boards and boards of education are liable as such in the name of the district for any judgment against the district on account of injury to person or property arising because of the negligence of the district, or its officers or employees. Liability of school, etc., boards

SEC. 2. A new section is hereby added to the School Code, to be numbered 2.990, and to read as follows: New section See Ch 837.

2.990. Boards of school trustees, high school boards, junior college boards and boards of education shall have the power to insure against the liability (other than a liability which may be insured against under the provisions of the workmen's compensation insurance and safety act, or under the workmen's compensation insurance and safety act of 1917) of such districts and against the personal liability of the members of such boards and of the officers, agents and employees of such boards, for damages by reason of death, or injury to person or property, as the result of any negligent act by such district, or by a member of such board or any officer, agent or employee when acting within the scope of his office, agency or employment; such insurance may be written in any insurance company authorized to transact the business of insurance in the State of California. State 1931. Boards may insure

CHAPTER 1179.

An act to amend section 200 of the Code of Civil Procedure, relating to exemption from jury duty.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 200 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1927. p 571

200. A person is exempt from liability to act as a juror if he be: Exemptions from jury service

1. A judicial, civil, naval or military officer of the United States, or of this state while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist or druggist, actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the national guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad; or,

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision three of the preceding section; provided, however, that in counties having less than five thousand population the exemption provided by this subdivision shall not apply.

CHAPTER 1180.

Stats 1915. *An act to repeal chapter 413, statutes of 1915, entitled "An*
 p. 685, *act to regulate the issuance and sale of licenses for resale*
 repealed *to hunters and anglers," as amended.*

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Repeal SECTION 1. Chapter 413, statutes of 1915, entitled "An
 act to regulate the issuance and sale of licenses for resale to
 hunters and anglers," as amended is hereby repealed.

CHAPTER 1181.

Stats 1927. *An act to amend sections 2, 5, 6, and 8 of an act entitled "An*
 p. 1568, *act to regulate the sale and issuance of licenses to hunt.*
 amended

take, pursue, or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act," relating to the issuing of, accounting for, compensation for issuing, duration of, and mode of applying for hunting and fishing licenses and the definition of game fishes.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of said act is hereby amended to read as follows: Stats 1927,
p. 1568

Sec. 2. Licenses granting the privilege to hunt, pursue, or kill wild birds or mammals and/or to angle for, take, catch or kill game fishes for purposes other than profit, shall be issued and delivered, upon application in writing, by the county clerk of any of the counties of this state or by the fish and game commission, or by any person duly appointed and authorized by any such county clerk or the fish and game commission, which commission shall prepare suitable licenses of two classes (a) "hunting license," (b) "sporting fishing license," and each shall have printed or stamped thereon the date of expiration and a separate registration number, which said licenses shall be prepared and furnished to the county clerks for their own disposition by the fish and game commission, which shall take receipt therefor by numbers and quantity from the several county clerks and the county clerks shall be responsible therefor, and it shall be the official duty of said county clerks to account for the same, and the said county clerks shall account for the same to the division of fish and game on the first day of each month. Issuance of
hunting and
fishing
licenses

(a) For each license sold, registered and accounted for by any person except a fish and game commissioner or a deputy fish and game commissioner, he shall be allowed as compensation, for his own use, out of the fish and game preservation fund, five per cent (5%) of the amount accounted for; provided, however, that said fish and game commission may at its discretion, issue and deliver licenses as aforesaid to any person except a fish and game commissioner or deputy fish and game commissioner, without receiving full payment therefor, upon application of said person and upon the giving of bond as provided in paragraph (b) of this section, in which event said person shall be allowed as compensation, for his own use, out of the fish and game preservation fund, two and one-half per cent (2½%) of the amount accounted for. Commission
on sale

(b) Every person authorized to issue and sell licenses under the provisions of this act shall, when required by said fish and Bond

game commission, execute to the fish and game commission, a good and sufficient bond in a sum equal to the value of such licenses so delivered to such person to be sold as herein provided, to secure the faithful accounting and payment to the fish and game commission of the funds collected from the sale of such licenses and the faithful performance of the duties imposed upon him by this act, and said fish and game commission is hereby authorized and empowered to pay the premium on such bond out of the fish and game preservation fund.

Stats 1927,
p. 1568

SEC. 2. Section 5 of the act cited in the title hereof is hereby amended to read as follows:

Authority
conferred
by license

Sec. 5. All sporting fishing licenses issued as herein provided shall be valid, and, subject to the limitations of each class of license, shall authorize the person to whom issued to angle for, take, catch and kill game fishes for purposes other than profit, in accordance with the law, on and from the first day of January of the year in which such license was issued until the date of expiration written or stamped thereon, but no license shall continue in force for a period longer than one year; nor shall such license be issued to any person unless the licensee shall agree to exhibit any fish in his possession to any regularly appointed deputy fish and game commissioner or other peace officer of the state, upon demand, said agreement to be contained in such license.

All hunting licenses issued as herein provided shall be valid, and, subject to the limitations of each class of license, shall authorize the person to whom issued to hunt, pursue and kill wild birds and mammals, in accordance with the law, on and from the first day of July of the year in which such license was issued until the date of expiration written or stamped thereon, but no license shall continue in force for a period longer than one year; nor shall such license be issued to any person unless the licensee shall agree to exhibit any game in his possession to any regularly appointed deputy fish and game commissioner or other peace officer of the state, upon demand, said agreement to be contained in such license; provided, however, that the provisions of the foregoing proviso shall not take effect until the first day of July, 1933; provided, further, that licenses as herein provided shall be issued for the period January 1, 1932, to June 30, 1933, both dates inclusive, upon the payment of one and one-half times the fees specified in section 3 of this act.

Proviso

Stats 1927,
p. 1568.

SEC. 3. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Limitation
on issuance
and use

Sec. 6. Not more than one hunting license and one sporting fishing license shall be issued to any one person for the same license year, except upon written application by the applicant that the one previously issued has been lost or destroyed, and then only upon payment of the original fee; and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued.

SEC. 4 Section 8 of the act cited in the title hereof is hereby amended to read as follows Stats 1927, p. 1568

Sec. 8. For the purposes of this act the following only shall be considered game fishes: Tuna, yellow tail, marlin, broad bill sword fish, jewfish or black sea bass, albacore, barracuda, bonita, rock bass, California whiting (also known as corbina and surf fish), yellowfin, croaker, spotfin croaker, salmon, steelhead and other trout, charr, whitefish, striped bass, black bass, perch, crappie, calico bass, Pismo clams, abalones, and all varieties of sun fishes. Game fish

CHAPTER 1182.

An act to amend section 626c of the Penal Code, relating to the protection of game.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 626c of the Penal Code is hereby amended to read as follows: Stats 1927, p. 963

626c. Every person who takes, kills, or destroys, or has in his possession any swan, or any wild pheasants, or any bobwhite quail, or any variety of imported quail or partridge, or wild turkey, or grouse or sage hen, or Sierra hare (*lepus campestris sierrae*) is guilty of a misdemeanor; provided, however, that a person may rear, propagate and have in possession pheasants and the increase thereof reared in captivity, or pheasants imported from a foreign country, and such artificially propagated or imported pheasants may be killed, sold, or disposed of at any season of the year upon permission from the state board of fish and game commissioners; and provided, further, that a copy of such permit shall be attached to any pheasants or the package containing the same in plain view when the same shall be sold or disposed of as hereinabove provided. Protection of swan, pheasants, quail, partridge, turkey, grouse, sage hen, Sierra hare.

CHAPTER 1183.

An act to amend section 4.280 of the School Code, relating to the powers and duties of governing boards of school districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 4.280 of the School Code is hereby amended to read as follows: Sch. Code, p. 164.

4.280. Boards of school trustees and city boards of education shall have power and it shall be their duty to pay all moneys received by them or collected by them from any source School moneys to be paid into county treasury.

whatever and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of their districts. All money collected by the city council or other governing body of any municipality from taxes levied for school purposes when received shall be paid into the county treasury to the credit of the school district for the schools of which the taxes were levied.

CHAPTER 1184.

An act to amend sections 4.360, 4.361, 4.362, 4.365, 4.366, 4.372 and 4.440 of the School Code, and to add thereto new sections to be numbered 4.374, 4.375 and 4.376: to repeal chapter IV, embracing sections 4.460 to 4.501, both inclusive, chapter V, embracing sections 4.510 to 4.520, both inclusive, chapter VI, embracing sections 4.530 to 4.582, both inclusive, chapter VII, embracing sections 4.590 to 4.626, both inclusive, of part III of division IV of the School Code: to repeal section 4.441 and sections 4.450 to 4.455, both inclusive, of the School Code; to repeal chapter 397 of the statutes of 1929 entitled "An act relating to maximum rates of tax for school district purposes," approved May 22, 1929, and to repeal chapter 282 of the statutes of 1929, entitled "An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens," approved May 14, 1929.

Sch. Code,
p. 334,
repealed

Sch. Code,
p. 330,
repealed

[Approved by the Governor June 19, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. Code,
p. 168.

SECTION 1. Section 4.360 of the School Code is hereby amended to read as follows:

School
budget

4.360. The governing board of every school district of any kind or class shall have power and it shall be its duty annually on or before the first day of July to make a school budget, showing all the purposes for which the school district will need money and the amount of money that will be needed for each of said purposes for the next ensuing school year.

Sch. Code,
p. 168.

SEC. 2. Section 4.361 of the School Code is hereby amended to read as follows:

Form.

4.361. The budget shall be made in quadruplicate upon blanks prescribed by the superintendent of public instruction and furnished by the county superintendent of schools.

Sch. Code,
p. 168.

SEC. 3. Section 4.362 of the School Code is hereby amended to read as follows:

Filing.

4.362. The budget shall be filed with the county superintendent of schools, not later than the fifth day of July next succeeding.

SEC. 4. Section 4.365 of the School Code is hereby amended to read as follows: Sch Code p. 169

4.365. Not later than the twentieth day of July the school board shall resubmit its budget with or without change from its original form as the school board may desire. Thereupon the superintendent of schools shall approve the budget. Approval

SEC. 5. Section 4.366 of the School Code is hereby amended to read as follows: Sch Code, p. 169.

4.366. Not later than the fifth day of August the county superintendent of schools shall file with the board of supervisors and with the auditor a copy of the approved budget of each school district, showing the amount of school district taxes required by each school district of the county, or city and county. Filing with supervisors and auditor

SEC. 6. Section 4.372 of the School Code is hereby amended to read as follows: Sch Code, p. 169

4.372. The board of supervisors of each county or city and county must annually at the time and in the manner of levying county or city and county taxes, levy and cause to be collected a district tax for each school district whose budget shows a district tax to be necessary. If the board of supervisors refuse or neglect to make the tax levy provided for under this article then the levy shall be made by the county auditor Levy of district tax

SEC. 7. A new section is hereby added to the School Code to be numbered 4.374, to read as follows: New section

4.374. The board of supervisors must determine the rate of district tax necessary to be levied as follows: Determination of rate

They must deduct ten per cent from the equalized value of the last general assessment roll for the district and the amount required to be raised, divided by the remainder of the assessment roll is the rate to be levied.

SEC. 8. A new section is hereby added to the School Code to be numbered 4.375, to read as follows: New section

4.375. Except as otherwise provided elsewhere in this code, the maximum rate which, under the provisions of this chapter, may be levied in any one year on each one hundred dollars of assessed valuation within the district must not exceed the following: Maximum tax rate.

1. For any elementary school district, seventy cents for building purposes, and thirty cents for other school purposes, inclusive of transportation, except that when any elementary school district maintains one or more kindergartens the maximum rate of tax which may be levied for purposes other than building purposes shall be forty-five cents. Elementary school district

2. For any high school district, seventy-five cents, the proceeds of which may be used in the discretion of the governing board of the high school district for building or other purposes. High school district

3. For any junior college district, fifty cents, the proceeds of which may be used in the discretion of the governing board of the junior college district for building or other purposes. Junior college district

- New section** **SEC. 9.** A new section is hereby added to the School Code to be numbered 4.376, and to read as follows:
- Election to increase rate** 4.376. Any maximum rate of tax for any district as hereinbefore in this article established may be increased by a majority vote of the qualified electors of the school district at an election which may be called by the governing board of the school district of its own motion, and must be called whenever a petition requesting that such an election be called and signed by ten per cent of the qualified electors of the district shall be presented to the said governing board. The election shall be called, held and conducted in as nearly the same manner as is practicable as are elections for governing boards. The ballot used in the election shall contain the words "For the proposed increase in the maximum rates of tax—Yes" and "For the proposed increase in the maximum rates of tax—No." Each voter shall stamp or print a cross after the answer he desires to give.
- Ballot**
- New section** **SEC. 10.** A new section is hereby added to the School Code to be numbered 4.377, to read as follows:
- Lowering or raising rate by election.** 4.377. The maximum rates of tax as increased, as provided in this article, shall remain the maximum rates of the district until diminished or further increased by a majority vote of the qualified electors of the district at an election which shall be called by the governing board of the district whenever a petition requesting that such an election be called and signed by ten per cent of the qualified electors of the district shall be presented to the said governing board. Said election shall be called, held and conducted in the same manner as the election provided for in section 4.376 of this code.
- Sch. Code, p 173** **SEC. 11.** Chapter IV, embracing sections 4.460 to 4.501, both inclusive, of part III of division IV of the School Code is hereby repealed.
- Sch. Code, p 175** **SEC. 12.** Chapter V, embracing sections 4.510 to 4.520, both inclusive, of part III of division IV of the School Code is hereby repealed.
- Sch. Code, p 175** **SEC. 13.** Chapter VI, embracing sections 4.530 to 4.582, both inclusive, of part III of division IV of the School Code is hereby repealed.
- Sch. Code, p 178** **SEC. 14.** Chapter VII, embracing sections 4.590 to 4.625, both inclusive, of part III of division IV of the School Code is hereby repealed.
- Repeal** **SEC. 15.** Chapter 397 of the statutes of 1929, entitled "An act relating to the maximum rates of tax for school district purposes," approved May 22, 1929, is hereby repealed.
- Sch. Code, p 172** **SEC. 16.** Section 4.440 of the School Code is hereby amended to read as follows:
- Estimate for kindergarten maintenance** 4.440. The governing board of every school district in which a kindergarten is maintained under the provisions of this code, must include in the budget required to be submitted to the county superintendent of schools an estimate of the amount of money which will be required for kindergarten maintenance for the ensuing school year.

SEC. 17. Section 4.441 and sections 4.450 to 4.455, both inclusive, of the School Code are hereby repealed. Sch Code,
p 172

SEC. 18. Chapter 282 of the statutes of 1929, entitled "An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens," approved May 14, 1929, is hereby repealed. Repeal

CHAPTER 1185.

An act to amend sections 4.871, 4.872, 4.873, 4.874, 4.875, 4.890, 4.891, 4.892, 4.893, 4.894, 4.895 and 4.896, of the School Code and to repeal sections 4.876, 4.897, 4.899, 4.900, 4.921, 4.925, 4.926 and 4.927 thereof, relating to the apportionment of state and county funds to high school districts.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1 Section 4.871 of the School Code is hereby amended to read as follows. Sch Code,
p. 194

4.871. He shall apportion to each high school district five hundred fifty dollars for each year of the six-year course covering grades nine to fourteen, inclusive, maintained in each high school therein during the preceding school year. Apportion-
ment to each
district

SEC. 2. Section 4.872 of the School Code is hereby amended to read as follows: Sch Code,
p. 194.

4.872. He shall apportion two thousand two hundred dollars to each high school district which was organized during the preceding school year and in which school was not maintained during said school year. Apportion-
ment to
new district

SEC. 3 Section 4.873 of the School Code is hereby amended to read as follows: Sch Code,
p. 194

4.873. He shall apportion to each high school district on account of each high school maintained therein eighty dollars for each unit or major fraction of a unit of the first ten units of average daily attendance in special day classes, special evening classes and evening high school classes, including compulsory continuation classes for persons under eighteen years of age, maintained in connection with each such high school during the preceding school year; sixty dollars for each unit or major fraction of a unit of the second ten units of such attendance; and forty dollars for each unit or major fraction of a unit of the third ten units of such attendance. Apportion-
ment on
average daily
attendance
basis

SEC. 4. Section 4.874 of the School Code is hereby amended to read as follows. Sch Code,
p 195

4.874. He shall apportion to each high school district an additional amount equal to one-half the excess cost of educating physically handicapped children during the preceding school year as reported by the superintendent of schools of the Apportion-
ment for
physically
handicapped
children

county. Such apportionment shall not exceed one hundred dollars for each unit of average daily attendance of physically handicapped children in the district during said school year.

Sch Code,
p. 195

SEC. 5. Section 4.875 of the School Code is hereby amended to read as follows:

Apportion-
ment of
balance of
fund

4.875. After making all other apportionments required from the state high school fund he shall apportion the balance of the fund to the several high school districts of the state pro rata on the total average daily attendance in such districts during the preceding school year as reported by the county, or city and county, superintendent of schools.

Sch Code,
p. 195

SEC. 6. Section 4.890 of the School Code is hereby amended to read as follows:

Notification
of superin-
tendents of
schools

4.890. Not later than the last Monday in December and not later than the last Monday in May of each year the county, or city and county auditor, shall notify the county, or city and county, superintendent of schools the amount in the county, or city and county, high school fund.

Sch Code,
p. 195

SEC. 7. Section 4.891 of the School Code is hereby amended to read as follows:

Apportion-
ment by
superin-
tendent of
schools

4.891. Upon receipt of such notification the superintendent of schools of the county or city and county shall immediately apportion the amounts available in the county or city and county high school fund to the high school districts of the county or city and county. The total amount received in such fund during any school year shall be apportioned as herein-after provided in this article.

Sch Code,
p. 195

SEC. 8. Section 4.892 of the School Code is hereby amended to read as follows:

To new
high school
district

4.892. He shall apportion one thousand dollars to each high school district which was organized during the preceding school year and in which school was not maintained during said school year.

Sch Code,
p. 196

SEC. 9. Section 4.893 of the School Code is hereby amended to read as follows:

Apportion-
ment on
grade basis

4.893. He shall apportion to each high school district two hundred fifty dollars for each year of the six-year course, covering grades nine to fourteen, inclusive, maintained in each high school therein, during the preceding school year. No high school district shall receive an apportionment on this basis on account of any high school for more grades than there were teachers employed in such school during the preceding school year.

Sch Code,
p. 196

SEC. 10. Section 4.894 of the School Code is hereby amended to read as follows:

Apportion-
ment on
basis of
average daily
attendance

4.894. He shall apportion to each high school district on account of each high school maintained therein, forty dollars for each unit or major fraction of a unit of the first ten units of average daily attendance in special day classes, special evening classes and special classes of evening high schools, including compulsory continuation classes for persons under eighteen years of age, maintained in connection with each such

school during the preceding school year; thirty for each unit or major fraction of a unit of the second ten units of such attendance; and twenty dollars for each unit or major fraction of a unit of the third ten units of such attendance.

SEC. 11. Section 4.895 of the School Code is hereby amended to read as follows: Sch. Code,
p 196

4.895. He shall apportion to each high school district an additional amount equal to one-half the excess cost of educating physically handicapped children during the preceding school year as computed by him as provided by this code. Such amount shall not exceed one hundred dollars for each unit of average daily attendance of physically handicapped children during said school year. Apportion-
ment for
physically
handicapped
children

SEC. 12. Section 4.896 of the School Code is hereby amended to read as follows: Sch. Code,
p 196

4.896. After making all other apportionments required from the county high school fund, he shall apportion the balance of the fund to the high school districts of the county pro rata on the total average daily attendance in such districts during the preceding school year. Balance on
pro rata
basis

SEC. 13. Sections 4.876, 4.897, 4.899, 4.900, 4.921, 4.925, 4.926 and 4.927 of the School Code are hereby repealed. Repeals

CHAPTER 1186.

An act to amend section 4.290 of the School Code, relating to temporary transfers of moneys from the funds of a county or city to the funds of a school district within such county or city.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

4.290. Whenever prior to the receipt by any school district of its state, county, or city and county, or district funds, any school district of a county, or city and county, shall not have sufficient money to its credit to meet current expenses of maintenance, it shall be the duty of the board of supervisors of said county, or city and county, to order, and of the auditor and treasurer of said county, or city and county, to make a temporary transfer from any funds of said county, or city and county, not immediately needed to pay claims against them. to the school fund of such district, such amount as may be needed, not to exceed eighty-five per cent of the amount of moneys which will accrue to such school district during such fiscal year, and upon the making of such transfer the auditor shall immediately notify the superintendent of schools of the county, or city and county, of the amount so transferred. Each transfer of funds requested under the provisions of this section Sch. Code.
p. 164.
Transfers to
meet tem-
porary lack
of funds

shall be granted in order of receipt by the board of supervisors, regardless of whether sufficient county funds are available for transfer to meet pending or anticipated requests of school districts.

Repayment The funds so transferred under the provisions of this section, to the credit of a school district, shall be retransferred by the auditor and treasurer to the fund from which they were taken from the first moneys accruing to such school district and before any other obligation of such school district is paid from such moneys so accruing.

CHAPTER 1187.

An act to amend sections 692 and 694 of the Code of Civil Procedure, relating to sales of property under execution or under power contained in a deed of trust

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

See Ch 117, Stats. 1931 SECTION 1 Section 692 of the Code of Civil Procedure is hereby amended to read as follows:

Notice of sale under execution 692. Before the sale of property on execution or under power contained in any deed of trust, notice thereof must be given as follows:

Perishable property 1. In case of perishable property, by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the township in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

Other personal property 2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the township in which the property is to be sold, for not less than five days nor more than ten days.

Real property 3. In case of real property: by posting a similar notice particularly describing the property for twenty days, in one public place in the city where the property is to be sold if the property is to be sold in a city, or, if not, then in one public place in the township in which the property is to be sold and publishing a copy thereof once a week for the same period, some newspaper of general circulation printed and published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation printed and published in the township in which the property is situated, or, in case no newspaper of general circulation be

printed and published in the city or township, as the case may be. in some newspaper of general circulation printed and published in the county. Provided, that where real property is to be sold under the provision of any deed of trust the copy of said notice shall be posted in some conspicuous place on the property to be sold, at least twenty days before date of sale.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

Payment of judgment

SEC. 2. Section 694 of the Code of Civil Procedure is hereby amended to read as follows:

C C P 1872

694. All sales of property under execution or under power contained in any deed of trust hereafter executed must be held in the county where said property or some part thereof is situated, and must be made at auction, to the highest bidder, between the hours of nine in the morning and five in the afternoon. After sufficient property has been sold to satisfy the execution, no more can be sold. Neither the officer holding the execution nor his deputy can become a purchaser or be interested in any purchase, at such sale. When the sale is under execution and is of personal property, capable of manual delivery, it must be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price; and when the sale is of real property, consisting of several known lots or parcels, they must be sold separately; or when a portion of said real property is claimed by a third person, and he requires it to be sold separately, such portion can be thus sold. The judgment debtor, or trustor, if present at the sale, may also, unless the deed of trust otherwise provides, direct the order in which property, real or personal, shall be sold, when such property consists of several known lots or parcels, or of articles which can be sold to advantage separately, and the sheriff, or trustees, must follow such direction.

Sales, how conducted

Real and personal property, how sold

Judgment debtor may direct order of sale

CHAPTER 1188.

An act to amend the title and sections 1 and 3, and to repeal sections 2 and 4 of an act entitled "An act providing for the sanitation, healthfulness and cleanliness and safety of swimming pools, public bathhouses, swimming and bathing places; regulating the granting and revocation of permits therefor from the state board of health; providing for the inspection of such places; declaring places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the

Stats 1917, p. 70, amended

punishment of the same," approved April 6, 1917, relating to supervision over and regulation of public swimming pools, bathhouses, and swimming and bathing places.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1917,
p 70

SECTION 1. The title of an act entitled "An act providing for the sanitation, healthfulness and cleanliness and safety of swimming pools, public bathhouses, swimming and bathing places; regulating the granting and revocation of permits therefor from the state board of health; providing for the inspection of such places; declaring places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same," approved April 6, 1917, is hereby amended to read as follows:

Title

An act providing for the sanitation, healthfulness and cleanliness and safety of public swimming pools, bathhouses, swimming and bathing places; providing for the inspection of such places; declaring places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same; making violations of this act misdemeanors; and providing for the punishment of the same.

Stats 1917,
p 70

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Supervision
over public
swimming
pools, etc

Section 1. The state board of health shall have supervision over the sanitation, healthfulness and cleanliness and safety of public swimming pools, bathhouses, public swimming and bathing places and all related appurtenances and is hereby empowered to make and enforce such rules and regulations pertaining thereto as it shall deem proper. It shall be the duty of every public health officer to enforce such rules and regulations within his jurisdiction..

Stats 1917,
p 70

SEC. 3. Section 2 of said act is hereby repealed.

Stats 1917,
p 70

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Authority
to inspect

Sec. 3. For the purposes of this act the state board of health, any public health officer, or any inspector of the state board of health, shall at any and all reasonable times have full power and authority to, and shall be permitted to enter upon any and all parts of the premises of such bathing and swimming places to make examination and investigation to determine the sanitary condition of such places and whether the provisions of this act or the rules and regulations of the state board of health pertaining thereto are being violated. The state board of health may from time to time at its discretion publish the reports of such inspection in its monthly bulletin.

Stats 1917,
p 70

SEC. 5. Section 4 of said act is hereby repealed.

CHAPTER 1189.

An act to amend section 683 of the Code of Civil Procedure, relating to executions.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 683 of the Code of Civil Procedure is hereby amended to read as follows: C C P
1872

683. The execution may be made returnable, at any time not less than ten nor more than sixty days after its receipt by the sheriff, to the clerk with whom the judgment roll is filed. When the execution is returned, the clerk must attach it to the judgment roll. When execution may be made returnable.

CHAPTER 1190.

An act to amend section 1859 of the Civil Code, relating to the liability of innkeepers, hotel keepers, furnished apartment house keepers, furnished bungalow court keepers and boarding house or lodging house keepers.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 1859 of the Civil Code is hereby amended to read as follows: Stats 1927,
p. 1028.

1859. The liability of an innkeeper, hotel keeper, furnished apartment house keeper, furnished bungalow court keeper, boarding house or lodging house keeper, for losses of or, injuries to personal property, is that of a depositary for hire; provided, however, that in no case shall such liability exceed the sum of one hundred dollars for each trunk and its contents, fifty dollars for each valise or traveling bag and contents, ten dollars for each box, bundle or package and contents, and two hundred fifty dollars for all other personal property of any kind, unless he shall have consented in writing with the owner thereof to assume a greater liability. Liability of innkeepers, etc

CHAPTER 1191.

An act to amend section 3831 and to repeal 3790 of the Political Code, relating to the collection of taxes.

[Approved by the Governor June 19, 1931 In effect immediately]

The people of the State of California do enact as follows:

SECTION 1. Section 3790 of the Political Code is hereby repealed. Stats. 1901,
p. 647.

Stats 1923,
p 1580.

SEC. 2. Section 3831 of the Political Code is hereby amended to read as follows:

Examination
of assess-
ment book
by auditor

3831. Within fifteen days after the first Monday in August of each year, the auditor of the county or city and county, must make a careful examination of the assessment book or books of the county, or city and county, and ascertain therefrom the amount or amounts of all taxes that have been collected by the assessor in pursuance of this chapter.

Urgency

SEC. 3. This act, inasmuch as it provides for the levy, assessment and collection of taxes shall, under the provisions of section 1 of article four of the constitution take effect immediately.

CHAPTER 1192.

An act to amend sections 2319a and 2319b and 2319e of the Political Code, relating to the duties of the state commissioner of horticulture.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Stats 1929,
p. 407.

SECTION 1. Section 2319a of the Political Code of the State of California is hereby amended to read as follows:

Duties of
commissioner of
horticulture

2319a. It shall be the duty of the state commissioner of horticulture to promote and protect the agricultural industry of the state; to prevent the introduction and spread of injurious insect or animal pests, plant diseases and noxious weeds; to cause to be put into execution such agricultural laws of a regulatory nature as are written into the statutes, and to introduce and distribute such insects as are useful in reducing the cost of crop production. Such commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to agriculture and shall preserve the same; collect and prepare statistics, charts, films, photographs and other illustrative or exhibit material and information showing the actual condition and progress of agriculture in this state and elsewhere; correspond with horticultural societies, colleges and schools, and with the county horticultural commissioners existing or that may exist in this state, and with all other persons necessary to secure the best results to agriculture in this state. He shall require reports from county horticultural commissioners in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual reports or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county horticultural commissioners in this state, and to such other persons as he may deem proper, bulletins, charts, photographs or other illustrative material or statements containing all the information best adapted to advance the interest, business and development of agriculture in this state, and may

Reports

Bulletins

broadcast by radio such portions thereof as are adapted to give effect to the provisions of this section and may exhibit or display such data and material as have been collected or prepared. Radio

The state commissioner of horticulture may issue commissions as quarantine guardians to the county horticultural commissioners, deputies and inspectors appointed by them, and may enter into cooperative agreements with individuals, associations, boards of supervisors of counties or cities and counties and with other departments, divisions, bureaus, boards or commissions of the State of California, and with the United States department of agriculture or with other departments of the United States government for the purpose of eradicating, controlling or destroying within this state any infectious disease, insect or other animal pest or noxious weed, dangerous to any article or to the interest of the agricultural industry of this state. Quarantine guardians and cooperative agreements.

SEC 2 Section 2319b of the Political Code of the State of California is hereby amended to read as follows: Stats 1929, p. 400.

2319b. Said commissioner may establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the agricultural industry of this state against contagion or infestation by injurious plant diseases, insects, or animal pests or noxious weeds, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce any and all such rules and regulations as may be deemed necessary to prevent any nursery stock, plant, parts of plants, plant product, fruit, vegetable, seed or other commodity or article which is or is liable to be infested or infected by or which might otherwise act as a carrier of any injurious plant disease, or insect or animal pest or noxious weed from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or his duly appointed deputies or inspectors or quarantine guardians and he or the deputies, inspectors or quarantine guardians so conducting such inspection shall not permit any such article to pass over such quarantine line during such quarantine, except upon a certificate of inspection and release signed by such commissioner or in his name by such deputy, inspector or quarantine guardian who has made such inspection; provided, that all quarantine regulations involving another state, territory, district or foreign country shall be made by and with the approval of the governor. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said commissioner before such approval shall take effect. Quarantine regulations
Inspections
Approval of governor.

Stats. 1911,
p. 1132.

Commissioner to cooperate with United States authorities

Notify governor

Duty of district attorney.

SEC. 3. Section 2319c of the Political Code of the State of California is hereby amended to read as follows:

2319c. Whenever it shall be necessary to establish quarantine under this chapter, if there be any authorities or officers of the United States having authority to act in such matter, or any part thereof, the said state commissioner of horticulture shall notify such authorities or officers of the United States, seeking their cooperation as far as possible wheresoever the jurisdiction of the United States extends and is being exercised.

The said commissioner shall at once notify the governor of all quarantine regulations involving another state, territory, district, or foreign country established under or pursuant to this chapter, and if the governor approve or shall have approved of the same or any portion thereof the same shall be in effect and the governor may issue his proclamation proclaiming the boundaries of such quarantine and the nature thereof, and the order, rules or regulations prescribed for the maintenance and enforcement of the same, and may publish said proclamation in such manner as he may deem expedient to give proper notice thereof. Any enforcing officer, under the provisions of this chapter, in the performance of his duties, shall have the same powers possessed by a peace officer of the city, county, or state for the purpose of enforcing the provisions of this chapter.

It shall be the duty of the district attorney of such county or city and county in which any violation of the provisions of this chapter may occur to prosecute the person, firm, company, organization or corporation accused of or charged with such violation.

CHAPTER 1193.

An act validating all leases entered into by municipalities in and to lands for fair or exhibition or airport purposes.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Leases for fairs, etc., validated

SECTION 1. All leases of real property of any municipality, to the county, state or any political subdivision thereof heretofore entered into by a municipality, for lands for the purpose of fairs or exhibitions or airports for a period not to exceed fifty years, are hereby recognized, approved and ratified, and the terms, covenants and conditions thereof shall bind the parties thereto, their successors and assigns.

CHAPTER 1194.

An act to amend section 737jj of the Political Code, relating to the annual salary of judges of the superior court in and for the county of San Bernardino.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 737jj of the Political Code is hereby amended to read as follows: See Ch 687,
Stats 1931.

737jj. The annual salary of each of the judges of the superior court in and for the county of San Bernardino is seven thousand dollars. Superior
judge - San
Bernardino
county.

CHAPTER 1195.

An act authorizing the conveyance to the county of Los Angeles, State of California, of lands and rights of way for road purposes along, in, through or across property of the state known as the Norwalk State Hospital grounds.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. The state director of finance and the director of institutions are hereby authorized and empowered to grant unto the county of Los Angeles, State of California, the necessary lands or rights of way therein over, and along such part of the south line of section seven, township three south, range eleven west, San Bernardino base and meridian, as borders or is within the property of the state known as the Norwalk State Hospital grounds at or near Norwalk, California, for use by the county as a public road or highway for such consideration and subject to such conditions, limitations and restrictions as the director of finance shall designate in the deed of grant therefor which he is hereby authorized to make, execute and deliver in the name and for and on behalf of the State of California. Conveyance
of right
of way at
Norwalk
State
Hospital.

CHAPTER 1196.

An act to amend sections 2322a and 2322g of the Political Code, relating to county horticultural commissioner.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 2322a of the Political Code of the State of California is hereby amended to read as follows: Stats. 1929,
p. 277.

2322a. (1) The said commissioner, deputy horticultural commissioners and inspectors shall have full authority to enter Authority
to enter or-
chards, etc.

into and inspect any orchard, nursery or other premises, building, packing house, storeroom, warehouse, salesroom, depot, dock, airport, vehicle, boat, railroad car, airplane or any other such place or article in their jurisdiction, where trees, plants, parts of plants, plant products, fruits, vegetables, seeds or other agricultural articles, commodities or appliances are or may be kept or are being transported in order to determine if the same or any part thereof or any such product, article, commodity or appliance there kept or being transported is infested or infected with insect or other animal pests or plant diseases or noxious weeds. The county horticultural commissioner, his deputies and inspectors, in the performance of their duties, shall have all of the powers of peace officers.

Duty to inspect.

It shall be the duty of said commissioner in each county, whenever he shall deem it necessary, to make or cause to be made an inspection of any premises, orchards or nurseries, or trees, plants, vines, vegetables, fruits, parts of plants, plant products or seeds, or any fruit-packing house, storeroom, salesroom, vehicle, railroad car, boat, airplane, or any other place or article in his jurisdiction, and if found infected or infested with plant diseases, insect or other animal pests, or if there is found therein or growing thereon any noxious weeds, he may in writing notify the record owner or owners, or person or persons in charge or in possession of said premises, articles or things, that the same are infected or infested with said plant diseases, insect or other animal pest, or noxious weeds, or any of them, or that noxious weeds are found therein or growing thereon, and require such person or persons, to eradicate or destroy or to control to the satisfaction of said commissioner the said plant diseases, insect or other animal pests or noxious weeds within a certain time to be therein specified.

Notice to control, etc., diseases and pests

Service of notice

Said notices may be served upon the person or persons or either of them owning as of record or having charge or having possession of such infected or infested premises, articles or things, or premises where noxious weeds shall be found, or upon the agents or either, by said commissioner, or by any person deputed by the said commissioner for that purpose in the same manner as a summons in a civil action if such person or persons be found within the county; and if such person or persons be not found within the county and no tenant, bailee, depository or agent of such person or persons upon whom service can be had, can after diligent search be found, then such notice may be served by posting copies of the same in three conspicuous places upon such property or premises, and by mailing a copy thereof to the said owner thereof at his last known place of residence, if the same is known, or can by the exercise of reasonable diligence be ascertained; or if not known then to the county seat of the county wherein said property is situated.

(2) When any such notice of eradication, or of control, or of destruction is served concerning any property, said commissioner may cause a copy thereof to be filed for record in the office of the county recorder of the county within which said property is situated, and may cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property, at the last known place of residence of said incumbrancer, and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated.

Notice to
be recorded
and copy
sent to mort-
gagee, etc

(3) In case any such plant diseases, insect, or other animal pests injurious to fruit, plants, vegetables, trees, or vines, are found to exist in public parks or along streets, highways, or other property subject to the control of a city or county government, or if there is found in any public park, street, highway, or on other property subject to the control of a city or county government any noxious weeds, then said notice in writing shall be served on the chairman of the governing body of said city or county, and in case the work of eradication, or of control, or of destruction of said plant diseases, insect or other animal pests, or noxious weeds in the said public parks, streets, highways, or other public property shall be performed by the said commissioner, then the cost thereof shall become a city or county charge, as the case may be, and shall be paid from the general fund of said city or county.

Where
property
under public
control

(4) In case plant diseases, insect or other animal pests injurious to fruit, plants, vegetables, trees or vines, or any noxious weeds are found to exist upon any canal or ditch or levee or other property or premises subject to the control of any irrigation, drainage, flood control, reclamation or levee district, or other political subdivision of the state then said notice in writing shall be served on the chairman of the governing body of said district or political subdivision, or in case said chairman be absent from the county, or for any reason can not be served, on some other member of said governing body, and in case the work of eradication or control or of destruction of the said plant diseases, insect or other animal pests or noxious weeds upon said canal or ditch or levee or other property or premises shall be performed by the said commissioner, then the cost thereof shall become a legal charge and shall be paid from the general maintenance or operating fund, as the case may be, of said district or political subdivision. In the case of infestations of noxious weeds in or on irrigation canals and ditches, including the lateral banks thereof, used for delivering flowing water to one or more users and which irrigation canals or ditches are not subject to the control of any irrigation drainage, flood control, reclamation or other district or political subdivision of the state, then a written notice to eradicate or destroy or control such infestations of noxious weeds

Where
property
under con-
trol of
irrigation,
etc.
district

shall be served upon the user, if there be but one, and upon all the users, if there be more than one, using water from the irrigation canal or ditch described in said notice and in the manner provided in this chapter.

Public nuisance, what deemed and remedies against

(5) Any and all premises, articles, or things mentioned in this act, infected or infested with plant diseases, insect or other animal pests or noxious weeds or premises where noxious weeds are found are hereby expressly declared to be a public nuisance, and shall be prosecuted as such in all actions and proceedings whatever and all remedies which are or may be given by law for the prevention and abatement of nuisance shall apply thereto, and it shall be unlawful to maintain the same. The remedies hereinabove provided shall be in addition to the remedy by way of abatement hereinafter provided.

Duties where nuisance not abated.

(6) Whenever any such nuisance shall exist at any place within a county, and the proper notice thereof shall have been served as hereinbefore provided and such nuisance shall not have been abated within the time specified in such notice, it shall be the duty of the said commissioner to cause said nuisance to be at once abated by eradicating or by controlling, or by destroying said plant diseases, insect or other animal pests, or said noxious weeds.

Expense of abatement a lien

(7) The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county; any and all sums so paid from the date of payment shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter, excepting where a user or users of the water from an irrigation canal or ditch not subject to the control of any irrigation, drainage, flood control, reclamation or other district or political subdivision, has or have, as the case may be, received a notice to eradicate or destroy or control noxious weeds in or on such irrigation canal or ditch and the nuisance therein mentioned has not been abated within the time specified in such notice, then any and all sums so paid from the date of payment shall be and become liens upon the property served by the water from such irrigation canals and ditches from which said nuisance has been removed or abated, and, when there are two or more users of water from such canals or ditches, the liens thus accruing shall be prorated in accordance with the acreage served and owned or controlled by each of the users of water from said irrigation canal or ditch. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property is situated within thirty days after the right to the said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property at the last known place of residence of said incumbrancer and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so

Notice of lien

mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and be paramount to all mortgages, trust deeds, liens, contracts, options, bonds, or other incumbrances upon the land or property excepting only the lien of taxes providing a copy of the notice of eradication, or control or destruction shall have been filed for record and a copy shall have been mailed to the holder of any such incumbrance in the manner hereinbefore in subdivision two provided.

Precedence
of lien

If said sum secured by such lien be not repaid to said county within eighty days from the filing of said notice of lien, then and there shall be added to the same and secured by such lien a penalty of fifteen per cent of the amount of said lien. An action to foreclose said lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

Penalty
Foreclosure
and sale

(8) Whenever there exists on any nursery or other premises any nursery stock, plants, parts of plants, plant products, or any other things or substances infested or infected by any insect or other animal pest or plant disease or noxious weed and which are or may be capable of disseminating or carrying such insect or other animal pest or plant disease or noxious weed, the director of agriculture or the county horticultural commissioner may hold such nursery stock, plants, parts of plants, plant products, or any other things or substances giving notice thereof in writing to the owner or owners or his or their responsible agents, and the shipping permit hereinafter provided for shall be refused and it shall be unlawful to move any such nursery stock, plants, parts of plants, plant products, or any other things or substances specified in such written notice from said nursery or premises excepting under written permission of said director or commissioner. When in the opinion of said director or commissioner the plants, parts of plants, plant products, or other things or substances have been disinfected or cleaned so as to eradicate or satisfactorily control such insect or other animal pest or plant disease or noxious weed, he shall in writing release the same and issue the shipping permit hereinafter provided for; provided, that this shall in nowise affect the authority of said commissioner as set forth in sections 2322f and 2322h of this act.

Holding
nursery
stock, etc.
infested
or diseased

Shipping
permit
refused

Release

(9) The said commissioner shall have power and authority to prescribe and enforce rules for the qualification of any person, persons, firm or corporation, who desires to engage for hire in the business of eradicating or controlling plant disease, insect or other animal pests or noxious weeds, and to issue certificates

Certificates
for engaging
in eradica-
tion of plant
diseases,
etc

to all persons whom he shall find by examination or otherwise to be duly qualified for engaging in such work. Such certificate shall be revocable whenever the said commissioner shall deem such revocation necessary. No person, persons, firm or corporation shall be permitted to engage for hire in the business of eradicating or controlling plant diseases, insect or other animal pests or noxious weeds in this state, who has not first secured a certificate in the manner herein provided.

Stats 1923,
p. 1207.

SEC. 2. Section 2322g of the Political Code of the State of California is hereby amended to read as follows:

Marketing
shipments
of nursery
stock, etc.

2322g. Each shipment of nursery stock, fruit pits, fruit, vegetables, seed, corms, tubers or other reproductive or propagative parts of any plant or plants, imported or brought into any county or locality of the State of California from another county or locality within said state for planting or propagating purposes, shall have plainly and legibly marked thereon in a conspicuous manner and place, the name and address of the shipper, owner or owners, or person, firm or corporation forwarding or shipping same, and also the name of the person, firm or corporation to whom the same is forwarded or shipped or his or its responsible agents.

Shipping
permit

Each such shipment sold, delivered or transported, within the State of California, shall have affixed thereto in a conspicuous place by the person or persons, firm or corporation making such sale or delivery or transportation, a warning tag or shipping permit issued by the commissioner having jurisdiction at the point from which such sale, delivery or transportation is made.

Manifest.

A manifest listing by name the complete contents of each such shipment, showing the name of the locality where the contents were grown and stating the means whereby such shipment is being transported, whether by freight, express, mail, truck, boat, airplane or other carrier, shall be forwarded to the commissioner having jurisdiction at the point of destination at the same time or prior to the time when such shipment is transported.

CHAPTER 1197.

An act to amend section 2.970 of the School Code and to add thereto a new section to be numbered 2.971, relating to the election of members of boards of education in cities.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Sch Code,
p 82.

SECTION 1. Section 2.970 of the School Code is hereby amended to read as follows:

Election o'
boards of
education

2.970. Boards of education are elected in cities under the provisions of the laws governing such cities, except as otherwise in this article provided.

SEC. 2. A new section is hereby added to the School Code New section to be numbered 2971 and to read as follows:

2971. The members of any elective city board of education Election at large shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of said city board of education, whether sitting as a board of education, high school board or junior college board.

CHAPTER 1198.

An act to amend an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, as amended, by amending section 26 thereof to provide that lands situated within any such county water district may nevertheless be included within the boundaries of an irrigation district. Stats 1913, p. 1049, amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 26 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts" approved June 10, 1913, as amended, is hereby amended to read as follows: Stats 1915, p. 29

Sec. 26. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof by counties or municipalities within this state, and notwithstanding any of the provisions of this act or of any other act the holder or holders of title or evidence of title of any tract or tracts of land which may be within the boundaries of any county water district formed under the provisions of this act may petition for the inclusion of such land, and such land may be included within an irrigation district formed under the California irrigation district act, under the same conditions and in the same manner as if such land was not within the boundaries of such county water district, but such inclusion shall not be made unless it shall appear and the board of directors of the irrigation district within which such lands are about to be included shall find that the county water district within which such lands are situated shall have been in existence for not less than five years immediately preceding Construction of act. Inclusion of other lands Stats 1897, p. 254

the date of the filing of the petition for inclusion with the secretary of the board of directors of the irrigation district and that at the date of the filing of such petition such county water district shall not be delivering and is not prepared to deliver water from the irrigation works owned by such county water district to such lands for irrigation purposes. No lands, however, within such county water district so included within the boundaries of an irrigation district shall be released from any of the burdens, obligations or liabilities of such county water district because of such inclusion within an irrigation district but shall, so far as such inclusion is concerned, continue to be in all respects a part of such county water district.

The term "municipality," as used in this act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing and those hereafter organized for municipal purposes within such water districts. The term "county" shall be understood and construed to include "city and county." In municipalities in which there is no mayor the duty imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees or other chief executive of the municipality. The word "district" shall apply, unless otherwise expressed or used, to a water district formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such district. Any county water district heretofore organized under the provisions of the act of which this act is amendatory shall enjoy all the powers herein granted and the organization of such districts and all proceedings leading to such organization are hereby affirmed and validated and such districts are hereby declared to be duly organized and incorporated.

Definitions

Districts validated

CHAPTER 1199.

Stats 1927, p. 1728, amended **An act to amend section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and provide for their salaries and the payment thereof."**

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927, p. 1728

SECTION 1. Section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts, and providing for their salaries and the payments thereof," approved May 31, 1927, is hereby amended to read as follows:

Stenographer for judges of superior court Riverside county

Section 1. In counties of the twelfth class having more than one judge there shall be appointed for each judge of the superior court, one competent stenographer and secretary

skilled in such work, whose duties shall be to render such services as such judge may require each day; the salary of such stenographer and secretary shall be one hundred twenty-five dollars per month.

CHAPTER 1200.

An act to add a new section to the Penal Code to be numbered 648a, relating to slugs of the same dimension as United States coins.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code to be numbered 648a and to read as follows: New section

648a. Every person who has in his possession for any illegal purpose or who makes, sells, issues, or puts in circulation any slug or token of the size and shape, or of a size and shape such that the radius, the diameter and the thickness thereof are each within six one-hundredths of an inch of that of any coin of the United States of America is guilty of a misdemeanor. The term "slug" and the term "token," as used herein, mean any piece of metal or other material not a coin of the United States or a foreign country. However, tokens sold by and accepted as fares by electric railways and lettered checks having a returnable trade value shall not be subject to the provisions of this act. Slugs resembling coins of United States
Definitions.
Exceptions

CHAPTER 1201.

An act to repeal chapter II, embracing sections 4.760 to 4.864, both inclusive, of part IV of division IV of the School Code and to add thereto a new chapter to be known as chapter II, embracing sections 4.760 to 4.833, both inclusive, relating to the apportionment of state and county elementary school funds.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Chapter II, embracing sections 4.760 to 4.864, both inclusive, of part IV of division IV of the School Code is hereby repealed. Sch Code,
p. 188.

SEC. 2. A new chapter is hereby added to part IV of division IV of the School Code, to be known as chapter II, embracing sections 4.760 to 4.833, both inclusive, and to read as follows: New chapter.

CHAPTER II—APPORTIONMENT OF STATE AND COUNTY ELEMENTARY SCHOOL FUNDS.

Article I—Average Daily Attendance.

- Length of school day. 4.760. The governing board of each elementary school district shall fix the length of the school day for the several grades and classes of the kindergartens and elementary schools maintained therein.
- Kinder-garten 4.761. A minimum school day's attendance for pupils of kindergarten shall be one hundred twenty minutes.
- Grades 1, 2, and 3 4.762. A minimum school day's attendance for pupils of grades one, two, and three of the elementary schools shall be two hundred minutes.
- Grades 4, 5, 6, 7, and 8 4.763. A minimum school day's attendance for pupils of grades four, five, six, seven, and eight in elementary schools shall be two hundred forty minutes.
- Time excluded. 4.764. The minimum school day's attendance shall in each case be exclusive of noon intermissions and recesses.
- Deductions for absences 4.765. In regular full-time day kindergarten and elementary school classes five per cent shall be deducted from the attendance of any pupil for each period of absence which is equal to one-twentieth of the school day established for his grade or class by the governing board of the school district.
- Total attendance 4.766. The total days of attendance of a pupil upon a regular full-time day kindergarten or elementary school class during the school year shall be the number of days school was actually taught during such school year less the sum of his absences.
- Total average daily attendance 4.767. The total average daily attendance in any elementary school district shall be the quotient obtained by dividing the total number of days of pupils' attendance in all grades and classes of the elementary school district during the school year by the number of days school was actually taught in the regular elementary day schools of the district during said school year.
- Joint elementary districts 4.768. In joint elementary school districts attendance shall be recorded and reported separately for the pupils attending from the several counties in which such districts are joint

Article II—Teacher Units.

- Teacher units allowed 4.770. One teacher unit shall be allowed to each elementary school district for each thirty-five or fraction of thirty-five units of average daily attendance of pupils therein during the preceding school year.
- Additional teacher unit 4.771. One additional teacher unit shall be allowed to each elementary school district for each three hundred units of average daily attendance therein during the preceding school year.
- Newly organized district 4.772. One teacher unit shall be allowed to each elementary school district which was organized during the preceding school year and in which school was not maintained during said school year.

4.773. One teacher unit shall be allowed to the county elementary school supervision fund of each county for each three hundred or major fraction of three hundred units of average daily attendance in the aggregate in all of the elementary school districts of the county having less than three hundred units therein during the preceding school year.

Supervision fund

Article III—Apportionment of State School Fund.

4.780. It is the duty of the superintendent of public instruction to apportion the state school fund, and to furnish an abstract of such apportionment to the state controller, the state board of control, and to the county and city and county auditors, county and city and county treasurers and to the county and city and county superintendents of schools of the several counties and cities and counties of the state.

Abstracts of apportionment

4.781. The superintendent of public instruction shall apportion from the state school fund to each elementary school district seven hundred dollars for each teacher unit allowed to such district by the report of the county, or city and county, superintendent of schools for the preceding school year.

Apportionment per teacher unit to districts

4.782. He shall apportion from the state school fund to the county elementary school supervision fund of each county seven hundred dollars for each teacher unit allowed to such fund by the report of the county superintendent of schools for the preceding school year.

Apportionment per teacher unit to supervision fund

4.783. He shall apportion from the state school fund to each elementary school district an additional amount equal to one-half the excess cost of educating physically handicapped children during the preceding school year as reported by the county superintendent of schools. Such apportionment shall not exceed one hundred dollars for each unit of average daily attendance of physically handicapped children in the district during said school year.

Apportionment for physically handicapped children

4.784. After making all other apportionments required from the state school fund he shall apportion the balance of the fund to the several elementary school districts of the state pro rata on the total average daily attendance in such districts during the preceding school year as reported by the county, or city and county, superintendent of schools.

Balance of fund

4.785. The superintendent of public instruction shall certify his apportionment of the state school fund to the state controller who must thereupon draw a warrant in favor of the treasurer of each county, or city and county, for the amount so apportioned for such county, or city and county.

Certificate to state controller. Warrants

4.786. All moneys received by the treasurer of any county, or city and county, from the apportionments of the state school fund shall be immediately credited by such treasurer to the county elementary school supervision fund and to the special school funds of the several elementary school districts of the county, or city and county, exactly as apportioned by the superintendent of public instruction.

Credit on county treasurer's books

Article IV—Apportionment of County Elementary School Fund.

Notice to county superintendent 4.790. Not later than the last Monday in December and the last Monday in May of each year the county, or city and county, auditor shall notify the county, or city and county, superintendent of schools of the amount in the county, or city and county, elementary school fund.

Apportionment to be made. 4.791. Upon receipt of such notification the superintendent of schools of the county or city and county shall immediately apportion the amounts available in the county elementary school fund to the elementary school districts of the county or city and county. The total amount received in such fund during any school year shall be apportioned as hereinafter provided in this article.

Per teacher unit 4.792. He shall apportion seven hundred dollars to each elementary school district on account of each teacher unit allowed to such district.

For physically handicapped children 4.793. He shall apportion to each elementary school district an amount equal to one-half the excess cost of educating physically handicapped children therein during the preceding school year as computed by him as provided in this code. Such apportionment shall not exceed one hundred dollars for each unit of average daily attendance of physically handicapped children in the district during said school year.

On pro rata for balance of fund 4.794 After making all other apportionments required from the county elementary school fund he shall apportion the balance of the fund to the several elementary school districts of the county, or city and county, prorated on total average daily attendance in such districts during the preceding school year.

Article V—Union, Joint, and Joint Union Districts.

Apportionment on proportion of residents 4.810. Whenever a district lies partly in one county and partly in another, the superintendent of schools of the county must apportion to such district such proportion of the school moneys to which such district is entitled as the number of pupils in average daily attendance residing in that portion of the district situated in his county bears to the total number of pupils in average daily attendance in the entire district.

Delivery of warrants 4.811. When such apportionment has been made the superintendent of schools of the county in which the schoolhouse is not located shall draw his warrants on the county treasurer of his county in favor of the superintendent of schools of the county in which the schoolhouse is located for such amounts as are apportioned to said joint school district from his county, and he shall immediately forward the same by registered mail to the latter.

Deposit of warrants. 4.812. The superintendent of schools of the county in which the schoolhouse is located shall, upon receipt of the warrants aforementioned, deposit the same with the treasurer of his county, taking his receipt therefor, and shall notify the

auditor of his county of the amounts of said warrants and the fund or funds to which such amounts shall be credited.

4.813. No moneys shall be apportioned directly to any of the several districts while forming a part of an organized union or joint union school district, but there shall be apportioned to such union or joint union district the aggregate of moneys that would be apportioned to the several school districts composing it, if such several districts were not united.

Union and
joint union
districts.

Article VII—Apportionments for Migratory Schools or Classes.

4.830. Out of the funds appropriated by the provisions of chapter VII, of part I, of this division, the superintendent of public instruction is authorized to apportion, to such counties of the state, as in his judgment require the maintenance of special classes for the children of migratory laborers engaged in seasonal industries, such sums of moneys as may be necessary, not to exceed seventy-five dollars a month for each teacher employed for teaching such children of migratory laborers.

Apportion-
ment to
counties
maintaining
migratory
schools

4.831. No such apportionment shall be made unless the superintendent of schools of the county in which such teaching is being conducted shall agree to provide, out of the unapportioned county elementary school fund of such county, an amount equal to that apportioned therefor by the state.

County's
contribution.

4.832. The superintendent of public instruction shall make such regulations and establish such conditions as he may deem necessary for the apportionment of such funds to the several districts maintaining such classes.

Regulations
and con-
ditions

4.833. The superintendent of schools of the county is authorized to apportion out of the unapportioned county elementary school fund to districts maintaining such classes, an amount not to exceed seventy-five dollars a month for each teacher employed in such work.

County ap-
portionment.

CHAPTER 1202.

An act to amend section 45½ of the California vehicle act, relating to chattel mortgages on motor vehicles or any other vehicle defined by said act, providing for the filing of a certified copy thereof with the division of motor vehicles, registration of the holder as legal owner and the same being constructive notice of said mortgage and contents, excepting chattel mortgages from the provisions of sections 2957, 2959 and 2965 of the Civil Code.

Stats 1923,
p. 517,
amended

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 45½ of the California vehicle act is hereby amended to read as follows:

Stats 1929,
p. 517

Sec. 45½. (a) No chattel mortgage on a motor vehicle or any other vehicle defined in this act, shall be valid as against

Chattel
mortgages
on motor
vehicles

creditors or subsequent purchasers and encumbrancers until the mortgagee therein named is registered as the legal owner thereof in the manner provided for the registration of motor vehicles under the provisions of this act.

Exempted
from re-
cordation
sections of
Civil Code.

(b) A chattel mortgage on a motor vehicle, or any other vehicle defined by this act, is hereby excepted from the provisions of sections 2959 and 2965 of the Civil Code and those provisions of section 2957 of the Civil Code which relate to the recording of mortgages on personal property.

Deposit of
mortgage
with divi-
sion of
motor
vehicles

(c) Whenever a mortgagee in a chattel mortgage deposits with the division of motor vehicles of the State of California a copy of said mortgage accompanied by a certificate of a notary public certifying that the same is a true and correct copy of the original and said mortgagee is registered as the legal owner under the provisions of the California vehicle act such registration and the depositing of the copy of said mortgage is constructive notice of the said mortgage and its contents to subsequent purchasers and encumbrancers, except that such mortgage shall be subject to a lien of not to exceed one hundred dollars in accordance with the provisions of section 3051a of the Civil Code.

Registration
complete,
when

(d) Registration of the legal owner under the provisions of this section shall be deemed complete when a copy of a chattel mortgage is deposited with and upon receipt of request for registration by the division of motor vehicles of the State of California.

Fee

(e) A fee of one dollar shall be paid to the division for the filing of each mortgage under the provisions hereof.

CHAPTER 1203.

An act making an appropriation for the building of a game preserve for tule elk in or near Kern county.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Appropriation
game
preserve for
tule elk

SECTION 1. The sum of thirty-five thousand dollars, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the use of the fish and game commission in the construction of a game preserve for tule elk in or near Kern county.

CHAPTER 1204.

Stats 1923,
p 289,
amended

An act to amend section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the

state," approved May 9, 1923, as amended, relating to the persons for whom revolving funds may be established.

[Approved by the Governor June 19, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the state," approved May 9, 1923, as amended, is hereby amended to read as follows: See Ch 137,
Stats 1931

Section 1. The board of supervisors of any county desiring to establish a revolving fund for the use of any officer of the county may do so by adopting a resolution setting forth the necessity for the revolving fund, the office, department, service, or institution for which such fund shall be available, and the amount of such fund, which amount shall not exceed the sum of one thousand dollars; provided that, in their discretion, the board of supervisors in counties having a population of ninety thousand or more according to the latest federal census may establish any such fund in any sum not exceeding five thousand dollars. Certified copies of such resolution shall be transmitted to the county auditor and county treasurer. The term "officer" as used in this act shall be understood to include any elective or appointive county officer, and any person in charge of any office, department, service, or institution of the county, except a deputy or assistant of a county officer. Establishment of revolving fund
Particular counties
"Officer"

CHAPTER 1205.

An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 806 and 882 thereof, relating to the jurisdiction of courts, in municipal corporations of fifth and sixth classes. Stats. 1883,
p 93,
amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 806 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats 1929,
p 829

Sec. 806 A city court is hereby established in such city, to be held by the judge of such city; provided, that the provisions of this section as to the establishment of city courts and judge in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may City courts
in fifth
class cities

hereafter be established, and any city court now existing in any such last mentioned city is hereby abolished. Said city court shall have jurisdiction concurrently with the justice's court of all civil and criminal actions arising within the corporate limits of such city and which might be tried in such justice's court. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases, and appeals may be taken to the superior court of the county in which said city may be situated, from all judgments of said city court in like manner and with like effect as in cases of appeals from justice's courts.

Stats 1929,
p 829.

SEC. 2. Section 882 of said act is hereby amended to read as follows:

City courts
in sixth
class cities
Jurisdiction

Sec. 882. A city court is hereby established in such city or town, to be held by the judge of said city or town. Such city court shall have jurisdiction, concurrently with the justice's court, of all civil and criminal actions arising within the corporate limits of such city or town and which might be tried in such justice's court. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city or town may be situated, from all judgments of said city court, in like manner and with like effect as in cases of appeals from justices' courts.

Rules of
practice.

CHAPTER 1206.

An act providing for the erection and maintenance of a monument to the memory of Chief Solano, to be erected in Solano county, and making an appropriation therefor.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Monument
to Chief
Solano

SECTION 1. The department of natural resources, through the state park commission, shall cooperate with the citizens of Solano county in erecting a monument or road marker to the memory of Chief Solano, and the state park commission is hereby authorized, empowered and directed to accept for the purpose of said monument all privately or publicly owned land in said county, if such land is tendered free of charge and unincumbered, and if in the judgment of the state park commission said land is of sufficiently historic value. The erection of said monument and its maintenance shall be under the control and management of said commission.

Appropriation

SEC. 2. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise

appropriated, to be used in the erection of said monument under the direction of the state park commission.

CHAPTER 1207.

An act making an appropriation for the support of the forty-second district agricultural association.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars is hereby appropriated for the support of the forty-second district agricultural association during the eighty-third and eighty-fourth fiscal years.

Appropriation 42d district agricultural association.

CHAPTER 1208.

An act providing for the organization, operation, maintenance, government and dissolution of resort districts and the inclusion of lands therein and exclusion of lands therefrom, and for the acquisition of lands or rights therein and the acquisition, construction, operation and maintenance of public improvements and works to carry into effect the provisions of this act; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements and works and for the acquisition or construction of such lands or rights therein or improvements and works; and conferring upon the state engineer certain additional duties and powers in connection with carrying out the purposes of this act.

[Approved by the Governor June 19, 1931 In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. The state engineer shall have the powers and duties in this act conferred upon him, in addition to the other powers and duties possessed by or imposed upon him by law, and shall also possess and exercise such further powers and authority as may be necessary to enable him to fully perform the duties imposed upon him by this act, including the employment of such engineers, attorneys, superintendents, inspectors, and other assistants as he may deem necessary, and the fixing of their compensation, which together with the cost and expense of all work done in connection with the performance of such duties under this act shall be paid by the districts to be formed hereunder as hereinafter provided for payment of other expenses of the district.

Duty of state engineer.

Resort
districts
authorized.

SEC. 2. A majority in number of the holders of title or evidence of title to parcels of lands not within incorporated territory devoted chiefly to recreational purposes already served or susceptible of being served by the same system of improvements or works for either sewage disposal and/or drainage and/or fire protection and/or roads and/or trails, and representing a majority in value of said lands, may by written petition propose the organization of a resort district under the provisions of this act which shall comprise said parcels of land so served or susceptible of any such service. Such lands proposed to be organized into a resort district need not consist of contiguous parcels.

Petition
to state
engineer

SEC. 3. In order to propose the organization of a resort district, a petition signed as provided in the preceding section setting forth generally the boundaries of the proposed district or describing the lands situated therein, the nature of the proposed works, and praying that the territory embraced within said proposed district may be organized as a resort district under the provisions of this act, shall be presented to the state engineer. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the state engineer, in double the amount of the probable cost of organizing such district as estimated by said state engineer, conditioned that the sureties shall pay all of said costs in case said organization shall not be finally effected, and said state engineer shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money, in case he should deem the same necessary. Upon the presentation and filing of said petition and undertaking in the office of the said state engineer the said engineer shall forthwith fix a time and place at which he will hear said petition, which place shall be either the office of the state engineer at Sacramento or some place within the county, or one of the counties, within which any portion of the lands of said proposed district are situated and which time shall be not less than thirty nor more than sixty days after the presentation and filing of said petition. Said petition, together with a notice stating the time and place of the hearing so fixed by said engineer, shall be published in each county in which any of the lands of said proposed district are situate by said state engineer once a week for three successive weeks before said hearing. Said notice shall be issued by said state engineer, shall refer to said petition, and shall be directed to the persons named as petitioners therein, and to all other persons holding title or evidence of title to any lands included within the resort district proposed in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and shall be substantially in the following form:

Publication
of notice and
petition.

Form of
notice.

Before the state engineer, State of California.

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands

included within the resort district proposed therein; and to all other persons who may be interested in or affected by the project contemplated in said petition:

You, and each of you, are hereby notified that the foregoing petition was filed with the state engineer on the ----- day of -----, ----, and will be heard by said engineer at ----- on the ----- day of -----, ----, at the hour of ___m. of that day, at which time and place said engineer will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the resort district proposed in said petition, but which lands are already served or susceptible of being served by the same system of improvements or works for either sewage disposal and/or drainage and/or fire protection and/or roads and/or trails as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of an act, approved -----, and known as California resort district act, to which said act particular reference is hereby made.

Dated -----

State engineer.

When contained upon more than one instrument one copy only of said petition need be published but the names attached to all said instruments must appear in such publication. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration signed by the petitioner, with the state engineer, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

SEC. 4. At the time and place fixed in said notice the state engineer shall proceed to hear said petition and to determine whether or not the same complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding thirty days in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; provided, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of said engineer shall be expressed by an order establishing the facts. If said state engineer shall determine that any of the requirements hereinbefore set forth have not been complied with the matter shall be dismissed,

Hearing

Determina-
tion of facts

but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the state engineer shall determine that all the said requirements have been complied with the said engineer shall forthwith proceed to hear said petition and all evidence offered in support of the petition and in support of said written objections, and the written application of any holder of title or evidence of title to lands included in said proposed resort district, to have said lands excluded therefrom, and to also receive the written application of the holder of title or evidence of title to other lands already served or susceptible of being served by the same system of improvements or works for either sewage disposal and/or drainage and/or fire protection and/or roads and/or trails in said petition more particularly referred to and described, to have said lands included in said district and to participate in the benefits of such resort district. Said engineer shall ascertain and determine the practicability, feasibility, and utility of the proposed project set forth in said petition, and for that purpose may make, or cause to be made, all necessary studies, examinations, surveys, plans, and estimates of cost, and in connection therewith said state engineer may employ all necessary engineers, attorneys, and other assistants, or acquire and use estimates, surveys, and reports theretofore made, for the accomplishment of said purposes, and the cost thereof shall not in the aggregate exceed a sum in dollars equal in amount to one-fourth the number of acres in such proposed district and shall be deemed a part of the expense of said project, and said state engineer shall issue warrants therefor which warrants shall be considered and treated in all respects as warrants of the district and which shall be payable out of the funds of said district when the organization thereof has been completed, and the same, if necessary, may be included in any bond issue authorized for the purposes of said district. If said district shall, as a result of any election hereinafter provided for, be not organized, any warrants so issued by said state engineer shall be a charge upon the undertaking, or undertakings, hereinbefore and in section 3 of this act provided for, and shall thereupon become due and payable by the sureties therein named, and the holders of said warrants shall have a cause of action against said sureties thereon.

Reports,
surveys,
etc.

Order of
state
engineer

Boundaries

SEC. 5. Upon the final hearing of said petition the state engineer shall make an order reaffirming his conclusions as to the genuineness and sufficiency of the petition, affirming the regularity and sufficiency of the notice of hearing thereon, and determining the practicability, feasibility, and utility of the proposed project. The said engineer shall also in his said order establish the boundaries of the proposed district or describe the lands included therein, and provide an estimate of the probable cost of the proposed project. The order of

said state engineer, made as in this section provided, shall be signed by him and entered in full upon the records kept by him. A copy of such order certified by said state engineer, together with a map showing the exterior boundaries of the district and indicating the lands if any excluded therefrom, shall forthwith be filed for record in the office of the county recorder of each county in which any of the lands within the said district are situated. The finding of said state engineer in favor of the genuineness and sufficiency of the petition and the regularity and sufficiency of the notice of hearing thereon shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within ninety days after the date of first filing in the office of any county recorder of such certified copy of said order as hereinabove required.

Finding
conclusive

SEC. 6. Said state engineer shall, within sixty days after the filing of said order, give notice of an election to be held in the proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, or the lands so included, and shall designate a name for the proposed district, and said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the proposed district is situated. Such notice shall require ballots to be cast which shall contain the words "Resort district—Yes" or "Resort district—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purposes of said election the state engineer must in his order designate voting place or places and appoint three landholders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the general resort district election as in this act provided, but no particular form of ballot shall be required. Nominating petitions for officers to be elected at such election shall be filed as provided in section 37 of this act except that the same shall be filed in the office of the state engineer.

Notice of
election

Election.

SEC. 7. At such election there shall be elected a board of seven directors. Said officers shall qualify in the same manner as is provided for the qualification of the same officers elected at a general resort district election as hereinafter in this act provided.

Board of
directors

SEC. 8. Only the holders of title or evidence of title to lands situated within the district shall be entitled to vote at such election, and every such holder of title or evidence of title shall be entitled to vote, in person or as hereinafter provided, and to cast one vote for each one hundred dollars', or fraction thereof, worth of land in said district so owned by him. Each male or female voter over the age of twenty-one years shall be entitled to vote in person or by proxy. Any guardian, administrator, or executor of a person or estate owning land within the district shall be considered the holder of title or

Who may
vote.

evidence of title to such lands for the purposes of this act, where the owner in fee is not entitled to vote. Any corporation holding title or evidence of title to lands within the district shall be entitled to vote as such landowner through any officer or agent thereunto duly authorized in writing under the seal of the corporation. Entrymen upon public lands situated within the district shall be considered as the holders of title or evidence of title to such lands for the purposes of this act. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The provisions of this act relating to general elections shall, except as herein otherwise specifically provided, apply to elections on organization of any resort district under this act.

**Canvass
of votes.**

SEC. 9. The state engineer shall on the second Monday succeeding such election proceed to canvass the votes cast thereat and if upon such canvass it appears that a majority of all the votes cast are "Resort district—Yes" said engineer shall, by an order entered in the records kept by him, declare the territory duly organized as a resort district under the name theretofore designated, and shall declare the candidates for directors receiving at such election the highest number of votes to be duly elected directors. If upon such canvass it appears that a majority of all the votes cast are "Resort district—No." then the result of such election shall be declared accordingly and entered of record in the records kept by the state engineer.

**Recordation
of order on
election**

SEC. 10. If such order on election shall declare the territory duly organized as a resort district the said state engineer shall forthwith cause a copy of such order, duly certified, to be filed for record in the office of the county recorder of each county in which any portion of the lands embraced in such district is situated, and from and after such filing the organization of such district shall be complete and said district shall have the powers and rights conferred upon it by the provisions of this act. Said state engineer shall at the same time issue certificates of election to the persons declared in said order to be elected directors.

Directors

SEC. 11. The directors elected at such election after qualifying by receiving their certificates of election and subscribing the official oath and giving the required bonds, shall immediately enter upon their duties and shall hold office, respectively, until their successors are elected and qualified.

**Organiza
tion.**

SEC. 12. The directors shall on the first Tuesday after their election and qualification meet and organize as a board and select and designate an office of the board, which shall also be the office of the district, at which the board shall thereafter hold its meetings. The board shall elect a president from their number and shall appoint a secretary and treasurer, each of whom shall hold office during the pleasure of the board. The amount of the bond to be given by the secretary for the faithful performance of his duties shall be fixed by the board.

The office of the board and its place of meetings may be changed by a majority vote of the board of directors, but no such change shall become effective until after the resolution making such change shall be published once a week for two successive weeks in the county in which the office of the board of directors has theretofore been located.

Office

SEC. 13. The board of directors shall thereafter hold regular meetings on the first Tuesday of each month at the place selected as the office of the board. Special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days notice thereof must be given by the secretary to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and a majority shall constitute a quorum for the transaction of business. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours.

Meetings of directors

SEC. 14. The board of directors shall have in addition to the powers and authority hereinbefore and hereinafter conferred upon it, such further powers and authority as may be necessary to enable it to fully perform the duties imposed upon it by this act.

Powers of directors
See also
Sec 35

SEC. 15. The board of directors must and shall at its first regular meeting or within ninety (90) days thereafter levy an assessment of an equal amount upon each acre or parcel of land in said district sufficient to pay all warrants issued by the state engineer, in accordance with the provisions of this act, and to defray all other expenses as estimated by the board, incurred and to be incurred for the general benefit of the district up to the time of the levy of the assessment provided for in section 18 of this act, including expenses incurred prior to the organization of the district, but in the judgment of the board properly incurred for the general benefit of the district, the amounts required to be raised to pay warrants of the state engineer and to pay such expenses to be separately stated in the resolution levying the assessment. In the event the assessment so levied for such purposes shall not be sufficient for the same, it shall be the duty of the board of directors from time to time to levy an additional assessment or assessments of the same character for said purposes; provided, however, that the total of all such assessments, exclusive of the amount assessed for the purpose of paying warrants of the state engineer, shall not exceed fifty (50) cents per acre, except as hereinafter provided.

Levy of assessments.

Levy of
additional
assessments

If, after the total amount raised by all such assessments shall have been expended or its expenditure authorized, such total amount is found to be insufficient to meet all of such expenses of the district, the directors may, in the manner hereafter provided, levy an additional assessment or assessments of like character for such purposes up to an amount not in excess of fifty (50) cents per acre. Before levying any such additional assessment the board of directors shall pass a resolution declaring its intention so to do and in such resolution shall appoint a time not less than two weeks and not more than four weeks from the passage of such resolution of intention at which the matter of levying such additional assessment will be considered in open meeting. A copy of such resolution of intention shall be published once a week for at least two weeks before the time so appointed in a newspaper of general circulation in each county in which land within the district is located. At the time so appointed the board shall meet and in open meeting consider the matter of levying such additional assessment and hear any objection thereto and at or after such meeting may upon approval of the state engineer levy such additional assessment, if in its judgment the best interests of the district so require. Every assessment levied under this section shall constitute a lien upon the lands affected thereby, until the full amount thereof is paid, which lien shall be prior to all other liens, except state, county and municipal taxes and assessments, or taxes levied or assessed by or under statutory authority, and shall be collected in the same manner as other assessments provided for in this act.

Examina-
tions, sur-
veys, etc.

Sec. 16. The board of directors shall upon the organization of a resort district as in this act provided, proceed to make or cause to be made, all such examinations, surveys, detailed plans and specifications, and estimates of costs as may be necessary or requisite to enable said board of directors to ascertain and estimate the requirements and works necessary for the purpose of said resort district, and the probable cost and expense thereof, and to make a report thereof as hereinafter provided, in which connection said board may use and adopt all previous estimates, surveys, reports and other data it may have acquired or which are available to it, adapted to that purpose, and may employ all necessary engineers, attorneys and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and such board may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district.

Acquisition
of property.

If the board of directors proposes to acquire any property of any kind or character, or any interest or easement therein for the purposes or use of said resort district by purchase or lease, or in any manner other than by condemnation proceedings, that fact shall be stated in their said report and a true copy or copies of any instrument or instruments evidencing

such proposed acquisition of such property, interest or easement therein, or the right to acquire same shall be made a part of said report.

No property of any kind or interest therein belonging to any corporation which is a public utility, shall be acquired by a resort district, nor shall any such properties of a public utility be included in the report of the directors in this paragraph provided for. Property of public utility excluded.

Said board of directors may at their option segregate and divide the plans, specifications and estimates of cost into one or more units of construction, and may in said plan provide that one or more individual units of construction shall not be entered upon immediately, but shall be authorized and undertaken in such order and at such future time as the board of directors shall thereafter determine. Upon the completion of said examination and study of the proposed project by the said board of directors, the said board shall prepare and file in the office of the state engineer, and a true copy thereof in the office of the secretary of said board, a report thereof, in which said report shall be set forth in full and in detail the character and nature of the proposed works, a description of the rights to lands it will be necessary to acquire to carry said project to completion, accompanied by detailed plans and specifications, and a detailed estimate of the cost of said project, including the acquisition of all rights, necessary to the completion and operation thereof. The board of directors shall attach to said report a recommendation that said projects shall be carried out in accordance with the plans and specifications in said report contained, or that said project be abandoned. Such report when completed shall be signed by a majority of the board of directors, and entered in full upon the minutes of said board. If said board shall determine to segregate and divide the plans, specifications and estimates into more than one unit of construction, such plans, specifications and estimates shall be complete as to each unit, and the board shall in its report specify the particular unit or units the construction of which shall be immediately entered upon the particular unit or units reserved for future action. Report of proposed works

SEC. 17. If the said board of directors recommends that said project be abandoned the state engineer shall make such further investigation of said project as is in his judgment desirable and shall within sixty days after the filing of said report make and enter upon the records kept by him an order either (a) approving and confirming the said report and recommendation and declaring said project abandoned, which said order shall be without prejudice to the presentation of another petition covering the same matter, or (b) approving and adopting the said report but taking no action with respect to the said recommendation, and calling another election to be held in the district for the purpose of determining whether or not the recommendation of said board of directors shall be adopted or rejected. In the event the said Report by state engineer as to advisability of project.

Election

order so made and entered by the state engineer shall call an election, said state engineer shall within thirty days after the entry of said order give notice of such election. Said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the district is situated. Said notice shall require ballots to be cast, which shall contain the words "Completion of project—Yes" or "Completion of project—No." For the purposes of said election the state engineer at the time of calling said election shall in his order designate voting places and appoint three land holders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the provisions of this act relating to general resort district elections, but no particular form of ballot shall be required. The qualification of voters at said election shall be the same as prescribed for the original election on organization of district, and the votes cast at said election shall be canvassed in the same manner as votes cast at said original election, and the result of such election shall be declared and entered of record in the minutes of the board. If such result shall show more than one-half of all the votes cast are "Completion of project—No," or that more than one-half of the qualified voters who voted at said election voted "Completion of project—No," the state engineer shall make and enter in his records an order declaring said project abandoned, and requiring all persons, except the holders of warrants issued pursuant to the provisions of this act and which have been duly presented for payment, having claims against said district, or proposed district, to file them with the necessary vouchers within three months from the making of said order in the office of said state engineer. Notice of said order requiring presentation of claims stating the time and place thereof shall be published in the county in which the office of the district is located by said state engineer once a week for four successive weeks, the first publication of which said notice shall be made within ten days after the making of said order. After all warrants issued under the provisions of this act which have been duly presented for payment and all claims that have been duly presented and have been allowed and approved by said state engineer or the board of directors of said district, have been paid, said state engineer shall forthwith cause a copy of said order declaring said project abandoned, duly certified by said state engineer, to be filed for record in the office of the county recorder of each county in which any portion of the land embraced in said district is situated, and from and after such filing said district shall be deemed dissolved and all liens which may have attached to any of the lands therein under any provisions of this act shall be discharged and any undertaking given pursuant thereto shall be annulled and of no further effect. If the canvass of the votes cast at such election show more than one-half of all votes cast are "Comple-

Abandonment of project.

tion of project—Yes” and also shows that more than one-half of the qualified voters who voted at said election voted “Completion of project—Yes” said state engineer shall thereupon appoint the commissioners provided for in section 18 of this act and thereafter such proceedings shall be taken and followed as are provided in said section 18 and subsequent sections of this act.

SEC. 18. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained, the state engineer shall make such further investigation of such project as is in his judgment desirable and shall as soon as possible after the expiration of sixty days after the filing of said report make and enter upon the records kept by him an order either approving and confirming said report and recommendation or disapproving the same. Pending final approval or disapproval by the state engineer, the board of directors may amend, modify, or supplement their report and the plans, specifications and estimates and other matters accompanying the same, either on their initiative or in response to suggestions by the state engineer.

Further investigation by state engineer.

Immediately after making and recording such order, the state engineer shall call a district election for the purpose of determining whether such recommendation and report shall be adopted, such election to be noticed, held, and conducted and the result thereof determined and declared in all respects as nearly as possible as provided in section 17 of this act, the notice of election to state whether such report and recommendation is approved or disapproved by the state engineer.

If the result of such election shows that more than one-half of all votes cast are “Completion of project—No” or that more than one-half of the qualified voters who voted at said election voted “Completion of project—No,” the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in section 17 in case of abandonment. If the result of such election shows a majority of all votes cast are “Completion of project—Yes” and also shows that a majority of the qualified voters who voted at said election voted “Completion of project—Yes,” said report and recommendation shall be deemed to be adopted by the district. In case of the adoption of said report and recommendation the state engineer shall forthwith appoint three (3) commissioners whose duty it shall be to assess the cost of the project, or in the event said board shall have divided the project into units of construction, the cost of the unit or units specified for immediate construction, upon the benefited lands within the district, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, or such unit or units thereof as have been specified for immediate construction, such assessment to be in gold coin of the

Election.

Commissioners to assess cost of project.

United States; and provided, further, that where any such tract of land consists of more than one section such apportionment to such tract of land shall be made according to legal subdivisions thereof or to other boundaries sufficient to identify the same in subdivisions not greater than one section in area, but any failure or defect in complying with this requirement shall not invalidate said apportionment or said assessment. One of said commissioners shall be a civil engineer, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district a copy of the detailed plans, specifications, and estimate of the costs of the project, which have been duly filed with the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain:

Oath of commissioners

Assessment rolls

(1) A description of each tract held in separate ownership by legal subdivisions, governmental surveys or other boundaries sufficient to identify the same; provided, however, that if any area composed of more than one tract held in separate ownership is not assessed because the lands therein will not be benefited by the expenditure of the funds to be raised by the assessment, a description of such area as a whole without a description of each tract thereof shall be sufficient;

(2) The number of acres in each tract;

(3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;

(4) The rate per acre of such assessment upon each tract assessed or if no assessment is made upon any tract, or area composed of more than one tract, a statement of that fact;

(5) The total amount of the assessment as computed;

(6) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district before mentioned.

The roll shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of

the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Said state engineer shall forthwith transmit two copies of said rolls to the board of directors of said district, who shall file one copy in their records and thereupon transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county. Thereafter the directors of the resort district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall thereupon appoint times and places not less than thirty days after said rolls have been filed in the records of said board of directors when and where it will meet within each county wherein lands of said district are situated for the purpose of hearing objections to said assessments, and notice of such hearing shall be published at least once a week for two successive weeks in each county in which any land within said district may be situated. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof; provided, however, that no assessment shall be increased except after personal notice or notice by registered mail given to the owner, if known, by depositing in the post office at the place in which the office of said district is located, in a sealed envelope addressed to each of such owners at his last known, if any, place of residence or business, otherwise at the county seat of the county in which any portion of his lands are situated, with full postage paid, at least two weeks before said hearing, or if unknown by publication at least once a week for two successive weeks in the county in which said land in the district may be located, and upon a hearing of objections thereto if made.

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified, which order shall be filed with and entered in the records of

Certification
and filing.

"Adjustment
board "

Adjustment
board to
hear objec-
tions, etc.

Order
approving
assessment

the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary, and the secretary shall file one copy in the records of the board of directors, and thereupon immediately transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

Lien.

When the secretary shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any such assessment after the same shall have become a lien in the manner herein provided.

Units of construction

In the event of the division of the project into units of construction, and the specification of one or more units for future construction, the board of directors shall at such time as it shall determine upon the construction of any such unit or units, pass a resolution to that effect and cause a certified copy thereof to be transmitted to the state engineer. At such time the board may amend the plans, specifications and estimates of costs of such unit or units by making such changes therein, modifications thereof, and additions thereto, as it shall deem desirable, and in the event of any such change, modification, or addition, the board shall cause to be filed with the state engineer, the plans, specifications and estimates of costs of such unit or units as amended. Upon receipt by the state engineer, of such certified copy of resolution and such amended plans, specifications and estimates of cost, if any, the same proceedings for levying, approving and collecting an assessment to meet the cost of the unit or units to be constructed shall be had as hereinbefore provided for an assessment to meet the cost of the unit or units first constructed.

Reapportionment of assessments

SEC. 19 When any tract of land upon which any assessment provided for by this act has been levied shall be subdivided into smaller parcels, the board of directors of the district shall, upon the written request of the owner of such tract or of any of such smaller parcels and after hearing, reapportion the said assessment in such manner as will in the judg-

ment of the board charge each of said smaller parcels with a just portion of such assessment. Supplementary assessment rolls, showing such reapportionment, shall be made and shall be made separately for lands lying within different counties. Said board of directors shall thereafter file copies of said supplementary assessment rolls with the state engineer and shall also file with the county treasurer of each county in which any portion of said tract so subdivided is situated the supplementary assessment roll relating to the lands in such county, and from and after such filing the said assessment shall be an assessment upon each of said smaller parcels in accordance with such reapportionment and not an assessment upon said tract as a whole; and such supplementary assessment rolls shall be deemed to be a part of and amendatory of the assessment roll or rolls theretofore filed for all purposes. Such reapportionment shall in no wise affect the assessment except as to the lands included in the supplementary assessment rolls.

SEC. 20 The assessment list of each county must remain open for payment in full in the office of the county treasurer of the respective counties within the district for a period of thirty days; and during the time they so remain any person may pay the amount of the charge assessed against any tract of land to the county treasurer in gold coin of the United States or in warrants of the district drawn by the state engineer or the board of directors, or the proper officers thereof.

Payment of assessments

SEC. 21 At the end of thirty days the county treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installments or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

Unpaid assessments, interest.

(Name) resort district. (Location of the principal place of business.) Notice is hereby given that at a meeting of the board of directors held on ----- an installment of ----- per cent of assessment number ----- was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon,

Notice of order fixing and calling assessments.

with ten per cent of such installment and interest added as penalty.

(Signed) _____
Treasurer of _____ county.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two consecutive weeks in each such county.

Penalty for delinquency

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Publication of notice of delinquencies

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must prepare and as soon as the same is complete publish once a week for two consecutive weeks in each county wherein lands of the district are situated, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time, for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

Sale.

Certificate of sale

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after

Redemption

the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of one per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

If no redemption shall be made within said three years, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any resort district assessment or portion thereof remaining unpaid at the date of said sale, each installment whereof may be called and collected as herein provided. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as hereinabove provided for said deed by the county treasurer.

SEC. 22. Whenever after completion of the works of a district in whole or in part, it becomes necessary in the opinion of its board of directors to raise any sum for the maintenance, repairs or operation of its works or for the conduct and management of the district or its works, the board of directors shall first cause to be prepared and when prepared, adopt a report showing the stage to which the said works have been completed and paid for, the sum or sums that will be required for the maintenance or repair or operation of said works, or for the conduct or management of the district or its works, with reasonable particularity, together with any plans and specifications for any work to be done, and an estimate of the aggregate cost thereof, a copy of which said report with the said plans and specifications shall be placed on file with the secretary of said board, and a notice of the filing of said report stating the purpose of the same, and where the same may be inspected by any person interested, and fixing a time within which protests against the adoption of said report and the levying of any assessment thereunder may be filed, and the time and place when a hearing on such protests will be had. Such hearings shall be public, and held at the ordinary place of business of the board of directors of said district within said district, at which said hearing all protestants shall be permitted to appear in person or by attorney and present their objections to such report, if any. At the conclusion of such hearing said board may adopt such report or modify the same or cause a new report to be made and prepared to be again set for hearing as in the

Deed.

Assessments
for repairs,
mainte-
nance, etc.

Hearings

Supple-
mentary
assessments

first instance, or abandon either in whole or in part the levying of any assessment pursuant to such report. If after such hearing said board shall determine that such assessment be necessary, said board may make an order of supplementary assessment. Such supplementary assessment shall be spread between the respective tracts of land in the proportions which the total amounts assessed against such tracts by the original and all subsequent assessments for construction purposes bear to one another. The order making such supplementary assessment shall be entered in the minutes of the board, shall state the total amount necessary to be raised and shall fix the rate of assessment which shall be the percentage of the total amount assessed by the original and all subsequent assessments for construction purposes which is required to produce the amount necessary to be raised. Upon the making of such order, the board shall cause to be prepared a supplementary assessment roll showing by description each tract assessed, the total of assessments against the same for construction purposes, the rate of assessment and the amount assessed against the same by such supplementary assessment in dollars and cents computed at such rate. Upon the completion of such supplementary assessment roll, the board shall file with the county treasurer of each county wherein are situated lands subject to such assessment, a copy of so much of such assessment roll as pertains to the lands within that county, and thereupon such assessment shall constitute a lien upon each tract shown to be assessed by the copy of the assessment roll so filed for the amount assessed against it, such lien to be of the same character and to have the same incidents as the lien of an original assessment for purposes of construction. At any time within sixty (60) days from the filing of the copy of the assessment roll as aforesaid, the same may be amended by the board of directors to correct errors either on its own initiative or at the instance of any landowner affected, such amendment to be made by indorsement upon the assessment roll by the county treasurer upon the certification of the error to him by the board of directors. Such supplementary assessment shall be collected in the manner herein provided for the collection of original assessments and the board of directors may call the same as a whole or in installments from time to time, as it may deem best.

Errors

The original assessment levied for construction purposes and all assessment rolls for such assessment or for supplementary assessments for such purposes shall continue in force as the basis for allocating and spreading assessments for maintenance repair or operation of the works of the project or for the management and conduct of such works or of the district. All provisions of this act with respect to the levy and collection of assessments shall, so far as appropriate, be applicable to such supplementary assessments.

Tolls and
charges

For the purpose of the care, operation, management, repair or improvement of such portions of the project as are in use,

including salaries of officers and employees, and all other operating and maintenance expenses, the board may in lieu (either in part or in whole) of levying assessments as in this section provided for, fix rates of tolls and charges for services rendered by the district, and collect the same from all persons receiving the benefit of such services, such tolls and charges to be proportional as nearly as possible to the service rendered.

Whenever any tolls or charges for services rendered by the district provided for by this act have been fixed by the board of directors, it shall be lawful to make the same payable in advance, and in case any tolls or charges remain unpaid for a period of thirty days after the same become payable, the same shall become delinquent and a penalty of ten per cent shall be added thereto and such delinquent tolls and charges shall bear interest at the rate of twelve per cent per annum. The board of directors may, after any toll or charge becomes delinquent, file in the office of the county recorder of the county in which are situated the lands as to which such tolls or charges are delinquent, a list showing the names of the owners of such lands, if known, and if not known, a statement of that fact, a description of such lands sufficient for identification and the amounts of tolls and charges which are delinquent, and upon the filing of such list the tolls and charges so listed, together with the penalties and interest thereon, shall become a lien upon the lands as to which such tolls and charges are delinquent in the same manner and of the same character as the lien of a district assessment. The board of directors of any resort district may at any time after any toll or charge provided for in this act has become delinquent, direct that proceedings be not taken to enforce the lien therefor, and in place of such proceedings bring suit in the name of the district against the delinquent to enforce collection of such delinquent toll or charge. In such suit the district may recover the amount of such toll or charge, together with penalties and interest, and costs of suit.

SEC. 23. In the event that the original assessment for the project or any unit thereof is insufficient to provide for the completion of the project or of such unit, the board of directors shall levy and collect a supplementary assessment or assessments to cover the estimated cost of completion thereof. Each such supplementary assessment shall be spread between the different tracts of land in the proportion which the amounts assessed against such tracts by the original assessment bear to one another. Such supplementary assessment shall be made by order entered in the minutes of the board, which order shall state the total amount necessary to be raised and shall fix the rate of assessment which shall be the percentage of the total amount assessed by the original assessment which is required to produce the amount necessary to be raised. Upon the making of such order, the board shall cause to be prepared a supplementary assessment roll showing by description each tract assessed, the amount assessed against the same by the original

assessment, the rate of assessment and the amount assessed against the same by such supplementary assessment in dollars and cents computed at such rate. Upon the completion of such supplementary assessment roll, the board shall file with the county treasurer of each county wherein are situated lands subject to such assessment a copy of so much of such assessment roll as pertains to lands within that county and thereupon such assessment shall constitute a lien upon each tract shown to be assessed by the copy of the assessment roll so filed for the amount assessed against it, such lien to be of the same character and to have the same incidents as the lien of the original assessment. At any time within sixty (60) days from the filing of the copy of the assessment roll as aforesaid, the same may be amended by the board of directors to correct errors either on its own initiative or at the instance of any landowner affected, such amendment to be made by endorsement upon the assessment roll by the county treasurer upon the certification of the error to him by the board of directors. Such supplementary assessment shall be collected in the manner herein provided for the collection of original assessments, and the board of directors may call the same as a whole or in installments from time to time, as it may deem best.

Acquisition
of additional
property

The board of directors may also determine upon the acquisition of property or for the construction of work not contemplated in the report and recommendation, with accompanying plans and specifications, originally adopted in accordance with the provisions of section 18. In such event, the same proceedings for the preparation and adoption or rejection of the report and recommendation as to the acquisition of such additional property or construction of such additional work, and in case of the adoption of such report and recommendation, the levying and collection of the assessment or assessments to meet the cost thereof, shall be taken in connection with the property and work to be acquired or constructed as hereby provided shall be taken in connection with the acquisition or construction of the property or work contemplated by the original project.

Excess
funds

In the event the cost of any unit is less than the funds collected therefor, the excess shall be held and used for the benefit of such unit only and shall be applied to the bond fund of such unit, if any, and if there be no bond fund then to the maintenance and operation of such unit.

Issuance
of bonds

SEC. 24. Whenever in any resort district any assessment has been levied and assessed upon the lands of said district and remains unpaid in whole or in part, and, in the judgment and opinion of the board of directors of said district, it shall be for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the owners of more than one-fourth in assessed value of the lands of the district, requesting it is filed with the secretary of said board, the board of directors of such

district shall by order entered upon the records of said board order a special election to be held in said district, at which special election shall be submitted to the owners of assessed land in said district the question whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of directors in its records and stated by them in the order for such special election.

The notice of such special election must state in addition ^{Special election} to other statements required to be made therein, the aggregate face value of bonds proposed to be issued. Only owners of lands which have been assessed as provided herein shall be qualified to vote at such election. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

The ballots cast at such election shall contain the words ^{Ballots.} "Bonds—Yes" or the words "Bonds—No." A list of the ballots cast shall be made by the board of election containing the name of each voter who has voted at such election, and if the ballot be cast by proxy also the name of the person casting it, and the number of votes cast by each voter. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall deliver a certificate showing such result and the number of votes cast for and against the issuing of such bonds to the county clerk of the county wherein the office of the district is situated, and shall deliver a duplicate thereof to the board of directors of the district, and shall also deliver to the said county clerk all ballots cast at such election within said county and all documents and papers used at such election, and except as in this section specifically provided the provisions of this act with reference to all matters pertaining to elections shall govern and control. The county clerks of the respective counties shall immediately upon receipt of the ballots, papers, and documents from the board of election certify to the board of directors at its office a statement of the result of said election held in each of said counties with a statement of the number of votes for and in favor of the proposition of "Bonds—Yes" and opposed "Bonds—No." The board of directors shall thereupon in a certificate in writing recorded in their minutes declare that the proposal to issue bonds has carried or has been defeated, and stating therein the vote cast throughout the entire district, and a duplicate of such certificate shall be immediately transmitted to the state engineer.

If a majority of the votes cast at such election are in favor ^{Form of bonds} of the issuance of bonds, the board of directors of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list segregated as to counties within said district, to

the treasurer of said district. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of directors of the district and attested by the treasurer of said district, and shall be numbered consecutively in order of their maturity, and shall bear interest at a rate not to exceed six and one-half per cent per annum payable semiannually on the first day of January and the first day of July in each year at the office of said treasurer, and at any other place within the United States which may be designated by said board, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the treasurer of said district. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the directors may prescribe. Said bonds shall be payable serially within forty years from their date in the manner following, to wit:

Payment
of bonds

(1) Not less than ten per centum of the aggregate face value of such bonds issued shall be payable within fifteen years from their date;

(2) Not less than two and one-half per centum of the aggregate face value of such bonds remaining unpaid at the end of fifteen years shall be payable each year beginning with the sixteenth year from their date, until the whole amount of said bonds has been paid.

Form
of bonds

Said bonds shall be substantially in the following form:

United States of America
State of California
(Name) resort district.

No. ----- \$ -----
(Name) resort district for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said district, at (place) in the State of California, on the first day of ----- the sum of \$----- in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of ----- per cent per annum, payable at the office of said treasurer, or at (other designated places), semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of ----- bonds of like tenor and effect (except as to denomination and maturity), numbered from ----- to ----- inclusive, amounting in the aggregate to ----- dollars, issued in accordance with the provisions of an act known as "California resort district act," duly passed and adopted (stating when) and of the laws of the State of California, pursuant to an election held in said resort district on the ----- day of ----- authorizing its issuance, and based upon and secured by an assessment levied on the lands in said district, and filed in the

office of the county treasurer of the county (or counties) of ----- on the ----- day of -----, and the said resort district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of resort district bonds

In testimony whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the treasurer of said district, with the official seal of said district affixed this ----- day of -----.

 President of said board

Attest -----
 Treasurer.

And the interest coupons may be substantially in the following form: Interest coupons

No. ----- \$-----
 The treasurer of (name) resort district, California, will pay to the holder hereof on the ----- day of -----, at his office at (place in the State of California, or at designated places) the sum of \$-----, in gold coin of the United States, out of the funds of (name) resort district for interest on bond of said district numbered -----.

 Treasurer.

The treasurer of said district shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the board of directors of the district, the treasurer shall sell the whole or any designated number of said bonds for the best price obtainable, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said treasurer by publication at least once a week for two successive weeks in the county in which the office of said district is located, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds or any part thereof. At the time appointed said treasurer shall open the bids and award the bonds to the highest responsible bidder. The treasurer upon written request of a majority of the directors must reject any or all bids. Any sale by the treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the Sale of bonds

bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the treasuries of the respective counties in which land included in the district is situate to the amount of the unpaid assessment in each county and credited to the bond fund of the district, and a proper record of such transaction shall be made upon the books of said treasurer. At any time within thirty days after the issue of any bonds as the result of such election an action may be commenced in the superior court of any said counties by the board of directors of said resort district in the name of the district as plaintiff, and the defendants shall be described as "all persons claiming any interest in any lands within the said (name) resort district," to have it determined that said bonds are a legal obligation to such resort district, and in the event no such action is brought then the same may be commenced by any landowner in the district within sixty days after the expiration of the period within which said action might have been brought by the board of directors. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two successive weeks in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district or any person interested may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein, and all owners thereof and other interested persons.

Action to
determine
validity
of bonds

Judgment

Bond fund

All moneys collected by a county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands brought by such treasurer at any such sale as trustee of the bond fund of the district shall be by such treasurer forthwith paid into the county treasury of the county from which the same arose to the credit of the bond fund of such resort district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment.

Investigation
and certifi-
cation of
bonds

Whenever the board of directors shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of a resort district organized under this act, including any bonds of such district authorized but not sold, shall be made available for the purpose provided for in section 7 of an act of the Legislature of the State of California entitled "An

act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school district or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of directors shall thereupon file a certified copy of such resolution with the commission created by, and provided for in said act of June 13, 1913, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of resort districts provided for in this act which have been so investigated and certified and by authority of such investigation and certification are declared to be legal investments for the purposes stated in said act of June 13, 1913, as amended, may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; provided, however, that where said irrigation district bond commission has passed upon one issue of bonds of districts formed hereunder, that all subsequent issues of said districts shall be submitted to said commission as in said act provided.

Stats 1913.
p 778.

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds shall have been paid in full, and if for any reason any part of the principal or interest of said bonds shall remain unpaid after enforcement of said assessment as in this act provided, the board of directors shall order an additional or supplemental assessment to be made as provided in this act sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

Lien of
unpaid
assessment.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed fifty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds.

Maturity
of addi-
tional bonds

Payment for bonds.

Upon a sale of any of the bonds provided herein the treasurer of the district is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds issued thereon until such bonds shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as to principal as the case may be.

Estimate

At least ninety days before any interest date of the bonds, the treasurer of the district shall certify to the county treasurer of each county in which lands of the district are situated an estimate of the amount of money and the percentage of the assessment together with the interest thereon, or only of the interest, necessary to pay interest and principal or the interest maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof to be collected by such county treasurer, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and each said county treasurer shall thereupon cause to be published, once a week for two successive weeks in the county of which he is county treasurer, a notice substantially in the following form:

Notice of due date of assessment installments.

(Name of resort district.) Notice is hereby given that an installment of assessment (describing it) or (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from date by all assessed land-owners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment of interest which remains unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with ten per cent of such installment and interest added as penalty.

Dated -----

(Signed) -----

Treasurer of -----County.

Publication

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice it shall become delinquent and ten per cent of the unpaid amount of said installment and interest shall be added thereto and collected by said county treasurer.

Notice of delinquent installment.

When any installment shall have become delinquent, said treasurer shall, within ten days, publish in said county once a week for two successive weeks a notice containing a description of each parcel of land assessed in the district in said

county wherein such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners, if such is the fact; the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said ten per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county, at a specified day and hour, which shall not be less than thirty nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment, together with interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon with interest and penalty, and such sale shall be made for cash, except the treasurer may receive from any purchaser at their face value in lieu of cash bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale. Any bond or coupon so received in payment shall be by the county treasurer forthwith canceled and filed in the office of the treasurer of the district. If the entire amount of such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the county treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest, and penalty. The county treasurer shall execute to each purchaser, including himself as trustee a certificate of sale, and shall record a duplicate in the county recorder's office. Any person interested in the said property may redeem the same at any time within three years after the date of sale by paying to the county treasurer for such purpose a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within three years, the said county treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority, and any water storage district assessment, or portion thereof, remaining unpaid at the date of said sale each

Sale

Redemption

County
treasurer's
deed

Disposition
of proceeds
of sale.

installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the county treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The county treasurer of each county shall credit to the bond fund of the district all moneys collected by him by sale or otherwise, upon assessments against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made under said assessment. Each county treasurer shall charge to the general fund of the district, or to the bond fund if he has no money to the credit of the general fund, the expense of publication of notices and of recording certificates of sale, and shall notify the treasurer of the district thereof. The county treasurer shall transmit to the treasurer of the district all canceled bonds and coupons received in payment on any delinquent sale, and a memorandum of all sums endorsed as paid upon account of purchase money on any bonds or coupons, specifying the same. All moneys collected by any county treasurer upon account of an assessment on which bonds shall not have been issued shall be similarly accounted for to the treasurer of the district, and shall be credited to the general fund of the district. Any parcel of land bid in and purchased by any county treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of three years, at public or private sale and with or without notice, to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and such treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrances, except as hereinbefore provided for deeds where no redemption is made. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then each such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, notice of which sale shall be given by publication once a week for two successive weeks in some newspaper published in the county in which said land is situated, and shall deposit the proceeds of such sale in the treasury of the county to the credit of the bond fund of the district. Any balance remaining in such bond fund,

after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district. The county treasurer of each of the several counties shall report all transactions of delinquencies and sales to the treasurer of the district who shall keep a record thereof in the office of the district.

SEC. 25. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to adopt a seal; to make and execute all necessary contracts; to employ and appoint such agents, officers and employees as may be required, and prescribe their duties. The board and its agents shall have the right to enter upon any lands to make surveys, locate works, or for any other necessary and lawful purpose. The board shall have the power to acquire, construct, maintain, improve and operate the necessary improvements or works for either sewage disposal and/or drainage and/or fire protection and/or roads and/or trails. The board shall also have the right to acquire by purchase, lease, contract, condemnation or other legal means, all lands, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement or operation of the works or the carrying out of the project of the district, including the property and rights of private owners even though already devoted to a public use, and may give in payment therefor bonds of such district upon such terms and conditions as the board of directors may deem best, but private property devoted to the use of any district or to any city or county may not be taken by any resort district; provided, before any purchase of property located in the district at a price exceeding five hundred thousand dollars, the price shall be approved by the state engineer, who shall give his approval if he finds the price not excessive, and otherwise refuse it; and provided, further, that no bonds shall be so used at a valuation less than ninety per cent of the face value of the same and the accrued interest thereon. Said board may also enter into, and do any acts necessary or proper for the performance of any agreement with the United States or with any state, county, district, public corporation, or municipality of any kind, for a purpose appertaining to or beneficial to the project of the district. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act. in the name of such district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act. or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof. All contracts and other documents executed by the board shall be signed by the president and by the secretary. And in all actions, suits or proceedings, the said board may sue, appear,

Powers of
board of
directors
See also
Sec. 14.

and defend in person or by attorneys, and in the name of such district. The board of directors shall have power whenever it deems it necessary for its own guidance or for the best interests of the district to submit any question or proposition relating to the construction, maintenance, improvement or operation of the works or the carrying out of the project of the district, to the qualified voters of the district at any general election or at a special election called for the purpose, which election shall be in all respects conducted as is provided for other elections in the district. The said board shall have power generally to perform all such acts as may be necessary to fully carry out the purposes of this act.

Condemnation of land, etc

SEC. 26 The board of directors shall have the right and power to acquire by condemnations all lands, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement and operation of the works, or the carrying out of the project of the district. In case of condemnation proceedings the board shall proceed in the name of the district under the provisions of section 14 of article one as amended of the constitution of the State of California, and title seven, part three of the Code of Civil Procedure of California, and all pleadings, proceedings and process in said title provided shall be applicable to the condemnation proceeding hereunder

Contracts for construction of work, etc.

SEC. 27 The board of directors shall proceed to carry out the project of the district in accordance with the plans and specifications of the duly approved and adopted report of said board. Before making any contract for the construction of any works in carrying out said project, or for the subsequent improvement thereof, said board shall advertise for bids.

Call for bids

When such work is to be done said board shall give notice by publication thereof in the county in which the office of the board is located once a week for four consecutive weeks, calling for bids for the same. If less than the whole work provided for in said plans and specifications is to be done, the portion to be done must be particularly described in such notice. Said notice shall set forth that plans and specifications of the work to be done can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work either in portions or as a whole, to the lowest responsible bidder; or it may reject any or all bids and readvertise for proposals or may proceed to construct the work under its own superintendency; provided, that in case of emergency or urgent necessity the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts without advertising for bids, but the amount of any contract so awarded shall not exceed ten thousand dollars. Contracts for the purchase of

Exception.

materials only shall be awarded to the lowest responsible bidder; provided, however, that the board may reject any or all bids and thereafter either readvertise for bids, or solicit offers from not less than three responsible persons to furnish materials, and upon receipt of an offer or offers for a less price than that specified in the lowest rejected bid enter into a contract for the furnishing of the materials with the person who so offers to furnish the same at the lowest price. Any person or persons, to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the full and faithful performance of said contract. The work shall be done under the direction and to the satisfaction of, and be approved by the board.

Contractor's
bond

SEC. 28. All claims against the district shall be paid by warrants of said district. To provide a fund for that purpose the board of directors may from time to time draw from the general fund deposited and kept to the credit of the district in the office of the county treasurer of a county having funds belonging to the district in his possession such sums as may be necessary for said purpose, which said sums shall be deposited with the treasurer of the district and paid out by him upon warrants of the district, and he shall report to the board of directors in writing at its regular meeting in each month the amount of money in the district treasury and the amount of receipts and the amount and items of expenditures for the month preceding, which said report shall be verified and filed with the secretary of the board.

Payment
of claims
against
district.

SEC. 29. During the construction of any works in carrying out the project of any resort district the board of directors of such district shall, within one week after each regular meeting of said board, forward to the state engineer a report of the progress of such construction together with a statement of the amount, or amounts, paid for the doing of such work. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published in the county where the office of said board is situated at least once a week for two successive weeks a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Immediately after the publication of said statement the board of directors shall cause a copy thereof accompanied by a report stating the progress of the work under construction and the general condition of the project and whether or not the same is being successfully and satisfactorily carried out, and any other matter which the board may deem proper, to be filed with the state engineer, who shall examine said statement and report and make to the board of directors such recommendations and comments as he may deem proper and may publish said recommendations and comments in such

Reports to
state
engineer

Publication
of financial
statement

manner as may be deemed advisable. Said state engineer may at any time make or cause to be made an examination of the affairs of any resort district within the state or call upon the board of directors of such district for such information as he may desire, and may make and publish such report thereon as he may deem advisable.

Form of reports

The state engineer may prescribe the form of all reports and accounts in this section provided for and may require such methods of accounting and itemization as shall in his judgment tend to the uniformity of reports and accounting. Such requirements of the state engineer may from time to time be changed by him. The records of the board including copies of the project, copies of assessment rolls and reports to the state engineer shall be deemed to be public records and shall be kept in the office of the board and open to inspection during office hours.

Power of directors intersections and crossings

SEC. 30. The board of directors shall have power to construct the said works across or intersecting any stream of water, watercourse, street, avenue, highway, railway, canal, ditch or flume, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of said property, thing or franchise to be so crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated and set apart for the location, construction and maintenance of said works over and through any of the lands which are now or may be the property of this state.

Directors compensation and mileage

SEC. 31. The members of the board of directors when sitting as a board or acting under the orders of the board, shall each receive not to exceed ten dollars per day and ten cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to all other officers and employees named in this act, to be paid out of the treasury of the district, except as herein otherwise provided.

Directors and officers not to receive secret profits

SEC. 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any construction or supply contract awarded or to be awarded by the board, or in the profits to be derived therefrom, but no other character of contract shall be invalid because of interest on the part of a director or officer, unless

such director or officer participate in or influence the making or authorization of such contract on behalf of the district; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Penalty

SEC. 33. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such provisions shall be and remain absolutely void; provided, that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract for the use of or lease for any lands or other property, as in this act provided, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract. Directors
incurring
debts

SEC. 34. Only the holders of title or evidence of title to lands situated within the district shall be entitled to vote at a general election, and every such holder of title or evidence of title shall be entitled to vote, in person or as hereinafter provided, in each precinct in which any of the lands so owned by him are situated and to cast one vote for each one hundred dollars', or fraction thereof, worth of land in said precinct so owned by him. Each male or female voter over the age of twenty-one years shall be entitled to vote in person or by proxy. Any guardian, administrator or executor of a person or estate owning land within the district shall be considered the holder of title or evidence of title to such lands for the purposes of this act, where the owner in fee is not entitled to vote. Any corporation holding title or evidence of title to lands within the district shall be entitled to vote as such landowner through any officer or agent thereunto duly authorized in writing under the seal of the corporation. Entry men upon public lands situated within the district shall be considered as the holders of title or evidence of title to such lands for the purposes of this act. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. Elections
who may
vote

SEC. 35. An election, which shall be known as the general resort district election, shall be held in each resort district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each officer whose term shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected after the election on General
resort
district
election

organization provided for in section 6 of this act shall be four years, or until his successor is elected and has qualified.

Notice of
general
election

SEC. 36. Not less than twenty-four days before a general election held under this act, the secretary of the board of directors shall give notice of such election by causing a notice thereof to be published once a week for three successive weeks in each county in which any land in the district is situated and by causing notices thereof to be posted in the office of the board and in three public places in each election precinct, such notices stating the time of holding the election, and the polling place. Affidavits of the publication and posting of such notices must be filed with the county clerk of each county in the district, together with a copy of the order calling the election, certified by the president of the board of directors, and duplicates filed with the board of directors. Prior to the election, the board must appoint, from the voters, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the voters present at that hour may appoint the board, or supply the place of an absent member thereof.

Board of
election

Candidates
names may
be placed
on ballots
by petition

SEC. 37. Not less than ten days before the election, any ten or more qualified voters in any division of the district may file with the board of directors a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which voters may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district.

Conduct of
elections

SEC. 38. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter may administer and certify such oath. The polls must be opened at six a. m. on the morning of the election, and be kept open until seven p. m., when the same must be closed.

Polls

Ballots

SEC. 39. The ballots used at the election shall be provided by the board of directors, and one of the judges of the election shall deliver to each of the qualified voters the number of ballots to which he is entitled as provided in this act. Each ballot shall have a perforated tab which shall be marked with the initials of a member of the board of election immediately before being handed to the voter. The perforated tab shall be torn from the ballot by the inspector immediately

before the voted ballot is placed in the ballot box, and shall be preserved by him and sent with the ballots to the secretary of the board of directors.

The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name. The names shall be arranged in groups alphabetically, under the designation of the office for which each person named is a candidate. Each voter shall be supplied with one ballot for each one hundred votes or fraction thereof to which he is entitled; and each ballot cast shall contain the number of votes it represents, in accordance with the provisions of this act which number shall be written or stamped upon it by an election officer and initialed by him when handed to the voter. A list shall be kept by the election board, containing the names of each voter (and if the ballot be cast by proxy also the name of the person casting it) who has voted at such election and the number of votes cast by such voter.

SEC. 40. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted as nearly as practicable in accordance with the provisions of the general election laws of this state. As soon as all votes are counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by a judge and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the judges; and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and indorsed "Election returns of (naming) resort district." and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any qualified voter of the district be of the opinion that the vote has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted. No list, tally paper or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood.

Canvass
of votes

SEC 41. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and ascertaining the vote of the district for each person voted for, and declaring the result thereof.

Statement
of result
of election.

SEC. 42 The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) the whole number of votes cast in the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given to each of such persons; (e) the number of votes given for the office of director. The board of directors must declare elected as director the person having the highest number of votes for that office. The secretary must immediately make out and deliver to such persons certificates of election, signed by him, and authenticated with the seal of the district.

Vacancy in
board of
directors

In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the state engineer. An officer appointed as above provided shall hold his office for the remainder of the unexpired term to fill which he is appointed, and until his successor is elected and qualified.

Official
bonds

SEC 43 Within ten days after receiving their certificates of election herein provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The treasurer of the district shall execute an official bond in the sum of fifty thousand dollars to be approved by the board of directors; provided, that the board may, if it shall be deemed advisable, fix the bond of the treasurer to suit the conditions of the district, the maximum amount thereof not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars. Each member of the board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court and shall be recorded in the office of the county recorder of the county in which the office of the board is situated, and filed with the secretary of said board; provided, however, that the official bonds of the first directors of any district may be approved by a judge of the superior court of any county in which any of the lands in the district are situated and may be recorded in the office of the county recorder of such county. All official bonds herein provided for shall be made payable to the proper resort district and shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon.

may be paid by the district; provided, that in case any district organized under this act is appointed fiscal agent of the United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge of the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officers of the district to fully, promptly and completely perform their respective duties.

SEC. 44. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by the owners of more than fifteen per cent of the total assessed valuation of the lands within the district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition.

Special elections.

SEC. 45. At noon of the first Tuesday in March next following their election, except as provided in section 11 of this act, the officers who shall have been elected at the preceding general district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary and a treasurer, who shall each hold office during the pleasure of the board.

Organization of board of directors.

SEC. 46. The holder of any elective office of any district may be removed or recalled at any time by the voters; provided, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by qualified voters constituting at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the voters. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence. Each such separate paper shall have attached thereto an affidavit made by a qualified voter of the district and sworn to

Recall of officers.

Petition.

before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified voter of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of qualified voters ascertain whether or not said petition is signed by the requisite number of such qualified voters, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementary petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; provided, that if a general resort district election is to occur within sixty days from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section 37 of this act.

Recall
election

Recall
ballots

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "yes" and "no" on separate lines, with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question there shall also be printed the

names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election, but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office. If a majority shall vote "yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made, and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election.

Election of
successor.

SEC. 47. Notice of any special election to be held pursuant to the provisions of this act must be given by posting notices in three public places in each election precinct in the resort district for at least twenty days, and also by publication of said notice once a week for three successive weeks in each county in which any land in said district is located. Such notice must specify the time and place of holding the election and the purpose thereof. Unless otherwise in this act expressly specified said election shall be held and the result thereof determined and declared as nearly as may be in accordance with the provisions of this act relating to general resort district elections; provided, that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

Notice of
special
election.

SEC. 48. Any election held under the provisions of this act may be contested by any person owning property within the district, or proposed district, liable to assessment. Such contest shall be brought in the superior court of any county in which some portion of the land within the district or proposed district is situated and shall be conducted in the manner provided for contests of election by title two of part three of the Code of Civil Procedure of California, except that in the case of a contest not involving the right of a person declared elected to an office to hold such office the directors of the district shall be made parties to the contest. The court having jurisdiction shall speedily try such contest and determine upon

Contest of
elections.

the hearing whether the election was fairly conducted and in substantial compliance with the requirements of this act and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of the filing of the notice of appeal.

**Elections,
evidence of
ownership
of land.**

SEC. 49. For all purposes of this act relating to signing petitions and voting at any election, and for all other purposes when the question of title to or value of land claimed to be owned by a petitioner or voter is involved, the county assessment roll last equalized at the time of the election or filing of the petition, in each county wherein any such land is situated shall be sufficient evidence of ownership and value. If any parcel of land is assessed on any such assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, said parcel of land shall be deemed for any of the purposes of this act to have but one owner in addition to any owner or owners whose true name or names may be purported to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition or vote at any election provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest the holders of title or evidence of title whose undivided interests in any land are not specifically defined shall be deemed to have equal shares therein. Where property has been conveyed prior to the election and such change of interest does not appear by such assessment roll the original deed of conveyance, or a copy thereof duly certified by the county recorder of the county wherein the same has been recorded, or otherwise authenticated, shall be sufficient evidence to entitle the holder thereof to vote the acreage therein described. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. The certificate of the register of the United States land office for the district in which the lands are situated, or of the surveyor general of the State of California, shall be sufficient evidence of possessory right in any lands entered under the laws of the United States or of the State of California. Guardians, personal representatives and other persons holding land in a trust capacity under appointment of court may sign any petition and may vote at any election in behalf of the estate represented by them without obtaining any special authority therefor. A certificate of acknowledgment taken before a notary public or justice of the peace of

**Who may
vote, etc.**

Penalty.

any state, or an affidavit by any person in the presence of whom a petition was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioner under this act. The state engineer shall, prior to the election on organization, and at all subsequent elections the board of directors shall, cause to be prepared and certified and furnished to the election board at each voting place in the district a copy of each of said assessment rolls so far as the same pertains to any land in the respective precincts, and shall likewise cause to be prepared and furnished to the election boards lists certified by the register of the United States land office or the surveyor general of the State of California, as the case may be, showing the lands entered under the laws of the United States or of the State of California, respectively, which said lists, so far as disclosed by the records of said officers, shall contain the names of the persons entitled to possessory rights therein and the quantity of land held by each of said persons by virtue of said rights. Said assessment rolls and said lists shall be used by the election boards in determining the qualifications of voters and the number of votes each voter is entitled to cast.

SEC. 50. Whenever any notice or publication, or notice of publication, or official advertising, or publication of process is required to be given or made by the provisions of this act the same, unless otherwise specifically provided in this act, shall be given or made in a newspaper of general circulation as defined by the laws of this state, printed and published in each county in which any of the lands in a resort district, or a proposed resort district, are situated, and if in any such county or counties there be no such newspaper then in a newspaper printed and published in an adjoining county, the time of the giving or making of said notices, publication or advertising shall be, unless otherwise specifically provided in this act, once a week for two successive weeks.

Publication
of notices,
etc

SEC. 51. The state engineer shall have authority and it shall be his duty to give information, so far as may be practicable, to persons contemplating the organization of a resort district, and whenever the department of engineering of this state shall deem it in the public interest that preliminary surveys and field investigations of proposed resort district projects shall be made at the expense of the state the state engineer shall make such surveys and investigation and prepare a report thereof which shall be kept on file in his office.

State engi-
neer duty
to give
information

SEC. 52. The state engineer and the board of directors of every resort district shall, respectively, cause to be entered in books to be kept for that purpose a complete and connected record of all their acts and transactions and shall execute all contracts and other written instruments in duplicate, one copy of each of which, together with any other documents, instruments, or other papers filed with them, shall be kept and preserved on file in their respective offices and open to inspection

Records

by the public during business hours. Said records and all documents, instruments, or other papers filed as above provided, or a copy or copies of any thereof certified by the state engineer or secretary of the board, shall be received in evidence without further proof in any court of this state, or before any board or tribunal authorized to hear or consider a matter wherein the same shall be properly admissible in evidence.

Title to
acquired
property to
vest in
district

SEC. 53. The legal title to all property acquired under the provisions of this act shall by operation of law, immediately upon the acquisition thereof, vest in the resort district by which it is acquired, and shall be held by such district in trust for the uses and purposes set forth in this act, and is hereby dedicated and set apart to said uses and purposes. The board of directors is hereby authorized and empowered to hold, use, manage, occupy, and possess said property and may determine by resolution duly entered upon its minutes, that any property, real or personal, held by the district is not necessary for the uses and purposes thereof and may sell the same for an adequate consideration; and a conveyance or transfer of any of the property of a district executed by the president and secretary of its board of directors in pursuance of a resolution of the board adopted as above provided, shall convey good title to the property.

Warrants
how signed

SEC. 54. Warrants drawn by the state engineer shall be signed by him and shall be drawn upon the treasurer of the resort district. Warrants drawn by the board of directors shall be signed by its president and secretary and countersigned by its treasurer, and shall be drawn upon the county treasurer of a county having funds belonging to the district in his possession for payment of the principal or interest of bonds, and upon the treasurer of the district or the county treasurer of such a county, as the case may be, for payment of all other claims and demands.

Warrants:
to draw in-
terest when
funds for
payment not
available

SEC. 55. Whenever any warrant of the district payable on demand is presented for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment when funds of the district are not available to pay the same, the treasurer of the district or of the county, as the case may be, shall endorse thereon the words "funds not available for payment," with the date of presentation, and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment, and such warrant is and shall be considered as a contract in writing for the payment of money and the period prescribed for the commencement of an action

Payment

based upon such warrant is and shall be four years from the date of issuance. Whenever there is sufficient money in the treasury to pay all such outstanding warrants, or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date be paid and there is sufficient money available for such payment, the proper treasurer shall publish a notice once a week for two successive weeks in some newspaper published in the county in which the office of the board of directors is situated, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors as the case may be, and no further description of the warrants entitled to payment need be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made, and the amount paid to each person.

SEC. 56. It is hereby declared that the State of California has a paramount interest in providing sewage disposal, drainage, fire protection, roads and trails on lands in unincorporated territory devoted primarily to recreational purposes; that such sewage disposal, drainage, fire protection, roads and trails will make inhabitable areas of land which are comparatively unproductive, and will promote the health, welfare and prosperity of all the people. The powers herein conferred upon the state engineer and the board of directors are hereby declared to be police and regulatory powers and are necessary to the accomplishment of the purposes that are indispensable to the public interests. The use of all water required for sewage disposal and/or fire protection and/or roads and/or trails of any district formed under the provisions of this act, together with the rights of way for sewers, drains, fire mains, hydrants, roads and/or trails and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

SEC. 57. All property belonging to a resort district shall not be taxed for state and county or municipal purposes.

SEC. 58. Unless some other time therefor is elsewhere in this act expressly provided, no action, proceeding or contest whatsoever shall be brought or maintained before any court, board or other tribunal unless such action, proceeding or contest be brought within the times hereinafter specified.

Declaration
of police
power

Exemption
from
taxation

When actions
attacking
proceedings
under act
must be
brought

(1) Attacking the organization of any resort district, within six months of the date of the organization thereof.

(2) Attacking the inclusion of land within or the exclusion of land from any such district, within six months of the date of such inclusion or exclusion.

(3) Attacking any assessment of any such district, within ninety days of the date upon which the assessment roll is filed with the county treasurer.

(4) Attacking any toll or charge of any such district, within ninety days of the date upon which such toll or charge becomes payable.

(5) Attacking the validity of any bonds issued by the district, within ninety days of the date of issuance of such bonds.

(6) Attacking any other proceeding or action taken or thing done by said district or by the board of directors thereof under the provisions of this act, within six months of the date of such proceeding, action or thing.

The court, board or other tribunal before which any action, proceeding or contest whatsoever is brought in anywise involving the regularity, legality, validity, or correctness of any proceeding taken or thing done pursuant to any of the provisions of this act, shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties concerned. In all actions, proceedings or contests the rules of pleading and practice provided by the Code of Civil Procedure of California, in so far as they are not inconsistent with the provisions of this act, shall apply. The costs of any action, proceeding or contest may be allowed and apportioned between the parties or taxed to the defeated party, in the discretion of the court, board or other tribunal before which the same is heard. No action, proceeding or contest whatsoever shall be commenced other than within the time and manner in this act specified and in the determination thereof all findings of fact or conclusions of the state engineer or the board of directors upon all matters shall be conclusive, unless the action, proceeding or contest is instituted within six months after such findings or conclusions are made.

Rules of
pleading and
practice

Costs.

Consolidation
of
actions

SEC. 59 If two or more actions or contests shall be pending at the same time in the same court or before the same board or tribunal for the purpose of contesting or determining the validity of identical or similar acts or matters under the provisions of this act, said actions or contests shall be consolidated and tried together.

Duty of
state engi-
neer to en-
force levy
and collec-
tion of
assessments

SEC. 60 It shall be the duty of the state engineer to ascertain whether the duties relating to the levying and collection of any assessment or assessments provided for in this act have been performed by the proper officer, and if the engineer shall learn that any officer of the district or of any county therein has neglected or refused to perform such duty he shall forthwith notify the district attorney of the county in which the office of the district is located of such failure or neglect, and said district attorney shall, thereupon, after due notice to the

official or officials involved, take such proceedings in court as may be necessary to compel the performance of such duty.

SEC. 61. For any wilful violation of any express duty in this act provided for on the part of any officer herein named, such officer shall be liable upon his official bond and shall be subject to removal from office by proceeding brought in the superior court of the county in which the office of the board of directors of the district is located, by any assessment payer of the district.

Violation of duty by officer

SEC. 62. In the event that any land within a resort district is omitted from any assessment roll, or if appearing in such roll is neither assessed nor stated to be not assessed, it shall be taken that such land was, by oversight, omitted from consideration for assessment purposes, and upon discovery that any land was so omitted from consideration for assessment purposes, or upon final adjudication by a court of competent jurisdiction that any assessment is invalid as to the part of the lands assessed, it shall be the duty of the board of directors in case the original assessment was one spread in the manner provided by section 18 to certify the fact of such omission or invalidity to the state engineer and thereupon proceedings for the making of an amendatory assessment shall be had in the manner provided in said section 18 for original assessments, such amendatory assessment to be made upon the basis of determining, as nearly as may be, what the original assessment upon such land would have been except for such omission or invalidity. In case the original assessment was not one made under section 18, the board of directors shall cause an amendatory assessment as to such land to be made upon the basis and in the manner in which the original assessment to be amended was made; provided, such amendatory assessment be made within two years after the making of the original assessment. The proceedings for making, levying and collecting such amendatory assessment shall be the same as those provided in this act for the making, levying and collecting the assessment of which such assessment is amendatory.

Amendatory assessments

SEC. 63. Any resort district organized pursuant to the provisions of this act may be dissolved for the same reasons, under the same circumstances, in the same manner, upon the same conditions, and with the same results as is or may be provided by the laws of this state for the dissolution of irrigation districts organized under the laws of California

Dissolution of districts

SEC. 64. This act shall be known and may be referred to in any action, proceeding or legislative enactment, as the "California resort district act."

Short title

SEC. 65. If any section, subsection, sentence, clause or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have passed this act and each and every other section, subdivision, sentence, clause and phrase thereof, irrespective

Constitutionality

of the fact that any one or more sections, subdivisions, sentences, clauses or phrases of this act be declared unconstitutional.

CHAPTER 1209.

Stats 1921, *An act to amend sections 2, 4, 5 and 6 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 24, 1921, relating to the office of public defender.*
 p. 354,
 amended

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1921, SECTION 1. Section 2 of the act entitled "An act to create
 p. 354 the office of public defender, to provide for the election of such
 officers and prescribing their duties and compensation,"
 approved May 24, 1921, is hereby amended to read as follows:

Election of public defenders
 Sec. 2. Under this act the first election of a public defender in any county or city and county in this state shall be held in the first general election of county officials held after the board of supervisors of such county shall have created said office as provided in section 1 of said act; provided, however, that the said board of supervisors, when said office of public defender is created in any of the said counties, shall appoint a public defender and said public defender when so appointed shall hold office until the first Monday in January following the next general election of county officers; provided, however, that the provisions of this act shall not apply to counties in this state that have adopted, or may hereafter adopt a county charter in which provision is made for a public defender.

Chartered counties
 Stats 1927, SEC. 2. Section 4 of the act entitled "An act to create the
 p. 1887. office of public defender, to provide for the election of such
 officers and prescribing their duties and compensation,"
 approved May 24, 1921, is hereby amended to read as follows:

Compensation.
 Sec. 4. The compensation of said public defender shall be paid by the several counties in the same manner as other county officers are paid and said compensation shall be in full for all services rendered, except actual and necessary traveling expenses while engaged in the discharge and performance of his official duties and which expenses shall be audited and paid as are other claims against the county. The compensation of the public defender shall be as follows: In counties of the first and second classes, eight thousand dollars per annum; in counties of the third class, four thousand dollars per annum; in counties of the fourth, fifth, sixth, seventh, eighth and ninth classes, one thousand eight hundred dollars per annum; in counties of the fourteenth class, nine hundred dollars per annum; provided, however, that in counties of the

first, second and third classes the public defender shall devote all his time to the duties of his office and shall not engage in the practice of law except in the capacity of public defender.

SEC. 3. Section 5 of the act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," is hereby amended to read as follows: Stats 1921, p. 354.

Sec. 5. In the counties of the first to the ninth class, inclusive, the public defender shall perform the following duties: Duties.

Upon request of the defendant or upon order of the court, the public defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the public defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

In counties of the tenth to the fifty-eighth class, inclusive, the public defender shall defend, without expense to them, all persons who are found by the judge of the superior court not financially able to employ counsel and who are charged in the superior court of his county with a crime of felony or misdemeanor, and shall also prosecute all appeals to the appellate and supreme courts of any person who has been convicted upon any such charge, wherein, in his opinion, such appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

SEC. 4. Section 6 of the act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," is hereby amended to read as follows: Stats 1921, p. 354.

Sec. 6. In the counties of the first to the ninth class, inclusive, the board of supervisors shall provide suitable rooms for the use of the public defender and office furniture and supplies with which to properly conduct the business of his office. The board of supervisors shall provide for a sufficient number of deputies, clerks and employees to properly conduct the office of public defender in each of said counties, and shall fix their Office and deputies

salaries. All of the expenses herein referred to shall be a charge upon the county in which the public defender is employed. All appointments of deputies, clerks or other employees in the office of public defender shall be made in writing by the public defender and filed with the county clerk and may be revoked by a writing similarly filed.

In the counties of the tenth to the fifty-eighth class, inclusive, the public defender shall furnish at his own expense, his clerical help, his office, furniture, and supplies; provided, however, that in matters of appeals the expense of printing the briefs on behalf of the defendant shall be a county charge.

CHAPTER 1210.

Stats 1903,
p 284,
amended *An act to amend section 2 of chapter 233, statutes of 1903, entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities," approved March 20, 1903, as amended, relating to license fees.*

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1907,
p 765 SECTION 1. Section 2 of chapter 233, statutes of 1903, entitled "An act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries or deformities." as amended by chapter 422, statutes of 1907, is hereby amended to read as follows:

License fee
on itinerant
vendors

Sec. 2. A license fee of one hundred dollars is hereby levied upon all such itinerant vendors doing business in this state. Said tax shall be paid to the state board of pharmacy, for the use and benefit of the State of California, and shall constitute a special fund for the enforcement of this act, and of the provisions of the act or acts creating such board of pharmacy. Upon the receipt of said sum from any persons desiring to conduct such business within this state, the secretary of said board of pharmacy shall issue a license to such person to carry on such business within this state for the term of one year next ensuing; provided, that nothing in this act shall be construed to prevent the collection of any tax or license that may be imposed by any county or municipal authority; and provided, further, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers, subject to the provisions of section 3 of this act. The said board of pharmacy may allow such license to be transferred during the life thereof on such terms as the board of pharmacy may deem proper; provided, however, that nothing in this act shall be held to repeal or modify the provisions of an act approved March 20, 1905, "An act

Term of
license.

Stats 1905,
p. 307

permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town or village, incorporated city or municipality in the State of California, without paying a license."

Before any license shall be issued, each applicant for such license must apply to the board of pharmacy for an application, which, after having been properly filled out, must be filed with said board, with the proper fee. Application

Within fifteen days after receipt of written request from the secretary of the board, any person, dealer, firm or corporation doing business under this act by or through any agent, dealer, representative, firm or corporation, shall furnish the board, in writing, with the name and address of each and every agent, dealer or representative handling or dealing in his or its products or preparations coming under this act, and failure to furnish such information shall be deemed a misdemeanor and upon conviction punishable as provided in section 5 of this act; provided, however, that such information shall be available only for the purpose of ascertaining if such person or persons have a license as required by this act. Agents.

No officer, employee or representative of the board of pharmacy shall divulge any information obtained from any such person, dealer, firm or corporation, or from any such agent or representative except solely for the purpose of enforcement of this act. Use of information

CHAPTER 1211.

An act to amend section 689 of the Penal Code, providing that no person can be convicted of a public offense but upon verdict or judgment.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 689 of the Penal Code of the State of California is hereby amended to read as follows: Code
Amends
1880, p. 4

689. No person can be convicted of a public offense unless by verdict of a jury, accepted and recorded by the court, or upon a plea of guilty, or upon judgment against him upon a demurrer in the case mentioned in section one thousand and eleven, or upon a judgment of a court, a jury having been waived in a criminal case. Conviction
of public
offense

CHAPTER 1212.

An act to amend the title of chapter II of part II of division IV of the School Code; to amend sections 4.161, 4.170, 4.172 and 4.173 thereof; to repeal chapters III, IV and V,

embracing sections 4.180 to 4.242, both inclusive, of part II of division IV of the School Code; to repeal chapter VI, embracing sections 4.250 to 4.271, both inclusive, of part II of division II of the School Code; to repeal article V, embracing sections 4.630 to 4.639, both inclusive, of chapter VII of part III of division IV of the School Code; to repeal section 4.174 thereof and to add to chapter II of part II of division IV of the School Code four new articles to be known as article III, article IV, article V and article VI, respectively, embracing sections 4.180 to 4.210, both inclusive; to add a new chapter to part II of division IV of the School Code to be known as chapter III, embracing sections 4.220 to 4.261, both inclusive, and to add a new chapter to part II of division IV of the School Code to be known as chapter IV, embracing sections 4.270 to 4.278, both inclusive; to add two new sections to the School Code to be numbered 5.550 and 5.635; and to repeal chapter 583 of the statutes of 1929, entitled "An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district, approved May 31, 1929, all relating to county school funds and the use thereof.

Sch Code,
p 313

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1 The title of chapter II of part II of division IV is hereby amended to read as follows:

CHAPTER II—ELEMENTARY SCHOOL FUNDS.

SEC. 2. Section 4.161 of the School Code is hereby amended to read as follows:

Sch Code,
p 158

Sch Code,
p 158

Determina-
tion of
amount

4.161. The county superintendent of schools must compute the amount as follows:

He shall calculate the amount required to be raised at thirty dollars per pupil in average daily attendance in the public day and evening elementary schools of the county or city and county for the next preceding school year, including therein the average daily attendance of handicapped pupils, to the amount so determined he shall add an amount equal to one-half of the excess cost of educating physically handicapped pupils in elementary school districts during the next preceding school year as computed by him as provided by this code. Such added amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during said year.

He shall compare the amount thus determined with the estimated amount to be received from the state school fund for the support of the public day and evening elementary schools of the county, or city and county, for the current school year

as shown by the report and estimate of the state superintendent of public instruction made to him not later than July twentieth of the current year.

To the larger of the two amounts he shall add an amount equal to five per cent thereof and such additional amounts as shall be necessary to meet the expenses charged elsewhere in this code against the unapportioned county elementary school fund.

The total amount so computed shall be reported in writing by the county superintendent of schools to the county board of supervisors and shall constitute the minimum amount of county, or city and county, school money required to be raised by a county, or city and county, elementary school tax for the current school year.

SEC. 3 Section 4 170 of the School Code is hereby amended to read as follows: Sch. Code, p 158.

4.170. The board of supervisors of each county, or city and county, must annually at the time and in the manner of levying other county or city and county taxes, levy and cause to be collected a tax to be known as the county, or city and county, elementary school tax. Elementary school tax

SEC. 4 Section 4 172 of the School Code is hereby amended to read as follows: Sch. Code, p 159.

4.172. The board of supervisors must determine the minimum rate of the county, or city and county, elementary school tax as follows: Minimum rate

They must deduct ten per cent from the equalized value of the last general assessment roll and the amount required to be raised divided by the remainder of the assessment roll is the rate to be levied.

SEC. 5. Section 4.173 of the School Code is hereby amended to read as follows: Sch. Code, p 159

4.173. If the supervisors fail to levy the tax as provided in this article, then the levy shall be made by the county auditor. Tax levy

SEC. 6. Section 4 174 of the School Code is hereby repealed. Sch. Code, p 159

SEC. 7. Chapter III of part II of division IV of the School Code, embracing sections 4.180 to 4.196, both inclusive, is hereby repealed. Sch. Code, p 159

SEC. 8. Chapter IV of part II of division IV of the School Code, embracing sections 4 200 to 4 213, both inclusive, is hereby repealed. Sch. Code, p 160

SEC. 9. Chapter V of part II of division IV of the School Code, embracing sections 4.220 to 4.242, both inclusive, is hereby repealed. Sch. Code, p 161

SEC. 10. A new article is hereby added to chapter II of part II of division IV of the School Code to be known as article III, embracing sections 4.180 and 4.181, and to read as follows: New article

Article III—County Elementary School Supervision Fund.

4.180. From the moneys derived from the county elementary school tax there shall be paid into the county treasury County elementary school supervision fund

to the credit of a special school fund to be known as the county elementary school supervision fund, seven hundred dollars for each and every teacher unit allowed to it as provided elsewhere in this code, together with such amounts as may be provided from any other sources including the state school fund.

Same how
expended

4.181. The county elementary school supervision fund shall be expended by the county superintendent of schools exclusively for the payment of the salaries and necessary expenses of supervisors to supervise instruction in the elementary school districts of the county having less than three hundred units of average daily attendance therein during the next preceding school year.

New article

SEC 11. A new article is hereby added to chapter II of part II of division IV of the School Code to be known as article IV, embracing sections 4.190 and 4.191, and to read as follows:

Article IV—Unapportioned County Elementary School Fund.

Unapportioned
county
elementary
school fund

4.190. From the moneys derived from the county elementary school tax there shall be paid into the treasury of the county to the credit of a special school fund to be known as the unapportioned county elementary school fund an amount equal to the amounts estimated as necessary to meet the expenses charged against the unapportioned county elementary school fund for the current school year together with an amount equal to five per cent of the larger of the two amounts determined as provided in section 4.161 of this code.

Same how
expended

4.191. The unapportioned county elementary school fund shall be employed by the county superintendent of schools to pay such charges against this fund as are stipulated elsewhere in this code; and to provide, with the approval of the county board of education, additional apportionments to elementary school districts of the county for the purpose of providing emergency teachers, instructional materials and pupil transportation because of temporary emergency conditions arising in such districts.

New article

SEC 12 A new article is hereby added to chapter II of part II of division IV of the School Code to be known as article V, embracing sections 4.200 and 4.201, both inclusive, and to read as follows:

Article V—County Elementary School Fund.

County
element. iv
school fund

4.200 In all counties the balance of the moneys derived from the county elementary school tax, after moneys have been paid therefrom to the credit of the county elementary school supervision fund and the unapportioned county elementary school fund as provided in this part, and in cities and counties, the total amount of moneys derived from the city and county elementary school tax shall be paid into a special fund to be known as the county, or city and county, elementary school fund.

Same ap-
portionment

4.201. The entire county, or city and county, elementary school fund shall be apportioned by the superintendent of

schools of the county, or city and county, to the elementary school districts of the county, or city and county, as provided elsewhere in this code.

SEC. 13. A new article is hereby added to chapter II of part II of division IV of the School Code to be known as article VI, embracing section 4.210, and to read as follows: New article

Article VI—Insufficient Revenues From County Elementary School Tax.

4.210. If the total amount of moneys derived from the county, or city and county, elementary school tax together with amounts received for school purposes from the United States forest reserve fund and from poll tax collections during any fiscal year shall be insufficient to provide the full amount estimated by the county superintendent of schools as the minimum amount of county, or city and county, school money required to be raised by a county, or city and county, elementary school tax, the total amount actually received shall be prorated to the county elementary school supervision fund, the unapportioned county elementary school fund, and the county elementary school fund in proportion to the amounts estimated by the county superintendent of schools as required for these several funds in accordance with the provisions of this part. Insufficient funds how prorated

SEC. 14. Chapter VI, embracing sections 4.250 to 4.271, both inclusive, of part II of division IV of the School Code is hereby repealed. Sch Code p 162

SEC. 15. A new chapter is hereby added to part II of division IV of the School Code to be known as chapter III, embracing sections 4.220 to 4.251, both inclusive, and to read as follows: New chapter

CHAPTER III—COUNTY HIGH SCHOOL FUNDS.

Article I—Determination.

4.220. The county superintendent of every county, and every city and county, must, on or before the twentieth day of July furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of the county, or the city and county, high school fund needed for the current school year. Estimate

4.221. This amount he shall estimate in the manner provided by this article. Same manner

4.222. He shall allow sixty dollars for each unit of average daily attendance of pupils residing within his county who are in attendance upon the legally established public high schools of his county and of other counties. Amount per unit of average daily attendance

4.223. He shall not include the average daily attendance of any pupil attending high school in another county unless such pupil resides in a joint or joint union high school district, or unless the attendance of such pupil has been approved in writing by the superintendent of schools of the county in which he resides. Students attending in other districts

Transportation of pupils.

4 224. To the amount thus estimated he shall add an amount sufficient to reimburse all the high school districts of his county, for money actually expended by them for transportation of pupils living in territory in the county not included in any high school district and attending the high schools of the county. The high school board of each high school district educating such pupils shall, on or before July tenth, file with the superintendent of schools a statement showing the names, and the total number of months' attendance of all such pupils, and the total amount expended for their transportation.

Total transportation allowance.

4.225. The superintendent of schools shall not include in such estimate, an amount for transportation exceeding five dollars per month for each pupil so attending.

Physically handicapped pupils

4.226. To the amount so determined he shall add an amount equal to one-half of the excess cost of educating physically handicapped pupils in high school districts during the next preceding school year, as computed by him in accordance with the provisions of this code. Such added amount shall not exceed one hundred dollars per pupil for each physically handicapped person in average daily attendance during said year.

New district funds for.

4 227. Whenever a new high school district has been formed from territory lying wholly or partly within the county, and no apportionment of county high school funds has previously been made to such new high school district, the county superintendent of schools, in making such estimates, shall include on account of such new high school district, the sum of one thousand dollars or such proportion thereof as the assessed valuation of property in his county and in such new high school district, bears to the total assessed valuation of such new high school district.

Determination of amount

4 228. He shall compare the total amount thus determined with twice the estimated amount of money to be received from the state high school fund during the current school year, as shown by the report and estimate of the superintendent of public instruction.

Additions

4 229. To the larger of the two amounts thus determined he shall add such amounts as he shall estimate to be necessary to meet the expenses of teachers' institutes and trustees' institutes and such other expenses as may be charged against the unapportioned county high school fund.

Report to supervisors

4 230. He shall report in writing to the board of supervisors the total amount thus determined, as the minimum amount of county, or city and county high school tax for the current school year.

Article II—County High School Tax.

County high school tax

4 240. The board of supervisors of each county, or city and county, must annually at the time and in the manner of levying other county, or city and county, taxes levy and



cause to be collected a tax to be known as the county, or city and county, high school tax.

4.241. The minimum rate of the county high school tax shall not be less than sufficient to raise the minimum amount estimated to be raised by the county superintendent as provided in article I of this chapter. Minimum rate

4.242. The board of supervisors must determine the minimum rate of the county, or city and county, high school tax as follows: Same how determined

They must deduct ten per cent from the equalized value of the last general assessment roll and the amount required to be raised divided by the remainder of the assessment roll is the rate to be levied.

4.243. If the supervisors fail to levy the tax as provided in this article then the levy shall be made by the county auditor. Tax levy

Article III—Unapportioned County High School Fund.

4.250. From the moneys derived from the county high school tax there shall be paid into the treasury of the county to the credit of a special school fund to be known as the unapportioned county high school fund an amount equal to the amounts estimated as necessary to meet the expenses charged against the unapportioned county high school fund for the current school year as provided elsewhere in this code. Unapportioned county high school fund

4.251. The unapportioned county high school fund shall be employed by the county superintendent of schools to pay such charges as are stipulated elsewhere in this code. Same how expended

Article IV—County High School Fund.

4.260. In all counties the balance of the moneys derived from the county high school tax, after moneys have been paid therefrom to the credit of the unapportioned county high school fund as provided in this part, and in cities and counties the total amount of moneys derived from the county high school tax shall be paid into a special school fund to be known as the county, or city and county, high school fund. High school fund

4.261. The county, or city and county, high school fund shall be employed by the superintendent of schools of the county, or city and county, exclusively for the apportionment to the high school districts of the county as provided elsewhere in this code. Same how expended

SEC. 16. Article V, embracing sections 4.630 to 4.639, both inclusive, of chapter VII of part III of division IV of the School Code is hereby repealed. Sch. Code, p. 181

SEC. 17. A new chapter is hereby added to part II of division IV of the School Code to be known as chapter IV, embracing sections 4.270 to 4.278, both inclusive, and to read as follows: New chapter

CHAPTER IV—JUNIOR COLLEGE TUITION FUND.

4.270. Not later than the twentieth day of July of each year the superintendent of schools of each county in which Estimate for junior colleges.

there is not a county junior college shall certify to the board of supervisors and to the county auditor of such county the total cost for education during the next preceding school year of all junior college pupils residing in such county and not in any junior college district and the estimated amount needed for that purpose for the current year.

The said total cost shall not include outlays for permanent construction or improvements, nor moneys received from state apportionment, but shall include sixty-five dollars per unit of average daily attendance for the use of buildings and equipment.

Junior
college tax.

4.271. The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any junior college district, sufficient in amount to defray the costs, during the preceding school year, of educating all junior college students residing in such county and not in any junior college district.

Same levy

4.272. If the board of supervisors fail to make the tax levy the auditor of the county must make the same.

Junior col-
lege tuition
fund

4.273. The tax when collected shall be paid into the county treasury and placed in a fund to be known as the junior college tuition fund.

Fund ap-
portionment

4.274. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such funds, and the superintendent of schools shall thereupon apportion the same to the several junior college districts in his county or in other counties as provided above, in proportion to the total cost to each of said districts of educating junior college students who reside in his county but not in any junior college district, as shown in his report for the preceding school year compiled as directed by law, and certify such apportionment to the auditor.

Apportioned
funds
disposition

4.275. The amount so apportioned to each junior college district shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such junior college district to the credit of the special fund thereof, and shall be paid out in the same manner as other junior college funds.

Payment for
students
attending
in other
districts

4.276. The superintendent of schools of a county having junior college pupils attending junior college in another county shall draw his order on the county auditor in favor of the superintendent of schools of the county in which such students attend junior college for any money belonging to any junior college outside of his county as provided in this article.

Warrants

4.277. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same.

Dispositor
of funds
received

4.278. A superintendent of schools in whose favor the order is drawn shall pay the amount of said money into the

county treasury to the credit of the junior colleges educating the students from the county paying such money.

SEC. 18. Chapter 583 of the statutes of 1929, entitled Sch. Code. p. 343 "An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district," approved May 31, 1929, is hereby repealed.

SEC. 19. A new section is hereby added to the School Code New section to be numbered 5.550, to read as follows:

5.550. The superintendent of schools of each county, or city and county, may establish a county teachers' library and is hereby authorized to spend from the unapportioned county elementary and high school funds such amounts as shall be necessary for the purchase of books therefor and for the payment of the necessary expenses of maintenance thereof. The cost of such books and the expense of the maintenance of such county teachers' library are hereby made a legitimate charge against such unapportioned county elementary and high school funds. County teachers' library

Whenever in any county there is a county library the county superintendent of schools may enter into an agreement with such county library for the transfer to such library of all books and other property belonging to the county teachers' library and may order such sums as may be necessary to be transferred from the unapportioned county fund as may be necessary for expenditure for the purchase and maintenance of books of professional interest to teachers, and thereupon the teachers' library shall be administered as a part of the county library. Transfer of books to county library

SEC. 20. A new section is hereby added to the School Code New section to be numbered 5.635, to read as follows:

5.635. All moneys now remaining to the credit of the teachers' institute fund and the teachers' library fund in each county and all moneys which may hereafter be credited to such funds shall be transferred to the unapportioned county elementary and high school funds in proportion to the percentages of such moneys received from certificate fees for elementary school teachers and for high school teachers, respectively. Transfer of funds

CHAPTER 1213.

An act to amend section 4730 of the School Code, and to repeal sections 4731 and 4732, relating to the duty of the superintendent of public instruction to make certain reports to the state controller.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4730 of the School Code is hereby Sch. Code. p. 186 amended to read as follows:

Report of attendance to controller.

4.730. It is the duty of the superintendent of public instruction to report to the controller, on or before the tenth day of September of each year the total average daily attendance during the preceding school year in all elementary school districts, high school districts, and junior college districts together with the amount needed to reimburse the several counties for one-half the excess moneys actually expended by the school districts thereof for the education of physically handicapped children as provided in this code.

Sch. Code, p. 186

SEC. 2. Sections 4.731 and 4.732 of the School Code are hereby repealed.

CHAPTER 1214.

An act to amend the title of article VI of chapter I of part IV of division V of the School Code and to amend sections 4.750 and 4.751 thereof, relating to the average daily attendance in school district.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

Title amended

SECTION 1. The title of article VI of chapter I of part IV of division V of the School Code is hereby amended to read as follows:

Article VI—Emergency Average Daily Attendance.

Sch. Code, p. 187

SEC. 2. Section 4.750 of the School Code is hereby amended to read as follows:

Average daily attendance: emergency computation.

4.750. In any school district for which because of the destruction or loss of attendance records or teachers' registers an accurate report of average daily attendance can not be given, or in which the average daily attendance has been materially decreased because of conflagration or other public calamity or epidemic of unusual duration and prevalence the average daily attendance shall be computed by adding to or subtracting from average daily attendance of the preceding school year the average yearly increase or decrease, as the case may be, in average daily attendance during the three years next preceding.

Sch. Code, p. 187

SEC. 2. Section 4.751 of the School Code is hereby amended to read as follows:

Same

4.751. In a school district which has not maintained school for all of the next preceding three years, emergency average daily attendance shall be computed as the average daily attendance of the next preceding school year increased by seven per cent thereof.

CHAPTER 1215.

An act to repeal chapter II of part II of division I of the School Code, and to repeal sections 1.70, 1.80, 1.144 and 1.180 thereof, and to add thereto a new chapter II of part II of division I, embracing sections 1.350 to 1.430, inclusive, and new sections to be numbered 1.70, 1.80, 1.144, 1.180, 1.35, 1.36, 1.71 and 1.81, and to repeal those certain acts in this act enumerated and described, all relating to pupils in the public schools.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

SECTION 1. Sections 1.70, 1.80, 1.144 and 1.180 of the School Code are hereby repealed. Repeal

SEC. 1a. A new section is hereby added to the School Code to be numbered 1.70 and to read as follows: New section
See Sch. C.
p. 320

1.70. The governing board of any elementary school district shall have power, and it shall be the duty of such board to provide, with the written approval of the county superintendent of schools, for the transportation of pupils to and from school whenever in the judgment of such board such transportation is advisable, and good reasons exist therefor; to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier, or to contract with and pay responsible private parties for such transportation; provided, however, that in order to procure such service at the lowest possible figure consistent with proper and satisfactory service, such governing board shall secure bids whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier but may, in their discretion, let the contract for such service to other than the lowest bidder. No board shall make any purchase or enter into any contract for such service without securing the written approval of the county superintendent of schools. Transportation of
pupils
elementary
schools

SEC. 2. A new section is hereby added to the School Code to be numbered 1.80 and to read as follows: New section
See Sch. C.
p. 311

1.80. Should the location of any secondary school be such that attendance upon the classes of said school compels pupils in attendance thereon to travel an excessive distance or because such travel works financial hardship upon such pupils, the governing board of the secondary school district in which said school is situated may provide transportation for such pupils. Provision for transportation of such pupils shall be made in accordance with the provisions of article I of this chapter and the cost of such transportation shall constitute a proper charge against said secondary school district and shall be paid accordingly. Same
secondary
schools

New section
See Sch. C,
p. 368

Private
tutors

SEC. 3. A new section is hereby added to the School Code to be numbered 1.144 and to read as follows:

1.144. Children not attending a private full-time day school, and who are being instructed in study and recitation for at least three hours a day for one hundred seventy days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this state and in the English language. Such tutor or other person shall hold a valid state credential for the grade taught. Such instruction shall be offered between the hours of eight o'clock a.m. and four o'clock p.m.

New section
See Sch. C,
p. 309

Vacation
permits

SEC. 4. A new section is hereby added to the School Code to be numbered 1.180 and to read as follows:

1.180. Vacation permits shall be issued by the superintendent of schools of the city, or city and county, wherein such minor resides or by a person authorized by him, in writing, so to do. Where such minor resides in a portion of a county not under the jurisdiction of the superintendent of schools of any city, such vacation permit shall be issued by the superintendent of schools of such county or by a person authorized by him, in writing, so to do.

New chapter
See Sch. C,
p. 322

SEC. 5. Part II of division I of the School Code is hereby amended by adding thereto a new chapter, to be numbered chapter II, embracing sections 1.350-1.440, inclusive, and to read as follows:

CHAPTER II—COMPULSORY CONTINUATION EDUCATION.

Article I—Persons Subject To.

Continuation
classes for
minors

1.350. All persons under eighteen years of age who are too old to be subject to the provisions of chapter one of this part, who have not been graduated from a high school maintaining a four-year course above the eighth grade of the elementary schools, or who have not had an equal amount of education in a private school or by private tuition, who are not disqualified for attendance upon these classes because of their physical or mental condition, or because of personal services that must be rendered to their dependents, and who are not in attendance upon a public or private full time day school, or satisfactory part-time classes maintained by other agencies, shall be, and hereby are, required to attend upon special continuation education classes maintained by the high school board of the district wherein they reside, or by the high school board of a neighboring district, for not less than four sixty-minute hours per week for the regularly established annual school term.

Instruction
at place of
employment

1.351. The local school authorities may accept, in lieu of the attendance required in this article, an equivalent amount of instruction at a place of employment under the direction of a duly certified instructor and in accordance with the standards and regulations established by the state board of education.

1352. Whenever a minor subject to the provisions of this chapter can not give satisfactory proof of regular employment such minor shall be required to attend upon special continuation education classes established under the provisions of this code, for not less than three hours per day during the period of unemployment. Continuation classes daily session

1353. The local school authorities may, in their discretion, arrange with the parent, guardian, or other person responsible for any minor employed in a seasonal occupation and excused for a period from attendance upon continuation education classes, for his full time attendance upon a special class maintained for such minor at a convenient season and such parent, guardian, or other person shall become responsible for said minor's attendance upon these classes for said period. Seasonal occupations

Article II—Persons Exempt From.

1360. Should it appear that the interest of any minor would suffer if he were compelled to attend a special continuation education class under the provisions of article one of this chapter, the high school board of the high school district in which said minor resides may exempt him from compulsory attendance upon any such class. Such high school board may not exempt, by authority of this section, a number of minors which shall exceed five per cent of the total number of minors subject to attendance upon continuation education classes in its district under the provisions of this chapter. Exemptions from attendance

Said board shall cause to be issued to any such exempted minor a permit to work, which shall contain a statement of the cause of, and the time covered by, such exemption.

1361. Should any controversy arise in any high school district in this state over the question as to whether any person is exempt from the compulsory attendance features of this chapter, the school superintendent having jurisdiction over said district shall provide for an investigation, and he shall render a decision. Investigation of exemptions

1362. Should any of the parties to any such controversy not be satisfied with the decision of the superintendent of schools, he may appeal from his decision to the superintendent of public instruction, who shall provide for further investigation, upon the findings of which he shall render a final decision. Appeals

Article III—Enforcement of Compulsory Attendance.

1370. Each parent, guardian, or other person having control or charge of any minor required under the provisions of article one of this chapter to attend special continuation education classes, must compel the attendance of such minor upon the same. He must retain a copy of the permit to work provided for by this chapter and must present the same upon request of any officer of the law, or other person authorized to enforce the provisions of this chapter. Enforcement of attendance.

Article IV—Permits to Work.

Permits to work. 1380. The high school board of each high school district shall designate an officer of said board to issue in its name a permit to work to each minor enrolled in continuation education classes under the provisions of this chapter. Such officer shall also issue a duplicate of such permit for the parent, guardian, or other person having control or charge of each minor concerned, and from time to time such duplicates of said permits as are necessary for filing with his employer.

Form. 1381. The form for the permit hereinbefore in this article described shall be prescribed by the state department of education.

To whom issued 1382. The permit hereinbefore in this article described shall be issued to persons complying with the provisions of article one of this chapter.

Expiration 1383. Permits to work issued during the first school term shall expire five days after the opening of the next succeeding school term of the year, and permits issued during the last term of the school year shall remain valid until five days after the opening of the first school term of the succeeding year.

Article V—Duties of Employers.

Employer to require permit. 1390 The employer of any minor, subject to the provisions of this chapter, shall require of said minor a permit to work issued by the high school board of the high school district wherein such minor resides. Said permit to work shall be the authorization of the employer to employ said minor for the period between the date of the issuance of the permit and the date of its expiration.

Employment without permit prohibited 1391 Under no conditions shall any person employ a minor under eighteen years of age who is too old to be subject to compulsory full time school attendance under the provisions of chapter one of this part, and who does not present the permit to work required by this chapter. The employer shall file and retain permanently said permit to work.

Notification of employment 1392. The employer of any minor subject to the provisions of this chapter shall, within five days after the beginning of employment, send to the officer of the high school board issuing the permit to work provided for in this chapter, a written notification of such employment. The form of said notification shall be prescribed by the state department of education and shall be furnished to the employer by the officer empowered to issue the permit to work. Said employer shall retain and file with the permit to work, hereinbefore mentioned in this article, a copy of such notification.

Hours of employment 1393. Except in agricultural and home-making occupations, it shall be illegal for any employer to employ a minor under eighteen years of age for a greater number of hours each day than will, if added to the number of hours that such minor is compelled to attend school under the provisions of this chapter, equal eight hours.

1.394. It is hereby made the duty of the principal of the school which any pupil subject to the provisions of this chapter attends, to add his hours of compulsory school attendance and employment, and should the sum of such school attendance and employment exceed eight hours for any day of the week, said principal shall give notification to this effect to any employer who may be employing any such pupil after he has already served during said day eight hours of time in compulsory school attendance and that employment combined.

Same supervision of

Article VI—Investigation of Charges Against Parent or Guardian; Penalties for Violation.

1.400. The high school board of any high school district wherein a minor resides who has violated the provisions of this chapter shall, on the complaint of any person, make full and impartial investigation of all charges against any parent, guardian, or other person having control or charge of such minor for violation of the provisions of article III of this chapter.

Violations investigation

1.401. If it shall appear upon the investigation provided for by this article that any such parent, guardian, or other person having control or charge of any such minor has violated the provisions of article III of this chapter, it is hereby made the duty of the clerk of said board, or other person authorized by said board to bring such actions, to make and file in the proper court a criminal complaint against such parent, guardian, or other person having control or charge of any such minor, charging such violation, and to see that such charge is prosecuted by the proper authorities.

Same complaint

1.402. In cities, and in cities and counties, and in school districts having an attendance officer or officers, such officer or officers shall have power, and it shall be their duty, to make and file the complaint provided for in this article, and see that said charge is prosecuted by the proper authorities.

Duty of attendance officers

1.403. Should any parent, guardian, or other person having control or charge of any minor who is subject to the provisions of this chapter fail to perform any of the duties imposed upon him by the provisions of article III of this chapter, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be liable for the first offense to a fine of not more than ten dollars, or to imprisonment for not more than five days, and for each subsequent offense he shall be liable to a fine of not less than ten, nor more than fifty dollars or to imprisonment for not less than five days, nor more than twenty-five days, or to both such fine and imprisonment.

Penalties

Article VII—Penalties for Employer's Violation.

1.410. Any person, firm, corporation, agent or officer of a firm or corporation, that violates or omits to comply with any of the provisions of this chapter, or that employs or suffers any minor under eighteen years of age who is too old to be subject to compulsory full-time school attendance under the

Employers' penalties

provisions of chapter I of this part, to be employed in violation thereof, is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment for each and every offense.

Evidence. 1.411. Failure to produce a permit to work, such as that provided for in this chapter, and a duplicate of the written notification of employment sent to the officer of the high school board, as provided for by this chapter shall be prima facie evidence of the illegal employment of any minor whose permit to work is not produced.

Actions 1.412. It shall be the duty of the clerk of the high school board, a supervisor of attendance, or other person authorized by said board to bring such actions, to bring an action against any person, firm, corporation, agent or officer of a firm or corporation that employs a minor in violation of the provisions of this chapter.

Article VIII—Disposition of Fines.

Disposition of fines 1.420. Any fine collected under the provisions of this chapter shall be paid into the high school fund of the high school district wherein the minor resides.

Article IX—Time of Taking Effect of This Chapter.

Effective date 1.430 The compulsory attendance features of this chapter, the restrictions relating to the employment of minors under eighteen years of age, and all penalties relating thereto shall become effective upon the taking effect of this act. The provision for the attendance upon special classes for three hours a day by minors who can not give proof of regular employment shall take effect on the first day of July, 1930.

New section See Sch. C. p. 344. **Suspension of pupils** SEC. 6. A new section is hereby added to the School Code to be numbered 1.35 and to read as follows:

1.35. No pupil shall be suspended from school for more than two consecutive weeks.

New section See Sch. C. p. 314. **Expulsion hearing** SEC. 7. A new section is hereby added to the School Code to be numbered 1.36 and to read as follows:

1.36. In case of the expulsion of a pupil from school, the parent or parents or guardian of such pupil shall have the right to appeal to the county board of education which shall hold a hearing thereon and render its decision. The decision of the county board of education shall be final and binding upon the parent, parents or guardian and the governing board expelling the pupil.

New section See Sch. C. p. 320. **Transportation contracts** SEC. 8. A new section is hereby added to the School Code to be numbered 1.71 and to read as follows:

1.71. Continuing contracts for the furnishing of transportation of pupils in elementary school districts to and from school may be made for a period of not to exceed three years.

New section See Sch. C. p. 311. SEC. 9. A new section is hereby added to the School Code to be numbered 1.81 and to read as follows:

1.81. Continuing contracts for the furnishing of transportation of pupils in secondary school districts to and from school may be made for a period of not to exceed three years. Same

SEC. 10. Chapter II of part II of division I of the School Code embracing sections 1.350 to 1.420, inclusive, as the same existed on the first day of January, 1931, is hereby repealed. Repeals

SEC. 11. Those certain acts enumerated and described in this section, as they have been amended or revised and are now in effect, are hereby repealed:

Statutes of 1929, chapter 82; statutes of 1929, chapter 148; statutes of 1929, chapter 149; statutes of 1929, chapter 182; statutes of 1929, chapter 187; statutes of 1929, chapter 592; statutes of 1929, chapter 885.

CHAPTER 1216.

An act to repeal articles I, II, III, IV, V and IX, embracing respectively, sections 2.670 to 2.671, both inclusive, of the School Code; sections 2.680 to 2.684, both inclusive, sections 2.690 to 2.693, both inclusive, sections 2.700 to 2.710, both inclusive, sections 2.720 to 2.728, both inclusive, section 2.760, all of chapter XI of part I of division II of the School Code; to repeal article II, embracing sections 2.1130 to 2.1133, both inclusive, of chapter V of part II of division II of the School Code; to repeal sections 2, 3, and 4 of chapter 433 of the statutes of 1929, entitled "An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof," approved May 23, 1929; to repeal chapter 194 of the statutes of 1929, entitled "An act relating to the governing boards of union, joint union, county and joint county junior college districts," approved April 30, 1929; to repeal article II, embracing sections 3.370 to 3.375, both inclusive, of chapter VI of part III of division III of the School Code; to repeal article VIII, embracing sections 2.750 to 2.753, both inclusive, of chapter XI of part I of division II of the School Code; to add new articles to chapter XI of part I of division II of the School Code to be known as articles I, II, and IX, embracing respectively sections 2.670 to 2.677, both inclusive; sections 2.680 to 2.689, both inclusive; section 2.760; to add a new article to chapter V of part II of division II of the School Code to be known as article II, embracing sections 2.1130 and 2.1131; to add new sections to the School Code to be numbered 4.943 and 4.944; and to amend sections 2.740, 2.741, 2.742, 2.1121, 2.1140, 2.1150, 2.1160, 2.1170, 4.941 and 4.942, all relating

to the formation, suspension, reestablishment, lapsation, government and support of junior college districts.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

The people of the State of California do enact as follows:

Sch. Code, p. 66 SECTION 1. Article I, embracing sections 2.670 to 2.674, both inclusive, of chapter XI of part I of division II of the School Code is hereby repealed.

New article SEC. 2. A new article is hereby added to chapter XI of part I of division II of the School Code, to be known as article I, embracing sections 2.670 to 2.676, both inclusive, and to read as follows:

Article I—Formation.

Junior college districts. 2.670. A junior college district hereafter formed shall include all the territory in one high school district or in two or more contiguous high school districts.

Formation 2.671. Junior college districts hereafter formed shall be formed in the manner hereinafter provided.

Standards 2.672. The state board of education shall establish minimum standards for the formation of junior college districts. The standards established shall include, in addition to such others as the said board may require, the following: The assessed valuation of the area proposed to be included in a junior college district shall be an amount which, through the levy of a district tax not in excess of twenty cents on each one hundred dollars of the estimated true wealth of taxable property as computed from the last preceding report of the state board of equalization shall yield an amount which, when added to the available state financial aid for junior college education, will be deemed adequate for a junior college in the proposed area.

Petition for formation. 2.673. Whenever the governing board of any high school district or the governing boards of two or more contiguous high school districts shall present to the state board of education a petition in the form prescribed by the superintendent of public instruction, asking permission to call an election for the formation of a junior college district to include all the territory in the high school district or high school districts, as the case may be, the superintendent of public instruction shall make or cause to be made a survey of the proposed junior college district and of high school districts contiguous thereto, which might appropriately be included in the proposed junior college district.

Survey Cost of survey 2.674. The cost of the survey shall be borne by the high school district, the governing board of which signed the petition, or, if there were two or more such high school districts petitioning the cost shall be borne by said high school districts in proportion to their assessed valuation. The cost of such survey to a high school district shall be a proper charge against the maintenance fund thereof.

2.675. Upon the completion of the survey the superintendent of public instruction shall report the findings thereof to the state board of education together with his recommendations as to the action to be taken on the petition. Report of survey

2.676. If the state board of education shall approve the petition, it shall within thirty days thereafter notify the superintendent, or superintendents, of schools of the county or counties, as the case may be, in which the proposed junior college district is to be located. Notification of superintendents.

2.677. Within thirty days after receiving such notice the said superintendent or superintendents, as the case may be, shall submit the question of establishing the junior college district to the qualified electors residing within the proposed junior college district and within his county. Election

SEC. 3. Article II, embracing sections 2.680 to 2.684, both inclusive, of chapter XI of part I of division II of the School Code is hereby repealed. Repeal

SEC. 4. Article III, embracing sections 2.690 to 2.693, both inclusive, of chapter XI of part I of division II of the School Code is hereby repealed. Repeal

SEC. 5. Article IV, embracing sections 2.700 to 2.710, both inclusive, of chapter XI of part I of division II of the School Code is hereby repealed. Repeal

SEC. 6. Article V, embracing sections 2.720 to 2.728, of chapter XI of part I of division II of the School Code is hereby repealed. Repeal

SEC. 7. A new article is hereby added to chapter XI of part I of division II of the School Code to be known as article II, embracing sections 2.680 to 2.689, both inclusive, and to read as follows: New article

Article II—Election for Formation.

2.680. The superintendent of schools of the county within which the greatest area of the proposed junior college district will lie, shall call an election to be held in every elementary district in the proposed junior college district at the same time that the next annual election for school trustees is held, and the officers of the election for school trustees shall conduct the election provided for in this article. Time of election

2.681. In city school districts the county superintendent of schools shall divide the city school district into precincts and appoint three qualified electors in each precinct to conduct the election therein. Precincts

2.682. The election shall be called by posting notices thereof in three public places in each district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper having a general circulation in the proposed junior college district, the first publication to be not less than two weeks before the election. The notice shall specify the polling places, and, in cities, the precinct lines. Posting and publication of notice

- Expenses** 2683. The expenses of printing notices and ballots and other necessary expenses incurred in the calling, holding and conducting of such election shall be paid by the board of supervisors out of the county general fund.
- Law governing election** 2684. The election shall be held separately and simultaneously at a public schoolhouse in each elementary school district, or in each precinct and shall be conducted in the manner provided by law for conducting elections of governing boards of elementary school districts
- Form of ballots** 2685. The ballots used at the election in each district shall contain the words "Junior college district—Yes" and "Junior college district—No"; and each elector voting at the election shall make a cross with a pencil, ink, or rubber stamp after the answer he desires to give.
- Canvass and report of result** 2686. It shall be the duty of the election officers in each district or precinct to canvass the vote of the election as soon as the polls are closed, and to report the result to the superintendent of schools who called the election within five days subsequent to the holding of the election.
- Recordation of result** 2687. Within ten days after receiving the returns of the election, the superintendent of schools shall combine the votes "for" and the votes "against" the formation of the junior college district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose.
- Filing certificate of result** 2688. If a majority of the votes cast at the election is in favor of the formation of the junior college district, he shall also file with the county clerk of the county or of each of the counties in which the proposed junior college district will lie, a certificate showing the total number of votes cast in each district in favor of the junior college district, the total number of votes in each district against the junior college district, the aggregate result of the election, and the boundaries of the proposed district.
- Recordation of certificate.** 2689. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election were in favor of the formation of the junior college district, the junior college district shall be deemed to be formed from and after the first day of July next succeeding the election and the county clerk, or clerks, shall record said certificate in full in his, or their, record of school districts.
- Sch. Code, p 71.** SEC. 8. Section 2.740 of the School Code is hereby amended to read as follows:
- Petition for exclusion of high school district** 2.740. Whenever on or before the first day of February in any school year a majority of the heads of families, or a majority of the electors residing in a junior college district, and two-thirds of the heads of families, or of the electors residing in any high school district which is a part thereof, as shown by the affidavit of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, petitions asking for the exclusion of the high school district from the junior college district for

the purpose of permitting the territory in the high school district to be formed into a junior college district or to become a part of another junior college district. The petitions shall be accompanied by an agreement signed by a majority of the junior college board of the junior college district, and a majority of the trustees of the high school district consenting to the exclusion and setting forth the terms thereof, the superintendent of schools shall, after verifying the signatures to the petitions and agreements and finding them sufficient, transmit the petitions and agreement to the board of supervisors of his county with his recommendations thereon.

SEC. 9. Section 2.741 of the School Code is hereby amended to read as follows: Sch Code
p 72

2.741. The board of supervisors, after the receipt of said petitions and agreements, together with the recommendations of the superintendent of schools, may, in its discretion, make an order excluding the high school district from the junior college district upon the terms agreed on. The order withdrawing the high school district from the junior college district shall not become effective until the high school district becomes a junior college district or becomes a part of a junior college district. Order of
exclusion

SEC. 10. Section 2.742 of the School Code is hereby amended to read as follows: Sch Code,
p 72

2.742. Any high school district excluded from a junior college district shall continue to bear its proportionate share of the bonded indebtedness of the junior college district incurred prior to the exclusion of the said high school district, the same as though the exclusion had not taken place. Ex-isting in-
debt-ness
continues

SEC. 11. Article IX, embracing section 2.760 of chapter XI of part I of division II of the School Code is hereby repealed. Repeal

SEC. 12. A new article is hereby added to chapter XI of the School Code to be known as article IX, embracing section 2.760 and to read as follows. New article

Article IX—Jurisdiction Over Junior College Districts.

2.760. In each junior college district, the superintendent of schools of the county in which the junior college buildings are located shall have jurisdiction over all matters in which his office is concerned, as provided in this code. Jurisdiction
of super-
intendent of
schools

SEC. 13. Article VIII, embracing sections 2.750 to 2.753, both inclusive, of chapter XI of part I of division II of the School Code is hereby repealed. Repeal

SEC. 14. Section 2.1121 of the School Code is hereby amended to read as follows: Sch Code
p 88

2.1121. In every junior college district composed of two or more high school districts, the junior college board shall be composed of five members elected at large from the district for a term of three years, except as hereinafter provided. Junior col-
lege board
composition

Repeal

SEC. 15. Article II, comprising sections 2.1130 to 2.1133, both inclusive, of chapter V of part II of division II of the School Code is hereby repealed.

New article.
See Sch. C
p. 326

SEC. 16. A new article is hereby added to chapter V of part II of division II of the School Code to be known as article II, comprising sections 2.1130 and 2.1131 and to read as follows:

Article II—Election in Districts Composed of Two or More High School Districts.

Appoint-
ment of
junior col-
lege board

2.1130. When any junior college district composed of two or more high school districts is formed, the county superintendent of schools having jurisdiction over the district shall, within fifteen days after the formation thereof, appoint a junior college board for such district.

Term of first
members

2.1131. The members of a junior college board so appointed shall hold office until their successors shall have been elected and have qualified.

Sch. Code,
p. 89

SEC. 17. Section 2.1140 of the School Code is hereby amended to read as follows:

Election of
junior col-
lege board

2.1140. The regular annual election of members of the junior college board in junior college districts composed of two or more high school districts shall be held at the same time as the regular annual election of school trustees.

Sch. Code,
p. 90

SEC. 18. Section 2.1150 of the School Code is hereby amended to read as follows:

Call of first
meeting

2.1150. Within twenty days after the election provided for by article III of this chapter, the superintendent of schools shall call a meeting of the junior college board by giving at least ten days' notice by registered mail to each member thereof, for the purpose of organizing the junior college board.

Sch. Code,
p. 90

SEC. 19. Section 2.1160 of the School Code is hereby amended to read as follows:

Meetings
of board

2.1160. Every junior college board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government; excepting that in junior college districts composed of two or more high school districts, the regular meetings may be quarterly.

Sch. Code,
p. 90

SEC. 20. Section 2.1170 of the School Code is hereby amended to read as follows:

Vacancies

2.1170. Vacancies on a junior college board of a junior college district composed of two or more high school districts, shall be filled by appointment by the superintendent of schools having jurisdiction over the junior college district, the appointee to hold office for the remainder of the unexpired term.

Sch. Code,
p. 198

SEC. 21. Section 4.941 of the School Code is hereby amended to read as follows:

Junior
college
allotment

4.941. He shall apportion to each junior college district for each accredited junior college maintained therein during the preceding school year two thousand dollars as the junior college allotment.

SEC. 22. Section 4.942 of the School Code is hereby amended to read as follows: Sch Code, p. 198.

4.942. He shall apportion to each junior college district one hundred dollars for each unit of average daily attendance therein during the preceding school year. Average daily attendance apportionment

SEC. 23. A new section is hereby added to the School Code to be numbered 4.943 and to read as follows: New section

4.943. An accredited junior college is hereby defined as one which has complied with the standards prescribed therefor by the state board of education. Accredited junior college

SEC. 24. A new section is hereby added to the School Code to be numbered 4.944 and to read as follows: New section

4.944. No junior college district shall be entitled to receive any apportionment from the state junior college fund for any junior college which has failed for three consecutive years to comply with the standards prescribed by the state board of education for accredited junior colleges. Must comply with standards

SEC. 25. Sections 2, 3 and 4, chapter 433 of the statutes of 1929, entitled "An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof," approved May 23, 1929, is hereby repealed. Sch Code, p 336

SEC. 26. Chapter 194 of the statutes of 1929, entitled "An act relating to the governing boards of union, joint union, county and joint county junior college districts," approved April 30, 1929, is hereby repealed. Sch Code, p 326

SEC. 27. Article II, embracing sections 3.370 to 3.375, both inclusive, of chapter VI of part III of division III of the School Code is hereby repealed. Sch Code, p 122

CHAPTER 1217.

An act to amend section 4.395 of the School Code, relating to the deposit of money received from taxes levied upon a school district situated in two or more counties.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 4.395 of the School Code is hereby amended to read as follows: Sch Code, p 170

4.395. The moneys so received shall be deposited in the county treasury of the county whose superintendent of schools has jurisdiction over such school district. Deposit of tax moneys

CHAPTER 1218.

An act to amend section 628a of the Penal Code, relating to the protection of fish.

[Approved by the Governor June 19, 1931. In effect August 14, 1931.]

*The people of the State of California do enact as follows:*State 1925,
p 646.Protection
of striped
bass

SECTION 1. Section 628a of the Penal Code is hereby amended to read as follows:

628a. Every person who, between the first day of May and the thirty-first day of July of the same year, both dates inclusive, buys, sells, offers for sale, ships or offers for shipment, or receives for shipment or transportation, any striped bass, or who at any time buys, sells, offers for sale, ships or offers for shipment, or receives for shipment or transportation, any striped bass, of less than twenty inches in length measured from the tip of the snout to the extreme tip of the tail, or who at any time offers for shipment, ships or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any striped bass is guilty of a misdemeanor.

Limits

Every person who at any time, except with hook and line and in the manner commonly known as angling, takes, catches or kills any striped bass, or who takes, catches or kills more than five striped bass during any one calendar day, or who takes, catches, kills or has in his possession any striped bass less than twelve inches in length is guilty of a misdemeanor.

Every person who in fish and game districts one, three, or twelve "A" takes, pursues, catches or kills any striped bass between the first day of May and the thirty-first day of July, both dates inclusive, of any year, is guilty of a misdemeanor, provided any striped bass at least twenty inches in length measured from the tip of the snout to the tip of the tail, accidentally taken in shad nets with shad in district twelve "B" between March 15 and May 1, both dates inclusive, in any calendar year, may be sold during said period anywhere in this state.

Protection
of shad

Every person who, except with hook and line, and in the manner commonly known as angling, takes, catches, kills or has in his possession any shad between the seventeenth day of September and the fourteenth day of November, inclusive, of any year, or between the sixteenth day of May and the thirty-first day of July, both dates inclusive, of any year, or who, between the seventeenth day of September and the fourteenth day of November, inclusive, or between the sixteenth day of May and the thirty-first day of July, inclusive, of any year, takes, catches, kills or has in his possession more than five shad is guilty of a misdemeanor. Every person who takes any shad in a net, any of the meshes of which are, when drawn closely together and measured inside the

knots, less than five and one-half inches in length, is guilty of a misdemeanor. Every person who shall cast, extend or draw, or assist in casting, extending or drawing any net or seine for the purpose of taking or catching any shad in any of the waters of this state at any time between sunrise of each Saturday and sunset of the following Sunday is guilty of a misdemeanor.

Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons authorized by it from taking at all times such fish as they may deem necessary for scientific purposes, or for purposes of propagation. Exceptions

CHAPTER 1219.

An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 19, 1931 In effect August 14, 1931]

The people of the State of California do enact as follows:

SECTION 1. Section 636 of the Penal Code is hereby amended to read as follows: Stats. 1929,
p. 1394

636. 1. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as otherwise provided in this chapter, is guilty of a misdemeanor. Regulation
of use of
lines, nets
and seines

2. It shall be lawful to use drift gill nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, twelve "B," twelve "C," thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, and in tidewater in Klamath river fish and game district, and to use set gill nets in fish and game district seventeen, eighteen, nineteen and twenty "A"; provided, that in fish and game districts eleven, twelve, twelve "B," twelve "C," and thirteen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that the lines attaching the buoys or floats to the cork line of such submerged nets be not more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; provided, further, that in fish or game districts eleven, twelve, twelve "B," twelve "C," and thirteen the length of the meshes of any gill net must be either two and one-half inches or less, or five and one-half inches or more. provided, further, that in fish and game districts eleven, twelve, twelve "B," twelve "C," and thirteen the meshes of the gill nets shall be approximately the same size and shall not vary in length more than two inches; provided, further, that nets are not to be used at any time in fish and game districts one and one-half, two and Gill nets

one-half and twelve "A," and any net found in any boat in said districts one and one-half, two and one-half and twelve "A" shall be prima facie evidence that the owner of said net was using same in said districts; provided, further, that gill or trammel nets are not to be used in fish and game district twelve "B" between September seventeenth and November fourteenth of any year, both dates inclusive, or between June sixteenth and July thirty-first of any year, both dates inclusive; provided, further, that gill or trammel nets are not to be used in fish and game district twelve "C" between June sixteenth and November fourteenth of any year, both dates inclusive; provided, further, that any gill or trammel net found in any fishing boat in fish and game districts twelve "B" and twelve "C" during said closed seasons shall be prima facie evidence that the owner of such net was using same in said fish and game districts; provided, further, that in fish and game districts eleven, twelve and thirteen no drift gill net shall be used for taking fish where any part of the net is nearer than three hundred feet to where the surface of the water joins the land; and provided, further, that gill nets are not to be used or operated in fish and game district twelve between the first day of June and the thirty-first day of July of any year, both dates inclusive; and no gill net shall be used or operated in fish and game district twelve between the sixteenth day of May and the thirty-first day of May of the same year, both dates inclusive, any of the meshes of which shall measure less than seven and one-half inches in length; and provided, further, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the fifteenth day of May of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any line used on gill nets which shall tend to cause the webbing of such gill net to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net; provided, further, that any trammel net found in any boat at any time in fish and game district twelve shall be prima facie evidence that the owner of such net was using same in said fish and game district.

Trammel
nets

3. It shall be lawful to use trammel nets also known as two-mesh and three-mesh nets in fish and game districts twelve "B" and twelve "C," the minimum meshes of which shall measure not less than five and one-half inches in length; provided, that trammel nets or gill nets are not to be used in fish and game districts twelve "B" and twelve "C" between May sixteenth and June fifteenth, both dates inclusive, any of the meshes of which are, when drawn close together and measured inside the knots, less than seven and one-half inches in length.

4. It shall be lawful to use trammel nets (also known as Same two-mesh and three-mesh nets) in fish and game districts ten, eighteen and nineteen, the minimum meshes of which shall measure not less than eight inches in length; provided, further, that the use of trammel, gill and/or halibut nets shall be unlawful at all times within fish and game district nineteen "A" and that every person who in fish and game district nineteen "A" has in possession on any boat any trammel, gill and/or halibut net is guilty of a misdemeanor; provided, further, that trammel nets are not to be used in fish and game district eighteen between the seaward boundary of any kelp bed and high water mark or within 100 yards in any direction from any kelp bed.

5. It shall be lawful to use purse nets and round haul nets Purse nets and round haul nets also known as circle seines or lampara nets in fish and game districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty "A," twenty-one; provided, that purse or round haul nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass, or shad and that any person who has in possession any salmon, steelhead, striped bass, or shad which have been caught with a purse or round haul net is guilty of a misdemeanor; and provided, further, than any beach seine, purse or round haul net or any gill net of less than five and one-half inch mesh, except herring or smelt gill nets in fish and game districts twelve and thirteen of not to exceed two and one-half inch mesh, found in any fishing boat in fish and game districts twelve, twelve "B," twelve "C" and thirteen at any time shall be prima facie evidence that the owner or person in possession of such net or nets was using same in said fish and game districts; and provided, further, that every person who in fish and game districts one, two and three has in possession on any boat any gill or trammel net or any beach seine or round haul net is guilty of a misdemeanor; and provided, further, that in fish and game district fifteen, purse or round haul nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies and sardines; and provided, further, that it shall be unlawful to take barracuda in any fish and game district, with round haul nets or purse seines, between the first day of May and the thirty-first day of July, both dates inclusive, or between the first day of May and the thirty-first day of July, both dates inclusive, to have any barracuda in possession on any purse or round haul net boat or to have in possession any barracuda which have been caught with a purse seine or with a round haul net; provided, however, that in fish and game district nineteen "A" round haul and/or lampara nets not exceeding one hundred twenty fathoms in length on the cork line including wings and not exceeding ten

fathoms in depth including apron may be used for the taking of live bait only.

Nothing contained in this section shall prevent any vessel from carrying nets across fish and game districts nineteen "A" and twenty to open water outside the district; provided, that they are in said districts for the purpose of navigation only. Also nothing contained in this section shall prevent the entrance into harbors in fish and game districts nineteen "A" and twenty in cases of distress or emergency.

Beach nets

6. It shall be lawful to use beach nets (also known as beach seines or haul seines) in fish and game districts five, eight, nine, ten, eleven, eighteen and nineteen; provided, that in fish and game district five the meshes of any such beach nets shall measure not less than five and one-half inches in length and that in fish and game districts ten, eighteen and nineteen the meshes of the beach nets shall measure not less than one and one-half inches in length; and beach nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

"Beach net" defined

7. For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, or any net adapted so to be used, shall be known as a beach net.

Fyke nets

8. It shall be lawful to use fyke nets in fish and game districts three, twelve "A," twelve "B" and twelve "C" for the purpose of catching catfish, carp, pike, hardheads and suckers between the first day of September and the first day of May of the year following, both dates inclusive; provided, that the smallest meshes of any fyke net so used shall measure not less than two and one-half inches in length.

Trawl nets

9. It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls, or shrimp trawls) in fish and game districts two, six, seven, twelve, thirteen, seventeen and eighteen; provided, that the use of any trawl net in fish and game districts two, twelve and thirteen shall be for the purpose of taking shrimp only; and provided, further, that it shall be unlawful to use trawl or paranzella nets in water less than twenty-five fathoms in depth in fish and game district seventeen; and provided, further, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen; and provided, further, that it shall be unlawful to have any trawl net also known as drag net, in possession in fish and game districts four, nineteen, twenty, twenty "A" and twenty-one.

Crab traps

10. It shall be lawful to use crab traps in fish and game districts one and one-half, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen; provided, however, that crabs may only be caught with crab traps and lobsters may only be caught with lobster traps.

11. It shall be unlawful to use shrimp nets (also known as Shrimp nets. Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp.

12. It shall be lawful to use dip nets for the purpose of Dip nets taking fish other than game fish to be used as bait only, in any fish and game district, except fish and game district fourteen; provided, that in fish and game districts one, one and one-half, two, three and four, such dip nets shall not be baited; and provided, further, that any dip net in fish and game districts one, one and one-half, two, three, four, nineteen and twenty, shall not measure more than six feet in its greatest breadth; and provided, further, that it shall be unlawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty.

13. It shall be lawful to use troll lines or hand lines in any Troll lines fish and game district excepting fish and game district fourteen and to use trawl lines in fish and game districts six, seven, ten, seventeen, eighteen and nineteen; provided, that it shall be unlawful to use troll lines or hand lines in fish and game district twenty-two for taking striped bass or, in fish and game district twenty-two, to take striped bass in any manner.

14. It shall be lawful to use any spade, shovel, hoe, rake or Shovels, etc. other appliance operated by hand for the purpose of taking mollusks in fish and game districts one and one-half, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one.

15. Any net or line shall be considered a set net or set line Set nets or lines defined that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or current, and any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore, upon the receding of the tide shall be considered a set net; provided, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

16. Nothing in this section shall prevent the fish and game Recovery of fish in overflowed districts commission or any person authorized by them from using any net or other appliance in any fish and game districts for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or flood waters.

17. Nothing in this section shall prohibit the fish and game Scientific purposes commission or any person authorized by them from using any net, traps or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks, or crustaceans. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using nets,

traps or other appliances in any fish and game district for experimental purposes.

Penalties

18. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid to the division of fish and game for deposit in the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 1220.

Stats 1915,
p. 115,
amended

An act to amend section 50½ of an act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the "railroad commission fund" and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division one of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act, as amended.

[Approved by the Governor June 19, 1931. In effect August 14, 1931]

The people of the State of California do enact as follows:

Stats 1927,
p 74

SECTION 1. Section 50½ of the public utilities act is amended to read as follows:

Passenger
stage corpo-
rations
certificate of
necessity

SEC. 50½. No passenger stage corporation shall hereafter operate or cause to be operated any passenger stage over any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any passenger stage corporation as to the fixed termini between which, or the route over which, it is actually operating in good faith at the time this act becomes effective in compliance with the provisions of an act known as chapter 213, statutes of 1917, of the State of California, approved May 10, 1917, and amendments thereto, nor shall any such certificate be required of any person or corporation who on January 1, 1927, was operating, or during the calendar year 1926 had operated a seasonal service of not less than three consecutive months duration, sight seeing buses

Exemptions

on a continuous sight seeing trip with one terminus only. Any right, privilege, franchise or permit held, owned or obtained by any passenger stage corporation may be sold, assigned, leased, mortgaged, transferred, inherited, or otherwise encumbered as other property, only upon authorization by the railroad commission. Every applicant for a certificate shall file in the office of the commission an application therefor in such form as shall be required by the commission, and the railroad commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require; provided that the railroad commission shall have power, after hearing, to issue said certificate when an applicant requests a certificate to operate in a territory already served by a certificate holder under this act only when the existing passenger stage corporation or corporations serving such territory will not provide the same to the satisfaction of the railroad commission. The railroad commission, in the exercise of the jurisdiction conferred upon it by the constitution of this state and by this act, shall have power and authority to grant certificates of public convenience and necessity and make decisions and orders and to prescribe rules and regulations affecting passenger stage corporations, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county and in case of conflict between any such order, rule or regulation, and any such ordinance or permit, the certificate, decision, order, rule or regulation of the railroad commission shall in each instance prevail.

Jurisdiction
of railroad
commission

When a complaint has been filed with the commission alleging that any passenger stage is being operated without a certificate of public convenience and necessity, contrary to or in violation of the provisions of this act, the commission shall have the power, with or without notice, to make its order requiring the corporation, or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating or managing such passenger stage, to cease and desist from such operation, until the commission makes and files its decision on said complaint, or until further order of the commission.

Order to
cease and
desist

Whether or not any stage, auto stage, or other motor vehicle is being, or is proposed to be operated as a passenger stage corporation "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact, and the finding of the railroad commission thereon shall be final and shall not be subject to review. Any act of transporting or attempting to transport any person or persons by stage, auto stage, or other motor vehicle upon a public highway of this state between two or more points not both within the limits of a single incorporated city, town or city and county,

Operation
between fixed
termini.

where the rate, charge or fare for such transportation is computed, collected or demanded on an individual fare basis, shall be presumed to be an act of operating as a passenger stage corporation within the meaning of this act.

Fee Each application for a certificate of public convenience and necessity made under the provisions of this section must be accompanied by a fee of fifty dollars.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

CHAPTER 1.

Senate Concurrent Resolution No. 1—Relative to
inaugural ceremonies.

[Filed with Secretary of State January 6, 1931]

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of three from the Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the Senate and the speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid by the Senate and Assembly out of their respective contingent funds, and not to exceed the sum of one thousand dollars, one half to be paid from the contingent fund of each house.

Committee for inaugural ceremonies.

CHAPTER 2.

Assembly Concurrent Resolution No. 1—Approving certain amendments to the charter of the city of Pasadena, a municipal corporation of the State of California situated in the county of Los Angeles, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 16, 1931]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Pasadena, a municipal corporation of the county of Los Angeles, State of California, as set out in the certificate of the vice chairman of the board of directors and the city clerk of the city of Pasadena as follows, to wit:

City of Pasadena charter amendments

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF CERTAIN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss.
City of Pasadena

We, the undersigned C. G. Wopschall, vice chairman of the board of directors of the city of Pasadena, State of California,

and Bessie Chamberlain, city clerk of said city, do hereby certify and declare as follows.

That the city of Pasadena, a municipal corporation of the county of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3500 inhabitants, and has been ever since the year 1901 and now is organized, existing and acting under a freeholders' charter adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, 1900, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1901, (Statutes of 1901, page 884).

That in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, the board of directors of the city of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 2839 adopted on the twenty-second day of September, 1930, duly proposed to the qualified electors of the city of Pasadena certain amendments to the charter of said city to be submitted to said qualified electors at a special municipal election to be held in said city on the fourth day of November, 1930, which said amendments were and are, and each of them was and is in words and figures as follows:

PROPOSED AMENDMENT TO ARTICLE 6½.

That Article 6½ of the Charter of the City of Pasadena be amended to read as follows:

Article 6½.

“Section 1. Water and Light and Power Departments: There shall be a Water Department and a Municipal Light and Power Department, each of which shall be operated as a separate and distinct department of the city government, and in such manner that all of the operations of each thereof shall be under the direction of a Department Manager for each of said departments, subject to the supervision and control of the City Manager.

Light and
power de-
partments

Section 2. Books of Accounts and Business Reports: The books of account of the Water Department and of the Municipal Light and Power Department shall be kept separately from the accounts of all other city departments and of each other, and in such manner as to show the value of the property of each department, its earnings and expenses. Separate reports of each department shall be published annually in printed pamphlet form for distribution within 150 days after the close of each fiscal year, showing the value of the properties, the financial status, including cash on hand and invested funds, the bonded debt and/or other obligations, the earnings for the year, the cost of production and distribution, the cost of equip-

Reports

ment and the depreciation thereof, and the statement of all assets and liabilities.

Section 3. Service Rates: The charges to be made for ^{Rates} service by the Water Department and the Municipal Light and Power Department shall be prescribed by the legislative body of the City ordinance.

Section 4. Separation of Funds, Their Use and Invest- ^{Funds}ments: (a) All money and property received by the City in payment for water or electrical energy and/or for any service rendered by either the Water Department or Municipal Light and Power Department, or from the sale, lease or other disposition of any property acquired with funds or property of either of said departments, or from the proceeds of any bonds issued for the purpose of said department, and/or from any special taxes at any time authorized for the purposes of either of said departments, shall be exclusively devoted to and appropriated for the purposes of said departments as in this section required; provided, however, that nothing herein shall be deemed to prevent uses of such property for purposes not inconsistent with the purpose for which such property is held. Said funds of each department shall be kept separate for the use of that department and shall be limited to the use of that department. The funds of the Water Department and the Municipal Light and Power Department shall be known and designated as "Water Fund" and "Light and Power Fund" respectively. No transfer of real property, nor of any personal property exceeding in value \$5,000 00 shall be made from either of said departments to the other or to any other department of the City in any manner other than by ordinance or resolution of the legislative body of the City. All transfers of property shall be subject to the provisions of Subdivision 5 (c) hereof.

(b) Said funds shall be used for the following purposes and none other:

(1) The necessary or proper expenses of conducting each department, operating and maintaining their works, plants, and distributing systems, and the cost of additional property, whether real or personal, necessary for the reconstruction, replacement, extension, and/or for the acquisition of systems, and/or improvement of the works and systems of said departments, and printing annual reports. The expense of conducting said departments shall include the cost of advertising and publicity such as are ordinarily incident to the conduct of a business enterprise.

(2) The payment of interest and/or principal on bonds issued for the purposes of said departments.

(3) Surplus or reserves for the future needs of said departments

(4) When authorized so to do by the legislative body of the City, the surplus funds of each department may be invested in any bonds issued by the City of Pasadena, or any bonds issued by any school district situated in whole or in part in the City,

or any bonds or certificates of indebtedness issued by the State of California or the United States, and any such securities may be sold and the proceeds of such sale may be invested in other such securities. In authorizing the investment of any such surplus funds, preference over other securities shall be given by the legislative body to the bonds of the City issued for the purposes of either department. No officer shall be personally liable for any loss to the City arising out of any such investment, unless such loss shall be the loss of the securities themselves due to the negligence or malfeasance of such officer.

(5) Repayment of advances made from other funds of the City.

(c) Charges shall be made by the Water Department and Municipal Light and Power Department for service, materials and property furnished or transferred to other departments of the City, and against each of said departments for service rendered to and for said departments by other departments of the City government. Such charges against said departments may include a reasonable rental for space in any municipal building erected or occupied by the City for general municipal purposes, and for any equipment or furniture belonging to the City not purchased from the funds of said departments.

(d) Except as otherwise expressly provided, the Water Department and Municipal Light and Power Department shall be subject to all the provisions of the Charter. The Water Department shall manage and control all lands, works, plants, distributing pipes and other property necessary for and incident to the production, storage and distribution of water, including any incidental electrical apparatus not intended to produce current for public consumption. The Municipal Light and Power Department shall manage and control all works, plants, lands and distributing wires, appurtenances and apparatus necessary and incident to the production and distribution of current for sale.

Section 5. Whenever the legislative body of the City determines that the surplus or reserve in the Light and Power Fund is in excess of reasonable future needs of the Municipal Light and Power Department, such excess may be appropriated for other municipal purposes; provided, that such appropriation shall not be made except by an ordinance of the legislative body of the City clearly stating the purpose for which such appropriation shall be made, and with the approval of two-thirds of the qualified electors of the City, voting on the proposition at an election at which said ordinance is submitted to a vote.

**Funds:
transfer**

Section 6. Transfer of Funds: Any surplus or reserve in the Water Fund or Light and Power Fund may be temporarily used for other municipal purposes in case there shall be insufficient funds in the City treasury to pay the current expenses of the general government of the City before the collection of taxes levied in any fiscal year. In case either of said funds

are used pending the receipt of taxes the amount so used shall be repaid on or before February fifteenth and within the same fiscal year.

Section 7. All provisions of this Charter inconsistent herewith are hereby superseded."

PROPOSED AMENDMENT TO SECTION 9 OF ARTICLE 5.

That Section 9 of Article 5 of the Charter of the City of Pasadena be amended to read as follows:

"Section 9. (a) The Treasurer shall not under any circumstances deposit with any person, corporation or bank any of the moneys of the city or allow the same, except as herein provided, to pass out of his custody; provided, however, that the Treasurer may deposit city moneys with such banks and upon such terms and conditions as at the time may be authorized and provided by the general laws of the State of California.

(b) When authorized to do so by the legislative body of the City he may invest any public funds in his custody in any interest bearing security that is at the time a legal investment for public funds under the general laws of the State of California, and may in the same manner dispose of such securities and invest in others. No city officer shall be personally liable for any loss to the city growing out of any such investment unless such loss shall be the loss of the securities themselves due to the negligence of such officer. Any such security shall be considered as money in the hands of the Treasurer except as herein provided."

That each said proposed amendment was on the 24th day of September, 1930, published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Pasadena Evening Post, a daily newspaper of general circulation published in the said City of Pasadena, and the official newspaper of said City.

That copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by said Section 8 of Article XI of the Constitution, an advertisement was published in said Pasadena Evening Post that such copies could be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described.

That in accordance with the provisions of the Charter of the said City of Pasadena and an ordinance of the legislative body thereof, there was held in the said City of Pasadena on the 4th day of November, 1930, a special municipal election, and that pursuant to ordinance the said proposed Charter Amendments and each of them were severally submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify

each of the said proposed amendments to the Charter of the said City hereinabove set out.

That the results of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified each of said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 9th day of December, 1930.

[SEAL]

C. G. WOPSCHALL,
Vice Chairman of the Board of Directors
of the City of Pasadena.

BESSIE CHAMBERLAIN,
City Clerk of the City of Pasadena.

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Pasadena as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said city of Pasadena.

CHAPTER 3.

Assembly Concurrent Resolution No. 2—Approving amendments to the charter of the city of Alameda, after due ratification by a majority of the qualified voters of said city at an election held therein on the fourth day of November, 1930

[Filed with Secretary of State January 16, 1931]

City of
Alameda:
charter
amendments

WHEREAS, The city of Alameda, State of California, contains a population of over 30,000 inhabitants and has been, ever since the twenty-fifth day of January, 1917, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly

ratified by a majority of the qualified voters of said city voting thereon at an election held for that purpose on the ninth day of January, 1917, and approved by the Legislature of the State of California January 25, 1917, (Statutes of 1917, page 1752); and

WHEREAS, The legislative body of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Alameda, eight certain amendments to the charter of said city by submission of said proposals at a special election held in said city on Tuesday, November 4, 1930, to wit:

PROPOSITION NO. 1.

That Section 1 of Chapter I, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 1—Auditor. An auditor shall be elected at the general ^{Auditor} municipal election. He shall hold office for four years and until his successor is elected and qualified. He shall be ex-officio assessor and redemption clerk. His compensation for all services he may render the city shall be fixed by the Council and shall not be less than three thousand six hundred dollars per annum. He may appoint one or more deputies for whose acts he and his bondsmen shall be responsible.

PROPOSITION NO. 2.

That Section 10 of Chapter II, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 10—Treasurer A treasurer shall be elected at the ^{Treasurer} general municipal election. He shall hold office for four years and until his successor is elected and qualified. He shall be ex-officio tax and license collector. His compensation for all services he may render the city shall be fixed by the Council and shall not be less than three thousand six hundred dollars per annum. He may appoint one or more deputies for whose acts he and his bondsmen shall be responsible.

PROPOSITION NO. 3.

That Section 13 of Chapter II, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 13—Tax and license collector. As tax and license ^{Tax and license collector} collector he shall perform such duties as are prescribed by this charter, by ordinance and by general law.

PROPOSITION NO. 4.

That Section 16 of Chapter III, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 16—City Manager to estimate expenses. On or before ^{Estimate of expenses} the first Tuesday in August in each year the City Manager shall transmit to the Council an estimate of the expenses of the city government for the ensuing fiscal year, stating the amount required to meet the interest and sinking fund for all outstanding funded debts, and the wants of all departments, in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the

income from fines, licenses and other sources of revenue, exclusive of taxes on property; also the probable amount required to be levied and raised by taxation.

PROPOSITION NO. 5.

That Section 10, Article VII of the Charter of the City of Alameda be amended to read as follows:

Charges
against
employees.

Sec. 10. Any charge brought against a member of the police department or fire department, who has been in the service of the city for five years, shall be heard by the City Manager, and he shall determine the punishment or penalty to be given in the case. Said penalty may include dismissal from the department. In the event of dismissal, but not otherwise, the discharged person shall have the right to present his case before the police and fire board of appeals, which board is hereby established. Said board shall consist of the mayor and two freeholders of the city who shall serve without compensation, and be appointed by the council, said appointment being for a term of two years. No state, county or city official shall be eligible for appointment. In the case of the first two appointed hereunder, lots shall be drawn for a one year term and a two year term, and thereafter one member shall be appointed each year. A majority vote shall control.

PROPOSITION NO. 6.

That Section 3, Article X of the Charter of the City of Alameda be amended to read as follows:

Board

Sec. 3. The board shall organize by electing a president and appointing a secretary. Two shall constitute a quorum. They shall hold a regular meeting on the evening of the second Wednesday of each month at eight o'clock in the office of the Department of Public Utilities, and shall hold such other meetings as they shall determine

PROPOSITION NO. 7.

Liquors

That Article XII of the Charter of the City of Alameda relating to "Alcoholic Liquors" be repealed.

PROPOSITION NO. 8.

That Article XIII and Article XIV of the Charter of the City of Alameda be amended so that the same shall read respectively Article XII and Article XIII.

WHEREAS, Said proposals above-mentioned containing said proposed amendments to said charter were, in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, published for one day after their passage in the "Alameda Times-Star," a daily newspaper of general circulation published in said city of Alameda, and the official newspaper of said city; and,

WHEREAS, Copies of said proposals containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in

said "Alameda Times-Star," that such copies could be had upon application therefor at the office of the city clerk; and,

WHEREAS, Such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and,

WHEREAS, A special election was held in said city of Alameda on Tuesday, the fourth day of November, 1930, pursuant to the provisions and requirements of said charter, said day being at least forty (40) days after the completion of the publication of said proposed charter amendments in said official newspaper in said city, to wit, the "Alameda Times-Star," and not more than sixty (60) days after the completion of said publication, and did provide in resolution for the submission of the proposed charter amendments entitled "Proposition No. 1," "Proposition No. 2," "Proposition No. 3," "Proposition No. 4," "Proposition No. 5," "Proposition No. 6," "Proposition No. 7" and "Proposition No. 8," to the qualified electors of said city for their ratification at said election; and,

WHEREAS, Said election was duly called and held on said fourth day of November, 1930, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify all of the proposed amendments to said charter; and,

WHEREAS, The returns of said election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined by the proper officers thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified all of said proposed amendments to said charter, as follows, to wit:

PROPOSITION NO. 1.

That Section 1 of Chapter I, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 1—Auditor. An auditor shall be elected at the general ^{Auditor.} municipal election. He shall hold office for four years and until his successor is elected and qualified. He shall be ex-officio assessor and redemption clerk. His compensation for all services he may render the city shall be fixed by the Council and shall not be less than three thousand six hundred dollars per annum. He may appoint one or more deputies for whose acts he and his bondsmen shall be responsible.

PROPOSITION NO. 2.

That Section 10 of Chapter II, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 10—Treasurer. A treasurer shall be elected at the general municipal election. He shall hold office for four years and until his successor is elected and qualified. He shall be ex-officio tax and license collector. His compensation for all services he may render the city shall be fixed by the Council

and shall not be less than three thousand six hundred dollars per annum. He may appoint one or more deputies for whose acts he and his bondsmen shall be responsible.

PROPOSITION NO. 3.

That Section 13 of Chapter II, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 13—Tax and license collector. As tax and license collector he shall perform such duties as are prescribed by this charter, by ordinance and by general law.

PROPOSITION NO. 4.

That Section 16 of Chapter III, Article IV of the Charter of the City of Alameda be amended to read as follows:

Sec. 16—City Manager to estimate expenses. On or before the first Tuesday in August in each year the City Manager shall transmit to the Council an estimate of the expenses of the city government for the ensuing fiscal year, stating the amount required to meet the interest and sinking fund for all outstanding funded debts, and the wants of all departments, in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the income from fines, licenses and other sources of revenue, exclusive of taxes on property; also the probable amount required to be levied and raised by taxation.

PROPOSITION NO. 5.

Charges.

That Section 10, Article VII of the Charter of the City of Alameda be amended to read as follows:

Sec. 10. Any charge brought against a member of the police department or fire department, who has been in the service of the city for five years, shall be heard by the City Manager, and he shall determine the punishment or penalty to be given in the case. Said penalty may include dismissal from the department. In the event of dismissal, but not otherwise, the discharged person shall have the right to present his case before the police and fire board of appeals, which board is hereby established. Said board shall consist of the mayor and two freeholders of the city who shall serve without compensation, and be appointed by the council, said appointment being for a term of two years. No state, county or city official shall be eligible for appointment. In the case of the first two appointed hereunder, lots shall be drawn for a one year term and a two year term, and thereafter one member shall be appointed each year. A majority vote shall control.

PROPOSITION NO. 6.

That Section 3, Article X of the Charter of the City of Alameda be amended to read as follows:

Sec 3. The board shall organize by electing a president and appointing a secretary. Two shall constitute a quorum. They shall hold a regular meeting on the evening of the second Wednesday of each month at eight o'clock in the office of the

Department of Public Utilities, and shall hold such other meetings as they shall determine.

PROPOSITION NO. 7.

That Article XII of the Charter of the City of Alameda relating to "Alcoholic Liquors" be repealed.

PROPOSITION NO. 8.

That Article XIII and Article XIV of the Charter of the City of Alameda be amended so that the same shall read respectively Article XII and Article XIII.

and

WHEREAS, The foregoing is a full, true and correct copy of said proposals or amendments to the charter of the City of Alameda ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the City of Alameda,

In witness whereof, Victor L. Schaefer, Mayor of said City, and W. E. Varcoe, City Clerk, have hereunto set their hands and caused the corporate seal of the City of Alameda to be hereunto duly fixed, on the third day of January, 1931.

[SEAL]

VICTOR L. SCHAEFER,
Mayor of the City of Alameda.

W. E. VARCOE,
City Clerk of the City of Alameda.

and

WHEREAS, The said proposed amendments are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8, article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring, a majority Ratification
of all the members elected to each house voting therefor and concurring therein. That said amendments to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of the charter of said city of Alameda.

CHAPTER 4.

Senate Concurrent Resolution No. 9—Approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the special municipal election, held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 19, 1931.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments

City of Piedmont charter amendments

hereinafter set forth in the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the president of the city council and the city clerk of said city of Piedmont as follows, to wit:

State of California, }
 County of Alameda, } ss.
 City of Piedmont. }

We the undersigned, Oliver Ellsworth, President of the City Council of the City of Piedmont, State of California, and W. C. Little, City Clerk of said city do hereby certify and declare as follows:

That the City of Piedmont is a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and is now organized, existing and acting under a freeholder's charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose February 27, 1923, and approved by the legislature of the State of California by concurrent resolution filed with the secretary of state on the fifteenth day of March, 1923 (statutes 1923, page 1564).

That in the pursuance of section eight of article eleven of the constitution of the State of California, on its own motion, the Council of the City of Piedmont being the legislative body of said city, by and in pursuance of a certain resolution passed by the City Council on the second day of October, 1930, duly submitted to the qualified electors of said City of Piedmont certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at the Special Municipal Election held in said city on the fourth day of November, 1930, which said proposals were and are in words and figures following, to-wit:

Shall Sections 28 and 38 of the Piedmont City Charter be amended to read as follows:

Elections

SECTION 28—ELECTIONS—General Municipal Elections shall be held in said city in April of each even-numbered year under and pursuant to the provisions of the General Laws governing elections in cities of the sixth class so far as the same may be applicable.

Education

SECTION 38—DEPARTMENT OF EDUCATION—(a) The control of the School Department shall be vested in a Board of Education which shall consist of five members who shall receive no compensation. Said five members of the Board shall be elected at large by the electors qualified to vote at Municipal Elections in the same manner and time as the members of the Council. Each of said members must

have been a resident and taxpayer of the City of Piedmont ^{same} for at least two years preceding his election. Said members of the Board shall serve until their successors are elected and qualified as heretofore provided, provided that the members of the Board of School Trustees and High School Trustees who shall be in office at the time this charter shall take effect shall retain the office to which each one was elected until the time hereinafter specified.

The Board of Education shall thereupon forthwith convene and the said five elective members of said first Board shall so classify themselves by lot that two of their number shall hold office until the regular municipal election to be held in the year 1926, and three of their number shall hold office until the regular municipal election to be held in the year 1924 and until their successors are elected and qualified. Thereafter two members shall be elected every four years and two years after said preceding election three members shall be elected for a term of four years and said respective elections to occur alternately every two years.

(b) Regular meetings of the Board shall be held at such times as the Board may prescribe, provided that at least one regular meeting shall be held in each calendar month. All meetings of the Board shall be open to the public.

(c) The Board shall have the entire management of the public schools of the City and in addition to the powers and duties prescribed by the provisions of this Charter shall have all the powers that are now or may hereafter be conferred and discharge the duties imposed, by law upon City Boards of Education. (d) An annual inspection of the accounts of the Board shall be made under the direction of the City Auditor at the expense of the City and a condensed statement of such accounts as shown by the books shall be prepared and made public in conjunction with the annual financial statement of the City.

(e) The Board shall make such rules and regulations governing its meetings and procedure as may seem proper. A majority of the Board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of the public money or the election of a superintendent, principals, teachers and all officers and employees whom the Board is authorized to elect or appoint.

(f) Any vacancy in the elected members of the Board shall be filled by the vote of a majority of the Board until the next general city election for municipal officers, when a member shall be elected to fill the unexpired term. In the event that three or more such vacancies exist at one time, sufficient vacancies shall be filled by the appointment by the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. All such appointed members shall hold office for the same length of time as the appointees of the Board.

Same

If any member of the Board of Education shall remove from the city or absent himself therefrom for more than sixty days consecutively without permission of the Board of Education or shall fail to qualify or shall resign or be convicted of a felony or be adjudged insane his office shall thereupon become vacant.

That said such proposed amendments were published and advertised in accordance with the provisions of section eight, article eleven of the constitution of the State of California and in accordance with the provisions of the charter of the City of Piedmont in the "Oakland Tribune", which was then and there a daily newspaper printed in Oakland, California, and in circulation in said City of Piedmont.

That said City Council caused copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the City Clerk of said city, and did, until the date fixed for the election upon such charter, advertise in said "Oakland Tribune" a notice that such copies might be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described.

That the Council of the City of Piedmont, a legislative body of said city, by its certain resolution passed on the second day of October, 1930, did order the holding of the Special Municipal Election of said City of Piedmont on the fourth day of November, 1930, and did provide in said resolution for the submission of the proposed amendments to the charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the fourth day of November, 1930, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify each of the proposed amendments to the charter of the City of Piedmont hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified each of said proposed amendments to said charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the charter of the City of Piedmont with the original proposals, submitting the same to the electors of said city at the election held on the fourth day of November, 1930, and find that the foregoing is a true, full, correct, and exact copy thereof.

In witness whereof we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this tenth day of January, 1931.

[SEAL]

OLIVER ELLSWORTH,
President of the City Council
and ex officio Mayor,
W. C. LITTLE,
City Clerk of the City of
Piedmont.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly passed and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California; now therefore be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Piedmont as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth be, and the same is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said City of Piedmont. Ratification

CHAPTER 5.

Senate Concurrent Resolution No. 6—Approving eight certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 19, 1931.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one million two hundred thirty-seven thousand inhabitants and has been, ever since the year 1925, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the sixth day of May, 1924, and approved by the Legislature of the State of California, by concurrent resolution filed with the secretary of state on the twenty-sixth day of January, 1925 (statutes of 1925, page 1024); and

City of
Los Angeles
charter
amendments

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to section 8, article eleven

Same.

of the constitution of the State of California, by a resolution adopted September 19, 1930, duly propose to the qualified electors of said city of Los Angeles twelve amendments to the charter of said city, designated as proposed charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, and 12-A, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the fourth day of November, 1930, which date was fixed in said resolution as the date for holding said special municipal election, and said resolution was thereafter modified by changing proposed charter amendment No. 6-A thereof by resolution adopted by said council on the twenty-third day of September, 1930; and

WHEREAS, Said proposed charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, and 12-A, as modified by said resolution adopted by said legislative body of said city on September 23, 1930, were, and each of them was, on September 24, 1930, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said council for that purpose; and said twelve proposed charter amendments were printed in convenient pamphlet form, and from September 24, 1930, to November 4, 1930, both inclusive, a notice was published in said The Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The legislative body of said city did, on the sixth day of October, 1930, duly and regularly pass and adopt a resolution ordering and directing that said proposed charter amendment known and designated as 8-A be not submitted to the qualified electors of said city at said special municipal election; and

WHEREAS, The said council of said city did by ordinance designated as ordinance No. 68,161, which was duly adopted on October 15, 1930, order the holding of a special municipal election in said city of Los Angeles on the fourth day of November, 1930, which said date was not less than forty days and not more than sixty days after the completion of the publication of said twelve proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on October 16, 1930, and was published five times prior to the time for the holding of said election, to wit: On October 21, 22, 23, 24 and 25, 1930, in The Los Angeles Daily Journal, a daily newspaper printed and published in said city; and said council of said city did by said ordinance No. 68,161 order said special municipal election consolidated with the general state election to be held in said city on the fourth day of November, 1930; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the fourth day of November, 1930, which day was not less than forty days and not more than

sixty days after said twelve proposed amendments to said charter had been published once in The Los Angeles Daily Journal; which said election was held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 22, 1930, duly certify to the council of said city of Los Angeles the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on December 11, 1930, duly declare the result of said municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said municipal election held on said fourth day of November, 1930, eight of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: charter amendments Nos. 1-A, 2-A, 4-A, 5-A, 7-A, 10-A, 11-A and 12-A, and that all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said eight charter amendments so ratified by the electors of the city of Los Angeles are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1-A.

That Section 350 of the Charter be amended to read as follows:

Sec. 350. The budget may become effective in the following manner: Budget.

(1) Adopted by the Council and approved by the Mayor.

(2) Adopted by the Council and not acted upon by the Mayor within five days after such adoption.

(3) Adopted by the Council and vetoed in whole or in part as to any item thereof by the Mayor and readopted by vote of two-thirds of all members of the Council, overcoming the Mayor's veto made in whole or in part or as to any item thereof: provided that any item vetoed by the Mayor the veto of which is not overcome by a vote of two-thirds of all the members of the Council shall be stricken from the budget, and for any expenditure item so stricken and equivalent amount of money shall be added to the "Unappropriated Balance".

The budget adopted in the above manner shall be signed by the Mayor, or by the President of the Council and the City Clerk, and the several items thereof shall thereupon be deemed appropriated for the ensuing fiscal year to the several purposes, departments, and offices therein specified. The budget shall be filed in the office of the Controller and under his

direction shall be printed and distributed to officers of the city government and to citizens making application to the Controller therefor.

That Section 353 of the Charter be amended to read as follows:

Same:
proceeding
on failure
to adopt

Sec. 353. In case the Council shall fail to adopt a budget and levy a rate of taxation at the time and in the manner provided by this charter, then a budget as prepared by the Mayor for the expenses of conducting the business of the city government shall be in effect, and the Controller shall add thereto the amount required to meet the interest and sinking fund for the bonded indebtedness of the city and of special districts therein and shall calculate a rate, but not exceeding the limit elsewhere in this charter provided, of taxation upon each one hundred dollars (\$100.00) of valuation which, with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the necessary revenue for the ensuing fiscal year. The Controller shall thereupon give public notice of said action and rate of taxation by publication at least three times in a newspaper of general circulation in the city; and the tax rate calculated by said Controller, as hereinabove provided for, shall be the rate of taxation of the city and the budget, and said tax rate shall thereupon have full force and effect as if said appropriations had been made and said rate of taxation fixed by action of the Council and approved by the Mayor, as hereinbefore provided.

CHARTER AMENDMENT NO. 2-A.

That Section 60 of the Charter be amended to read as follows:

Deposit
of moneys.

Sec. 60. The Treasurer may, as he deems advisable, deposit the money under his supervision and control, in such institutions and upon such terms as the laws of the State of California may permit, and the evidence of such deposits shall be counted and considered the same as cash in the City Treasury.

CHARTER AMENDMENT NO. 4-A.

That Paragraphs Second and Third of Section 221 of the Charter be amended to read as follows:

Payment of
notes, etc

Second: For the payment of the principal and interest, or either, due, or coming due during the fiscal year in which the revenues in said fund or funds are received, or are to be received, upon outstanding notes, certificates, or other evidences of indebtedness issued against revenues from such works, in pursuance of Section 224, or bonds or other evidences of indebtedness, general or district, heretofore or hereafter issued for the purpose of such works, or parts thereof.

Third: For the necessary expenses of constructing, extending and improving such works, including the purchase of lands, water rights and other property; also the necessary expenses of conducting and extending the business of the Department pertaining to such works; also the necessary expenses of adver-

tising for, soliciting for, and increasing the business of the Department and for promoting the sale of the products of said Department; also for reimbursement to another bureau on account of services rendered, or material, supplies, or equipment furnished; also for expenditures for purposes for which bonds, or evidences of indebtedness provided for in Section 224, shall have been authorized, subject to reimbursement as soon as practicable, for monies derived from the sale or issuance of such bonds or evidences of indebtedness.

CHARTER AMENDMENT NO. 5-A.

That Section 222 of the Charter be amended to read as follows:

Sec. 222. The Board may provide for the cost of extensions and betterments of said Water Works and Electric Works from funds derived from the sale of bonds, general or district, and/or from revenues received from said works to which such extensions and betterments pertain, and/or from the proceeds of loans contracted in accordance with the provisions of Sec. 224.

Water and electric works.

CHARTER AMENDMENT NO. 7-A.

That Section 135 of the Charter be amended to read as follows:

Sec. 135. The Chief Engineer of the Fire Department shall have the power to suspend or remove any officer or employee in the Fire Department; but no such suspension or removal shall be made except for cause shown to promote the efficiency of the service, which shall be specifically stated in writing and filed with the Board of Fire Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by forwarding a copy thereof by registered mail to his last known address if he can not be found. Upon such filing the suspension or removal shall take effect. Upon written application of the person so suspended or removed, filed with said Chief Engineer within five (5) days after service upon him of such statement if he has been personally served, or within ten (10) days after service upon him of such statement if he has been served in any other manner, as above provided, said Chief Engineer shall, within five (5) days after such application is filed, appoint a Board of Inquiry to consist of three (3) officers of the rank of Battalion Chief or higher chosen by the accused at the time of filing such application, by drawing three (3) names from a box containing slips of paper on which are the names of all officers qualified to sit upon said Board of Inquiry; and the Chief Engineer shall appoint a day and time and designate a place for the hearing of the case upon its merits, not less than five (5) nor more than ten (10) days after such appointment. Such hearing can be had only upon a written complaint filed with the Chief Engineer, which must be verified by the oath of the person making the same (except where such complaint is made by the Chief Engineer), and must contain a statement in

Suspension or removal of fire department employees.

clear and concise language of all the facts constituting the charge made, a copy of which shall be served on the person charged in the manner hereinabove provided at least five (5) days prior to the date set for such hearing, together with a notice of the time and place designated for such hearing.

**Board of
Inquiry.**

The officers acting as a Board of Inquiry shall be empowered to administer oaths and affirmations in any investigation or proceeding pending before said Board, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence before them, respectively, as the case may be, by subpoena to be issued in the name of the City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon demand of the officers constituting the said Board, issue such subpoena in the name of the City, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witnesses sought to be subpoenaed before the said Board, at the time and place in said subpoena specified; and it shall be the duty of the Chief of Police to cause all such subpoenas to be served by some members of the Police Department upon the person or persons required to attend as aforesaid; and it shall be the duty of the Council upon the adoption of this charter amendment, to provide suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify as herein provided.

Hearing

At such hearing the accused shall have the right to appear in person and by counsel or representative, or both, and make defense to such charge and may produce witnesses to testify in his behalf, and cross-examine witnesses against him at such hearing. He shall also have the right to have all of the testimony at such hearing given under oath, reported by a stenographer and transcribed, and shall be entitled to a copy thereof. Said Board shall render its decision in writing upon the evidence adduced before it at such hearing, and not otherwise, at the conclusion of the hearing, and shall certify its findings to the Chief Engineer, with recommendations. Said Chief Engineer shall consider the findings and recommendations of said Board, and shall affirm, rescind or amend his order of suspension or removal within five (5) days after such certification, and the person so suspended or removed shall be forthwith served with notice of such affirmation, rescission, or amendment in the manner hereinbefore provided for the service of the notice of suspension or removal. If the order of suspension or removal be affirmed or amended by the Chief Engineer the person so suspended, removed or otherwise disciplined may within five (5) days after service upon him of such notice, if he has been personally served, or within ten (10) days after service upon him of such notice if he has been served in any other manner as above provided, file his application in writing with the Board of Fire Commissioners for a review of the entire proceedings upon the records. Upon the filing of such application for review the Board of Fire

Commissioners shall proceed to review such proceedings and shall render its decision in writing thereon within thirty (30) days after the filing of such application. If, in the case of a removal, the said board, after such review, shall find that the grounds were insufficient, or were not sustained, the said board shall reinstate such person in such position; and if, in the case of a suspension, the said board, after such review, shall find that the grounds stated were insufficient, or were not sustained, the said board shall restore such person to duty.

At any time within three (3) years after the decision by the said Board of Inquiry of any case of suspension or removal, as hereinabove provided, a new Board of Inquiry may be appointed in the manner outlined above, upon written application of the person so suspended or removed, reasonably showing that good cause appear therefor, shall, without unnecessary delay, reconsider and redetermine the issues involved and new issues raised; and if, in the case of a suspension or removal, said Board of Inquiry then finds that such person has been unjustly suspended or removed, it shall make a finding to that effect and certify a copy of such finding to the Chief Engineer, and if, in the case of a removal or suspension, the Chief Engineer then finds that such person has been unjustly removed or suspended, he shall reinstate such person in the position from which he was removed or suspended.

Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive full compensation from the city the same as if such suspension or removal had not been made, provided that such compensation shall not be for more than six (6) months salary.

The right of any such officer or employee in the Fire Department to hold his office or position is hereby declared to be a substantial right of which he shall not be deprived arbitrarily nor summarily otherwise than as herein in this Charter provided.

That Section 202 of the Charter be amended to read as follows:

Sec. 202. The Chief of Police shall have the power to suspend or remove any officer or employee in the Police Department; but no such suspension or removal shall be made except for cause shown to promote the efficiency of the service, which shall be specifically stated in writing and filed with the Board of Police Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by forwarding a copy thereof by registered mail to his last known address if he can not be found. Upon such filing the suspension or removal shall take effect. Upon written application of the person so suspended or removed, filed with said Chief of Police within five (5) days after service upon him of such statement if he has been personally served, or within ten (10) days after service upon him of such statement if he has been served in any other manner, as above

Suspension
or removal
of police de-
partment
employees.

provided, said Chief of Police shall, within five (5) days after such application is filed appoint a Board of Inquiry to consist of three (3) officers of the rank of Lieutenant or higher chosen by the accused at the time of filing such application, by drawing three (3) names from a box containing slips of paper on which are the names of all officers qualified to sit upon said Board of Inquiry; and the Chief of Police shall appoint a day and time and designate a place for the hearing of the case upon its merits, not less than five (5) nor more than ten (10) days after such appointment. Such hearing can be had only upon a written complaint filed with the said Chief of Police, which must be verified by the oath of the person making the same (except where such complaint is made by the Chief of Police), and must contain a statement in clear and concise language of all the facts constituting the charge made, a copy of which shall be served on the person charged in the manner hereinabove provided at least five (5) days prior to the date set for such hearing, together with a notice of the time and place designated for such hearing.

**Board of
Inquiry.**

The officers acting as a Board of Inquiry shall be empowered to administer oaths and affirmations in any investigation or proceeding pending before said Board, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence before them, respectively, as the case may be, by subpoena to be issued in the name of the City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon demand of the officers constituting the said Board, issue such subpoena in the name of the City, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witnesses sought to be subpoenaed before the said Board, at the time and place in said subpoena specified; and it shall be the duty of the Chief of Police to cause all such subpoenas to be served by some member of the Police Department upon the person or persons required to attend as aforesaid; and it shall be the duty of the Council upon the adoption of this charter amendment, to provide suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify as herein provided.

Hearing

At such hearing the accused shall have the right to appear in person and by counsel or representative, or both, and make defense to such charge and may produce witnesses to testify in his behalf and cross-examine witnesses against him at such hearing. He shall also have the right to have all of the testimony at such hearing given under oath, reported by a stenographer and transcribed, and shall be entitled to a copy thereof. Said Board shall render its decision in writing upon the evidence adduced before it at such hearing, and not otherwise, at the conclusion of the hearing, and shall certify its findings to the Chief of Police, with recommendations. Said Chief of Police shall consider the findings and recommendations of said

Board, and shall affirm, rescind or amend his order of suspension or removal within five (5) days after such certification, and the person so suspended or removed shall be forthwith served with notice of such affirmation, rescission, or amendment in the manner hereinbefore provided for the service of the notice of suspension or removal. If the order of suspension or removal be affirmed or amended by the Chief of Police the person so suspended, removed or otherwise disciplined may within five (5) days after service upon him of such notice, if he has been personally served, or within ten (10) days after service upon him of such notice if he has been served in any other manner as above provided, file his application in writing with the Board of Police Commissioners for a review of the entire proceedings upon the records. Upon the filing of such application for review the Board of Police Commissioners shall proceed to review such proceedings and shall render its decision in writing thereon within thirty (30) days after the filing of such application. If, in the case of a removal, the said board, after such review, shall find that the grounds were insufficient, or were not sustained, the said board shall reinstate such person in such position; and if, in the case of a suspension, the said board, after such review, shall find that the grounds stated were insufficient, or were not sustained, the said Board shall restore such person to duty.

At any time within three (3) years after the decision by the said Board of Inquiry of any case of suspension or removal, as hereinabove provided, a new Board of Inquiry may be appointed in the manner outlined above, upon written application of the person so suspended or removed, reasonably showing that good cause appear therefore, shall, without unnecessary delay, reconsider and redetermine the issues involved and new issues raised; and if, in the case of a suspension or removal, said Board of Inquiry then finds that such person has been unjustly suspended or removed, it shall make a finding to that effect and certify a copy of such finding to the Chief of Police, and if, in the case of a removal or suspension, the Chief of Police then finds that such person has been unjustly removed or suspended, he shall reinstate such person in the position from which he was removed or suspended.

Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive full compensation from the city the same as if such suspension or removal had not been made, provided that such compensation shall not be for more than six (6) months salary.

The right of any such officer or employee in the Police Department to hold his office or position is hereby declared to be a substantial right of which he shall not be deprived arbitrarily nor summarily otherwise than as herein in this Charter provided.

CHARTER AMENDMENT NO. 10-A.

That Section 7 of the Charter be amended to read as follows:

Terms of
city officers.

Sec. 7. The Mayor, City Attorney and Controller shall hold their offices for a term of four years, the members of the City Council for a term of two years, and the members of the Board of Education for a term of two or four years as hereinafter provided, and all above officials' terms shall commence on the first day of July next succeeding their election.

The three members of the Board of Education receiving the largest number of votes cast at the election (Primary or General) at which they (or either of them) are elected shall be elected to the four year terms and the other members elected to the two year term.

That a new Section to be numbered 73 $\frac{3}{4}$ be added to the Charter to read as follows:

Sec. 73 $\frac{3}{4}$. On or before the first day of June, 1931, the two members of the Board of Commissioners of the Department of Building and Safety, of the Department of Health, and of the Department of Municipal Art, respectively, whose terms of office expire on June 30, 1932, shall by lot so classify their terms of office so that the term of office of one member shall expire on June 30, 1931, and the term of office of the other such member shall expire on June 30, 1932.

CHARTER AMENDMENT NO. 11-A.

That Section 281 of the Charter be amended to read as follows:

When or-
dinances
shall go
into effect

Sec. 281. No ordinance, legislative, administrative or executive, passed by the Council shall go into effect until the expiration of thirty days from its publication, except an ordinance ordering, or otherwise relating to an election or to the levying or collection of the annual city taxes; an ordinance establishing or changing the name of, or curb lines of, or respecting the establishment or change of grade of, or the improvement in any manner of, or the opening, widening, straightening or extension of, streets, boulevards, alleys, courts or other public places, and an ordinance respecting the construction of sewers or storm drains, or respecting the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property for any of said purposes, or respecting the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessments upon private property, or any ordinance authorized or required by the laws of this state, or by or under the provisions of this charter, respecting the improvement of streets or other public places; and an ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and is passed by a three-fourths vote of the Council; but all ordinances of any of the classes heretofore excepted by

this section shall take effect upon their publication. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure, but all grants of franchises, rights or privileges shall be subject to a referendary vote hereinafter provided. No ordinance, order or resolution passed by the Council making or authorizing any contract shall go into effect until the expiration of thirty days from the publication of such ordinance, or the adoption of such order or resolution, except contracts for street or other public improvements, the cost and expenses whereof are to be paid by local assessments, contracts requiring payment from funds under the control of the Water and Power, or Harbor Departments, and contracts that require the payment by the city of less than twenty-five thousand dollars, and except any ordinance, order or resolution of the Council authorizing the sale or issuance of bonds of the city or of any district therein. Except as hereinbefore provided, orders and resolutions shall take effect upon their passage.

CHARTER AMENDMENT NO. 12-A.

That a new Section to be numbered 390 be added to the Charter to read as follows:

Sec. 390. Except as provided in Sec. 224 of this charter, no Board or Commission of the City of Los Angeles shall make any contract obligating the City of Los Angeles, or any department of the city government to make payments of money or other valuable consideration for a period of time longer than three years from the date of any such contract, unless such contract shall have been first approved and authorized by Ordinance of the City of Los Angeles, provided, however, that this section shall not apply to contracts entered into with the United States Government, or other governmental agencies.

Approval of
contracts by
ordinance.

State of California, }
County of Los Angeles, } ss.

We, the undersigned, John C. Porter, mayor of the city of Los Angeles, State of California, and Robt. Dominguez, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said city of Los Angeles, submitted to the electors of said city at a special municipal election held in said city on the fourth day of November, 1930, have been compared by us and each of us, with the proposed amendments set forth in the resolution adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of Los Angeles this 23rd day of December, 1930.

JOHN C. PORTER,
Mayor of the City of Los Angeles.

[SEAL] ROBT. DOMINGUEZ
City Clerk of the City of Los Angeles.

Now, therefore be it

Ratification

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the city of Los Angeles.

CHAPTER 6.

Senate Concurrent Resolution No. 4—Approving certain amendments to the charter of the county of Alameda, State of California.

[Filed with Secretary of State January 19, 1931.]

County of Alameda charter amendments

WHEREAS, The county of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of section 7½ of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the eighteenth day of January, 1927; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the county of Alameda, to wit:

State of California.)
County of Alameda.) ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO

THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON
THE FOURTH DAY OF NOVEMBER, 1930.

PREAMBLE.

Be it known that:

WHEREAS, The County of Alameda, State of California, has, at all times mentioned herein, been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of the said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927; and

WHEREAS, On the 11th day of September, 1928, the board of supervisors of said County of Alameda, pursuant to the provisions of section seven and one-half of article eleven of the constitution of said state duly proposed to the qualified electors of the said county certain amendments to the charter of the said county by submission of proposals for such amendments to said electors at the general election held on November 4th, 1930, and at the same time said board of supervisors duly ordered said proposals to be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published for ten times in the Post-Enquirer, a newspaper of general circulation printed, published and circulated in said county, and in said proposals said proposed amendments, and each of them, were set forth in full and at length and were and are in the words and figures hereinafter set forth; and

WHEREAS, Thereafter, the said proposals, and each of them were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: September 13, 15, 16, 17, 18, 19, 20, 22, 23 and 24, 1930, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, Immediately subsequent to said publication, the said board of supervisors duly prescribed the form and titles to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to November 4th, 1930, the county clerk of said county duly filed in his office a notice of election in which, among other things and in addition to all other mat-

Alameda
county
charter
amendments.

ters required by law, it was stated that said proposals, and each of them, would be submitted to the qualified electors of said county at said general election on November 4, 1930, and said clerk caused a copy of said notice to be posted in a prominent place in his office; and

WHEREAS, Not more than twenty-five days, nor less than fifteen days prior to said November 4th, 1930, the county clerk of said county caused to be mailed to each qualified elector within said County of Alameda, inclosed in an envelope with a sample ballot, a pamphlet containing a complete copy of said proposed amendments, and each of them, and said pamphlet was in the form required by law and contained all matters and things required by law to be contained therein, and said pamphlet in all respects duly complied with law; and three copies of said pamphlet were kept at every polling place within the said County of Alameda while said election was in progress, so that they might be freely consulted by the electors; and

WHEREAS, At said general election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county and appeared on the general ballot at said election in the following form, to wit:

AMENDMENTS TO THE CHARTER OF THE COUNTY
OF ALAMEDA.

<p>Shall Section 66 of the Charter of the County of Alameda, which now provides that no elective or appointive officer or employee who receives compensation as such shall hold any other public office of profit, except the office of Notary Public, or an office in the National Guard of</p>	<p>YES</p>
<p>1. the State of California, or an office in any reserve military or naval force of the United States Government, be amended so as to define the term "public office of profit" as used therein to mean any public office with a salary or compensation attached thereto of twenty-five dollars or more a month.</p>	<p>NO</p>
<p>Shall Section 21 of the Charter of the County of Alameda, which now provides that there shall not be more than one Constable for each Justice's Court, be amended so as to provide that in</p>	<p>YES</p>
<p>2. townships having a population of fifty thousand or more, as shown by the Federal Census for the year 1930, and in Townships having a Justice's court, and a City Justice's court, there shall be at least two Constables.</p>	<p>NO</p>

Alameda
county
charter
amendments.

<p>Shall Section 22 of the Charter of the County of Alameda, which now provides that Constables shall be appointed by the Sheriff from the eligible civil service list, be amended so as to provide that all Constables holding office on the 31st day of December, 1930 shall hold their position from and after the date on which this amendment takes effect, and shall at such time be appointed by the Sheriff, and if they accept such appointment at said time shall continue to hold said position until discharged, reduced, promoted or transferred, in accordance with the provisions of the charter relating to civil service.</p> <p>3.</p>	<p>YES</p> <hr/> <p>NO</p>
<p>Shall Section 59 of the Charter of the County of Alameda, which now provides for re-appraisal by provision of the Board of Supervisors at intervals of not more than five years, of all the real property and improvements in the County by a competent expert or experts, other than the Assessor, made as of the first Monday in March of the fiscal year for which the re-appraisal is required, and submitted to the Assessor and the Board of Equalization for their guidance, be abolished by repealing the same.</p> <p>4.</p>	<p>YES</p> <hr/> <p>NO</p>
<p>Shall Section 35 of the Charter of the County of Alameda, which now provides that all Chief Deputies of all officers elected by the people are included in the unclassified civil service, be amended to provide that each Chief Deputy of the County who held such office at the time the Charter took effect, and who is holding such position at the time this amendment shall take effect, and who does not have civil service standing under the County, shall, upon ceasing to be a Chief Deputy, unless discharged for cause under the civil service provisions of this County, be placed at the head of each civil service eligible list for clerical positions in the County service, and shall be entitled to appointment to each vacancy which shall thereafter occur in such clerical positions until permanently appointed to one of such positions.</p> <p>5.</p>	<p>YES</p> <hr/> <p>NO</p>

and,

Alameda
county
charter
amendments.

WHEREAS, Said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The returns of said general election held in the County of Alameda on the 4th day of November, 1930, at which election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the County of Alameda, and it appeared therefrom and was so declared by the said board of supervisors that fifty-two thousand nine hundred twenty-three votes were cast in favor of said proposed Amendment No. 1 and that thirty-eight thousand six hundred thirty-five votes were cast against said proposed Amendment No. 1; that thirty-nine thousand ninety votes were cast in favor of said proposed Amendment No. 2, and that forty-nine thousand eight hundred forty-seven votes were cast against said proposed Amendment No. 2; that thirty-seven thousand three hundred twenty-four votes were cast in favor of said proposed Amendment No. 3, and that forty-nine thousand nine hundred eighty-two votes were cast against said proposed Amendment No. 3; that forty-two thousand five hundred eight votes were cast in favor of said proposed Amendment No. 4 and that forty-two thousand one hundred fifty-nine votes were cast against said proposed Amendment No. 4; that thirty-two thousand nine hundred ninety-seven votes were cast in favor of said proposed Amendment No. 5 and that fifty-three thousand one hundred sixty-four votes were cast against said proposed Amendment No. 5; and it appeared therefrom and was so declared by said board of supervisors that a majority of the qualified electors of said County of Alameda voting thereon at said general election voted in favor of each of said proposed amendments numbered 1 and 4 above set forth, and said board of supervisors thereupon ordered and declared that said proposed amendments numbered 1 and 4 and each of them were ratified; and it appeared therefrom and was so declared by said board of supervisors that a majority of the qualified electors of said County of Alameda voting thereon at said general election voted not in favor of each of said proposed amendments numbered 2, 3 and 5 above set forth, and said board of supervisors thereupon ordered and declared that said proposed amendments numbered 2, 3 and 5 and each of them were rejected; and

WHEREAS said amendments so ratified by the electors of said County of Alameda at said general election held on November 4th, 1930, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without

power of alteration or amendment in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California;

NOW THEREFORE, the undersigned, Wm. J. Hamilton, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Geo. E. Gross, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said charter of said County, and each of them, so ratified by the majority of the electors voting thereon at said general election held on the 4th day of November, 1930, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said legislature be in the words and figures following, to-wit:

ALAMEDA COUNTY CHARTER AMENDMENT NO. 1.

Section 66 of the Charter of the County of Alameda is hereby amended to read as follows:

"Sec. 66: No elective or appointive officer or employee who receives compensation as such shall hold any other public office of profit as said term is herein defined, except the office of notary public, or an office in the National Guard of the State of California, or an office in any reserve military or naval force of the United States Government. By the term 'public office of profit' as used herein is meant any public office with a salary or compensation attached thereto of twenty-five dollars or more a month. No officer or employee shall be interested directly or indirectly in any contract or transaction with the County, or become surety upon any bond given to the County. No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with, or service for the County, by himself or otherwise, except his lawful compensation as such officer or employee. Any violation of the provisions of this section shall render the contract or transaction involved voidable at the option of the Board of Supervisors.

"Public office of profit."

It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this section immediately to report such violation to the Board of Supervisors, and failing so to do may be removed from his office or employment."

ALAMEDA COUNTY CHARTER AMENDMENT NO. 4.

Section 59 of the Charter of the County of Alameda is hereby repealed and which read as follows:

"Appraisal of Property.

Sec. 59: Within ninety days after this Charter takes effect, and thereafter at intervals of not more than five years, the

Appraisals of property.

Board of Supervisors shall provide for a re-appraisal of all the real property and improvements in the County by a competent expert or experts other than the Assessor, such re-appraisal shall be made as of the first Monday in March of the fiscal year for which the re-appraisal is required, and shall be submitted to the Assessor and the Board of Equalization for their guidance."

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are and each of them is true; and for and on behalf of said County of Alameda we being duly authorized, do hereby request the legislature of the State of California to approve said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this fifth day of January, 1931.

WM. J. HAMILTON,
Chairman of the Board of Supervisors of the
County of Alameda, State of California.

Attest:

GEO. E. GROSS
County Clerk and Ex-Officio Clerk
of the Board of Supervisors of the [SEAL]
County of Alameda, State of Cali-
fornia.

WHEREAS, Said proposed amendments to the charter of the county of Alameda, so ratified by the majority of the electors voting thereon at said general election held on the fourth day of November, 1930, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provision of section 7½ of article eleven of the constitution of the State of California; now, therefore, be it

Ratification.

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the county of Alameda, and each of them, as proposed, adopted and ratified by the electors of the said county of Alameda and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the county of Alameda.

CHAPTER 7.

Senate Joint Resolution No. 1—Relating to the retrocession by the congress of the United States of jurisdiction over the

proposed rights of way for the approach roads, toll plazas and bridge ends of the proposed Golden Gate bridge.

[Filed with Secretary of State January 19, 1931.]

WHEREAS, The secretary of war of the United States has granted or is about to grant to the Golden Gate bridge and highway district certain rights of way upon which shall be located the approach roads, toll plazas and bridge ends of the proposed Golden Gate bridge; and

Application for retrocession of United States jurisdiction over Golden Gate bridge ends, etc.

WHEREAS, The secretary of war has expressed the desire that the State of California should make application to the congress for a retrocession of jurisdiction over the rights of way and other rights covered by such grant, during the life thereof, and should declare by legislative action that it will accept such retrocession of jurisdiction from the United States, and that it will assume the responsibility for management, controlling, policing, and regulating traffic thereon, except government traffic; and

WHEREAS, The said approach roads, toll plazas and bridge ends will, when taken over for the purpose of construction, maintenance and operation by the Golden Gate bridge and highway district, the highway commission of the State of California, the shore line highway, and the county of Marin, or either or any of them, become a part of the system of public highways of the State of California; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the State of California does hereby make application to congress for a retrocession of jurisdiction over the rights of way, toll plazas and bridge ends necessary for the approach roads, toll plazas and bridge to be constructed across the Golden Gate at the mouth of San Francisco bay and which may be covered by any grant made by the secretary of war, now or hereafter to be made; and be it further

Resolved, That the State of California will, in case such retrocession of jurisdiction is granted by congress, assume the responsibility for managing, controlling, policing and regulating traffic thereon, except government traffic; provided that persons subject to military law for crimes or offenses committed upon said approach roads, toll plazas or bridge within the boundaries of the military reservations of the Presidio of San Francisco and Fort Baker shall be triable in the courts of the United States or military tribunals, as now or hereafter provided by law, which said courts or tribunals shall retain exclusive jurisdiction to try such persons for such offenses; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the secretary of war, to each house of congress and to the senators and representatives in congress of the State of California.

CHAPTER 8.

Assembly Joint Resolution No. 3—Relative to memorializing congress to enact legislation which will place a tariff upon oil.

[Filed with Secretary of State January 20, 1931.]

Oil tariff urged.

WHEREAS, The production of oil is a source of great financial benefit to the people of our nation in affording employment to great numbers of them in the many operations necessary in bringing oil from the earth to those who are to use it, and

WHEREAS, A dependence on foreign supplies of oil is inherently dangerous; and

WHEREAS, It appears that the progress of all branches of the industry both great and small demands protection; and

WHEREAS, It appears that enormous quantities of oil are being brought in from Russia and Venezuela, and sold at a smaller cost than the price at which domestically produced oil can be sold; and

WHEREAS, This situation, if allowed to continue, would eventually bring about the destruction of the American oil industry; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That we the members of the Legislature of the State of California, urge enactment of a law by congress imposing a tariff upon all oil brought into the United States from foreign countries; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States and to each senator and representative in congress.

CHAPTER 9.

Senate Concurrent Resolution No. 2—Approving certain amendments to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 19, 1931.]

City of Oakland: charter amendments.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of the city of Oakland, as follows, to wit:

State of California }
 County of Alameda } ss.
 City of Oakland }

City of
 Oakland
 charter
 amendments.

We, the undersigned, John L. Davie, mayor of the city of Oakland, State of California, and Frank C. Merritt, city clerk of said city, do hereby certify and declare as follows:

That the city of Oakland, a municipal corporation, in the county of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing, and acting under a freeholders' charter, adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the secretary of state on the fifteenth day of February, 1911 (Statutes of 1911, p 1551);

That in pursuance of section 8 of article eleven of the constitution of the State of California, on petition signed by fifteen (15) per cent of the registered electors of the city of Oakland, the Council of the said city of Oakland, being the legislative body of said city, by and in pursuance of Resolution No. 47199 N. S., passed by the said council on the twelfth day of September, 1930, duly submitted to the qualified electors of said city of Oakland, a certain proposal for the amendment of the charter of said city, to be voted on by said qualified electors at a special municipal election, held in said city on the fourth day of November, 1930, which said proposal was and is in words and figures as set forth in the said petition to the council, a copy of which is attached hereto and by this reference made a part hereof;

That such proposed amendment was published and advertised in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, and in accordance with the provisions of the charter of the city of Oakland in the "Oakland Tribune," a daily newspaper of general circulation published in said city of Oakland and the official paper and newspaper of said city;

That copies of said proposed amendment were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Oakland Tribune" that such copies could be had upon application therefor at the office of the city clerk of the city of Oakland;

That such copies could be had upon application therefor at the office of said city clerk until the date fixed for the election hereinafter described;

City of
Oakland
charter
amendments

That the council of the city of Oakland, the legislative body of said city, by its resolution No. 47199 N. S., passed on the twelfth day of September, 1930, did order the holding of a special municipal election in said city of Oakland, on the fourth day of November, 1930, said day being at least forty days after the completion of advertising of said proposed amendment in said official paper of said city, and not more than sixty days after the completion of such advertising, and did provide in said resolution for the submission of the proposed amendment to the charter of the qualified electors of said city for their ratification at such election;

That said election was duly called and held on the fourth day of November, 1930, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the charter of the city of Oakland hereto attached;

That the returns of said election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendment to said charter hereto attached.

And we further certify, that we have compared the attached proposed and ratified amendment to the charter of the city of Oakland with the original proposal submitting the same to the electors of said city at an election held on the fourth day of November, 1930, and find that the same is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Oakland to be affixed hereto, this seventeenth day of December, 1930.

JOHN L. DAVIE,
Mayor of the City of Oakland.

FRANK C. MERRITT,
City Clerk of the City of Oakland.

Subscribed and sworn to before me this 17th day of December, 1930.

Homer W. Buckley, Notary public in and for the county of Alameda, State of California.

INITIATIVE PETITION TO AMEND THE CHARTER OF THE CITY OF OAKLAND TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

PETITION TO THE COUNCIL.

To the Council of the City of Oakland, a Municipal Corporation of the State of California:

Pursuant to the provisions of the Constitution of the State of California, the undersigned registered electors of the city of Oakland do hereby petition your honorable body to submit to the electors thereof, in the manner provided by law, a proposal to amend the Charter of the said City,—

By amending the following Sections and Subdivisions of said Charter: Subdivisions 17 and 21 of Section 5, Sections 8, 9, and 10, Section 12 (Subdivisions 1 and 2), Sections 14, 17, 19, 21, 22 and 24, Section 28 (Subdivisions 1 to 3 inclusive), Section 30 (Subdivisions 1 to 8 inclusive), Section 32, Subdivision 2 of Section 33, Sections 34, 35, 41 and 43, Subdivisions 2, 3 and 7 of Section 46, Sections 53, 57, 64, 70, 71, 72, 81, 82, 89 and 93, Subdivision 8 of Section 96, Sections 96½, 99, and 101, Subdivision 8 of Section 104, Sections 105, 106, 108, 110, 114, 115, 116, 118, 124, 128, 130, 179, 188, 189, 207, 209, 216, 218 and 220, and by amending the titles of certain Sections as hereinafter indicated, including the title of Article VII, and all portions of the Charter in conflict with this amendment;

By adding to the said Charter a Preamble, together with the following Sections and Subdivisions: Subdivision 20½ to Section 5, Section 5½, Section 15 (Subdivisions 1 to 9 inclusive), Section 16½, Section 27 (Subdivisions 1 to 6 inclusive), Sections 29½, 116½, 118a, 118b, 122½, 205½, 205¾, and 208½; and

By repealing Sections 15, 23, 25, 26 and 27, Section 29 (Subdivisions 1 to 5 inclusive), Sections 42 and 47 and the sixth (last) paragraph of Section 208 of said Charter, all of said amended and added Sections and Subdivisions, including the titles thereof and of Article VII, to read and be as hereinafter more particularly set forth, to-wit:

AMENDMENT TO CHARTER.

PREAMBLE.

We, the people of the City of Oakland, in order to promote ^{Preamble} a more effective and democratic government, secure a broader representation in legislation, and promote responsibility, economy and dispatch in administration so that this community may unite in harmonious effort to enjoy the full measure of prosperity and civic development to which it is justly entitled, do enact and ordain that the Charter of the City be amended as hereinafter set forth, and that there be established a Council-Manager system of local government.

Article III.

ELECTIONS.

Arrangement of Offices on Ballot.

Section 5, Subd. (17). The offices to be filled by election of ^{Ballots.} the people shall be arranged on the ballot in separate columns in the following order:

- For Councilman, District No. 1 (if any) vote for one.
- For Councilman, District No. 2 (if any) vote for one.
- For Councilman, District No. 3 (if any) vote for one.
- For Councilman, District No. 4 (if any) vote for one.
- For Councilman, District No. 5 (if any) vote for one.
- For Councilman, District No. 6 (if any) vote for one.
- For Councilman, District No. 7 (if any) vote for one.

- For Councilman-at-Large No. 1 (if any) vote for one.
 For Councilman-at-Large No. 2 (if any) vote for one.
 For Auditor, who shall be ex-officio Assessor (if any), vote for one.
 For School Director No. 1 (if any) vote for one.
 For School Director No. 2 (if any) vote for one.
 For School Director No. 3 (if any) vote for one.
 For School Director No. 4 (if any) vote for one.
 For School Director No. 5 (if any) vote for one.
 For School Director No. 6 (if any) vote for one.
 For School Director No. 7 (if any) vote for one.

Publicity of Qualifications.

Statement
of qualifi-
cations.

Section 5, Subd. (20½). At least thirty (30) days prior to the time fixed for the **Nominating Municipal Election**, every candidate for an elective office shall file with the City Clerk a verified statement of his name, the office for which he is a candidate, his residence, place of birth, occupation for the past five years, public offices he has held (if any), and such other information as the Council may by ordinance require. He may give in such statement such other information regarding his experience and qualifications as he may desire, and as might enable the electors to determine his fitness for office, such additional information, however, not to exceed one hundred fifty words. Such statement shall, also, contain the signatures of not more than twenty nor less than ten residents of the City of Oakland sponsoring such candidate, who need not have signed such candidate's nominating petition.

The candidate may also, at his option, in filing such statement furnish the City Clerk a cut suitable for news print, not larger than two by three inches in size, of a true and accurate portrait photograph of such candidate taken within two years prior thereto. Such cut shall be returned to the candidate after the election.

One copy of such statement, together with a reproduction of such cut, if any be furnished, shall be mailed by the City Clerk to each qualified elector with the sample ballot of the aforesaid election.

The Council shall have power by ordinance to provide a method and procedure for the carrying out of the provisions of the foregoing paragraph.

Vote Necessary for Election—Second Election.

Second
election.

Section 5, Subd. (21). The candidate receiving a majority of the votes cast for all candidates for that office shall be declared elected. If at any election held as above provided, there be any office to which no person was elected, then as to such office the said election shall be considered to have been a nominating election for the nomination of candidates, and a second election shall be held to fill said office.

In case no candidate receives a majority of the votes cast for all candidates for the office to be filled, then the two candidates receiving the highest number of votes for such office

shall be the candidates and the only candidates for such office, whose names shall be printed upon the ballots to be used at the second election; provided that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other person received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise be candidates for such office and their names shall be printed upon the ballots.

At such second election the candidate for any office who receives the highest number of votes at such election shall be declared elected to such office.

If at any such election any Councilman, the Auditor, or any School Director be not elected by reason of a tie vote, then the Council then in office shall by lot choose from the candidates receiving such tie vote the necessary number to fill such office or offices.

All the provisions and conditions above set forth as to the conduct of nominating municipal elections, so far as they may be applicable, shall govern said second elections and all other municipal elections, and in said second election the same precincts and polling places as used in said nominating municipal elections shall, if possible, be used.

Percentages of Vote Required for Petitions.

Section 5½. Following the first day of July after the taking effect of this amendment, the minimum percentages of the qualified electors required to sign petitions for the purposes of initiating the procedure provided in this Charter relative to the Recall of elective officers, the Initiative or Referendum shall be calculated in each case upon the entire vote cast at the last preceding General Municipal Election at which Councilmen were elected, and not upon the vote cast for candidates for the office of Mayor as heretofore elsewhere in this Charter provided. ^{Signatures on petitions.}

Article V.

ELECTIVE OFFICERS.

The Elective Officers.

Section 8. The elective officers of the City shall be nine Councilmen, an Auditor who shall be ex-officio Assessor, and seven School Directors. ^{Elective officers.}

The Council shall consist of the nine Councilmen above specified, each of whom shall have the right to vote on all questions coming before the Council.

All the legislative powers of the City, except as otherwise provided by law or this Charter, shall be vested in the Council.

On all official election ballots, the designation of candidates for Councilmen to be elected from districts shall be followed by the number of the district from which such candidate shall have been nominated. Candidates for Councilmen-at-Large, in case there shall be more than one Councilman-at-Large to be elected, shall be designated as Councilman-at-Large No. 1

or No. 2, in accordance with the declaration of candidacy which said candidates shall have filed with the City Clerk. Such references to districts and numerical designations on the ballot shall have no significance after election and qualification of such Councilmen, but shall fix the status of each designated office as a separate office for the purpose of nomination and election thereto.

The Board of Education shall consist of the seven School Directors, each of whom shall have the right to vote on all questions coming before the Board of Education.

Candidates for School Director shall be designated on all official election ballots as candidates for School Director No. 1, or No. 2, or No. 3, or No. 4, or No. 5, or No. 6, or No. 7 (said numbers to be printed after the designating title "School Director," there being as many numbers from 1 up as there are School Directors to be elected) in accordance with the declarations of candidacy which said candidates shall have filed with the City Clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such School Director, but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Elected at Large.

Section 9. The Councilmen, Auditor, and School Directors shall be elected on a general ticket from the City at large.

Eligibility of Auditor.

Auditor's
eligibility

Section 10. To be eligible to the office of Auditor, the person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the City of Oakland for four years next preceding his nomination.

Vacancy in Office.

Vacancies

Section 12, Subd. (1). If a vacancy shall occur in the office of Councilman or Auditor, the Council shall appoint a person to fill such vacancy. In each case the person so appointed shall hold office, subject to the provisions of the Recall, until the next General Municipal Election, and his successor at such election shall be elected for the full or unexpired term, as the case may be; provided that if a vacancy arises by Recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this Charter, relating to the Recall.

Subd. (2). If a vacancy shall occur in the office of School Director, the Board of Education shall appoint a person to fill such vacancy. In each case a person so appointed shall hold office, subject to the provisions of the Recall, until the next General Municipal Election, and the successor of such appointee elected at such election shall be elected for the full or unexpired term, as the case may be; provided that if a

vacancy arises by Recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this Charter relating to the Recall.

Auditor's Term of Office.

Section 14. The Auditor shall hold office for a term of four years from and after the first day of July after his election, and until his successor is elected or appointed and qualified, unless sooner removed from office by Recall or otherwise. ^{Auditor's term of office.}

Section 15. "Commissioner's Term of Office." (Repealed.)
Creation and Composition of Council.

Section 15, Subd. (1). The nine Councilmen above specified shall consist of seven Councilmen nominated from districts and two nominated at large, and all to be elected by the qualified electors of the City at large in the manner hereinafter provided.

The Councilmen shall hold office for a term of four years from and after the first day of July after their election, and until their successors are elected or appointed and qualified, unless sooner removed from office by Recall or otherwise; provided that of the Councilmen first elected under this amendment, four shall serve for two years, and five for four years, as hereinafter provided.

Eligibility of Councilmen.

Subd. (2). To be eligible to the office of Councilman, a person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the City of Oakland for a continuous period of at least four years next preceding his nomination, and those elected as candidates from councilmanic districts shall have been a resident of the district from which he may be a candidate, for one year next preceding his nomination. ^{Councilmen's eligibility}

Councilmanic Districts.

Subd. (3). The City shall be divided into seven councilmanic districts, which upon the taking effect of this Charter amendment shall be as follows: ^{Councilmanic districts}

District No. 1.

Commencing at the intersection of the Northerly boundary line of the City of Oakland with the Easterly boundary line of the City of Berkeley; thence Southerly, Easterly, Southerly and Westerly along said Berkeley boundary line to its intersection with the Easterly boundary line of the City of Emeryville; thence Southerly, Easterly and Southerly along said City of Emeryville boundary line to its intersection with the center line of 45th Street; thence Easterly along the center line of 45th Street to its intersection with the center line of Broadway; thence Northeasterly along the center line of Broadway to the center line of Clifton Street; thence Easterly along the center line of Clifton Street and its direct pro-

Council-
manic
districts

duction Easterly to its intersection with the Northerly boundary line of the City of Oakland as it existed prior to December 8, 1909; thence in a general Southeasterly direction along last said boundary line to its intersection with the Westerly boundary line of the City of Piedmont. Thence Northeasterly and Southeasterly along said boundaries of the City of Piedmont to its intersection with the center line of Moraga Avenue; thence Northeasterly along the center line of Moraga Avenue to its intersection with the center line of Thorn Road; thence Northerly and Northeasterly along the center line of Thorn Road to its intersection with the Northerly boundary line of the City of Oakland; thence in a general Northwesterly direction along the boundary line of the City of Oakland to the point of commencement.

District No. 2.

Commencing at the intersection of the easterly boundary line of the City of Emeryville with the center line of 45th Street; thence Easterly along the center line of 45th Street to its intersection with the center line of Broadway; thence Northeasterly along the center line of Broadway to the center line of Clifton Street. Thence Easterly along the center line of Clifton Street and its direct production Easterly to its intersection with the Northerly boundary line of the City of Oakland as it existed prior to December 8, 1909; thence in a general Southeasterly direction along last said boundary line to its intersection with the Westerly boundary line of the City of Piedmont. Thence Southerly and Easterly along the boundary line of the City of Piedmont to its intersection with the center line of Oakland Avenue; thence Southwesterly along last said center line to its intersection with the center line of Monte Vista Avenue; thence Southeasterly along last said center line to its intersection with the center line of Vernon Street; thence Southwesterly along last said center line to its intersection with the center line of Harrison Street; thence Southerly along last said center line to its intersection with the center line of Grand Avenue; thence Easterly along last said center line to its intersection with the direct production Northerly of the center line of the Western Arm of Lake Merritt; thence Southerly along said production line, and continuing Southeasterly along the center line of said Western Arm of Lake Merritt to its intersection with the direct production Easterly of the center line of 19th Street; thence Westerly along said production and the center line of 19th Street to its intersection with the center line of San Pablo Avenue; thence Northwesterly along last said center line to its intersection with the Southerly boundary line of the City of Emeryville; thence Easterly and Northerly along the boundary lines of the City of Emeryville to the point of commencement.

District No. 3.

Commencing at the intersection of the Southerly boundary line of the City of Emeryville with the center line of San

Pablo Avenue; thence Southeasterly along the center line of San Pablo Avenue to its intersection with the center line of 19th Street; thence Easterly along the center line of 19th Street and its direct production Easterly to its intersection with the direct production Southerly of the center line of the Eastern Arm of Lake Merritt; thence in a Southerly direction to an intersection with the center line of a water outlet connecting Lake Merritt and the Estuary; thence in a general Southerly direction along the center line of said outlet to the North Arm of the Estuary; thence Southerly along the center line of the North Arm of the Estuary to its intersection with a Southerly boundary line of the City of Oakland; thence West-erly, Northwesterly and Easterly along the boundary line of the City of Oakland to the point of commencement.

of Council-
manic
districts.

District No. 4.

Commencing at the intersection of the Southerly boundary line of the City of Piedmont with the center line of Oakland Avenue; thence Southwesterly along last said center line to its intersection with the center line of Monte Vista Avenue; thence Southeasterly along last said center line to its inter-section with the center line of Vernon Street; thence South-westerly along last said center line to its intersection with the center line of Harrison Street; thence Southerly along last said center line to its intersection with the center line of Grand Avenue; thence Easterly along last said center line to its intersection with the direct production Northerly of the center line of the Western Arm of Lake Merritt; thence Southerly and Southeasterly along the center line of said Western Arm of Lake Merritt to its intersection with the direct production Easterly of the center line of 19th Street; thence Easterly along said production to its intersection with the direct production Southwesterly of the center line of the Eastern Arm of Lake Merritt; thence Northeasterly along said production to its intersection with the direct production Westerly of the center line of Brooklyn Avenue; thence East-erly along said production and center line of Brooklyn Ave-nue to its intersection with the center line of Park Boulevard; thence Northeasterly along last said center line to its inter-section with the center line of Excelsior Avenue; thence East-erly along the center lines of Excelsior Avenue and Hopkins Street to its intersection with the center line of Coolidge Avenue; thence Northerly along the center line of Coolidge Avenue to its intersection with the center line of Hopkins Street; thence Easterly along the center line of Hopkins Street to its intersection with the center line of 35th Avenue; thence Northeasterly along the center line of 35th Avenue to its intersection with the center line of Redwood Road; thence in a general Northeasterly direction along said center line of Redwood Road to its intersection with the Northerly bound-ary line of the City of Oakland; thence in a general North-westerly direction along said City of Oakland boundary line to its intersection with the center line of Thorn Road; thence

Council-
manic
districts

in a general Southwesterly direction along last said center line to its intersection with the center line of Moraga Avenue; thence Southwesterly along last said center line to its intersection with the Northerly boundary line of the City of Piedmont; thence Southeasterly, Southerly and Westerly along said boundary lines of the City of Piedmont to the point of commencement.

District No. 5.

Commencing at the intersection of the Southerly boundary line of the City of Oakland with the direct production Southerly of the center line of Fruitvale Avenue; thence Northerly along said production and center line of Fruitvale Avenue to its intersection with the center line of Foothill Boulevard; thence Easterly along last said center line to its intersection with the center line of Coolidge Avenue; thence Northeasterly along last said center line to its intersection with the center line of Hopkins Street; thence Westerly along last said center line to its intersection with the center line of Excelsior Avenue; thence Westerly along last said center line to its intersection with the center line of Park Boulevard; thence Southwesterly along last said center line to its intersection with the center line of Brooklyn Avenue; thence Westerly along last said center line and its direct production Westerly to its intersection with the center line of the Eastern Arm of Lake Merritt; thence in a general Southerly direction to an intersection with the center line of a water outlet connecting Lake Merritt and the Estuary; thence in a general Southerly direction along the center line of said outlet to the North Arm of the Estuary; thence Southerly along the center line of the North Arm of the Estuary to its intersection with the Southerly boundary line of the City of Oakland; thence Easterly along said boundary line of the City of Oakland to the point of commencement.

District No. 6.

Commencing at the intersection of the Southerly boundary line of the City of Oakland with the direct production Southerly of the center line of Fruitvale Avenue; thence Northerly along said production and the center line of Fruitvale Avenue to its intersection with the center line of Foothill Boulevard; thence Easterly along last said center line to its intersection with the center line of Coolidge Avenue; thence Northeasterly along last said center line to its intersection with the center line of Hopkins Street; thence Easterly along last said center line to its intersection with the center line of 35th Avenue; thence Northeasterly along last said center line to its intersection with the center line of Redwood Road; thence in a general Northeasterly direction along last said center line to its intersection with the Northerly boundary line of the City of Oakland; thence in a general Southeasterly direction along said City of Oakland boundary line to its intersection with the direct production Northeasterly of the center line of 73rd Avenue; thence Southwesterly along said production and the

from ten consecutive regular meetings except on account of his own illness or when absent from the City by permission of the Council shall *ipso facto* create a vacancy in such office.

Employees of the Council.

Subd. (9). The Council shall appoint such officers and employees of its own body as it may deem necessary for purposes of making investigations and reports to it in matters affecting legislation, but, except as otherwise specifically provided by law, shall not have nor exercise any administrative or executive powers as distinguished from the legislative power.

Same employees

Election of Seventh School Director.

Section 16½. At the first General Municipal Election after the taking effect of this amendment, there shall be elected a seventh School Director who shall serve on the Board of Education in lieu of the Commissioner heretofore designated to the Department of Revenue and Finance and to the Board of Education under this Charter prior to this amendment. Such School Director shall hold office for a term of four years from and after the first day of July after his election, and until his successor is elected or appointed and qualified, unless sooner removed by Recall or otherwise. Thereafter at each General Municipal Election there shall be elected either three or four School Directors as the case may be.

Seventh school director

Official Bonds.

Section 17. The Mayor, Auditor, Treasurer, each Councilman and each School Director shall, before entering upon the duties of his office, each give and execute to the City a bond as hereinafter provided. No surety on any official bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the City, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll covering real property within the City, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the City, and that the taxes on such property so assessed are not delinquent.

Official bonds

The bond of the Mayor and of each Councilman shall each be in the penal sum of Ten Thousand Dollars (\$10,000.00), of the Auditor in the penal sum of Twenty-Five Thousand Dollars (\$25,000.00), of the Treasurer in the penal sum of One Hundred Thousand Dollars (\$100,000.00), and of each School Director in the penal sum of Twenty-five Hundred Dollars (\$2,500.00). The amount of the bond required of the City Manager shall be fixed by the Council at not less than Fifty Thousand Dollars (\$50,000.00).

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. All bonds except those of the Mayor and Auditor must be approved by the Mayor and Auditor; the bond of the Mayor must be approved by the Auditor and a majority of the Council, the bond of the Auditor must be approved by the Mayor and a majority of the Council.

The Council may, by ordinance, increase the amount of bond herein required from any officer; and may require a bond to be given by any officer not herein required to give bond, and may fix its amount.

When under any of the provisions of this Charter, or of any ordinance or resolution, an official bond shall be required from any officer, the Council, or Board, as the case may be, may require an additional bond, whenever, in the opinion of such Council, or Board, such bond or any surety thereto becomes insufficient.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the City Clerk, except the bond of the City Clerk, which must be filed with the Auditor. Upon the approval of a bond it must be recorded in a book entitled "Record of Official Bonds," kept for that purpose by the City Clerk in his office. All the provisions of the law of the State relating to official bonds of City officers, not inconsistent with this Charter, shall be complied with.

Salaries of Auditor and School Director.

Salaries
auditor and
school
director

Section 19. The Auditor shall receive an annual salary of Thirty-six Hundred Dollars (\$3,600.00), payable in equal monthly installments until the end of the present term of office which terminates on July 1, 1933; thereafter the Auditor shall receive an annual salary of Six Thousand Dollars (\$6,000.00), payable in equal monthly installments, and shall devote his entire time to the duties of his office.

Each School Director shall receive ten dollars for each regular meeting of the Board of Education which he shall attend, provided that he shall not receive more than Forty Dollars (\$40.00) in any one month.

Article VI.

THE MAYOR.

President of the Council.

Mayor

Section 21. At its first meeting in the month of July next following the election of Councilmen under this amendment, the Council shall elect one of its members as President who shall have the title of Mayor and who shall preside at its meetings. He shall exercise such other powers and perform such other duties consistent with his office as are or may be conferred and imposed upon him by this Charter and by the Council pursuant to this amendment, and no others. He

center line of 73rd Avenue to its intersection with the center line of Mountain Boulevard; thence in a general Westerly direction along the center line of Mountain Boulevard to its intersection with the center line of Seminary Avenue; thence Southerly along last said center line to its intersection with the center line of Camden Street; thence Northwesterly along last said center line to its intersection with the center line of 55th Avenue; thence Southwesterly along last said center line and its direct production Southwesterly to its intersection with a Westerly boundary line of the City of Oakland; thence Northerly and Westerly along said boundary line of the City of Oakland to the point of commencement.

District No. 7.

Commencing at the intersection of the center line of Camden Street with the center line of 55th Avenue; thence Southwesterly along the center line of 55th Avenue and its direct production Southwesterly to its intersection with a Western boundary line of the City of Oakland; thence Southwesterly along said boundary line of the City of Oakland to its intersection with the Southerly boundary line of the City of Oakland; thence Southeasterly and in a general Northeasterly direction along the Easterly boundary line of the City of Oakland to its intersection with the Northerly boundary line of the City of Oakland; thence in a general Northwesterly direction along said boundary line of the City of Oakland to its intersection with the direct production Northeasterly of the center line of 73rd Avenue; thence Southwesterly along said production and center line of 73rd Avenue to its intersection with the center line of Mountain Boulevard; thence in a general Westerly direction along the center line of Mountain Boulevard to its intersection with the center line of Seminary Avenue; thence Southerly along said center line to its intersection with the center line of Camden Street; thence Northwesterly along said center line to the point of commencement.

Redistricting the City.

Subd. (4). The City Council shall in the year 1936 and every six years thereafter, and whenever any territory shall be annexed to or consolidated with the City of Oakland, redistrict the City by ordinance into districts, but in no event shall more than seven (7) districts be established. This provision shall be mandatory. In any redistricting the districts shall be composed of contiguous territory and made as equal in registered voters as shown by the registration records of the same or the preceding year, and as geographically compact, as practicable. Districts so formed shall, so far as practicable, be bounded by natural boundaries, by street lines, and/or by the City boundary line.

Redis-
tricting.

Effect of Changing Districts.

Subd. (5). No change in the boundary of any district shall operate to abolish any office or exclude any Councilman or other City officer from office before the expiration of the term for which the incumbent was elected or appointed.

Election of Councilmen.

**Councilmen:
election**

Subd. (6). At the first General Municipal Election held after the adoption of this amendment and its approval by the State Legislature, nine Councilmen, one from each of the seven councilmanic districts and two at large, together with such other officers, if any, whose terms of office, as prescribed by the Charter, shall expire on the first day in July next, following such election, shall be elected by the voters of the City at large.

The Councilmen elected from the odd numbered councilmanic districts at the first General Municipal Election after the taking effect of this amendment shall each serve for a four-year term, and the Councilmen elected from the even numbered councilmanic districts at said election shall each serve for a term of two years. Of the two Councilmen nominated and elected at large, the one who shall have received the largest number of votes at said election shall serve for a term of four years, and the other for a term of two years.

Thereafter, biennially, at each General Municipal Election, five or four Councilmen, as the case may be, one from the City at large, and one from each district in which the term of the Councilman elected therefrom is about to expire, shall be elected by the voters of the City at large, and shall each serve for the full term of four years, and until their successors are elected and qualified, unless sooner removed from office by Recall or otherwise.

Nominating Petitions for Councilmen.

**Same:
nomination**

Subd. (7). Candidates for office of Councilman-at-Large shall be nominated by petitions circulated in the City at large, and in the case of candidates from districts in the respective districts of the City in which they may reside, and shall be elected, all in the manner and subject to the provisions set forth in Article III of this Charter.

Salaries of Councilmen—Mayor.

**Same:
salaries**

Subd. (8). Each Councilman (including the Mayor) shall receive Fifteen Dollars (\$15.00) for each meeting of the Council which he shall attend, provided that no Councilman (or the Mayor) shall receive such fees for more than eight meetings in any one month. Such fees shall be payable monthly. The Mayor shall further receive the sum of One Hundred Dollars (\$100.00) each month which shall be in addition to any fees he shall be entitled to as a Councilman.

In addition to the grounds specified in Section 13 of this Charter, absence of either the Mayor or any Councilman

shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. He shall be recognized as the official head of the City Government for all ceremonial purposes, by the courts for serving civil processes except when otherwise provided by law, and by the Governor for purposes of military law. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this State, may so require; but this shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor, except that he shall perform the usual duties of Mayor prescribed by the general laws of this State and not otherwise provided for in this Charter. In time of public danger or emergency the Mayor shall, if so authorized and directed by vote of six members of the Council, take command of the police, maintain order and enforce the law.

Whenever the Council shall be required to appoint any member of a board, it shall be the duty of the Mayor to nominate a suitable person for such appointment.

The Mayor's term of office shall be for two years ending with July 1 after each General Municipal Election, provided that the Council may from time to time by a vote of six of its members in favor of some other member elect such member as its President who shall serve in the capacity of Mayor for the remainder of the then existing term of office in lieu of the existing President whose tenure of such office shall thereupon cease.

Mayor Pro Tempore.

Section 22. The Council shall annually in the month of July choose one of its members as Vice-President who shall act as Mayor Pro Tempore during the temporary absence or disability of the Mayor. Mayor pro tempore

In case of the temporary absence or disability of both Mayor and Vice-President, the Council shall elect one of its members to be Mayor Pro Tempore. In case of vacancy in the office of Mayor, the Vice-President of the Council shall act as Mayor until a new Mayor shall have been elected by the Council and duly qualified.

Section 23. "Mayor's Reports." (Repealed.)

Mayor to Have City's Books Examined.

Section 24. The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine at least twice each year, the books, records and reports of the Auditor, and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers, departments and boards as the Mayor may direct and such accountant shall make quadruplicate reports thereof, and present one each to the Mayor, Auditor, and City Manager and Examination of city books

file one with the City Clerk. Such accountant may recommend ways and means to improve the methods of keeping the books, records and accounts of the City. Such accountant shall have unlimited privilege of investigation to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested; and failure to do so shall be deemed and held to be a forfeiture of his office. The Council shall provide for the payment of the services of such accountant

Section 25. "Supervision of Public Utility Companies." (Repealed.)

Section 26. "Powers and Duties Prescribed by Ordinance" (Repealed.)

Article VII.

CITY MANAGER, EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

Section 27. "The Five Municipal Departments." (Repealed.)

The City Manager.

City
manager

Section 27, Subd. (1). The Council shall appoint a City Manager who shall be the chief executive officer of the City. The Manager shall be a person of demonstrated administrative ability, with experience in responsible, important, executive capacity and shall be chosen by the Council solely on the basis of his executive and administrative qualifications without regard to his political or religious beliefs. He need not, when appointed, be a resident of the City or the State.

He shall receive such salary as may be fixed by the Council. No member of the Council hereafter elected shall, during the term for which elected, or for one year thereafter, be chosen as City Manager. The Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the Council, but only upon the adoption of an ordinance by the affirmative vote of a majority of the Council. Before the Manager may be removed, he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the ordinance providing for his removal, but pending and during such hearing the Council may suspend him from office. Neither may the Council reduce the salary of the City Manager except upon the adoption of an ordinance, and a like opportunity to be heard. The action of the Council in suspending or removing the Manager or reducing his salary shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension, removal or reduction of salary in the Council.

In case of the absence or disability of the Manager, the Council shall designate some qualified person to perform the duties of the office during such absence or disability. When-

ever a vacancy occurs in this office, the Council shall immediately proceed to appoint a City Manager.

At its first meeting in the month of July next following the adoption of this amendment, the Council may appoint a suitable person to act as City Manager until the regular appointment is made, but in no event shall such temporary appointment continue for a longer period than three months, after which said temporary appointee shall cease to serve as City Manager unless he shall be regularly appointed to that office.

Responsibility of Manager—Powers of Appointment and Removal.

Subd. (2). The City Manager shall be responsible to the Council for the proper and efficient administration of all affairs of the City placed in his charge, and to that end, subject to the civil service provisions of this Charter and except as otherwise provided in said Charter, he shall have the power to appoint, discipline and remove all directors or heads of departments, all the chief officials, and all subordinate officers and employees of the City responsible to him; but the Manager may, by means of written rules and subject in like manner to the civil service provisions when applicable, authorize the head of a department or office responsible to him to appoint, discipline and remove subordinates in such department or office. Appointments made by, or under the authority of, the City Manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform.

Power over
city officers
and
employees

No Interference With or By City Manager.

Subd. (3). Neither the Council nor any of its committees or members shall in any manner direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City under the jurisdiction of the City Manager, either publicly or privately. Nor shall any Councilman attempt to coerce or influence the City Manager in respect to any contract or the purchase of any supplies. Any violation of the provision of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

Neither the City Manager, nor any person under his direction, shall engage in any political campaign nor take any active part in securing, nor shall he contribute money

toward the nomination or election of any candidate for a municipal election.

Duties of the Manager.

Duties. Subd. (4). The City Manager shall have the power, and it shall be his duty:

a. To carry out the policies formulated by the Council.

b. To act as the chief conservator of the peace within the City and to see that all laws and ordinances of the Council are duly enforced; he is hereby declared to be beneficially interested in their enforcement and to have the power to sue in the proper court to enforce them.

c. Except as otherwise in this Charter provided, to supervise the administration of the affairs of the City.

d. Except when the Council is considering his removal, to attend all regular meetings of the Council and its committees, with the right to take part in discussions, but without power to vote. He shall receive notice of all special meetings.

e. To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient, and to make such other recommendations to the Council concerning the affairs of the City as may seem to him desirable.

f. To make investigations into the affairs of the City under his supervision, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City within his jurisdiction.

g. To prepare and submit to the Council the annual budget.

h. To prepare or cause to be prepared, plans, specifications, etc., for work which the Council may order, or for materials and supplies it may purchase, coming under his supervision, to make recommendations in connection with the awarding of public contracts, and to see that all contracts made with the City under his direction or that of the Council, are faithfully performed.

i. To prepare and submit to the Council such reports as may be required by that body.

j. To keep the Council at all times fully advised as to the financial condition and needs of the City.

k. To approve for payment and submit to the Council, at each meeting, for its allowance all claims and bills incurred by him or under his direction or supervision.

l. To prepare with the approval of the City Attorney and submit to the Council for its consideration during the month of August of each year preceding a regular session of the State Legislature, and at such other times as he may deem advisable, such proposals for the amendment of the City Charter as may be deemed expedient in the establishment of a more efficient municipal government and the improvement of the public welfare.

m. To devote his entire time to the duties and interests of the City.

n. To appoint an Executive Secretary not subject to civil service, whose compensation shall be fixed by the Council.

o. To perform such other duties as may be prescribed by this Charter or be required by ordinance or resolution of the Council.

Limitations in Powers of City Manager.

Subd. (5). The City Manager, among other limitations, ^{Limitations in power} shall have no power under this Charter:

a. To levy any tax, assessment, license or charge on any real or personal property in the City of Oakland, or against any citizen or inhabitant thereof.

b. To adopt or enact ordinances or resolutions or exercise any legislative function.

c. To expend any sums of money, except in accordance with appropriations and authorizations made by the Council, or by this Charter.

d. To create or abolish any office or place of employment in the City service.

e. To increase or decrease the salary or emoluments of any officer or employee.

f. To dismiss, suspend or discharge any officer or employee in the classified civil service, except in accordance with the civil service provisions of this Charter.

g. To sell, lease, encumber or otherwise dispose of any real or personal property belonging to the City of Oakland.

h. To grant, cancel or revoke any franchise.

i. To exercise any power over the Council, the City Attorney, the Auditor, the Board of Library Directors, the Board of Playground Directors, the Board of Park Directors, the Civil Service Board, the Board of Education, or the Board of Port Commissioners, or over the officers or employees thereof, except to require the submission of estimates in accordance with Section 114 of this Charter.

Provided, however, that nothing in this Section contained shall be construed to prevent the City Manager from making recommendations to the Council, or to prevent the Council, in proper cases, ratifying or confirming any action by the City Manager.

Supervision of Public Utilities.

Subd. (6). The City Manager, subject to the provisions of Article XX of this Charter, shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises, permits and privileges granted by the City (excepting those within the jurisdiction of boards or officers not appointed by him) are faithfully observed.

The Council shall upon recommendation of the City Manager, or may upon its own motion, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all such franchises that may have been granted by the City to any person, firm or corporation, which

have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the City.

The City Attorney, on the demand of the City Council, must institute and prosecute the necessary actions to enforce the provisions of this subdivision.

Administrative Departments.

Adminis-
trative de-
partments.

Section 28, Subd. (1). The executive and administrative powers, authorities and duties of the City, not otherwise provided for in this Charter, shall be divided into a Department of Finance, a Department of Public Health and Safety, a Department of Streets, and such other departments as may be established by the Council as herein provided.

Subd. (2). The City Manager may assign or re-assign particular officers and employees to duty in more than one department of the City government, may require an officer or employee to perform duties in two or more departments, and may make rules and regulations in respect thereto not in conflict with law or this Charter for the conduct of the departments, officers and employees of the City government, for the distribution and transaction of its business, for the custody of the books, records, papers and property under its control, and generally for the efficient and economical management of the business of the City under his supervision.

Subd. (3). The Council may establish other departments, divisions and offices by ordinance, and may change or abolish the same and prescribe their powers, functions and duties, and may prescribe for departments, officers, boards and employees, powers, functions and duties, in addition to those prescribed by this Charter, not inconsistent therewith (except that as to the Civil Service Board such may be done only at the request of said Board). The Council may by resolution provide for temporary employment of services when required.

Section 29, Subds. (1) to (5), incl. "Department of Public Affairs," etc. (Repealed.)

Advisory Boards.

Advisory
boards

Section 29½. The Manager may appoint a board of citizens qualified to act in an advisory capacity to the head of any department, and, with the approval of the Manager, the head of a department may appoint such a board to act in an advisory capacity to the director or chief of any division under his supervision. The members of any such board shall serve without compensation and it shall be their duty to consult and advise with the head of the department, director, or chief, as the case may be, but not to direct the conduct of the department or division. Recommendations of any such board shall be in writing and shall become a part of the records of the department. The head of the department or division for which an advisory board is appointed shall be entitled to be present at all meetings thereof.

The Chief Officials—General.

Section 30, Subd. (1). The chief officials of the City shall be the City Manager; a City Attorney; a Treasurer, who shall be ex-officio Tax Collector; a City Clerk; a City Engineer; a Chief of Police; a Chief of the Fire Department; a Street Superintendent; a Health Officer and a Superintendent of the Electrical Department. ^{Officials.}

The Council shall by ordinance prescribe the duties of the office of all the chief officials, not inconsistent with this Charter, and no enumeration in this Charter of the duties of any chief official shall be construed as limiting the power of the Council to impose on the office held by such official other duties not inconsistent with this Charter and to change the same from time to time. The Council, at any time, by an affirmative vote of six members, may consolidate and place in charge of one such office the functions and duties of two or more such offices.

The City Attorney.

Subd. (2). The City Attorney shall be appointed by the Council. He must be at the time of appointment a citizen of the United States and qualified to practice in all the courts of this State, and he must have been so qualified, and have been a resident of the City of Oakland for five years next preceding his appointment. ^{City attorney.}

He shall prosecute and defend for the City all actions at law or in equity and all special proceedings for or against the City, and shall represent the City in all other actions or proceedings in which the rights and interests of the City are concerned; and whenever any cause of action in law or in equity or by special proceeding exists in favor of the City, he shall commence the same when directed to do so by the City Manager or by the Council. He shall give legal advice in writing to all officers and boards named in this Charter when requested in writing so to do by them, or any of them, upon questions arising in their separate departments involving the rights or liabilities of the City. He shall also represent and defend any member of the Police Department or Fire Department in any civil action that may be brought against such member on account of any act committed by him while in the performance of his duty. The form and legality of all contracts made by the City or by any officer or board thereof, except as provided in Article XXV, shall be submitted to and passed on by the City Attorney before execution. He shall not settle or dismiss any litigation for or against the City under his control unless upon his written recommendation he is ordered so to do by the Council.

He shall keep on file in his office all written opinions, given by him to any officer, board or department, the briefs and transcripts used in causes where he appears, and bound books of record and registry of all actions or proceedings under his charge in which the City is interested.

He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the City, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

The City Attorney shall have the power to appoint, discipline and remove all officers and employees of his office.

The Council may, at its pleasure, remove the City Attorney from office, or reduce his salary, in the same manner and subject to the same conditions as are prescribed for the removal of the City Manager or the reduction of his salary.

The Treasurer and Ex-Officio Tax Collector.

Treasurer
and tax
collector.

Subd. (3). The Treasurer shall be ex-officio Tax Collector. As Tax Collector he shall perform the duties in this Charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the City, and all other moneys provided to be paid into the treasury by this Charter, and shall keep an account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this Charter.

The Treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the Auditor, stating the amount of the same, to what fund applicable and by whom to be paid.

For all moneys received, the Treasurer shall give a duplicate receipt, one of which shall be countersigned by the Auditor before delivery to the party making payment, and the other shall be delivered to and retained by the Auditor.

The Treasurer shall not pay out any money belonging to the City except upon claims presented, allowed and audited in the manner provided by this Charter.

The Treasurer shall make monthly statements to the Council of the receipts and expenditures of the preceding month.

At no time shall the weekly balance in the vaults of the treasury exceed the sum of Twenty Thousand Dollars (\$20,000 00); provided, that applications are on file with the Treasurer from a bank or banks in the City of Oakland for the deposit of City money in accordance with the laws of the State.

The Treasurer shall perform such other duties as may be designated by ordinance or the provisions of this Charter.

The City Clerk.

City clerk

Subd. (4). The City Clerk shall be custodian of all deeds and of all other evidences of the title to property of the City. He shall deliver all such deeds and other evidences of title to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor. He shall serve as Clerk of the Council. He shall be appointed by the City Manager subject to confirmation by the Council, which may cause his removal by an affirmative vote of five members.

The City Engineer.

Subd. (5). The City Engineer shall be a civil engineer of not less than five years' practical experience as such; he shall possess the same power in the City in making surveys, plats and certificates as is given by law to City Engineers or to County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are given by law to those of City Engineers or County Surveyors. He shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indexes thereof, and shall turn over the same to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the City.

Police and Fire Chiefs and Health Officer.

Subd (6) The Chief of Police, the Chief of the Fire Department and the Health Officer shall be assigned to the Department of Public Health and Safety.

Superintendent of Streets.

Subd. (7). The Superintendent of Streets and the Assistant Superintendent of Streets shall be assigned to the Department of Streets.

During the absence or disability of the Superintendent of Streets the Assistant Superintendent of Streets shall act as Superintendent of Streets pro tempore and shall have his powers and duties.

The Superintendent of Streets shall be a civil engineer of at least five years' practical experience as such.

Superintendent of Electrical Department.

Subd. (8). The Superintendent of the Electrical Department shall be assigned to the Department of Public Health and Safety.

Compensation of Officers and Employees

Section 32. The compensation of all City officers, officials or employees not fixed in this Charter shall be fixed by the Council, except where this Charter provides that such officials or employees shall receive no compensation or that their compensation shall be fixed by a person, board or body other than the Council, provided, that the compensation of all officers, officials or employees, under the jurisdiction of the City Manager shall be fixed by the Council only with his recommendation. No officer, official or employee of the City shall receive from any source any fee, perquisite, emolument, reward or compensation other than the compensation provided for

in this Charter or by the Council. All fees collected by any officer, official or employee of the City for the performance of any official duty shall be paid by him into the City treasury.

Board of Administration of Retirement Fund.

Section 33, Subd. (2). A Board of Administration of said retirement system is hereby created consisting of the City Treasurer, the Auditor, three (3) members elected from the active membership of the retirement system, a resident representative of a life insurance company, and an officer of a local bank.

On July 1st after this amendment is approved by the State Legislature, and within sixty days thereafter, the Council shall, upon the recommendation by the Mayor, appoint the resident representative of a life insurance company and the officer of a local bank hereinbefore referred to, and within the same period the City Council shall appoint three City employees to represent the active members of the retirement system pending the establishment of such system by the City Council, if not already established. The term of office of any person holding a membership on said Board upon the adoption of this amendment, shall cease on said 1st day of July unless such person shall be reappointed to said Board as herein provided.

The City Treasurer and the Auditor shall be members of the Board ex-officio. Members of the Board other than ex-officio members shall, on the adoption of a retirement system by the Council, so classify themselves by lot that one term shall expire each year.

All members shall serve without compensation.

Reports of Departments.

Reports

Section 34. The Auditor, the Treasurer, the Chief of Police, the Chief of the Fire Department, the Health Officer, the various boards created by this Charter, and all other officers and officials designated by the City Manager, shall each of them render annually, or oftener if required by the Council, a full and complete written report of the business transacted by each of them and their subordinates subsequent to the rendering of their last previous report together with comments on and recommendations for the betterment of the work of their offices or departments. Such reports shall be filed with the City Clerk and a copy with the City Manager. The Council shall have the power to order such of said reports or the annual report of the City Manager printed in pamphlet form as it may deem advisable to have printed.

Councilmen to Hold No Other Office.

Councilmen
to hold no
city office

Section 35. No Councilman, including the Mayor, shall hold any other municipal office or any other office or employment the compensation for which is paid out of any City moneys; or be appointed or elected to any office created by the Council or the compensation of which is increased by the Council while he is a member thereof, until at least one year shall

have expired after the expiration of the term for which he was elected.

Article VIII.

THE COUNCIL.

Meetings of the Council.

Section 41. At 11 o'clock A. M., on the 1st day of July ^{Meetings} next following a regular municipal election, the Council shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the Council shall meet at such times as may be prescribed by ordinance, but not less frequently than once each week. Special meetings shall be called by the Clerk upon the written request of the Mayor, the City Manager or three members of the Council. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered.

Executive sessions of the Council or its committees may be held at any time, provided, that no executive session shall be held with any other person present than an elected or appointed officer of the City.

Section 42. "Office Hours." (Repealed.)

Meetings to Be Public.

Section 43. All meetings of the Council and of committees thereof, whether regular or special, at which any official action is taken, shall be open to the public, and the Council shall provide by its rules a method whereby citizens of the City shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Ayes and Noes.

Section 46. Subd. (2). The Council shall pass ordinances ^{Votes} and resolutions only by taking the ayes and noes by an audible vote, which shall be entered in its minute book. Upon the demand of any member, the ayes and noes shall be taken and recorded on any motion.

Majority Vote of Council.

Section 46, Subd. (3). No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least five members of the Council.

Ordinances Required in Certain Cases.

Section 46, Subd. (7). No action providing for any spe- ^{Ordinances} cific improvements; for the appropriation, acquisition, transfer, ^{required} sale or lease of public property; for the levying of any tax or ^{in certain} assessment; for establishing or changing fire limits, or for the ^{cases.} imposing of any penalty, shall be taken, and no franchise shall be granted, except by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

All appropriations of money by the Council shall be by ordinance, provided that appropriations for sums less than

Five Hundred Dollars (\$500.00) may be made by resolution, on which a vote by ayes and noes shall be taken and recorded; provided further that six affirmative votes shall be required to pass such resolutions; provided further that only one such resolution shall be passed appropriating money, directly or indirectly, for any one purpose or object, or for any two or more purposes or objects directly or indirectly related to each other or which may be directly or indirectly parts of the same general or particular scheme or proposition.

Section 47. "Protection of Absent Commissioner." (Repealed.)

Article X.

BOARD OF LIBRARY DIRECTORS.

Directors—Appointment, Removal.

Library
directors

Section 53. Such public libraries, reading rooms, museums and art galleries shall be under the exclusive control and management of a Board of Library Directors. The Directors shall be five in number and shall serve without compensation. The office of Director shall be filled by appointment thereto by the Council, upon nomination by the Mayor. At the expiration of the term of any of the Directors, one person shall be appointed for six years as the successor of such Director whose term of office so expires.

Vacancies in the office of Library Director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office, by any Director, such Director may be removed from office by the Council by an affirmative vote of six members, but such Director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

Article XI.

BOARD OF PLAYGROUND DIRECTORS.

Directors—Appointment, Removal.

Playground
directors

Section 57. The Directors shall be five in number, not more than three of whom shall be of the same sex, and shall serve without compensation. The office of Director shall be filled by appointment thereto by the Council, upon nomination by the Mayor. At the expiration of the term of any of the Directors, one person shall be appointed for six years as the successor of such Director whose term of office so expires. Vacancies in the office of Playground Director shall be filled by appointment in the same manner for the unexpired term.

In case of misconduct, inability or wilful neglect in the performance of the duties of the office of any Director, such Director may be removed from office by the Council by an affirmative vote of six members, but such Director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

Article XII.

BOARD OF PARK DIRECTORS.

Directors—Appointment, Removal.

Section 64. The Directors shall be three in number and shall serve without compensation. The office of Director shall be filled by appointment thereto by the Council, upon nomination by the Mayor. At the expiration of any of the terms of the office of Director, one person shall be appointed for six years as the successor of such Director whose term of office so expires. Vacancies in the office of Park Director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office, by any Director, such Director may be removed from office by the Council by an affirmative vote of six members, but such Director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

Article XIII.

CIVIL SERVICE.

Board—Appointment of.

Section 70. The Civil Service Board heretofore established by this Charter shall be continued in effect. Civil service board

At the expiration of the terms of any of the members of the said Board, one member shall be appointed by the Council, upon nomination by the Mayor, for a term of six years to take the place of the member whose term shall have expired. If a vacancy occur in the Board, it shall be filled by appointment by the Council, upon the nomination by the Mayor, for the unexpired term. The Board shall consist of three members,

one of whose terms shall expire on July 1 of every odd numbered year.

Each member of the Civil Service Board shall receive Ten Dollars (\$10 00) for each meeting of the Civil Service Board which he shall attend, provided that he shall not receive more than Forty Dollars (\$40 00) in any one month

Removal—Equipment—Clerk.

Removal
of board
members.

Section 71. In cases of misconduct, inability or wilful neglect in the performance of the duties of the office by any member of the Board, such member may be removed from office by the Council by an affirmative vote of six members, but such member of the Civil Service Board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses who shall be required to give testimony if such member of the Civil Service Board so requests. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such member be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk, and shall be and become a matter of public record. The Council shall provide suitable accommodations and equipment to enable the Board to properly attend to its business. Said Board shall appoint a clerk who shall keep a record of all its meetings and of the work of said Board, and shall perform such other service as the Board may require. The Board shall fix the compensation of such clerk.

Classified Civil Service.

Classifica-
tion.

Section 72. The Board shall classify all places of employment now existing or hereafter created under the jurisdiction of the City Manager, in the office of the Auditor, in or under the Board of Library Directors, in or under the Board of Playground Directors and in or under the Board of Park Directors, excepting the places and officers specified in Section Eighty (80) hereof, or otherwise excepted from the rules of civil service by or under this Charter. The places so classified by the Civil Service Board shall constitute the classified civil service of the City, and no appointment to any such place shall be made, except according to the rules hereinafter mentioned.

The Board shall provide for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

The Council, whenever requested by the Board, may by ordinance confer upon the Board such rights, duties and privileges other than those mentioned in this Charter, as may be necessary adequately to enforce and carry out the principles of civil service.

Removal—Suspension—Fine.

Section 81. All persons holding positions in the classified civil service shall be subject to suspension, fine and also to removal from office or employment, by the City Manager, or, in case of persons employed in the office of the Auditor, or any Board, by the Auditor or such Board, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department, office, or Board; but subject to the appeal of the aggrieved party to the Civil Service Board as herein provided.

Removal of
civil service
employees

Any chief official, any subordinate officer, and any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the City Manager, Auditor, or Board, as the case may be, and furnish a copy of the report to the subordinate suspended, upon his request therefor. The City Manager, Auditor or Board shall thereupon, if demanded by the subordinate suspended, hear evidence for and against him, and shall thereupon affirm or revoke such suspension, according as he or it finds the facts to warrant.

Appeals.

Section 82. Any person suspended, fined or discharged (and any person whose order of suspension above provided for has been revoked) may within five days from the making by the City Manager (or the Auditor or Board), of the order suspending, fining or discharging him, or affirming or revoking an order of suspension, as the case may be, appeal therefrom to the Civil Service Board, which shall fully hear and determine the matter. The accused shall be entitled to appear personally, and to have counsel and a public hearing. The finding and decision of the Civil Service Board shall be certified to the Board or official from whose order the appeal is taken, and shall forthwith be enforced and followed by him or it.

Appeals

Article XIV.

POLICE DEPARTMENT.

Appointments—Duties of Chief of Police.

Section 89. The Chief of Police, Captain of Inspectors, Captains of Police, Lieutenants, Inspectors, Sergeants, Corporals, Bailiffs, Patrolmen and all other officers and members shall be appointed by the City Manager, subject to the civil service provisions of this Charter. The members of the Police Department appointed prior to September 1, 1910, who were in good standing at the time this Charter went into effect and who are still in the City service, shall be retained in their respective positions, except as otherwise in this Chapter provided. The Chief of Police shall be the chief executive officer of the Department and shall be held responsible for the execution of all laws and ordinances, and of the rules and regula-

Officers.

Chief of
police.

tions of the Department, and shall exercise such other powers connected with his office as may be provided for by ordinance not inconsistent with this Charter. He shall see that the orders and processes issued by the Police Court are promptly executed. For failure or refusal to perform his duties, the Chief of Police shall be removed from the service.

Police Relief and Pension Fund.

Police relief
and pension
fund

Section 93. In order to continue in force, and make effectual pensions already existing in favor of the Police Force, the fund heretofore created, known and designated as the Police Relief and Pension Fund shall be continued in effect. The Mayor, the Health Officer, and the President of the Civil Service Board shall hereafter constitute the Board of Trustees of such fund, and the City Treasurer shall be the custodian of said fund.

Section 96, Subd. (8). The Board of Trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, and transmit the same to the City Manager, who shall cause the same to be included in his annual estimate of the probable expenditures of the City.

Matrons

Section 96½. There shall be employed in the Department of Public Health and Safety such number of matrons and substitute matrons of the City Prison as the Council shall from time to time prescribe by ordinance, providing that such number of matrons shall be not less than three and that such number of substitute matrons shall not be less than one. All appointments of matrons and substitute matrons shall be made by the City Manager from the eligible list of the Civil Service Board. The compensation of said matrons shall not be less than \$1,920.00 per annum each. Such compensation shall be payable in equal monthly installments. The compensation of said substitute matrons shall be at the rate of not less than \$1,920.00 per annum each, to be paid only for the time during which said substitute matrons shall actually perform the services of matrons. There shall be allowed to each of said matrons and substitute matrons, in addition to their compensation, the sum of \$2.00 per month for the Police Relief and Pension Fund, which said \$2.00 per month shall be retained by the Treasurer of the City of Oakland and forthwith paid by the City Treasurer into the said Police Relief and Pension Fund. Said matrons and substitute matrons shall be entitled as if officers or members of the Police Department to all of the rights, privileges and benefits conferred by Sections 92, 92½, 93, 94, 95 and 96 of the Charter upon officers or members of the Police Department. Each of the matrons holding position on January 17, 1919, shall be entitled to have the aggregate time of service rendered by her under all previous appointments added to and included with her time of service under the appointment to be made pursuant hereto in computing her years of service for the purpose of establishing her rights, privileges and benefits under Sections 94 and 96. The substitute matron holding position on January 17,

1919, shall be entitled to have the aggregate time of actual service rendered by her under all previous appointments added to and included with her time of actual service under the appointment to be made pursuant hereto in computing her years of actual service for the purpose of establishing her rights, privileges and benefits under Sections 94 and 96

Article XV.

FIRE DEPARTMENT.

Appointments—Duties of the Chief of the Fire Department.

Section 99. The Chief of the Fire Department, the First Assistant Chief of the Fire Department, the Second Assistant Chief of the Fire Department, the Battalion Chiefs, Superintendents of Engines, Captains, Lieutenants, Engineers, Chiefs' Operators, Stokers and Hosemen and any others who shall be appointed members of the Department, shall be appointed by the City Manager, subject to the civil service provisions of this Charter. Officers.

The Chief of the Fire Department shall be the chief executive of the Fire Department. He shall be charged with the special duty of superintending the extinguishment of fires. He shall have immediate control and management of all fire engines and fire apparatus belonging to the City, and all members of the Fire Department shall be under his immediate control and command. He shall diligently observe the condition of the apparatus and workings of the Department and shall see that all laws, orders, rules and regulations in force, or that may be made by the Council, relating to the Fire Department, are enforced. He shall submit, in writing, at least once each month to the City Manager, a statement of the number of men employed, their compensation, the condition of the Department, and make such recommendations and suggestions respecting the same as he may deem proper. He shall have such other powers and perform such other duties as may be provided for by ordinance. In the absence or inability of the Chief of the Fire Department, an Assistant Chief of the Fire Department shall perform his duties Fire chief

Firemen's Relief and Pension Fund.

Section 101. The fund heretofore created, known and designated as the Firemen's Relief and Pension Fund shall continue in effect. The Mayor, Health Officer, and the President of the Civil Service Board shall hereafter constitute the Board of Trustees of such fund, and the City Treasurer shall be the custodian of said fund. Relief and pension fund

Section 104, Subd. (8). The Board of Trustees shall make an annual estimate necessary to carry into effect the foregoing provisions and transmit the same to the City Manager who shall cause the same to be included in his annual estimate of the probable expenditures of the City, and the Council shall, on application of the said Board of Trustees, provide the necessary money for the demands of this pension fund.

Article XVI.

HEALTH DEPARTMENT.

Appointment.

Officers Section 105. The City Manager shall appoint a Health Officer, a City Chemist, a Market and Food Inspector and a Plumbing Inspector. He shall also appoint all such other inspectors, clerks, assistants and employees, as may be provided for by the Council by ordinance, for the efficient administration of the Health Department.

Authority of Inspectors.

Inspectors Section 106. The Health Officer shall have general supervision over the sanitary condition of the City and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He, or any authorized inspector of his department, shall inspect when called upon by any person, and when in his or their opinion it seems necessary, all provisions, meats, fish, fruit, vegetables, bread, flour, pork, whiskey, beer, wine, milk, water, and any and all meats, and any and all other things offered for sale to be used as food or drink, and shall have the right to enter for the purpose of making such examination or inspection at any place or building where any provisions, fruits, vegetables, whiskey, beer, wine, milk or other liquids are manufactured or kept for sale; and no person shall be permitted to sell or dispose of anything pronounced by said Health Officer or any authorized inspector of his department to be unfit for food or drink, and all such articles or things may be seized and destroyed by said Health Officer or by said Market and Food Inspector.

Power of Arrest.

Section 108. The City Manager, Health Officer and all regularly appointed employees of the Health Department shall have the right and power to arrest any person or persons who may violate any of the rules and regulations of the Department. It shall also be the duty of any police officer or policeman to arrest any person or persons guilty of such violation.

Article XVII.

ELECTRICAL DEPARTMENT.

Appointments.

Officers Section 110. The Electrical Department shall consist of a Superintendent and an Assistant Superintendent, and necessary subordinates appointed by the City Manager according to the Civil Service provisions of this Charter. The employees of this Department shall, as far as may be practicable, have the benefit of the provisions covering leave of absence and vacations which prevail in the Police and Fire Departments.

Article XVIII.

FINANCE AND TAXATION.

Department Estimates of Annual Requirements.

Section 114. On or before the first Monday in May of each year, or on such date in each year as shall be fixed by the City Manager, the heads of departments, divisions, offices and boards, including the Auditor and City Attorney, shall send to the City Manager, a careful estimate in writing of the amounts (specifying in detail the objects thereof) required for the business and proper conduct of their respective departments, divisions, offices and boards during the next ensuing fiscal year, together with such other information as may be specified by the City Manager.

Estimates
of financial
require-
ments.

Annual Estimate of City's Requirements and Revenue.

Section 115 On or before the first Monday of June of each year, or on such date in each year as shall be fixed by the Council, the Manager shall prepare and submit to the Council a tentative budget presenting a financial plan for conducting the affairs of the City for the ensuing fiscal year. The budget shall include the following information:

(1) Detailed estimates of the expense of conducting each department, board and office of the City for the ensuing fiscal year; the classification of the estimates shall be as nearly uniform as possible for the main divisions of all departments

(2) Expenditures for corresponding items for the current year and last preceding fiscal year, with reasons for increases and decreases recommended as compared with appropriations for the current year.

(3) The value of supplies and materials on hand at the date of the preparation of the estimates.

(4) The amount of the total and net debt of the City, together with a schedule of maturities of bond issues.

(5) A statement of the amounts to be appropriated:

For interest on the City debt.

For paying off any serial bonds maturing during the year.

For the aggregate for the year of the installments, if any, required to be appropriated annually during the life of all other bonds of the municipality in order to accumulate sinking funds or to replace any deficiency therein, sufficient to pay off such bonds at maturity.

(6) An itemization of all anticipated income of the City from sources other than taxes and bond issues, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years.

(7) An estimate of the amount of money to be raised from taxes, and an estimate of the tax levies required, and the amount, if any, to be raised from bond issues which, with

income from other sources, will be necessary to meet the proposed expenditures.

(8) Such other information as the Manager may think desirable, or as may be required by the Council or the law.

The Council shall provide for printing a reasonable number of copies of the budget thus prepared for distribution to citizens.

Annual Appropriation Ordinances.

Appropriations

Section 116. The City Manager shall submit to the Council, at the time he submits the annual budget, the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year of the various departments, commissions and offices of the City and of the expenditures of any board required to be provided for from the annual tax levy. Such budget shall be prepared in such detail as to the aggregate sum, and the items thereof allowed to each department, office, board or commission as the Council may deem advisable. Such budget may also provide for an emergency fund in such amount as the Council may deem advisable, which fund shall not be allotted to any particular department, office, board or commission, except as hereinafter provided. Upon such submission of the proposed appropriation ordinance to the Council it shall be deemed to have been regularly introduced therein. The Council shall provide for public hearings on the budget and the proposed appropriation ordinance either before a committee of the Council or before the Council sitting as a committee of the whole. Following the public hearing the proposed appropriation ordinance may be changed or amended and shall take the same course in the Council as other ordinances, but shall not be finally passed before the first or after the third Monday of August. Upon its introduction the appropriation ordinance shall be forthwith published in the manner provided for the publication of other ordinances. The total amount of appropriations shall not exceed the estimated revenues of the City.

Preliminary Appropriations

Section 116½. Near the beginning of the fiscal year and before the annual appropriation ordinance has been passed, the Council, upon the written recommendation of the City Manager, may make temporary appropriations for current department expenses, chargeable to the appropriations of the year when passed, sufficient to cover the necessary expenses of the various departments until the annual appropriation ordinance is in force.

Annual Tax Levy.

Tax levy

Section 118. The Council must finally adopt, not later than the first Tuesday in September, and not before the final passage of its annual appropriation ordinance, an ordinance levying upon the assessed valuation of the property in the City, subject to the provisions of this Charter, a rate of taxation

upon each One Hundred Dollars of valuation sufficient to raise the amounts required for the annual budget, pursuant to said annual appropriation; and as otherwise in this Charter or by law provided, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the Auditor and ex-officio Assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the City Auditor and ex-officio Assessor as being the assessment roll of said tax. The City Manager shall render to the Council such assistance as it may require in the computation of the tax rate and in otherwise preparing for the said annual tax levy.

Provided that nothing herein contained shall be construed to interfere with or change the provisions of Section 124½ of this Charter relative to the transfer of any of the functions of the City regarding assessment and taxation or the assumption thereof by the County of Alameda, or of the reassumption thereof by the City, or of the exercise of any of the powers of the Council pursuant to said section

Transfer of Appropriations.

Section 118a. Upon the written recommendation of the City Manager, or on its own motion upon an affirmative vote of six of its members, the Council may, by ordinance, at any time transfer any portion of an unused balance of an appropriation, including the emergency fund, but exclusive of any fund or income under the control of any board, to any other purpose or object, or to appropriate available revenues not in the budget. Provided that in time of emergency when so declared by the Council and approved by the City Manager such transfers may be made by resolution adopted by six affirmative votes.

Money to be Drawn from Treasury in Accordance with Appropriation.

Section 118b No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance, or of such ordinance when changed as authorized by the next preceding section of this Charter, or under continuing contracts and loans authorized under the provisions of this Charter, or as otherwise in this Charter provided. At the close of each fiscal year any unused balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation, but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have

been accomplished or abandoned. Nothing herein contained, however, shall be construed to interfere with or change the power of any board to make its own appropriations and otherwise deal exclusively with such funds or income as may be placed under its control or jurisdiction by other provisions of this Charter.

Appointments by the Auditor.

Auditor. Section 122½. The Auditor, subject to the civil service provisions of this Charter, shall have the power to appoint, discipline and remove all officers and employees of his department.

Uniform Accounts and Reports.

Uniform accounts Section 124. Upon the recommendation of the City Manager and the Auditor, the Council shall provide by ordinance a system of accounting for the City not inconsistent with the provisions of this Charter, which shall be, as nearly as may be, a uniform system as to all departments.

Article XIX.

PUBLIC WORK AND SUPPLIES.

Contracts—Bonds.

Contracts and bonds Section 128. All contracts shall be signed in triplicate, one of which with the specifications (and drawings, if any) of the work to be done or materials to be furnished, or both, as the case may be, shall be filed with the City Clerk; one thereof with said specifications and drawings shall be kept in the office of the department under whose supervision the work is to be done, or in case the work is being done under the supervision of a board, then in the office of the Secretary of such board; and the other with said specifications and drawings shall be delivered to the contractor.

At the same time with the execution of the contract, the contractor shall execute to the City and deliver to the Auditor a bond in the form named in the notice for proposals with two or more sufficient sureties to be approved by the Council, or board, as the case may be, or shall deposit with the Auditor a certified check upon some solvent bank for the said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the City, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the City, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the City, and that the taxes on such property so assessed are not delinquent

The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The Council, or the board, as the case may be, may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the Council, or board, as the case may be.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as herein provided for, the contract may be terminated, and the Council, or Board, as the case may be, shall, in such event, not thereafter pay or allow him any further compensation for any work done by him under said contract; and the Council, or board, as the case may be, may proceed to complete such contract either by reletting or otherwise, and the contractor and his bondsmen shall be liable to the City for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Public Work to be Done by Contract.

Section 130. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in or about streams, bays or waterfronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, or in the purchasing of any supplies to be used by the City, when the expenditure required for the same exceeds the sum of Five Hundred Dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished. Provided, however, the Council or Board may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done under its direction, or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received, the Council or Board may likewise provide for the work to be done under its direction or the supplies to be purchased in the open market.

Provided, always, the Council or any Board may, through the medium of interdepartmental requisitions, arrange for the performance of public work or the purchase of supplies under the direction of one or the other, or of the City Manager, as the case may be.

Article XXII.

THE REFERENDUM.

Referendum by Council.

Referendum Section 179. Any ordinance which the Council is empowered to pass may be submitted by an affirmative vote of five (5) of its members at a General Municipal Election only, subject to the provisions of this article so far as applicable.

Article XXIII.

THE PUBLIC SCHOOLS.

Plans for School Buildings

School buildings

Section 188. When funds for the construction of school buildings or additions thereto have been raised by the municipality, the Board of Education must, and when such funds have been raised otherwise, the Board of Education may make requisition upon the City Manager for plans and specifications and estimates for a new school building, or for any addition to school buildings or a school building, specifying the location thereof, the number of class-rooms needed, the date on which the work should be completed, the amount of money in the school fund available for the purpose, giving in detail the size of the class-rooms, the type of the building, the number and width of the stairways of the building, and such other information as will enable the said City Manager to prepare the necessary plans and specifications and estimates for the cost of the said building or buildings or additions

Construction of School Buildings.

Section 189. The said City Manager shall within ninety days after the receipt of said requisition submit in duplicate to the Board of Education such plans, specifications and estimates. The Board of Education shall approve, reject, or return the same to the said City Manager for amendment. When the plans shall have finally been approved by the Board of Education, the date of approval shall be endorsed on each duplicate by the President and Secretary of the Board, and thereupon one of the said duplicates shall be filed in the office of the Board of Education, and the other shall be returned to the said City Manager. The Board of Education shall then proceed to contract for the construction of such building, in the manner provided for making contracts for the construction of other public buildings in Article XIX of this Charter. The construction of every such school building shall be under the immediate supervision of the City Manager. No change shall be made in the plans and specifications without the written consent of said City Manager and the Board of Education. A copy of such changes shall be certified to and shall be attached to the original plans and specifications and original contract. When the funds for the construction of such building, or addition thereto, have been raised by the municipality, the provisions of this section shall be mandatory.

Article XXIV.

MISCELLANEOUS.

Putting Council-Manager System Into Effect.

Section 205 $\frac{1}{4}$. For all purposes relative to the nomination and election of Councilmen and other officials hereunder, the herein amendments shall be effective from the time of the approval of the same by the Legislature of the State of California; for all other purposes they shall take effect on the first day of July following the time of such approval, and the terms of the incumbent Mayor and Commissioners shall thereupon cease, provided, that the members of the first Council elected under this amendment shall have the power and it shall be their duty within ten days after the certification of their election to qualify and organize for the sole purpose of electing a City Manager, as provided in this amendment, and the said Council shall, if practicable, appoint a City Manager prior to the first day of July following their election, whose active service shall begin on that day, at the same time as their own. They shall be entitled to no compensation for services rendered prior to the said first day of July.

Council-
manager
system.

Liberal Construction Intended.

Section 205 $\frac{1}{2}$. By these amendments establishing a Council-Manager system of municipal government and providing for the revision of Charter provisions in accordance with modern City practice, it is intended to promote a more efficient and effective government for the City of Oakland and to secure for the people a broader representation in legislation with greater economy and dispatch in administration. To that end, it is intended that all the provisions of this amendment shall be liberally construed, and the Council is hereby vested with such legislative power as may be required to add to or supplement these provisions to insure at all times their effective operation.

(construc-
tion

In case any section, subdivision or provision of this amendment to the Charter, or any part thereof, shall be found to be unconstitutional or invalid for any reason, the remainder of the amendment shall not thereby be invalidated, but, in accordance with the intention and will of the people hereby expressed, shall remain in full force and effect, all parts and provisions of this amendment, although having a common purpose, being hereby declared separable and independent of all others.

Wherever the phrase "General Municipal Election" is used in relation to the election of officials by the voters it shall be understood to also include the "Nominating Municipal Election."

Special Election, if Required.

Section 205 $\frac{3}{4}$. Should the State Legislature for any reason not approve the herein amendments in sufficient time

Special
election

prior to the first day of July following such approval to permit the nomination and election of Councilmen thereunder in the manner and at the time set forth in Article III of this Charter, then the existing Council shall have the power and it shall be its duty upon such approval to provide forthwith by ordinance for the holding of either or both the nominating and general elections which may follow such approval at such later times prior to such first day of July as shall be convenient for the purposes of such election or elections, or, if necessary, to provide for the calling of special elections therefor, and in connection with any such election or elections to provide for the application thereto of the provisions of Article III of this Charter so far as practicable. Should the herein amendments be submitted to the electors at either the Nominating or General Municipal Election provided for in said Article III and should they be ratified by the voters at such election, then any nomination or election, at such election for the positions of Mayor or Commissioners, as the case may be, shall be void and of no effect, and the Council shall, following the approval of the amendments by the State Legislature, provide for the nomination and election of Councilmen under this amendment at subsequent elections to be called therefor.

Nothing in this amendment, however, shall affect the existing terms of the Auditor or of any School Directors, or the manner of the nomination and election of their successors, excepting that if it should become necessary for the Council to postpone the time of either the Nominating or General Election, or both, as the case may be, as herein provided, the nomination and/or election of any School Director or other officer to be elected thereafter shall occur at the same time as shall be designated for the election of Councilmen.

Nor shall anything in this amendment affect the existing Civil Service status of any officer or employee in the service of the City, or the existing term of office of any member of any board except as herein otherwise expressly provided.

Article XXV.

PORT DEPARTMENT.

Board of Port Commissioners.

Port commissioners

Section 207. The exclusive control and management of the Port Department is hereby vested in the Board of Port Commissioners, which shall be composed of five (5) members who shall be appointed by the Council, upon nomination by the Mayor.

No person shall be appointed as a member of the Board who is not at the time of his appointment, and has not been continuously for three (3) years immediately preceding, a bona fide resident of the City of Oakland.

The members of the Board shall serve without salary or compensation.

Organization—Terms of Office.

Same.

Repeal the sixth (last) paragraph of Section 208.

Appointment of Members.

Section 208½. At the expiration of the term of any of the members of the Board of Port Commissioners, a successor shall be appointed by the Council, upon the nomination of the Mayor, for a full term of six (6) years, except in the case of a vacancy, in which event the appointment shall be for the unexpired term.

Removal.

Section 209. Any member of the Board may be removed from office by the affirmative vote of six members of the Council in the same manner and subject to the same conditions as the Council may remove the members of any of the boards provided for in this Charter in Articles X to XIII, inclusive.

Supervision of Leases, Etc.

Section 216. The Board shall take over and control, and shall have the power to grant, all leases, concessions, easements, privileges, spur tracks and other permits, wharfing-out rights, and waterfront or other franchises relating to the harbor or port and located within the "Port Area" and receive the income therefrom, but this shall not include franchises for the construction and maintenance of railroads, power lines, gas mains and other utilities of a general nature which may extend through other portions of the City into the Port Area and which are within the jurisdiction of the Council pursuant to the provisions of Article XX of this Charter, and subject to the supervision of the City Manager.

It shall be the duty of the Board to see that all provisions of such leases, concessions, easements, privileges, permits, rights or franchises within its jurisdiction are faithfully observed, and it may cause to be instituted such actions or proceedings in the name of the City of Oakland as may be necessary to enforce the provisions thereof, or to revoke, cancel, or annul them when they have become forfeitable in whole or in part, or are illegal, or void or voidable.

Public Streets.

Section 218. Whenever the Board shall determine that it is necessary to open, close, improve, alter or vacate a public street, or part of a public street within the "Port Area," a certified copy of the resolution so determining such necessity shall be filed by the Board in the office of the City Clerk, whereupon the City Manager and the City Council shall initiate and carry to completion the proceedings necessary to effect said proposal.

Annual Budget.

Section 220. The Board shall annually, on or before the fourth Monday of May, or not less than one week prior to the submission of the annual appropriation ordinance by the City Manager, should the Council advance the data therefor pursuant to Section 115, but not later than the third Monday of July, carefully prepare a budget setting forth the estimated receipts of the port, and revenue from other sources, for the ensuing year, and the sums of money necessarily required for the administration of the department, and for maintenance, operation, construction and development of the port and its facilities for the ensuing year, and stating the amount necessary to be raised by tax levy for said purposes. Said budget, when so prepared, shall be certified by the President and Secretary of the Board, and a certified copy thereof shall, on or before said date, be filed with the Council, one with the City Manager, and one with the Auditor.

Ratification.

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Oakland as proposed to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments, to and as part of, the charter of the city of Oakland.

CHAPTER 10.

Senate Concurrent Resolution No. 3—Approving five certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 19, 1931]

City and
county of
San Fran-
cisco
charter
amendments

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year 1900, and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for

that purpose on the twenty-sixth day of May, 1898, and ^{same} approved by the Legislature of the State of California on the twenty-sixth day of January, 1899 (statutes of 1899, page 241); and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco eight certain amendments to the charter of said city and county by the submission of eight proposals numbered from twenty-seven to thirty-one, inclusive, and from thirty-three to thirty-five inclusive, entitled as follows, to-wit:

CHARTER AMENDMENT NO. 27.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section I of Chapter I of Article VII thereof, relating to the School Department.

CHARTER AMENDMENT NO. 28.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections 10 and 11 of Article XIII of said Charter and substituting therefor new sections, to be designated Nos. 10 and 11, providing for the method of appointment of persons to the classified service of the City and County for the period of probation and their tenure of office, and for the appointment of emergency appointees to avoid the stoppage of public business, and setting forth the departments of the government which shall be subject to the provisions of the Civil Service, and for the confirmation of certain employees in their positions.

CHARTER AMENDMENT NO. 29.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Subdivision B, Section 11 of Article XIII of the Charter of said City and County, providing that persons employed in the operating service of any public utility heretofore or hereafter acquired by the City and County shall be entitled to all the benefits of Article XIII of the Charter.

CHARTER AMENDMENT NO. 30.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapter IV of Article V to provide that the Public Administrator and his Attorney shall be placed on a salary basis of \$8,000 per year each, effective January 1, 1932.

CHARTER AMENDMENT NO. 31.

Same

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6 of Chapter V of Article VIII thereof, providing for the detail by the Chief of Police of members of the Police Department of the City and County of San Francisco for detective duty therein, limiting the number thereof, describing the rank and fixing the salary of members of said department so detailed, providing for their removal from such detail, providing for definition of their duties. And providing for designation by the Chief of Police of a Captain of Police to act as Captain over the members of said department so detailed and providing for his salary, and describing his rank and for definition of his duties. And providing for the detail by said Chief of Police of members of said department for traffic duty, and providing for designation by said Chief of Police of a Captain of Police to act over the members so detailed and providing for the salary of such captains.

CHARTER AMENDMENT NO. 33.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new article thereto, to be designated as Article XII-A, relating to the operation, maintenance, control and construction of municipally owned public utilities.

CHARTER AMENDMENT NO. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XIV to be designated as Section XV relating to the leasing of subsurface area of public parks for parking stations.

CHARTER AMENDMENT NO. 35.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding two new sections to Chapter II of Article II thereof, to be known as sections 6a and 6b, respectively, relating to street railway franchises in the City and County of San Francisco.

WHEREAS, Said eight proposals aforementioned containing said proposed amendments to said Charter were in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, published for one day after their order of submission in the "San Francisco Chronicle," a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in

convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco the "San Francisco Chronicle," that such copies could be had on application therefor to the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the fourth day of November, 1930, the said eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said general election was held in said city and county of San Francisco on the fourth day of November, 1930, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "San Francisco Chronicle," newspaper, said general election having been held within six months next preceding a regular session of the Legislature; and

WHEREAS, On the tenth day of November, 1930, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to wit on the first day of December, 1930, the said board of election commissioners duly filed in the clerk's office of the board of supervisors "official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the fourth day of November, A. D. 1930, for charter amendments"; and

WHEREAS, At said general election so held on the fourth day of November, 1930, five of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered twenty-nine, thirty, thirty-one, thirty-four and thirty-five, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said five charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 29.

Entitling Employees of Acquired Public Utilities of the City and County to All the Benefits of Article XIII.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend subdivision B, Section 11 of Article XIII of the Charter of said City and County, providing that persons employed in the operating service of any public utility heretofore or hereafter acquired by the City and County shall be entitled to all the benefits of Article XIII of the Charter.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general election to be held on the 4th day of November, 1930, a proposal to amend the Charter as follows:

Subdivision B, Section 11, of Article XIII of the Charter is hereby amended to read as follows:

City public
utility
employees.

Subdivision B. Persons employed in the operating service of any public utility heretofore or hereafter acquired by the City and County, and not exempted by this article from its provisions, who have been so employed in their respective positions or assignments, wherever located, for not less than one year prior to such acquisition, shall continue in their positions or employments, and shall be entitled to the benefits of this article; and all vacancies thereafter occurring in such positions and employments shall be filled in accordance with the provisions of Article XIII of this Charter.

Ordered Submitted—Board of Supervisors, San Francisco, September 19, 1930.

Ayes: Supervisors Andriano, Canepa, Colman, Gallagher, Havenner, Hayden, McGovern, Peyser, Power, Roncovieri, Rossi, Suhr.

Absent: Supervisors McSheehy, Miles, Shannon, Spaulding, Stanton, Toner.

J. S. DUNNIGAN, Clerk.

CHARTER AMENDMENT NO. 30.

Public ad-
ministrator.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapter IV of Article V to read as follows:

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 4th day of November, 1930, a proposal to amend the Charter as follows:

That Chapter IV of Article V of this Charter is hereby amended to read as follows:

Section 1. The Public Administrator shall be elected by the people and shall hold office for four years. He shall have all of the powers conferred, and shall discharge all of the

duties imposed upon, Public Administrators of Counties by the general laws of the State, except as in this Charter otherwise specifically provided. He shall receive an annual salary of Eight Thousand Dollars, which shall be in full compensation for all official duties required of him by law. He shall collect all fees and compensation allowed to him by law or by the order of any court, as provided in the general laws of the State, and pay the same into the Treasury of the City and County. Same.

Section 2. The Public Administrator may appoint a deputy public administrator and a chief bookkeeper or accountant, which appointments shall be exempt from the provisions of Article XIII of the Charter, and subject to the provisions of said article, such clerical assistants, including stenographers, as may be necessary for the conduct of his office, the compensation of all appointees to be fixed by the Board of Supervisors. Any person who has served in a clerical capacity or as a stenographer in the office of Public Administrator for a period of one year continuously prior to the approval of this amendment by the Legislature, and who shall be actually employed in said office either in a clerical capacity or as a stenographer at such time, is hereby declared to be appointed within the provisions of said Article XIII of the Charter to the said position, and shall thereafter be entitled to all the benefits of said article.

Section 3. The Public Administrator may also appoint an attorney who shall be the attorney for said Public Administrator in all proceedings relative to the administration of estates coming under his charge, which said attorney shall receive an annual salary of Eight Thousand Dollars, which shall be in full compensation for services of every kind and nature rendered to said Public Administrator or rendered in the administration of any of the estates coming under his charge. Said attorney shall collect all fees allowable by law or by the order of any court for services rendered to said Public Administrator in the matter of the administration of said estates, coming under the charge of said Administrator, and forthwith pay said fees into the Treasury of the City and County of San Francisco.

Section 4. This amendment shall become effective on the 1st day of January, 1932, and prior to that time the Public Administrator and his attorney may retain any fees allowed by law or by the order of any court to either of them in the matter of the administration of any estate of which said Public Administrator may have been appointed administrator prior to the said 1st day of January, 1932.

Ordered Submitted—Board of Supervisors, San Francisco, September 17, 1930.

Ayes: Supervisors Canepa, Colman, Gallagher, Havenner, Hayden, McGovern, Power, Roncovieri, Rossi, Shannon, Toner.

Noes: Supervisors Andriano, McSheehy, Miles, Peyser, Spaulding.

Absent. Supervisor Stanton.

J. S. DUNNIGAN, Clerk.

CHARTER AMENDMENT NO. 31.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6 of Chapter V of Article VIII thereof, providing for the detail by the Chief of Police of members of the Police Department of the City and County of San Francisco for detective duty therein, limiting the number thereof, describing the rank and fixing the salary of members of said department so detailed, providing for their removal from such detail, providing for definition of their duties. And providing for designation by the Chief of Police of a Captain of Police to act as Captain over the members of said department so detailed and providing for his salary, and describing his rank and for definition of his duties. And providing for the detail by said Chief of Police of members of said department for traffic duty, and providing for designation by said Chief of Police of a Captain of Police to act over the members so detailed and providing for the salary of such captain.

That Section 6 of Chapter V of Article VIII of the Charter of the City and County of San Francisco be amended to read as follows:

Police
Inspectors

There is hereby established a Bureau of Inspectors of the Police Department of the City and County of San Francisco. Members of said Bureau shall be known as and hold the rank of inspector in said Bureau and in said department. Each member of said department now detailed for detective duty in said department, who at the time this amendment becomes effective shall hold the position of Detective Sergeant as described in said Section 6 of said Chapter V of said Article VIII of said Charter, is hereby declared permanently appointed to the rank of Inspector in said Bureau of said department. There shall be not to exceed one Inspector for each eighteen (18) members of said department. The Chief of Police may detail from time to time, members of said department, in addition to said Inspectors, for performance of duty in said Bureau, who shall while so detailed be known as Assistant Inspectors. Said members of said department, so detailed for duty in said Bureau as Assistant Inspectors, may be removed therefrom at the pleasure of the Chief of Police. An appointment as Inspector shall not be subject to competitive examinations provided for by Article XIII of said Charter. Vacancies in said rank of Inspector shall be filled by the Chief of Police from the members of said department detailed as Assistant Inspectors in said Bureau, at the time such vacancy is filled. Nothing herein shall be construed to prevent an Inspector or Assistant Inspector from

taking the competitive examinations provided for by Article XIII of said Charter. The duties of Inspectors and Assistant Inspectors shall be defined by the rules and regulations of the Board of Police Commissioners, by the orders of said Chief of Police and by the orders of the Captain of Inspectors, hereinafter provided for. Each Inspector shall receive an annual salary of \$2,760.00. Each Inspector and each Assistant Inspector shall, for the purpose of receiving a pension, be subject to present and future provisions, and be entitled to present and future benefits of Chapter X of Article VIII of said Charter. An inspector of said Bureau, guilty of any offense or violation of the rules and regulations of said Bureau or of said Police Department, shall be punished by reprimand, or by fine to be fixed by said Board of Police Commissioners, or by removal from said Bureau or by dismissal from said Police Department. Upon such removal said Inspector shall revert to his former rank in said Department. No fine exceeding one month's salary shall be imposed at any one time. No Inspector of said Bureau shall be punished, as aforesaid, except after a fair and impartial trial before said Board of Police Commissioners, upon verified charges filed with said Board, setting forth specifically the acts complained of, and after such reasonable notice to him of the time and place of hearing, as said Board may by rule prescribe. The accused shall be entitled, upon such hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense to him, the attendance of all witnesses necessary for his defense.

The Chief of Police shall designate a Captain of Police to act as Captain of said Bureau, who shall receive an annual salary of \$5,000.00. Said Captain shall be known as Captain of Inspectors. His duties shall be defined by said Board of Police Commissioners and by the Chief of Police. Said Captain shall be in addition to the number of Captains specified in Section 2 of Chapter V of Article VIII of said Charter. Said Captain may be removed from the Captaincy of said Bureau by and at the pleasure of said Chief of Police.

Said Chief of Police may detail for traffic duty such members of the Department as he may select and shall designate a Captain of Police to act as Captain over the members so detailed, who shall receive an annual salary of \$4,000.00.

Ordered submitted—Board of Supervisors, San Francisco, September 20, 1930.

Ayes—Supervisors Canepa, Colman, Gallagher, Havenner, Hayden, McGovern, McSheehy, Miles, Power, Roncovieri, Rossi, Spaulding, Suhr, Toner.

Absent—Supervisors Andriano, Peyser, Shannon, Stanton.

J. S. DUNNIGAN, Clerk.

CHARTER AMENDMENT NO. 34

Subsurface
area parking
space leases

Authorizing the Park Commission to lease to the highest bidder subsurface area in public parks for automobile parking stations.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XIV to be designated as Section XV relating to the leasing of subsurface area of public parks for parking stations.

The Board of Supervisors of the City and County of San Francisco hereby submit to the qualified electors of said City and County at the general election to be held on the 4th day of November, 1930, a proposal to amend the Charter as follows:

That a new section be added to Article XIV to be designated as Section XV to read as follows:

Section 15. The Board of Park Commissioners may lease to the highest responsible bidder for a term not to exceed fifty (50) years and upon such other terms, conditions and provisions as it may determine the subsurface space and the right and privilege to conduct and operate therein, a public automobile parking station under any public park, provided that the said construction when completed and the operation will not be in any material respect or degree detrimental to the original purpose for which said park was dedicated, or in contravention to the conditions of any grant under which said park may have been received. The revenues derived from any such lease shall be credited to the Park Fund.

Ordered submitted—Board of Supervisors, San Francisco, Sept. 20, 1930.

Ayes—Supervisors Canepa, Colman, Gallagher, Havenner, Hayden, McSheehy, Miles, Power, Rossi, Spaulding, Suhr, Toner.

Noes—Supervisors McGovern, Roncovieri.

Absent—Supervisors Andriano, Peyser, Shannon, Stanton.
J. S. DUNNIGAN, Clerk.

CHARTER AMENDMENT NO. 35

Street
railway
franchises.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding two new sections to Chapter II of Article II thereof, to be known as Sections 6a and 6b, respectively, relating to street railway franchises in the City and County of San Francisco.

That Chapter II of Article II of the Charter of the City and County of San Francisco be amended by adding thereto two new sections to be known as Sections 6a and 6b, respectively, to read as follows:

Section 6a. Any person, firm or corporation (hereinafter called declarant) engaged in operating a street railway in the City and County of San Francisco, may, at any time

within twelve months after this section takes effect, make and file with the Clerk of the Board of Supervisors of said City and County a written declaration of surrender to the City and County of San Francisco of all rights, franchises, privileges, permits or resolutions theretofore granted to or held by declarant, or its predecessors in interest, to operate said street railway under said rights, franchises, privileges, permits and resolutions over the streets, avenues and highways in the City and County of San Francisco set forth in said declaration of surrender, and in consideration and by reason thereof, declarant shall, upon making and filing such declaration of surrender as aforesaid, immediately and automatically by operation of law and without further act on the part of such declarant or by the City and County, have and hold, in place thereof, an operating permit from the City and County giving and granting unto such declarant, its successors or assigns, the right, until such operating permit is revoked in the manner hereinafter set forth, to operate its cars by means of the overhead electric system, by cables running under the ground and moved by stationary engines, or electric motors, or by such other means as the law may permit, and buses, over the streets and highways in the City and County set forth and enumerated in said declaration of surrender, whether under then existing franchises, or otherwise, and to conduct in the City and County the same railway business theretofore conducted therein by such declarant and, for that purpose, to have the use of the streets, roads, highways and avenues in the City and County and of the same or like tracks, roadbeds, and other structures and rights of way therein, but upon all the terms and conditions contained in the rights, franchises, privileges, permits, and resolutions existing as of February 15th, 1929, and in the orders, resolutions and ordinances referred to in such declaration of surrender except that the term or condition as to the period of duration of any right, franchise, privilege, permit or resolution applicable to any operating permit or to any right thereunder, shall be for twenty-five years from the date of the filing of the declaration of surrender by declarant herein referred to. Said permit shall apply only to streets, avenues or highways over which the declarant operated its railway at any time during the calendar year in which the election for the adoption of this amendment by the people of said City and County was held for that and/or other purposes.

The provisions of this section shall not apply to the franchises granted under the following named ordinances of the City and County, namely, Ordinance Number 288 (New Series) approved October 17, 1907, and Ordinance Number 425 (New Series) approved May 12, 1908, commonly known as the Parkside franchises, and Ordinance No. 1196 (New Series) approved June 14, 1910, commonly known as the Gough Street franchise, and Ordinance Number 1460 (New Series) approved January 23, 1911, commonly known as the

Street
railway
franchises

Parnassus and Ninth Avenue franchise, nor to that portion of the franchise granted under Order No. 1532, approved November 28, 1879, for the operation of a railway on Howard Street from Steuart Street to Twenty-sixth Street, nor to that portion of the franchises granted under Order No. 1890, approved December 27, 1886, for the operation of a railway commencing at the intersection of Post Street with Market Street, thence along and upon Post Street to Leavenworth Street.

Such declaration of surrender shall be executed by the declarant and acknowledged and certified in the manner provided by law for the conveyances of real property. Upon the presentation to the Clerk of the Board of Supervisors of such declaration of surrender executed, acknowledged and certified, as aforesaid, it shall be the duty of the Clerk of the Board of Supervisors to file the same and to endorse thereon the fact and date of such filing and to sign such endorsement, and to deliver to the declarant a true and correct copy of such declaration of surrender so filed with him, with his certificate attached thereto signed by him and attested by the seal of the City and County to the effect that the same is a true and correct copy of the declaration of surrender so filed with him and stating therein the date of such filing and the name of the declarant executing such declaration and such certificate shall be conclusive evidence of the facts therein recited.

Every permit, given and granted as in this section provided, shall be for the period of twenty-five years, as hereinbefore stated, and shall be subject always to the right of the City and County at any time to acquire and possess the operative railway property of the holder of said permit upon paying the fair value therefor, hereinafter referred to as compensation.

The compensation to be paid for the property to be acquired, as aforesaid, shall be fixed and determined by agreement by and between the owner of such property and the Board of Supervisors, authorized by ordinance, or by the owner of such property and any other governmental body with legal and proper authority, and, in case of their failure to agree, the said compensation to be paid as aforesaid shall be fixed in any manner provided by law, whether by condemnation proceedings in the exercise of the power of eminent domain or otherwise. The compensation herein referred to shall not include any claim for going concern value or any other like intangible by any declarant.

Whenever the City and County desires to acquire said railway property, the City and County shall give the holder of said permit written notice, duly authorized by ordinance, of its intention to take over and acquire said properties on a date to be stated in said notice, but in no event less than three months nor more than fifteen months from the date of said notice; and, upon payment or tender of said compensation on the date so noticed, together with compensation for the

cost of any additions or betterments to said property since the date of filing said declaration of surrender, said permit shall be thereby revoked and the holder thereof shall immediately deliver said property to the City and County, and transfer the same by appropriate deeds of grant, bargain and sale, and other assurances of title.

Failure of the City and County to pay or tender said compensation, as aforesaid, shall not prevent said City and County from thereafter, at such time as it shall deem proper, taking proceedings to purchase, acquire and possess said operative properties, as in this section provided.

None of the provisions of this Charter concerning or relating to the granting of franchises to operate street railways shall be applicable to the permits given and granted under the provisions of this section or under the provisions of section 6b of this Chapter or to any right thereunder, it being the purpose and intention of said two sections to provide for permits and rights thereunder which can be used and exercised by the holder thereof, its successors or assigns, without reference to any of the terms or conditions under which franchises may be granted under this Charter, until such time as the City and County shall purchase, take over and acquire the operative railway property of such holder.

Section 6b. The Board of Supervisors shall have power to grant by ordinance to any holder of a permit, secured as provided in Section 6a of this Chapter, supplemental permits authorizing such holder, its successors or assigns, to construct and operate in conjunction with its existing lines upon, over or under any of the streets, roads, highways, and avenues of the City and County, an extension or extensions of an existing street railway or bus line in the same manner and subject to the same terms and conditions under which the said line from which it is proposed to make the extension, is operated, when such supplemental permit is granted. Every such supplemental permit shall expire concurrently with the permits granted upon the filing of the declaration of surrender provided for in Section 6a of this Chapter, and shall be subject always to the aforesaid right of the City and County to acquire and possess the operative railway property of the holder of such supplemental permit as provided in Section 6a of this Chapter. No line of street railway in the City and County, or any portion thereof, operated under authority of any permit, authorized by the provisions of this Chapter, shall be abandoned unless the holder of such permit shall, by written petition to the Board of Supervisors, request authority to make such abandonment, and unless the Board of Supervisors, upon receiving such a petition, shall authorize such abandonment by ordinance and shall first find that the public interest will not be injured or suffer by such abandonment and shall so recite in the ordinance authorizing such abandonment.

Order submitted—Board of Supervisors, San Francisco, September 19, 1930.

Ayes: Supervisors Andriano, Canepa, Colman, Havenner, Hayden, McGovern, McSheehy, Miles, Peysner, Power, Roncovieri, Rossi, Spaulding, Suhr, Toner.

Absent: Supervisors Gallagher, Shannon, Stanton.

J. S. DUNNIGAN, Clerk.

State of California }
City and County of San Francisco } ss.

This is to certify that we, James Rolph, Jr., Mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a general election held on Tuesday, the fourth day of November, one thousand nine hundred and thirty, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this 8th day of December, 1930.

[SEAL]

JAMES ROLPH, JR.

Mayor of the City and County of San Francisco.

J. S. DUNNIGAN,

Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore, be it

Ratification.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That amendments number twenty-nine, thirty, thirty-one, thirty-four and thirty-five to the charter of the city and county of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 11.

Senate Concurrent Resolution No. 5—Relative to amendment to the charter of the city of Salinas voted and ratified by

the electors of said city, at the regular election held on the fourth day of November, 1930.

[Filed with Secretary of State January 19, 1931.]

WHEREAS, The city of Salinas, State of California, now is and was at all times herein mentioned a city containing a population of more than three thousand five hundred inhabitants, and is now organized, existing and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of November, 1918, and approved by the legislature of the State of California, by concurrent resolution filed with the secretary of state on the twenty-fourth day of January, 1919.

City of
Salinas:
charter
amendments

WHEREAS, The legislative authority of said city namely, the council thereof, duly proposed to the qualified electors of the city of Salinas, an amendment to the charter of said city which said proposed amendment was in accordance with the provisions of section eight (8), article eleven (11) of the constitution of the State of California, published in the official paper of said city, the Salinas Index-Journal, a daily newspaper of general circulation in said city of Salinas, for one (1) day after its passage on to wit: the sixteenth day of September, 1930.

WHEREAS, Copies of said proposed amendment were printed in convenient pamphlet form and until the date fixed for said election to wit the fourth day of November, 1930, an advertisement was published in said Salinas Index-Journal, a daily newspaper of general circulation published in said city of Salinas, giving notice that copies of said proposed amendment could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies were available and could be had upon application therefor before election until the day fixed for said election, and

WHEREAS, Said election was duly called and held on said fourth day of November, 1930, which was not less than forty days and not more than sixty days after the completion of said advertising of said proposed amendment in said official paper, the said Salinas Index-Journal of said city of Salinas, to wit: the sixteenth day of September, 1930, and whereat a majority of the qualified electors voting thereon voted in favor of a ratification and did ratify said amendment to said charter; and

WHEREAS, The returns of said election were duly and regularly canvassed and declared in time, form and manner as required by law, whereupon there was duly found, determined and declared by the council of the said city that a majority of the qualified electors of said city, voting thereon had voted for said amendment to the charter of the said city

of Salinas, and which said amendment is hereinafter set forth and is in words and figures as follows, to wit:

“BOARD OF EDUCATION.

Membership.

Board of education.

Sec. 49. The Board of Education shall consist of three members to be elected for terms of three years each, except as hereinafter provided, at the time and in the manner as is provided for the election of school trustees of Elementary School Districts by ‘The School Code of the State of California.’

At the first election for members of the said Board of Education to be held after the adoption of this Amendment, the said members of the Board of Education shall be elected to hold office for one, two and three years, respectively, from the first day of May next succeeding their election. Said Board of Education shall serve without pay.”

City of Salinas, }
County of Monterey, } ss
State of California, }

This is to certify that we, D. A. Madeira, mayor of the city of Salinas, and M. R. Keef, City Clerk, of said City, have compared the foregoing proposed and ratified amendment to the charter of the City of Salinas, with the original proposal submitted to the electors of said City at the general election held on Tuesday, the 4th day of November, 1930, and find that the foregoing is a full, true and correct copy of the amendment so ratified and we further find that the facts set forth in the preamble preceeding said amendment are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Salinas to be attached, this 29th day of December, 1930

[SEAL] D. A. MADEIRA,
Mayor of the City of Salinas.
M. R. KEEF,
City Clerk of the City of Salinas.

Ratification

WHEREAS, The said proposed amendment is now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with section 8, article eleven, of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same is hereby approved as a whole without amendment or alteration, for and as amendment to, and as a part of the charter of said city of Salinas.

CHAPTER 12.

Senate Concurrent Resolution No. 8—Approving certain amendments to the charter of the city of Glendale, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 19, 1931]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments hereinafter set forth to the charter of the city of Glendale, a municipal corporation in the county of Los Angeles, State of California; and

City of
Glendale
charter
amendments.

WHEREAS, The city of Glendale, in the county of Los Angeles, State of California, contains a population of over sixty-two thousand six hundred seven inhabitants and has been, ever since the year 1921, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-ninth day of March, 1921, and approved by the Legislature of the State of California on the eleventh day of May, 1921; and

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to section 8, article eleven of the constitution of the State of California, by resolution adopted September 18, 1930, duly propose to the qualified electors of said city of Glendale eleven amendments to the charter of said city, designated as proposed charter amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, (which appeared on the ballot as Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A and 11-A), and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the fourth day of November, 1930, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, (which appeared on the ballot as Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A and 11-A), were, and each of them was, on September 22, 1930, duly published in the Glendale News-Press, a daily newspaper of general circulation in the said city of Glendale and the newspaper designated by the said council for that purpose; and said eleven proposed charter amendments were printed in convenient pamphlet form, and from September 23, 1930, to November 3, 1930, both inclusive, a notice was published in said Glendale News-Press, a daily newspaper of general circulation in said city, that such copies could be

Same.

had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as Ordinance No. 1463, which was duly adopted on October 2, 1930, order the holding of a special municipal election in the city of Glendale on the fourth day of November, 1930, which said date was not less than forty days and not more than sixty days after the completion of the publication of said eleven proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on October 2, 1930, and was published once a week for two weeks prior to the time for the holding of said election, to wit: On October 6 and October 13, 1930, pursuant to the provisions of the charter of the city of Glendale, in the Glendale News-Press, a daily newspaper printed and published in said city; and said council of said city did by said Ordinance No. 1463 order said special municipal election consolidated with the general state election to be held in said city on the fourth day of November, 1930; and

WHEREAS, Said special municipal election was held in said city of Glendale on the fourth day of November, 1930, which day was not less than forty days and not more than sixty days after said eleven proposed amendments to said charter had been published once in the Glendale News-Press; which said election was held during the six months next preceeding a regular session of the Legislature of the State of California; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 22, 1930, duly certify to the council of said city of Glendale the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on November 25, 1930, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said fourth day of November, 1930, six of said proposed charter amendments were ratified by a majority of the electors of said city voting thereon, to wit: charter amendments Nos. 4, 5, 7, 8, 9 and 10, (which appeared on the ballot as charter amendments Nos. 4-A, 5-A, 7-A, 8-A, 9-A and 10-A), and that all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said six charter amendments so ratified by the electors of the city of Glendale are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8, of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 4 (ALSO KNOWN AS
NO. 4-A).

That Section 22 of Article XI of said Charter be amended to read as follows:

ARTICLE XI.

PUBLIC SERVICE SURPLUS FUND

SECTION 22. A fund to be known as the Public Service Surplus Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department any amounts in excess of the requirements of the several funds as hereinbefore set forth. Disbursements from said Public Service Surplus Fund may be made by the Council by special appropriation for public service purposes only.

Public service surplus fund.

CHARTER AMENDMENT NO. 5 (ALSO KNOWN AS
NO. 5-A).

That Section 17 of Article XI of said Charter be amended to read as follows:

ARTICLE XI.

DEPRECIATION FUND.

SECTION 17. The Council shall annually set aside from the income of the Public Service Department, as a separate depreciation fund for each public utility a fund which, according to the estimate of the City Manager, shall be sufficient to meet the normal depreciation in said public utility. Such fund shall be used only for the replacement, betterment and extensions of the plants and equipment of said public utilities respectively. All said replacements and repairs shall be made from such funds; provided, that nothing herein contained shall limit the right of voting and issuing bonds of the said City for said purposes.

Depreciation fund.

CHARTER AMENDMENT NO. 7 (ALSO KNOWN AS
NO. 7-A).

That Section 11 of Article XI of said Charter be amended to read as follows:

ARTICLE XI.

TAX RATE.

SECTION 11. The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent, there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided, further, that in addition to the taxes above mentioned, there shall be levied a tax not exceeding fifteen cents on each one hundred dollars of the assessed valuation for the Library Fund; provided, fur-

Tax rate.

ther, that in addition to the taxes above mentioned, the Council may levy a tax not exceeding thirty cents on each one hundred dollars of assessed valuation for parks, playgrounds and recreation centers. If the Council shall fail to fix the tax rate at the proper time, the rate for the preceding fiscal year shall be adopted and used.

CHARTER AMENDMENT NO. 8 (ALSO KNOWN AS
NO. 8-A).

That Section 11 of Article XI of said Charter be amended to read as follows:

ARTICLE XI.
TAX RATE.

Same
special tax

SECTION 11. The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided however, that in addition to said one per cent, there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided, further, that in addition to the taxes above mentioned, there shall be levied a tax not exceeding thirty cents on each one hundred dollars of the assessed valuation for the Library Fund; provided, further, that in addition to the taxes above mentioned, the Council may levy a tax not exceeding fifteen cents on each one hundred dollars of assessed valuation for parks, playgrounds and recreation centers. If the Council shall fail to fix the tax rate at the proper time, the rate for the preceding fiscal year shall be adopted and used.

CHARTER AMENDMENT NO. 9 (ALSO KNOWN AS
NO. 9-A).

That Article XXIII of said Charter be amended by adding thereto a new section to be numbered Section 29 and to read as follows:

ARTICLE XXIII.
MISCELLANEOUS PROVISIONS.

Municipal
court

SECTION 29. The City of Glendale may establish a Municipal Court when, and in such a manner as may be, authorized by the Constitution or laws of the State of California.

CHARTER AMENDMENT NO. 10 (ALSO KNOWN
AS NO. 10-A).

That Section 3 of Article XIII of said Charter be amended to read as follows:

ARTICLE XIII.
CITY LIBRARY.

SECTION 3. The Board of Library Trustees shall have ^{Library} the management and disbursement of all funds regularly appropriated or received for the Public Library. All bills, demands, or claims on the Library Fund may be audited by the President and one other member of said Board of Library Trustees, and warrants therefor shall then be signed by the President of said Board and countersigned by the Controller. All library bills shall be paid out of the Library Fund, which fund is hereby established.

State of California. }
County of Los Angeles. } ss.

We, the undersigned, C. E. Kimlin, mayor of the city of Glendale, State of California, and G. E. Chapman, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said city of Glendale, submitted to the electors of said city at a special municipal election held in said city on the fourth day of November, 1930, have been compared by us and each of us, with the proposed amendments set forth in the resolutions adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Glendale this ninth day of December, 1930.

C. E. KIMLIN,
Mayor of the city of Glendale.

[SEAL]

G. E. CHAPMAN,
City Clerk of the city of Glendale.

WHEREAS, The said proposed amendments to the charter of the city of Glendale voted for and ratified as hereinbefore set forth have been and are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the ^{Ratification.} *Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said amendments to the charter of the city of Glendale, as proposed to and adopted by the electors of the said city and as hereinbefore fully set forth be and the same are and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as parts of the charter of the said city of Glendale.*

CHAPTER 13.

Assembly Joint Resolution No. 6—Relative to the relief of Palo Verde valley.

[Filed with Secretary of State January 20, 1931.]

Federal aid
for Palo
Verde
valley.

WHEREAS, There is now before the congress of the United States of America a bill providing for the reimbursement of money spent on river protection in Palo Verde valley; and

WHEREAS, Agricultural and economic conditions in said valley are critical and relief is necessary; and

WHEREAS, It appears that unless federal aid is extended, said valley faces inevitable disaster and ruin, with serious and widespread consequences; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the congress of the United States of America be hereby memorialized and earnestly urged to enact said bill, and that the President, the Vice President and the secretary of the interior be likewise memorialized and urged to support said bill; and be it further

Resolved, That the chief clerk of the Assembly be hereby directed to transmit this resolution forthwith to the senators and representatives from this state in the congress of the United States, and to the President, the Vice President, and the secretary of the interior of the United States.

CHAPTER 14.

Assembly Joint Resolution No. 4—Relative to the reimbursement of the State of California for moneys actually expended in aid of the government of the United States during the war between the states.

[Filed with Secretary of State January 22, 1931.]

Federal
reimburse-
ment for
state civil
war expen-
ditures.

WHEREAS, The State of California has not been reimbursed for moneys actually expended by the state for costs, charges and expenses incurred in enrolling, equipping, transporting and paying its volunteer troops during the war between the states in response to the urgent calls of and under proper requisitions made by the commanding general of the military department of the Pacific under direct authority of the President and the secretary of war, upon the understanding that all such costs, charges and expenses actually incurred in raising troops for the United States would be reimbursed to the state, as shown by the letter from the secretary of state, Hon. Wm. H. Seward, addressed to the governor of California dated October 14, 1861, wherein he stated:

“The President has directed me to invite your consideration to the subject of the improvement and perfection of the

defenses of the state over which you preside and to ask you to submit the subject to the consideration of the Legislature when it shall have assembled. Such proceedings by the state would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the federal authorities. Being thus made with the concurrence of the government for general defense, there is every reason to believe that congress would sanction what the state should do and would provide for its reimbursement; and

WHEREAS, The record shows that the expenditures by the State of California on behalf of the United States were made with the knowledge, cooperation and approval of the commanding general of the department of the Pacific representing the federal authorities; and

WHEREAS, The expenditures made by the State of California for, and on account of the United States and as its most urgent calls, are set forth by the comptroller general of the United States under date of August 14, 1930, in pursuance of a resolution of the senate passed May 28, 1930, as follows:

Grand total sum actually expended by and not repaid the State of California on July 1, 1889, stated in the account set forth in the report of the secretary of war made in pursuance of resolution of the senate of February 27, 1889, printed in Senate Executive Document No. 11, 51st congress, 1st session----- \$4,420,891 16

Plus, interest certified by the treasurer of the State of California as actually paid by said state on the sums so advanced and expended from July 1, 1889, to December 31, 1929, \$571,104.17 interest on moneys borrowed through the sale of state bonds issued under authority of the act of the Legislature of the State of California of April 27, 1863; and \$1,470,150 interest on moneys similarly borrowed to carry out the provisions of the act of the Legislature of said state of April 4, 1864----- \$2,041,254 17

Balance due the State of California----- \$6,462,145 35
(Senate Document No. 220, 71st congress, 3d session); and

WHEREAS, No part of the sum so actually expended for the benefit of the United States and at its request has been reimbursed the State of California, although the costs, charges and expenses, including interest (the supreme court of the United States in the New York case, 160 U. S. 598, having held interest paid by a state on moneys borrowed a proper cost or charge) incurred by other states in aid of the government during the war between the states have been paid said states; and

WHEREAS, The validity, equity and justness of these expenditures made by the State of California in aid of the federal

Same.

government in times of great stress have often been admitted and never successfully disputed; and

WHEREAS, The senate after thorough investigation has repeatedly passed bills providing for the reimbursement of the State of California, and the committees of the house of representatives have likewise favorably reported bills for such reimbursement; and

WHEREAS, The seventieth congress, after many years of consideration, passed the President approved an act providing for the reimbursement of the state of Nevada for costs, charges and expenses incurred in aid of the government during the war between the states identical in character and authorized under exactly similar circumstances as were the expenditures made by the State of California; thus recognizing the validity and merit of such expenditures; and

WHEREAS, It is deemed appropriate to quote, from among the many statesmen in congress who have considered and assisted in establishing the justice of the reimbursement of California, three United States senators who, on account of their prominence, experience and rank, are most competent to speak again in behalf of our state, namely:

“Senator Hawley of Connecticut (chairman of the committee on military affairs): There is no sort of question as to its justice.”

“Senator Eugene Hale of Maine (chairman of the committee on appropriations): The senate is committed to these state claims by vote, by sentiment, and it is only a question of time when they will pass.”

“Senator Teller of Colorado (chairman of the committee on claims): If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds;” and

WHEREAS, The State of California has been so long deprived of its rights respecting these expenditures upon part of which it is still paying interest, and as the state is now in such urgent need of the sum due from the United States, that it is believed if the attention of the congress is again invited to this obligation, it will appreciate the justice of the state’s request for reimbursement at this time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring. That we respectfully request our senators and representatives in the congress of the United States to use all honorable means to secure the enactment by that body of a law providing for the reimbursement of the State of California in accordance with the accounting rendered by the comptroller general of the United States hereinabove referred to, and that his excellency, the governor of the State of California, be requested to forward to the president of the senate, the speaker of the house of representatives, and to each of our senators and representatives in congress a properly certified copy of this resolution.

CHAPTER 15.

Senate Joint Resolution No 5—Relative to the passage of Senate Bill No. 4123, known as the Glenn Bill.

[Filed with Secretary of State January 22, 1931]

WHEREAS, There has been proposed in congress a bill known as the "Glenn Bill," (S. 4123, seventy-first congress, third session) which provides that the federal government, through the department of the interior, shall make loans to irrigation districts, drainage districts, levee districts, levee and drainage and/or similar districts on other than federal projects; and

Federal
loans to
districts.

WHEREAS, The passage of this bill will do much to hearten the farming community of this state and aid materially in restoring their confidence; and

WHEREAS, This bill has now passed the senate of the United States and has been reported favorably to the house of representatives by the house committee on irrigation and reclamation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the passage of this bill at the present session of congress, and that the President of the United States be requested to attach his signature thereto so that it may become a federal law; and be it further

Resolved, That the secretary of the Senate be and is hereby directed to telegraph copies of this resolution to the President of the United States, the speaker of the house of representatives and Honorable Bertrand H. Snell, chairman of the rules committee of the house of representatives, and to mail copies of this resolution to the senators and representatives of California in the congress of the United States.

CHAPTER 16.

Senate Joint Resolution No. 6—Relative to memorializing the congress of the United States to designate The Star Spangled Banner as the national anthem of the United States of America.

[Filed with Secretary of State January 23, 1931]

WHEREAS, During the bombardment of Fort McHenry during the War of 1812 Francis Scott Key while on the deck of one of the attacking British warships was inspired to write a spirited epic poem, and

National
anthem.

WHEREAS, That poem written by Francis Scott Key entitled "The Star Spangled Banner" with music by John Stafford Smith, typifies the expression of national spirit of the American people and of these United States; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the President, the secretary of the treasury and the congress of the United States be hereby memorialized and urged to designate that composition consisting of the words and music known as "The Star Spangled Banner" be designated the national anthem of the United States of America.

CHAPTER 17.

Senate Joint Resolution No 7—Relative to memorializing congress to adopt legislation consenting to the construction, maintenance and operation of a toll bridge across San Francisco bay and granting a right of way therefor across Yerba Buena island.

[Filed with Secretary of State January 23, 1931.]

Federal
permission
for San
Francisco
bay toll
bridge

WHEREAS, A special commission was appointed to report upon the necessity of a bridge across San Francisco bay from the city and county of San Francisco to the county of Alameda; the practicability of such a bridge from an engineering and a financial viewpoint; and the most suitable location therefor, considered in relation to the needs of national defense and the interests of navigation, and

WHEREAS, This commission, after many months of study, has recommended the construction of a bridge to extend from Rincon hill in San Francisco to Yerba Buena island and thence to the Alameda county shore, and

WHEREAS, The California toll bridge authority and the state department of public works of the State of California propose to construct such a bridge under laws of the State of California declaring it to be the policy of said state to own all toll bridges situated upon or along any part of the highways of said state, with the end in view of eliminating all toll charges thereon as soon as possible, and

WHEREAS, The consent of congress is desired to construct, maintain and operate such a bridge under the control and direction of said state agencies; and, also, to the use of a portion of Yerba Buena island for right of way purposes in connection with such project, supplementing such permits as may be issued therefor by the proper federal departments; and

WHEREAS, Such a toll bridge will immeasurably promote and facilitate state and interstate traffic and commerce, and will provide better postal, military and other services of value to the nation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urgently petition and request the congress of the United States to adopt legislation consenting to the California toll bridge authority and the department of public works of the State of California constructing, maintaining and operating such a

toll bridge across San Francisco bay, as hereinbefore described, and granting the necessary right of way and incidents thereto for constructing said bridge to and over Yerba Buena island located in said bay; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the speaker of the house of representatives and to the senators and representatives of the State of California in congress.

CHAPTER 18.

Senate Concurrent Resolution No. 13—Relative to joint rules of Senate and Assembly

[Filed with Secretary of State January 23, 1931.]

Resolved by the Senate, the Assembly concurring, That the following be adopted as the joint rules of the two houses of the Legislature for its forty-ninth session: Joint rules
of Senate
and
Assembly.

JOINT RULES OF SENATE AND ASSEMBLY.

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house: Standing
committees.

- (1) Agriculture.
- (2) Banking.
- (3) Building and loan associations.
- (4) Commerce and navigation.
- (5) Conservation.
- (6) Constitutional amendments.
- (7) County government.
- (8) Drainage, swamp and overflowed lands.
- (9) Education.
- (10) Elections.
- (11) Federal relations.
- (12) Finance in the Senate and ways and means in the Assembly.
- (13) Fish and game
- (14) Hospitals and asylums.
- (15) Insurance.
- (16) Irrigation.
- (17) Judiciary.
- (18) Labor and capital.
- (19) Military affairs.
- (20) Mines and mining.
- (21) Municipal corporations.
- (22) Oil industries.
- (23) Prisons and reformatories.

- (24) Public health and quarantine.
- (25) Public morals.
- (26) Public utilities.
- (27) Revenue and taxation.
- (28) Roads and highways.
- (29) Rules

JOINT COMMITTEES.

2. Joint standing committees of Senate and Assembly shall be appointed as follows:

(1) Committee on revision and printing, to consist of three (3) members from the senate and five (5) from the assembly.

(2) Committee on joint rules, to consist of the members of the rules committee of each house.

JOINT MEETING OF COMMITTEES.

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairman of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

Bills and
resolutions.

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

JOINT AND CONCURRENT RESOLUTIONS.

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house and that they shall not be deemed bills within the meaning of section 2 of article four of the constitution, and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

Preparation
and intro-
duction of
bills.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

DIVISION OF BILL INTO SECTIONS.

8. Bills amending more than one section of existing laws ^{Same} shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES IN EXISTING LAW TO BE MARKED BY AUTHOR.

9. In case of a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics and the matter to be omitted shall be printed in canceled or "strikeout" type.

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS
WHEN INTRODUCED.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; but the attention of the author shall be called to any changes made. No bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing. Whenever any provision of these rules shall refer to the committee on revision and printing such reference shall be deemed to mean the Senate committee on printing or engrossment, enrollment and printing provided for by the Senate rules or by the law.

Note—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

11. The committee on revision and printing shall see to it that rules 7 and 9 of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

12 The committee on revision and printing shall return to the secretary of the Senate or chief clerk of the Assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

ENDORSEMENT OF DATE OF INTRODUCTION.

13. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS,
MANNER OF PRINTING BILLS, ETC.

Printing and
distribution
of bills

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; provided, however, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center and commonly known as "strikeout" type. When a bill is amended in either house, the first or previous markings shall be omitted. When a bill amendatory of a code section or general law is engrossed, all figures or symbols shall be removed.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

16. All requests for mailing or distribution by the members shall be filed with the secretary of the Senate or chief clerk of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systemized as follows: Members' clerks and legislative officers' files, one hundred fifty full sets; to authors, fifty copies of their own bills; accredited newspaper representatives, twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the Senate and chief clerk of the Assembly may compile from the recommendations of the members of both houses, one thousand two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills

designated—one thousand copies. The state printer shall cause to be printed in the standard form adopted by the Senate and the Assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

A similar number and distribution shall be made of the semifinal history and final calendar

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly histories and journals shall be distributed generally, following the recess, upon such schedule as the secretary of the Senate and chief clerk of the Assembly may designate.

OTHER LEGISLATIVE PRINTING. PRINTING OF THE DAILY JOURNAL

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the Senate and chief clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature as required by law.

Other
legislative
printing.

WHAT SHALL BE PRINTED IN THE JOURNAL.

19 The following shall always be printed in the journal of each house:

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; provided, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills,

joint or concurrent resolutions and constitutional amendments originating in or acted upon by the respective houses.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the Senate or the chief clerk of the Assembly. The secretary of the Senate and the chief clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

RECORD OF BILLS.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

23. The secretary of the Senate and the chief clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution or constitutional amendment.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

24. The secretary of the Senate and the chief clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

BILLS READ AND REFERRED THE COMMITTEE.

25. When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

26. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and

Action in
one house
on bill
transmitted
from the
other.

the chairman of each committee is charged with observance of this rule.

SPECIAL FILE.

27. On the second day after the close of the recess provided for in section 2, article four of the constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p.m. of each day in the Assembly and at two o'clock and thirty minutes p.m. of each day in the Senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION
ON BILL.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER.
REQUIRES NOTICE.

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Reports from
one house to
the other as
to action
on bill

EACH HOUSE TO TRANSMIT PAPERS.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the Senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC, TO DISPATCH MESSAGES.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a Senate message or by the chief clerk, if it be an Assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

PASSAGE AND ENROLLING OF BILLS.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, article four of the constitution.

Passage and
enrolling
of bills

PASSAGE OF URGENCY PROVISIONS IN BILLS.

34. Upon the third reading of an act which is an urgency measure within the meaning of section 1, article four of the

state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section, setting forth the urgency features of this bill, be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

35. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

ENROLLMENT OF BILL AFTER PASSAGE.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in joint rule 37, and be presented to the governor of the state.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first indorsed by the presiding officers of the two houses, and by the secretary of the Senate and the chief clerk of the Assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Amendments
and con-
ferences

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the Senate, or the chief clerk or assistant clerk of the Assembly, as the case may be; provided, however, that an

amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated. ^{Same.}

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

39. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the secretary or chief clerk shall notify the house making the amendment and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

40. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the free conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the house, and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on free conference shall report to both the Senate and Assembly.

COMMITTEE ON FREE CONFERENCE.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

REPORT OF COMMITTEE ON FREE CONFERENCE.

42. The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report.

No member who has served on a committee on free conference shall be appointed a member of another committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

43. The presentation of the report of a committee on free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS.

Miscellaneous provisions.

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature.

PRESS RULES.

Press rules.

45. A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the president of the Senate or speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure, pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the Senate and the speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of the capitol building and grounds; provided, that all rules and regulations shall be approved by the president of the Senate and speaker of the Assembly.

ADJOURNMENT.

Adjournment.

46. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

JOINT ADDRESS TO GOVERNOR.

Joint address to governor.

47. When the Senate and Assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the Senate in the presence of the speaker of the Assembly and a select

committee of six members from each house appointed by the respective presiding officers.

DISPENSING WITH JOINT RULES.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as nonconcurring in or negatived.

Dispensing with joint rules.

CHAPTER 19.

Assembly Concurrent Resolution No. 6—Approving certain amendments to the charter of the city of Modesto, county of Stanislaus, State of California, voted for and ratified by the electors of the said city of Modesto, at a special municipal election held therein on the thirteenth day of January, 1931.

[Filed with Secretary of State January 23, 1931.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the charter of the city of Modesto, a municipal corporation in the county of Stanislaus, State of California, as set out in the certificate of the mayor and city clerk of the said city of Modesto, as follows, to wit:

City of Modesto: charter amendments

CERTIFICATE.

State of California,
County of Stanislaus,
City of Modesto. } ss.

We, the undersigned, Sol P. Elias, mayor of the city of Modesto, and H. E. Gragg, city clerk of said city, do hereby certify and declare as follows:

That the city of Modesto is a municipal corporation in the county of Stanislaus, State of California: that it now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; that it is now organized, existing and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an

Same.

election held for that purpose on April 11, 1910, and approved by the Legislature of the State of California by concurrent resolution filed with the secretary of state on February 3, 1911;

That in pursuance of section eight of article eleven of the constitution of the State of California, on its own motion, the council of the city of Modesto, being the legislative body of said city, by and in pursuance of a certain resolution passed and adopted by said city council on the 18th day of November, 1930, duly submitted to the qualified electors of the said city of Modesto certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at a special municipal election held in said city on the 13th day of January, 1931, which said proposals are hereinafter set forth at length;

That said such proposed amendments were published and advertised in accordance with the provisions of section eight, article eleven of the constitution of the State of California, and in accordance with the provisions of the charter of the city of Modesto, in the "Modesto News-Herald," which was then and there the official newspaper of the said city of Modesto, and copies of the same were printed in convenient pamphlet form and kept in the office of the city clerk of said city until the date fixed for the election, the said city clerk having also advertised, until the date set for the election upon such amendments, in said newspaper a notice that such copies might be had upon application therefor; that said proposed amendments were so published and advertised within fifteen days after they were filed with the city clerk, and that the election at which they were voted on was, by a resolution of the said city council adopted on November 18, 1930, fixed and set for the 13th day of January, 1931, which was not less than forty and not more than sixty days after the completion of the advertising in the official paper as aforesaid:

That said election was, as aforesaid, duly called and held on the thirteenth day of January, 1931, and at said election a majority of the qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify, each of the proposed amendments to the charter of the city of Modesto hereinafter set forth;

That said election was, as aforesaid, duly called and held on the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified each of said proposed amendments to said charter as hereinafter set forth;

That the said proposed amendments were and are in the words and figures following:

CHARTER AMENDMENT No. 1.

Amend Subdivision 7, Section 30, Article VII, so as to read as follows:

“No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum not exceeding Five Hundred Dollars; for the appropriation, acquisition or sale of public property, except as herein provided, of for a lease for more than one year; for levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions shall be observed as may be provided for in cases where the Council takes action in pursuance of a general law of the state, including among such exceptions the expenditure of money or the acquisition of property as the result of the issuance and sale of municipal bonds.” ^{Improvements.}

CHARTER AMENDMENT No. 2.

Amend Section 59, Article X, so as to read as follows:

“In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of Five Hundred Dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work or supplies contemplated in five successive issues of the official newspaper of the City of Modesto. Such notice shall distinctly and specifically state the work contemplated to be done or the materials or supplies contemplated to be purchased; provided, however, that the Council may reject any and all bids and readvertise for bids, or provide for the work to be done by the Department of Public Works or the materials or supplies to be purchased by the Department of Public Supplies. In case no bid is received, the Council may likewise provide for the work to be done by the Department of Public Works or the materials or supplies to be purchased by the Department of Public Supplies. Provided that nothing in this section shall be construed to supply to the acquisition or the purchase of electricity, electric power or electric energy by the City for any use or purpose.” ^{Public works.}

CHARTER AMENDMENT No. 3.

Amend Section 65, Article XI, so as to read as follows:

“Section 65. The rights of the City in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks, and all other places, except as otherwise provided in this Charter, are hereby declared inalienable; provided, however, that any real property acquired by the City for an aviation landing field or ^{Water front.}

exposition park or industrial purpose may be sold or disposed of in such manner as the Council may prescribe, in event the Council shall determine by Ordinance that such real property is no longer needed or adapted for such purposes.

Provided further that in event any real property of the City of Modesto is sold pursuant to this provision of the Charter, the proceeds of such sale shall be devoted to the acquisition and development of other property better adapted to the same uses or purposes."

State of California, }
 County of Stanislaus, } ss.
 City of Modesto. }

That we, Sol P. Elias, mayor of the city of Modesto, and H. E. Gragg, clerk of the city of Modesto, have compared the foregoing proposed and ratified amendments to the charter of the city of Modesto with the original proposals submitting the same to the electors of said city at a special election held on the 13th day of January, 1931, and that the foregoing is a full and true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said charter and the matter set forth herein are, and each of them is, true.

In Witness Whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Modesto this 17th day of January, 1931.

SOL P. ELIAS,

Mayor of the city of Modesto.

[SEAL]

H. E. GRAGG,

City clerk of the city of Modesto.

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly passed and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Ratification.

Resolved, by the Assembly of the State of California, the Senate thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein. That said amendments to the charter of the city of Modesto as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same are, hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said city of Modesto.

CHAPTER 20.

Assembly Joint Resolution No. 7—Relative to urging the navy department of the United States to cease its survey for and action in reducing the navy of the United States

during the present depression in business and commerce and requesting a reinstatement of sailors and enlisted men who have been surveyed out

[Filed with Secretary of State January 23, 1931]

WHEREAS, It appears that for some months a survey has been in progress by the navy department of the United States for the purpose of reducing the navy; and Reduction of naval force.

WHEREAS, It appears that great numbers of sailors and enlisted men are being daily discharged from the navy, many of whom have families and have been in the navy for years, and are thus thrown out in the world to make a living, and most of whom are unable to secure employment and are increasing the ranks of the unemployed; and

WHEREAS, There has existed for some time a wide depression in industry resulting in many thousands of deserving persons being without any source of income through no immediate fault of their own; now, therefore be it

Resolved by the Assembly and the Senate, jointly, That the Legislature of the State of California does hereby request the navy department of the United States to withhold such survey action and that until such depression is over it survey out only those men which it may find absolutely necessary and that it reinstate those sailors and enlisted men who have been surveyed out unless they have been dishonorably discharged.

Resolved, further, That the chief clerk of the Assembly is hereby directed to transmit by air mail forthwith upon its adoption copies of this resolution to the secretary of the navy and to the United States senators and members of congress of the State of California.

CHAPTER 21.

Assembly Joint Resolution No. 1—Relating to memorializing congress to amend the world war veterans act by providing for the cash payment of the surrender value of adjusted service certificates.

[Filed with Secretary of State January 23, 1931.]

WHEREAS, Congress has appropriated a fund of money to be used for the benefit of world war veterans and their beneficiaries and has ordered that these benefits shall be paid to the beneficiaries of a world war veteran upon his death, or to a world war veteran twenty years from the time when there is issued to him an adjusted service certificate; and Cash payment of adjusted service certificates.

WHEREAS, It appears that the benefits are intended for citizens who have done a two-fold service to their countrymen, saving the American nation from possible disaster and catastrophe, and enriching the soul and spirit of the American people by a loyalty and a patriotism molded in the heat of battle and formed by unselfish work; and

WHEREAS, The gratitude of the American nation and of the American people could be shown to the veteran by speedy payment of the promised benefits; and

WHEREAS, A distribution of wealth to a large class of the people and over a vast area of territory would be an aid to the financial betterment of the nation; now, therefore, be it

Resolved by the Assembly and the Senate, jointly, That we, the members of the Legislature of the State of California respectfully urge an amendment by congress to the world war veterans act providing for the immediate cash payment of the surrender value of adjusted service certificates at the option of the veteran.

Resolved, That the chief clerk of the Assembly is hereby directed to transmit by telegraph, forthwith upon its adoption, copies of this resolution to the President and Vice President of the United States, to the speaker of the house of representatives, and to the senators and representatives from California in the congress of the United States.

CHAPTER 22.

Assembly Concurrent Resolution No. 3—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 23, 1931]

Legislative
recess.

WHEREAS, Section 2 of article four of the constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the Assembly, the Senate concurring, That the forty-ninth session of the Legislature of the State of California shall adjourn for said recess at four o'clock in the afternoon on Friday, January 23, 1931, and shall reassemble at the hour of eleven o'clock in the forenoon on Tuesday, February 24, 1931.

CHAPTER 23.

Senate Concurrent Resolution No. 16—Approving certain amendments to the charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the electors of said city of Bakersfield at a general state election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 23, 1931]

City of
Bakersfield:
charter
amendments

WHEREAS, The city of Bakersfield in the county of Kern, State of California, has at all times mentioned herein been and

now is a municipal corporation of the State of California, con- Same
taining a population of more than three thousand five hundred
inhabitants, and is now and has been ever since the twenty-
third day of January, 1915, organized, existing and acting
under a freeholders' charter adopted under and by virtue of
section 8, article eleven, of the constitution of the State of
California, which charter was duly ratified by the qualified
electors of said city at an election held for that purpose on the
fifth day of May, 1914, and approved by the Legislature of
the State of California, on the twentieth day of January,
1915; and

WHEREAS, On September 2, 1930, petitions signed by quali-
fied electors were filed with the legislative body of the city of
Bakersfield, to wit: The city council, and the said city council
caused said petitions to be duly verified, showing the same to
be signed by more than fifteen per cent of the qualified electors
of said city, whereupon and on the second day of September,
1930, the city council of the said city of Bakersfield duly and
regularly called an election for the purpose of voting on said
proposed amendments, to be called and held in conjunction
with the general state election of the State of California, on
the fourth day of November, 1930, and which said date was
fixed by the said city council of the city of Bakersfield as the
time for voting upon said amendments as proposed; and

WHEREAS, Said proposed amendments were published in The
Bakersfield Californian, a newspaper of general circulation
printed and published in the city of Bakersfield, and having a
general circulation therein, the said paper being the official
newspaper of the city of Bakersfield, and said publication was
made for the time and in the manner prescribed in section 8 of
article eleven of the constitution of the State of California,
and copies of said proposed amendments to said charter were
printed in convenient pamphlet form, and from the date of
the first publication of the said proposed amendments afore-
said until the date fixed for the election at which the said
amendments were to be submitted to the voters, the legislative
body of said city of Bakersfield, to wit: The city council, caused
to be published in said The Bakersfield Californian, the official
newspaper of the city of Bakersfield, a newspaper of general
circulation printed and published in said city of Bakersfield,
a notice that copies of said proposed amendments to said charter
could be had in the office of the city clerk of the city of Bakers-
field, upon application therefor; and

WHEREAS, Said election was duly called and regularly held in
conjunction with the general state election on November 4,
1930, and at said election the said proposed amendments to
said charter were voted upon by the qualified electors of the
city of Bakersfield, and at said election a majority of the quali-
fied electors voting thereon voted in favor of ratifying and did
ratify the following proposed amendments to said charter, said
proposed amendments so ratified being in words and figures as
follows, to wit:

PROPOSITION No. 1.

Relief and Pension Fund for Members of the Fire Department
of the City of Bakersfield.

SECTION 1.

Fire de-
partment.
Relief and
pension
fund.

A relief and pension fund is hereby created and established for the members of the Fire Department of the City of Bakersfield. The Mayor, City Manager, City Treasurer, Chief of the Fire Department and three other qualified persons, to be elected by a vote of the members of the Fire Department, and their successors in office, shall constitute a Board of Trustees for the administration of said fund and to be known as the Pension Board. Said Pension Board shall have charge of the disbursements from such fund as hereinafter provided, and such other and further duties as are necessary or requisite for carrying out the purposes intended by this proposed amendment, and all of the sections herein set forth. The members of said Pension Board shall serve without compensations, and shall hold office for a period of two (2) years from the date of their appointment or election until their successors are qualified. The election by the Fire Department of three qualified persons to act on said Pension Board shall be by vote taken prior to the time it shall be necessary for the three members to become members of said Pension Board, and such vote by said Department shall be conducted in the time, form and manner as shall be provided by the rules promulgated by said Department of the City of Bakersfield from time to time.

Vacancies in said Pension Board shall be filled for the unexpired term, except when caused by recall, by the persons who succeed to the office held by the person mentioned herein, except those members elected by the vote of the members of the Fire Department, in which event that person shall be elected by a vote taken by the members of the Fire Department of the City of Bakersfield at the earliest possible convenience for the purpose of filling the vacancy on said Board. A vacancy on said Pension Board shall not impair the right of the remaining members to perform all the duties and exercise all of the powers and authority of the said Pension Board. The Mayor shall be Ex-officio Chairman of said Pension Board, the City Manager shall be Ex-officio Secretary thereof, and the City Treasurer shall be Ex-officio Treasurer of said Board and Fund. Five (5) members of the Board shall constitute a quorum for the transaction of its business. Said Board shall render an annual report to the City Council of the City of Bakersfield showing the receipts and disbursements during the previous year, the names of the beneficiaries and the amounts paid them, and the balance remaining in said Fund. The Pension Board shall have exclusive control of the administration and investment of the pension fund or funds which may be established as hereinafter provided, and to make all needful rules and regulations for its guidance in conformity with the provisions herein or hereinafter mentioned.

SECTION 2.

Any member of the Fire Department of the City of Bakersfield who shall have served in such Department for twenty (20) years in the aggregate in any capacity whatsoever, and who at said time shall be in said Department, shall on his request or by order of the Pension Board if it be deemed for the good of the service of said Department, be retired on a limited pension amounting to Nine Hundred Dollars (\$900.00) per year, and an additional sum of Five dollars (\$5.00) per month for each year more than twenty years and less than twenty-five years in the aggregate service by such member before retirement, from said fund, such pension to be paid in equal monthly installments on the regular payday of the Fire Department. It shall be the duty of said Pension Board to investigate any such application for retirement and in its discretion to grant or deny any such application, providing that any denial of such application shall be without prejudice to the right of said applicant to make additional or further application for pension, provided, however, that no removal from the Fire Department after twenty (20) years service in said Department of the City of Bakersfield shall operate to deprive him of the benefits of this section, except when such removal shall be for habitual drunkenness, notorious insubordination, conviction of a crime involving moral turpitude or conviction of a felony, and then only in the event that the Pension Board in its discretion order that such removal deprive such member of the benefits of the provisions hereof.

The pensions hereinbefore provided for shall be payable in equal monthly installments from the date of retirement during the lifetime of said applicant. In determining the period of service necessary to render any member of said Fire Department eligible for pension under the terms hereof, aggregate service shall be considered dating from the time such member was actually confirmed as a member of the Bakersfield Fire Department. Such aggregate service need not be continuous and any rights acquired by service shall not be lost by reason of resignation, removal or withdrawal from the Fire Department; provided, however, that absence from the Department for more than three (3) years, except while on sick or injury leave or in the service of the United States Government, shall render this clause inoperative.

SECTION 3.

Whenever any member, who at said time is in active duty in the Fire Department of the City of Bakersfield, in the judgment of the said Pension Board, shall become disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of the duties of such person in such Department; or who shall become so physically or mentally disabled as the result of such sickness or injuries as to render him unfit for active duty in such Department, the Pension Board shall order and direct that such person shall be carried

Disability
salary

on the Department payroll at full salary attached to such position of said person for a period not to exceed one (1) year.

SECTION 4.

**Disability
pension.**

Whenever any member, who at said time is in active duty in the Fire Department of the City of Bakersfield, in the judgment of said Pension Board shall become disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of the duties of such person in such Department, in the event that such disability shall continue one (1) year, or who shall become so physically or mentally disabled as the result of such injuries or sickness as to render his retirement from active service necessary, the Pension Board shall order and direct that such person be retired from active service, and that person so retired thereafter shall during his lifetime be paid from said pension fund a yearly pension of Twelve Hundred Dollars (\$1200.00). Such pension shall be paid in equal monthly installments on the regular paydays of the Fire Department of the City of Bakersfield, provided, however, that any pension granted to any member of the Fire Department for disability by reason of bodily injuries or sickness as provided for in this section shall cease when the disability or sickness shall cease, and such person shall be restored in the Fire Department of the City of Bakersfield to the same rank or position which such person held at the time of retirement; provided, however, that no person shall be retired as provided in this section or shall receive any benefits from said pension fund unless said Pension Board shall be satisfied from the evidence produced before it that such physical disability by reason of such injuries or sickness arose out of and in the course of his employment with such Fire Department, and in order to assist said Pension Board in determining this fact, said Pension Board shall secure the services of three regularly qualified and licensed practicing physicians of the City of Bakersfield, one of whom shall be the Health Officer of the City of Bakersfield, one to be selected by said Pension Board and one to be selected by the person applying for such pension.

SECTION 5.

**Death
benefits.**

Whenever any member of the Fire Department of the City of Bakersfield shall die either

(a) As a result of any injury arising out of or sustained by him while in the discharge of his duties as a member of such Department; or

(b) From sickness caused by or resulting from the discharge of his duties as a member of such Department; or

(c) After retirement of such member on pension; or

(d) While such member is entitled to apply for retirement after twenty (20) years service as provided in the preceding section hereof;

he shall receive and shall be paid an annual pension of Twelve Hundred Dollars (\$1200.00) in equal monthly installments on the regular paydays as herein mentioned, as follows:—

(1) To the surviving widow of such member during her ^{Same.} lifetime or until her remarriage. If such widow shall die or remarry, and there be living a child or children under the age of eighteen (18) years of such deceased member, such pension shall after her death or remarriage be payable to such child or children under the age of eighteen (18) years, for its or their exclusive use and benefit in the paragraph provided for the payment of pensions to a child or children.

(2) If there be no surviving widow but a child or children under the age of eighteen (18) years, such pension shall be payable to said child or children for its or their sole benefit and use in equal shares; provided that such pension shall terminate to each child upon the death of or when such child shall have reached the age of eighteen (18) years, or shall have been married before reaching the age of eighteen (18) years, and the portion thereof theretofore payable to said child shall be payable to the remaining child or children under the age of eighteen years, and shall continue to be paid in like manner to each child until all of said children shall have either died or married or have reached the age of eighteen (18) years.

(3) If such member shall leave no widow, child or children under the age of eighteen (18) years surviving him, but leave a dependent parent or parents, or sister, either solely or in part dependent, then said Pension Board shall upon ascertaining the facts of such dependency, and being satisfied of the same, cause such pension herein mentioned to be paid to such dependent parent or parents or sister, while such dependency shall continue, provided that in the event such parent or parents or sister are only partially dependent, then in that event there shall only be paid the same proportion of pension that said parent or parents or sister were partially dependent.

No widow of any person who shall receive the benefits of this pension fund who marries such person after the allowance of this pension shall be entitled to the pension herein provided after his death

The term "widow" as used herein shall not be termed either the wife of any member who, without cause, living separate or apart from her husband at the time of his death, or who, if divorced, either by interlocutory or final decree of divorce been allowed by the courts of competent jurisdiction an amount for her support and maintenance. The Pension Board is hereby empowered to hear and consider the application of any such wife, and determine in its judgment if such separation was justifiable or excusable on the part of such wife, and such Pension Board may in its discretion, allow or reject the application for pension as provided for herein. The decision of said Pension Board in such cases shall be final and conclusive. In the event that the Pension Board in its judgment disallows the claim of such wife, and there be a child or children of such deceased member under the age of eighteen (18) years and unmarried, such pension shall be paid to such child or children as hereinbefore provided.

SECTION 6.

Provision for
dependent
child

In the event of a widow receiving a pension and failing and refusing and neglecting to provide for a dependent child or children, the Pension Board upon satisfactory proof, or it being satisfied of such failure, refusal or neglect, shall have the power to make such regulations, requirements or rules or power to divide the pension as it may deem proper to the end that such dependent child or children shall be properly provided for.

SECTION 7.

Definition
of fire de-
partment

For the purpose of the provisions contained herein, the Fire Department shall consist of all persons duly and regularly appointed whose duty it is to extinguish fires in the City of Bakersfield, or assist therewith, who are receiving compensation therefor from the City of Bakersfield, under whatever designation they may be described in any salary or departmental ordinance providing compensation for members of said Department, whether male or female.

SECTION 8.

Reinstatement in
service

Any person retired by disability or receiving disability under the provisions hereof, may be summoned at any time before the Pension Board, and shall upon request of said Pension Board submit himself for examination as to his fitness for duty, and if found by said Pension Board to be physically fit and capable of carrying on his duties in such Department, shall be restored to active duty as of the same rank or position held at the time of retirement on pension. Said person so examined shall abide by the decision of the Pension Board with reference thereto, and upon failure on his part to abide by said decision, said Pension Board shall authorize the City of Bakersfield and any of its officers to desist from making any further payments for or on account of pension or salary of any kind whatsoever, and shall be grounds for discharge from the Department, and any member of the Fire Department of the City of Bakersfield, who shall have been retired under the provisions hereof, shall report to the Chief of the Fire Department in person or in writing on the first day of January, April, July and October of each year, and at such other times as the Pension Board may from time to time require. No person obtaining the benefits hereof, and receiving the benefits hereof shall be compelled to work in any Department other than the Department from which he has been retired.

SECTION 9.

Pension
board.

Said Pension Board shall hold regular meetings at least once each calendar month on a date to be selected by said Board, and said Board is hereby authorized to issue warrants upon the City of Bakersfield against the Fund hereby created and to pay and discharge any of the obligations incurred hereby or to be payable hereunder. Said Board may issue warrants upon said Fund, which must be signed by at least two (2) of its

members, showing the amount and purpose for which pay- Same.
ment is made. Said Pension Board shall, in addition to the
other powers herein granted, have power to

(a) Administer oaths, certify to all official acts and to issue subpoenas for the attendance of witnesses and the production of papers, books and accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state or the superior court in and for the city and county or county in which any inquiry, investigation, hearing or proceeding may be held by the said Pension Board or any member thereof.

(b) Compel the attendance of witnesses, the giving of the testimony and the production of papers including books, accounts and documents as required by any subpoena issued by said Pension Board or any member thereof. The Pension Board or any member thereof before whom the testimony is to be given or produced in case of refusal of any witness to attend or testify or produce any paper required by the said subpoena, may report to the Superior Court in and for the county or city and county in which the proceeding is pending, by the petition setting forth that due notice has been given of the time and place and of the attendance of said witness or the production of said papers, and that the witness has been subpoenaed in the manner prescribed by this act, and the witness has failed and refused to attend or produce the papers required by the subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask for an order of the court compelling the witness to attend and testify or produce said papers before said Pension Board. Upon the petition of said Pension Board or such member thereof the court shall enter its order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time not to be more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the Pension Board or the member thereof. A copy of said order shall be served upon said witness. If it should appear to the court that said subpoena was regularly issued by said Pension Board or the member thereof, and the witness was legally bound to abide thereby, the court shall thereupon enter an order that said witness shall appear before the Pension Board or the member thereof at a time and place to be fixed in such order and testify or produce the required paper, and upon failure to obey said order said witness shall be dealt with as for contempt of court. The remedy provided for herein is accumulative and shall not be construed to impair or interfere with the power of the Pension Board or a member thereof to enforce the attendance of witnesses and the production of papers and to punish for contempt in the same manner and to the same extent as of courts of record.

(e) To regulate and provide the manner and by whom minors and incompetent persons shall appear and be represented before it.

(d) To regulate and prescribe the name and character of notice where not otherwise prescribed by this act and the service thereof.

(e) Provide for the payment from said fund of all of its necessary expenses, provided, however, that no compensation shall be paid to any member of said Board for any duty performed under this amendment.

(f) To employ an actuary, who shall render a report of the cost of maintaining, upon a reserve basis, the Pension Fund as herein provided, for the information of said Board.

(g) To do and perform any other act or thing necessary or requisite to carry out the terms, provisions and intentions of the provisions hereof.

SECTION 10.

Funds

Excepting such money as may be necessary for current needs, the Treasurer shall deposit all monies belonging to the said Fund in the saving banks of the City of Bakersfield, so that the same shall earn not less than four per cent interest per annum, or he shall invest the same in bonds of the United States or the State of California or any of its political subdivisions or in stock of any reliable company or corporation bearing interest at not less than four per cent per annum. No portion of this said Fund shall ever be transferred to any other Fund or to be used for any other purpose other than that specified in this amendment.

SECTION 11.

Payments
into pen-
sion fund.

The City Council shall make provisions in the annual budget and tax levy for the benefit of the Pension Fund, besides which there shall be paid into said Fund all monies derived from the following sources.

(a) Such monies as the members of the Fire Department have appropriated from the Funds of the Firemen's Relief Association.

(b) All fines imposed on the members of the Fire Department for violation of the rules and regulations of said Department.

(c) All proceeds from the sale of the Fire Department junk and salvage.

(d) All donations received from time to time by the Fire Department or members thereof of the City of Bakersfield.

SECTION 12.

Salary
deductions

In addition to the monies to be paid into said fund as aforesaid, each officer and member of the Fire Department of the City of Bakersfield, shall have deducted from his or her salary by the City of Bakersfield, the sum of Three Dollars (\$3.00) from each month's pay, which sum so deducted shall be deposited for the benefit of the fund hereby created.

SECTION 13.

All hearings and investigations before said Pension Board shall be governed by the rules of practice adopted by said Pension Board, and in the conduct thereof neither the Pension Board nor any member thereof shall be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in such manner, through oral testimony and written and printed records as is best calculated to ascertain the substantial rights of the parties and carry out justly the spirit and provisions herein.

Investigations

SECTION 14.

All payments provided for in this amendment and in sections herein contained shall be had to the payments received by the members of the Fire Department from the provisions of the Workmen's Compensation Insurance and Safety Act of the State of California, and any and all payments made for disabled men under said act shall be credited or applied toward the payments as if provided for in this amendment and whenever any employe is receiving any monies by reason of said Workmen's Compensation Insurance and Safety Act as aforesaid, such monies and the amount therefore shall be deducted from the amount prescribed in this amendment and the difference remaining, if any, shall be paid as is herein provided. However in the construction of this amendment, in the event no payment is made by said Workmen's Compensation Insurance and Safety Act as aforesaid if the particular illness, injury, or disability results from and is compensatable, under the provisions of this amendment, nevertheless, such employe shall be paid as herein provided.

Effect of workmen's compensation payments.

SECTION 15.

The provisions of the foregoing sections shall in no way alter, modify, change, or abrogate any of the terms, conditions or provisions of that certain act of the legislature known and referred to as the Workmen's Compensation Insurance and Safety Act or any amendments thereto.

Workmen's compensation legislation not affected.

SECTION 16.

If any section, sub-section, clause, or phrase of this amendment is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this amendment.

Constitutionality.

SECTION 17.

Any provisions or clause of the Charter of the City of Bakersfield in conflict herewith is hereby expressly repealed.

Repeal.

SECTION 18.

Whenever in this amendment the masculine gender is used, it shall be deemed to include the feminine gender.

Construction.

PROPOSITION No. 2.

Civil Service for the Fire Department.

SECTION 1.

Fire depart-
ment civil
service board.

Within sixty (60) days after taking office, the City Council first selected after the ratification of this amendment shall appoint as members of a Civil Service Board three citizens of the City who shall otherwise have no connection with the City Government. At the time of said appointment, the City Council shall designate one of the citizens so appointed to serve for a term which shall expire December 31, 1931, one for a term which shall expire December 31, 1933, and one for a term which shall expire December 31, 1935. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of six years. Vacancies on the Civil Service Board from whatever cause shall be filled by the City Council for the unexpired term.

SECTION 2.

Secretary.

The City Manager shall appoint one of the deputies in the several offices in the City Hall to be Secretary of the Civil Service Board. The Secretary shall be chief examiner for the Board and shall perform such additional duties as may be assigned by the Board.

SECTION 3.

Classifi-
cation.

The Civil Service Board shall formulate rules and regulations governing the selection and promotion of members of the Fire Department. All officers and men, except the Chief of the Fire Department, shall belong to the classified service and shall be appointed and promoted for no other grounds and for no other reason than their fitness for the position to be filled; provided however, that no member of the Fire Department shall be eligible for promotion until he shall have served at least three years in such Department and that in subsequent promotions the member must have held the rank from which he is promoted at least one (1) year. Promotions shall be made only to the next higher grade in the service and no grade shall be skipped; provided, however, that any member of the Fire Department, who has served not less than three years in such Department, may be appointed Chief of the Fire Department. All officers or members shall be chosen or promoted by the City Manager, whenever a list of eligibles shall be furnished by the Civil Service Board, from the three (3) highest standing candidates on the list.

SECTION 4.

Civil serv-
ice tests.

It shall be the duty of the Civil Service Board to hold examinations and to administer other suitable tests to those desiring positions or who are applicants for or who may have been recommended for promotion in the classified service of the Fire Department for the purpose of determining their fitness for such positions or their qualifications for such pro-

motions and, from the result of such examinations and tests, the Board shall prepare a list of eligibles for all positions in the classified service of the Fire Department. Any person carried on the eligible list for a period of two (2) years without being appointed or promoted shall be dropped from said eligible list and shall not be eligible for appointment or promotion without re-examination.

SECTION 5.

To the end that there be no disruption in the present service of the Fire Department and that no undue hardship may be worked upon any member of said Department who shall have attained a certain grade or rank as a result of continuous and faithful service in said Department, all members of said Department shall be credited by the Civil Service Board with a qualifying mark, both mental and physical, for entrance to the classified service of the Fire Department and to the rank, grade or position held by such member at the time of the ratification of this amendment. Existing membership.

SECTION 6.

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of religious belief. Discrimination forbidden.

SECTION 7.

Appointment or promotion to employment or rank shall not be deemed complete until a period of probation not to exceed six (6) months has elapsed. In event of promotion to higher rank, the appointee may be reduced by the City Manager, upon recommendation of the Chief of the Fire Department, to the next lower rank in the classified service of said Department and in the event that such appointee is in the lowest grade of the classified service, such appointee may be discharged by the City Manager, upon the recommendation of the Chief of the Fire Department. Probation period

SECTION 8.

If discharged or reduced after the expiration of the period of probation, the employee so discharged or reduced may demand a trial, whereupon he shall be tried as provided in the section referring to Suspensions and Removals. Trial.

SECTION 9.

The City Manager, Chief of the Fire Department or Civil Service Board in whom shall be vested removal or disciplinary power shall be allowed full freedom in his or its action in such matters, it being the intent and spirit of this amendment to provide a fair and honest approach to employment and subsequent promotion in such Department but, in no sense, to handicap or curtail the responsible administrative officer or officers in securing efficient service. Freedom of action.

SECTION 10. ORGANIZATION.

Officers, etc.,
of depart-
ment.

The Fire Department shall consist of a Chief of the Fire Department, Deputy Chief of the Fire Department and such Assistant Chiefs, Battalion Chiefs, Captains, Lieutenants, Engineers, Drivers, Mechanics, Fire Alarm Operators, Inspectors, Hosemen and Laddermen and other employees as the City Council may from time to time prescribe.

SECTION 11. QUALIFICATIONS.

Qualifi-
cations.

Every appointee to the Fire Department at the time of appointment shall be not less than twenty-one (21) years of age nor more than thirty (30) years of age, must possess the physical qualifications prescribed by the Civil Service Board (which shall not be inferior to those required for recruits of the United States Army) and, before his appointment must pass a satisfactory examination under the rules and regulations as may be prescribed by the Civil Service Board.

SECTION 12. CHIEF OF THE FIRE DEPARTMENT.

Fire chief.

The Chief of the Fire Department shall be appointed, without examination, by the City Manager from among the membership of the Bakersfield Fire Department, and after appointment shall be removed or reduced in rank only as provided for other members of the classified service. The dismissal of the Chief of the Fire Department from the office, by the City Manager, shall not accomplish his dismissal from the Department, and upon such dismissal, he shall be restored to the rank and grade held by him prior to his appointment as Chief of the Fire Department.

SECTION 13. DEPUTY CHIEF OF THE FIRE DEPARTMENT.

Deputy
chief.

In case of absence, disability or death of the Chief of the Fire Department, the Deputy Chief of the Fire Department shall assume charge of the Fire Department and shall be vested with all of the powers of the Chief of the Fire Department during the time he shall be in charge of such Department.

SECTION 14. ASSISTANT CHIEF OF THE FIRE DEPARTMENT.

Assistant
chief

In case of absence, disability or death of the Deputy Chief of the Fire Department, the ranking Assistant Chief of the Fire Department shall assume the duties of said Deputy Chief and shall be vested with all powers of the Deputy Chief of the Fire Department during the time he shall occupy the position of said Deputy Chief of the Fire Department.

SECTION 15. POWERS AND DUTIES OF THE CHIEF OF THE FIRE DEPARTMENT.

Fire chief:
powers and
duties.

The Chief of the Fire Department shall, subject to the approval of the City Manager, have control, management and direction of all members of the Fire Department and all buildings, apparatus and equipment of such Department in

the lawful exercise of the functions of his office. He shall have full power to detail any officer or member of the Fire Department to such public service as may be necessary. He shall recommend to the City Manager members of the Fire Department for demotion or dismissal and may suspend from duty and prefer charges against any officer or member.

SECTION 16.

When a vacancy arises in the Fire Department above the grade of fireman, the Chief of the Fire Department may, with the approval of the City Manager, assign a member of the Department from the next lower rank to fill the vacancy until such time as the absent member shall return to duty or the vacancy be filled by appointment from the eligible list furnished by the Civil Service Board. The member so assigned shall, during his incumbency, receive the salary attached to the grade or position thus temporarily filled.

Vacancies

SECTION 17. SUSPENSIONS AND REMOVALS.

The City Manager may, upon the recommendation of the Chief of the Fire Department, suspend from duty, for cause, for a period not to exceed thirty days or fine not to exceed one month's pay, any member of the Fire Department. In the event that any member of the Fire Department be charged with any offense which, under the rules of the Department, or in the judgment of the City Manager justifies expulsion of such member from the service of the City, the City Manager shall prepare or cause to be prepared written charges against the accused, such written charges to be filed with the Trial Board herein created. Copies of such charges shall be furnished to the accused, who shall not less than ten (10) days after such service prepare his defense thereto. The accused may, at the hearing of such charges, be represented by counsel and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

Same: suspensions and removals.

SECTION 18. TRIAL BOARD.

There is hereby created, for the purpose of hearing and determining charges made against an officer or member of the Fire Department, a Board to be known as the Trial Board, which shall be composed of the members of the Civil Service Board, the City Manager and Chief of the Fire Department. The verdict and judgment of a majority of the Trial Board shall be final. If the accused be found guilty, the Trial Board may dismiss him from the service of the City or inflict such other punishment upon him as in the judgment of the Board shall be adequate; provided, however, that should an officer or member of the Fire Department be found guilty of a charge of drunkenness on duty, the Trial Board must dismiss him from the service of the City. If an officer or member of the Fire Department be convicted of a felony or malfeasance in office, or be adjudged insane, or absent himself from the City for more than thirty (30) days without leave, the Trial Board

Trial board

shall, upon the recommendation of the City Manager, declare his position or office vacant and the vacancy shall be filled as heretofore provided.

SECTION 19.

Vacations.

All officers and members of the Fire Department, after serving in such Department not less than one year, shall be entitled to fifteen (15) days vacation annually. Such vacation shall be at such time as the Chief of the Fire Department shall direct and shall be without loss of pay. Any member of the Fire Department in the Reserve Corps, Naval Reserve, Marine Corps Reserve or National Guard of the United States Army or Navy, when called for his annual fifteen (15) day period of intensive training shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such officer or member, but such officer or member shall have, in addition thereto, the usual vacation period on pay allotted to members of the Fire Department.

Gratuities and rewards.

No officer or member of the Fire Department shall be permitted, without the consent of the City Council, to accept any money, gratuity or compensation for any service he may render as a member of the Fire Department. The City Council may, upon recommendation of the City Manager and the Chief of the Fire Department, reward any officer or member of the Fire Department for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the City Council, but shall not exceed in any one instance one month's salary. The City Council may appropriate money for such rewards.

SECTION 20.

Full time employment

Officers and members of the Fire Department shall not follow any other profession, trade, calling or business, but shall devote their entire time to the performance of their duties as members of the Fire Department. They shall not be allowed pay for any period for which they shall stand suspended from duty or for any period during which they shall absent themselves from duty, except as herein provided.

SECTION 21.

Hours of duty.

The officers and members of the Fire Department shall be divided into two bodies or platoons; the hours of duty of each platoon shall be from eight (8) o'clock A. M. until eight (8) o'clock A. M. the following day, thereby each platoon having twenty-four (24) hours leave of absence on alternate days. This leave shall be construed as leave from the stations only and officers and members on such leave shall be considered on duty and subject to orders in case of need. No officer or member of the Fire Department shall be permitted to go off duty on such leave during the progress of a fire.

SECTION 22.

There shall be provided sleeping quarters and beds in the several fire stations for the use of members of the Fire Department on duty. ^{Living quarters.}

SECTION 23.

If any section, subsection, clause, or phrase of this amendment is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this amendment. ^{Constitutionality.}

SECTION 24.

Any provisions or clause of the Charter of the City of Bakersfield in conflict herewith is hereby expressly repealed. ^{Repeal.}

SECTION 25.

Whenever in this amendment the masculine gender is used it shall be deemed to include the feminine gender.

WHEREAS, The board of supervisors of the county of Kern, State of California, in accordance with the law in such cases made and provided, did meet on Monday, the tenth day of November, 1930, at their usual place of meeting, and duly canvassed the returns of said election as certified by the election board, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified each of the amendments to the charter of the city of Bakersfield as hereinabove set forth, and alleged to have been so ratified, and the clerk of the county of Kern and ex officio clerk of the said board of supervisors, duly certified the result of the said canvass to the council of the city of Bakersfield; and

WHEREAS, That the foregoing is true is shown by the affidavit of Elmer Martin, mayor of the said city of Bakersfield, and Vance Van Riper, clerk of said city, whose affidavit is in words and figures as follows, to wit:

State of California
County of Kern
City of Bakersfield } ss.

This is to certify that we, Elmer Martin, mayor of the city of Bakersfield, and Vance Van Riper, clerk of the city of Bakersfield, have compared the foregoing proposed and ratified amendments to the city of Bakersfield with the original proposed amendments submitted to the qualified electors of the said city of Bakersfield at an election held in conjunction with the general state election on November 4, 1930, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said charter, and the matter set forth therein are and each of them is true.

In witness whereof we have hereunto set our hands and caused the corporate seal of the city of Bakersfield to be attached this twelfth day of January, 1931.

[SEAL] ELMER MARTIN,
Mayor of the City of Bakersfield.
V. VAN RIPER,
Clerk of the City of Bakersfield.

and,

Ratification.

WHEREAS, The said amendments to the charter of the city of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate, the Assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the charter of the city of Bakersfield hereinbefore set forth, as presented and submitted to and ratified and adopted by the qualified electors of the city of Bakersfield be, and the same are hereby adopted as a whole for, and as amendments to the said charter of the city of Bakersfield.

CHAPTER 24.

Senate Concurrent Resolution No. 20—Relative to the California State Fair and Western States Exposition.

[Filed with Secretary of State January 23, 1931.]

State fair.

WHEREAS, During the period from September 5 to 12, 1931, this state will celebrate the seventy-seventh anniversary of the founding of the California State Fair, which has every year exhibited to California and to the world the varied agricultural, mining, and industrial products of California and the west; and

WHEREAS, It is the desire of the people of the State of California to issue a special invitation to the states of the west to participate in this celebration; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California invites Arizona, Montana, New Mexico, Wyoming, Utah, Texas, Washington, Oregon, Nevada, Colorado, and Idaho to unite with the people of this state in the celebration of this seventy-seventh anniversary of the state fair; and be it further

Resolved, That copies of this resolution be forwarded by the secretary of the Senate to the governors of each of the said western states.

CHAPTER 25.

Senate Concurrent Resolution No. 21—Relative to the publication of a new edition of the constitution of the State of

California, the constitution of the United States, and other documents for use in the public schools of the state.

[Filed with Secretary of State January 23, 1931.]

WHEREAS, It has been customary for many years for the state to print and distribute, free of cost to the students in the schools and to others copies of the constitutions of the State of California, and of the United States and other documents; and

Publication and distribution of state constitution.

WHEREAS, The course of study in the schools of the state requires a study of the constitutions; and

WHEREAS, The constitution of the State of California and the constitution of the United States and other historical documents are of great use in the teaching of civics in the public schools and in the teaching of Americanization; and

WHEREAS, It is to the benefit of the State of California that the constitution of the state and other similar documents be readily available to the students in public schools and colleges and for use in the teaching of Americanization; and

WHEREAS, The last edition of such constitutions and documents is now exhausted and there are numerous unfilled requests from the schools and others for copies of such constitutions and other documents; and

WHEREAS, It is customary for the Legislature to provide for such publication and to pay the cost of such publication from the contingent funds of the Senate and Assembly; therefore, be it

Resolved by the Senate, the Assembly concurring, That the secretary of the Senate and the chief clerk of the Assembly be, and they are hereby directed to procure and have published in a revised form an edition of the constitution of the State of California and the constitution of the United States and certain other constitutional documents for use in the schools and for distribution to the public; and, be it further

Resolved, That the controller be and he is hereby directed to draw his warrants in favor of the secretary of the Senate and the chief clerk of the Assembly in the sum of two thousand dollars upon the contingent fund of the Senate and two thousand dollars upon the contingent fund of the Assembly for the purpose of carrying out the provisions of this resolution and the treasurer is hereby directed to pay the same.

CHAPTER 26.

Assembly Concurrent Resolution No. 9—Providing for the creation of a joint committee of the Senate and Assembly to meet with delegates of other states at a conference to be held in Portland, Oregon, on Saturday, February 7, 1931, for the purpose of adopting uniform provisions in the

vehicle acts of the states of Washington, Oregon, California, Nevada and Arizona.

[Filed with Secretary of State January 23, 1931.]

Motor
vehicle
conference

WHEREAS, A conference was held in San Francisco in December to endeavor to work out uniform provisions in the vehicle acts in the states of Washington, Oregon, California, Nevada and Arizona and to provide for better reciprocal relations between those states; and

WHEREAS, This conference accomplished a great deal of good in that a common basis was found for practically all provisions not now in uniformity; and

WHEREAS, It was decided to form a permanent organization and to hold a subsequent meeting in an endeavor to have the provisions agreed upon enacted into law where necessary; and

WHEREAS, It has been decided that such subsequent meeting will be held at 9.30 a.m., in the Multnomah hotel, Portland, Oregon, on Saturday, February 7, 1931; and

WHEREAS, It is desirable that a committee be provided to represent the Legislature and the State of California to meet with the representatives of said states of Washington, Oregon, Nevada and Arizona; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That there is hereby created a joint committee of the Assembly and Senate to consist of two members of the Assembly, to be appointed by the speaker of the Assembly, and two members of the Senate to be appointed by the president of the Senate.

It will be the duty of said committee to meet with the delegates of the states of Washington, Oregon, Nevada and Arizona, at 9.30 a.m., in the Multnomah hotel, Portland, Oregon, on Saturday, February 7, 1931, to carry out the purposes of this conference.

The members of said committee shall receive no compensation for such services other than their official salaries, but shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the sum hereinafter specified. Such committee is hereby authorized to employ competent clerical or other help to assist in the preparation and compiling of all data ascertained, including the making of a final report.

The expense of such clerical and other help, or necessary expenses of the committee, shall be passed upon and fixed by the committee, subject, however, that the total of said expenses and costs shall not exceed the sum hereinafter specified.

The expenses thus incurred by said committee under the authority hereof, shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly, but not exceed-

ing the sum of six hundred dollars (\$600) in all, which sum, or so much thereof as may be necessary, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid to be disbursed from time to time by controller's authorities, to be drawn against said contingent funds upon the written orders of the chairman of said joint committee; and be it further

Resolved, That the said committee be instructed to prepare its report not later than the first day of March, A. D. 1931, and that a copy of said report be, not later than said date, transmitted to the governor of the state.

CHAPTER 27.

Assembly Concurrent Resolution No. 7—Approving the charter of the city of San Buenaventura, State of California, voted for and ratified by the qualified voters of said city of San Buenaventura, upon a general election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 23, 1931.]

WHEREAS, The city of San Buenaventura, in the county of Ventura, State of California, is now and at all times herein referred to, was a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under authority of the congress of the United States; and

City of San Buenaventura: charter.

WHEREAS, Said city of San Buenaventura is now and at all times herein mentioned, was a municipal corporation duly organized and existing under the general laws of the State of California, as a city of the fifth class; and

WHEREAS, Proceedings have been duly had in and by the said city of San Buenaventura for the preparation, proposal, adoption and ratification of a charter for the government of said city of San Buenaventura, all as set out in the following certificate of the mayor and the city clerk of said city of San Buenaventura, to wit:

Certificate of adoption of charter of the city of San Buenaventura, Ventura County, California.

City of San Buenaventura }
County of Ventura }
State of California }

We, the undersigned, George A. Randall, mayor of the city of San Buenaventura, county of Ventura, State of California, and Ruth E. Meilandt, clerk of said city, do hereby certify and declare as follows:

That the city of San Buenaventura, in the county of Ventura, State of California, now is and was at all times herein referred to, a city containing a population of more than three

Same

thousand five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States. That said city of San Buenaventura at all times mentioned herein was and now is a city of the fifth class, organized and existing under the laws of the State of California.

That pursuant to the provisions of section eight (8), article eleven (XI) of the constitution of the State of California, the city council of the city of San Buenaventura, said city council being then and there the legislative body of said city, did on the fourteenth day of April, 1930, duly pass a resolution calling a special election to be held in the city of San Buenaventura, on the third day of June, 1930, for the purpose of electing a board of freeholders to frame, prepare and propose a charter for the city of San Buenaventura; that at said special election held on said third day of June, 1930, a board of fifteen freeholders, all of whom were electors of said city of San Buenaventura, and had been such electors for more than five (5) years next preceding said election, and eligible as candidates under said election, were elected by the qualified electors of said city of San Buenaventura, as such board of freeholders, which said board, within due and legal time, pursuant to section eight (8) of article eleven (XI) of the constitution of the State of California, duly prepared and proposed a charter for the said city of San Buenaventura, and did, on the eighteenth day of August, 1930, file said proposed charter in the office of the city clerk of said city of San Buenaventura, and did, prior to the filing of said proposed charter, fix Tuesday, the fourth day of November, 1930, as the day and date on which said proposed charter should be submitted to the electors of said city, which said Tuesday, the fourth day of November, 1930, was designated in said charter as the day and date upon which an election should be held in said city of San Buenaventura, at which election said proposed charter should be submitted to the electors of said city for their ratification

That said proposed charter was duly signed by a majority, to wit by thirteen of the members of said board of freeholders on the sixteenth day of August, 1930, in the manner following, to wit:

Whereas, The city of San Buenaventura for years last past has been and now is a city containing more than three thousand and five hundred inhabitants; as ascertained by the last preceding census taken under the authority of the congress of the United States; and

Whereas, On the third day of June, 1930, at a special municipal election held on that day in said city, under and in accordance with the provisions of section 8 of article XI of the constitution of the State of California, the electors of the said city did duly choose and elect James S. Blackstock, Merle J. Rogers, Robert M. Sheridan, J. E. Barker, J. M. Argabrite, J. Edgar Rains, Grace C. Coffey, D. J. Reese, Joseph E. Noyes,

Floyd J. Hickey, John A. Lagomarsino, J. H. Hinsdale, ^{same} Arthur E. Wilvert, W. H. Glover, and E. E. Wiker, who were all electors of said city and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said city; and

Whereas, The result of said election of freeholders was duly declared by the legislative body of the city of San Buenaventura on the ninth day of June, 1930, and the said electors thereafter duly qualified as such freeholders in accordance with law;

Be it known, that in pursuance of the provisions of said constitution and within the period of one hundred and twenty days after the result of said election was so declared, the board of freeholders has prepared and does now propose the foregoing as and for the charter of the city of San Buenaventura; and

Be it further known, that the said board of freeholders hereby requests said legislative body of the city of San Buenaventura to cause the publication of the said proposed charter as provided in said section 8 of article XI of said constitution, and fixed Tuesday, the fourth day of November, 1930, as the date for holding a special municipal election in said city, at which the proposed charter shall be submitted to the qualified electors of the city of San Buenaventura for their ratification and adoption.

If the Legislature of the State of California approve this charter, it shall thereupon become the charter and organic law of the city of San Buenaventura;

In witness whereof, we, the duly elected, qualified and undersigned freeholders of the city of San Buenaventura, county of Ventura, State of California, have hereto set our hands at the city of San Buenaventura, county of Ventura, State of California, on this sixteenth day of August, 1930.

J. EDGAR RAINS, Chairman,
W. H. GLOVER, Secretary,

Freeholders of the city of San Buenaventura, county of Ventura, State of California:

MERLE J. ROGER,
ROBERT M. SHERIDAN,
J. E. BARKER,
J. H. HINSDALE,
JOHN A. LAGOMARSINO,
ARTHUR E. WILVERT,
E. E. WIKER,
JOSEPH M. ARGABRITE,
GRACE C. COFFEY,
JOSEPH E. NOYES,
FLOYD J. HICKEY,
W. H. GLOVER,
J. EDGAR RAINS.

Attest:

W. H. GLOVER, Secretary of the Board of Freeholders.

That thereupon the said city council of said city of San Buenaventura duly caused said charter to be submitted to the electors of said city for ratification at the election held on Tuesday, the fourth day of November, 1930, and did within fifteen days after the filing of said proposed charter in the office of the city clerk of said city, cause such charter to be published once in a newspaper of general circulation, there then and there being no official newspaper of said city, and did cause copies of such proposed charter to be printed in convenient pamphlet form and did, until the day fixed for election upon such charter, advertise in one or more newspapers of general circulation published in said city, a notice that such copies of said proposed charter might be had upon application therefor at the office of the city clerk of said city. That such proposed charter was submitted to the electors of the said city of San Buenaventura at a date fixed by the board of freeholders before such filing and designated on such charter, to wit, the general election next following the expiration of said sixty days, to wit, the general election duly and regularly had on said Tuesday, November 4, 1930.

That at said election so held on Tuesday, November 4, 1930, a majority of the qualified electors voting thereat voted in favor of said proposed charter, and the city council of said city did in accordance with the law in such cases made and provided in time, form and manner required by law cause a canvass of the returns of said election and a declaration of the result thereof to be made, and it was found, determined and declared that a majority of the electors voting at said election on said proposed charter had voted for and ratified said proposed charter.

That said charter as prepared, proposed and ratified as herein set forth is as follows, to wit:

CHARTER PREPARED AND PROPOSED FOR THE
CITY OF SAN BUENAVENTURA BY THE BOARD
OF FREEHOLDERS ELECTED ON THE
THIRD DAY OF JUNE, 1930.

Article I.

NAME OF CITY.

Name of
city.

Section 1. Name: The municipal corporation now existing and known as "The City of San Buenaventura" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of San Buenaventura" and by such name shall have perpetual succession.

Article II.

BOUNDARIES.

Boundaries.

Section 1. Boundaries: The boundaries of the City of San Buenaventura shall continue as now established until changed in some manner authorized by law.

Article III.

RIGHTS AND LIABILITIES.

Section 1. Rights and Liabilities: The City of San Buena-^{Rights and liabilities}ventura shall remain vested with and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Article IV.

POWERS OF CITY.

Section 1. Powers: The City of San Buenaventura, by ^{Powers of city.} and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution of the State of California and which it would be competent for this Charter to set forth particularly or specifically, and the specification herein of any particular powers shall not be held to be exclusive of or any limitation upon this general grant of powers.

Article V.

ELECTIONS.

Section 1. Elections: A municipal election shall be held ^{Elections.} in the City of San Buenaventura on the second Tuesday in April in the year 1931, and on the second Tuesday in April of each odd numbered year thereafter, and the same shall be known as the general municipal election. All other municipal elections that may be held by authority of this Charter, or of the general laws, shall be known as special municipal elections.

Section 2. Calling for Elections: The Council shall by ordinance order the holding of all elections. Such ordinance shall establish precincts for the holding of such elections, either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the number and the names of the officers of election and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed six, at least three of whom shall be present at all times during the election. Said ordinance shall be published once in the official newspaper, not more than sixty days nor less than twenty days before the time appointed for holding the election, and no other notice thereof need be given.

Section 3. Filing the Returns: The returns of each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the Council. On the first Monday after any election, and at the usual hour and place of meeting, the Council shall meet and canvass the returns and declare the result. After having been canvassed the returns shall be sealed up by the Clerk for six

months and no person shall have access to them except on order of a court of competent jurisdiction.

Section 4. Notifying the Successful Candidates: After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

Section 5. Provisions of State Law to Apply: The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to elections, the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter, or by such ordinance; provided, that no primary elections shall be held for municipal officers.

Terms of
councilmen.

Section 6. Terms for City Councilmen: Members of the Council shall hold office for a period of six years from and after eight o'clock P.M. of the fourth Monday in April following the day of election, and until their successors are elected and qualified; provided, that the three members of the Council receiving the highest number of votes for said offices shall serve from eight o'clock P.M. on the fourth Monday in April, 1931, until eight o'clock P.M. of the fourth Monday of April, 1937, the second two highest shall serve to 1935, and the next two highest to 1933 at the same time of the month and day, or until their successors are elected and qualified; and provided further, that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

Section 7. First Election: The Council of the City of San Buenaventura in office at the time this Charter is approved by the Legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes on the first Monday after the election, and declare the result.

Section 8. Initiative, Referendum and Recall: Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council, under and in accordance with the Constitution and general laws of the State, and any elective officer may be recalled from office under and in pursuance of the provisions of the Constitution and general laws; provided, however, that if a minority of the Council are sought to be recalled no candidate or candidates shall be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant

and shall be filled by appointment like other vacancies in elective offices; provided, further, that should a majority or more of the Council be sought to be recalled the general provisions of the State law applicable to recall of officers shall apply. Petitions for exercising the initiative, referendum or recall may be circulated or deposited for signatures in not less than three public places in the City, to be designated by the Council. Notice of the deposit thereof shall be given by publication three or more times in the official newspaper. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this section.

Article VI.

OFFICERS, DEPUTIES AND EMPLOYEES AND THEIR COMPENSATION.

Section 1. Officers: The officers of the City of San Buenaventura shall be seven members of the Council, five members of the Board of Education, five Library Trustees, a City Manager, a City Attorney, a Police Judge, a City Controller, who shall be Ex-Officio City Clerk, a City Treasurer who shall be Ex-Officio City Tax Collector, a City Assessor, a City Engineer, a Chief of Police, a Fire Chief, a Health Officer, and such other officers or boards under the control of the Manager as the Council may create by ordinance. The members of the Council shall be elected from the City at large, as provided in this Charter; the members of the Board of Education shall be elected from the San Buenaventura School District at large; provided, however, that all qualified electors of the San Buenaventura School District shall have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employees appointed as provided in this Charter, shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, is vested in the Council, such appointment and any removal must be made by a five-sevenths vote of the Council.

Officers,
deputies and
employees
and their
compensa-
tion.

Section 2. Compensation: The members of the Council, the Library Trustees, and the Board of Education, shall serve without compensation. The compensation of all appointive officers and employees of the City, except officials and members of boards, commissions and committees, serving gratuitously, shall be fixed or changed by the annual appropriation ordinance adopted by four-sevenths vote of the Council, and, except the office of Manager, upon the recommendation of the Manager only. No officer or employee shall be allowed any fee, perquisite, emolument or stipend, in addition to, or save as embraced in, the salary or compensation fixed for such office by the Council, and all fees received by such officer in connection with his official duties shall be paid by him into the City Treasury.

Section 3. Classification and Standardization: The Council shall be ordinance, with the co-operation and assistance of

the Manager, provide for a systematic classification of positions and a standardization of salaries of all paid appointive officers and employees of the City.

Section 4. Eligibility for Office: No person shall be eligible for election to, or to hold, any elective office of said City unless he shall have been a resident and an elector thereof or of territory legally annexed thereto, on or prior to the date of such election or appointment, for at least three years next preceding his election thereto, or his appointment to fill a vacancy therein; provided that said qualification as to residence in the City shall not apply to members of the Board of Education.

Section 5. Disability of Councilmen: No councilman shall be eligible during the term for which he was appointed or elected or within six months thereafter, to hold any other office or employment with the City, except as a member of any board, commission or committee thereof, of which he is constituted such member by general law or by this Charter.

Section 6. Financial Interest: No officer, appointee, or employee of the City, shall be interested in any contract or transaction with the City, or with any department, board, officer or employee thereof, nor become surety for the performance of any contract or subcontract made with or for the City, upon any bond given for the performance thereof to the City, or contractor. No officer, appointee, or employee shall receive any commission, money or thing of value, for or by reason of any dealings with or services for the City by himself or others, except his lawful compensation as such officer, appointee or employee. The violation of the provisions of this section shall be a misdemeanor and shall work the forfeiture of such office or employment on order of the Council or court of competent jurisdiction.

Article VII.

LEGISLATIVE, THE COUNCIL, POWERS AND DUTIES.

Legislative,
the council,
powers and
duties

Section 1. Legislative Power: The legislative power of the City of San Buenaventura shall be vested in the people through the initiative and referendum, and in a body to be designated The Council.

Section 2. Meetings: The Council shall meet in the Council Chambers at the City Hall in regular session on the fourth Monday in April following their election, at eight P.M. and shall organize as herein required. Thereafter the Council shall meet at such times as have been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, said City Hall can not be used for that purpose, and all meetings shall be open to the public. Special meetings may be called by the Mayor, by three members of the Council, or by the Manager, but notice of every such meeting must be served personally upon every member not joining

in the call, and upon the Manager, if not called by him, or ^{Same} left at the place of residence or of business of such person to be so served, not less than eight hours before the time of such special meeting.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting. All meetings of the Council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally, or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

Section 3. Quorum: Four members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless four members of the Council concur in said action.

Section 4. General Powers of the Council: Subject to the provisions and restrictions in this charter contained, and the valid delegation by this charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State of California, or which now or hereafter it would be competent for this charter to specifically enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers

Section 5. Certain Powers and Duties Enumerated: The Council shall:

1. Judge of the qualifications of its members and of election returns;

2. Establish rules for its proceedings;

3. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money.

4. Choose one of its members as presiding officer, to be called Mayor. His term as Mayor shall be two years. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the City on public and ceremonial occasions. He shall have power to administer oaths and affirmations, but shall have no power of veto. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another

Same

member to act as Mayor pro tem, and he shall for the time being, have the powers of the Mayor.

5 Appoint a City Manager, a Police Judge, and five Library Trustees.

Section 6 Ordinances: The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of San Buenaventura." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Buenaventura." At least five days must elapse between the introduction and the final passage of any ordinance: provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, regular or special, and, if passed by a five-sevenths vote, shall become effective immediately upon publication. A final vote on any ordinance, or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the Mayor, attested by the Clerk, and published once in the official newspaper.

Section 7. When Ordinances Go Into Effect: Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty days from its final passage. But ordinances declared by the Council to be necessary as emergency measures, as hereinbefore provided, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

Section 8. Amending Ordinances: No ordinance shall be amended by reference to its title, but the sections thereof to be amended shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Section 9. Public Work and Supplies:

1. All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City, by an officer or officers authorized to sign the same, and must be countersigned by the controller, who shall number and register the same in a book kept for that purpose.

2 Progressive Payment of Contracts: Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such pay-

ment. But no progressive payments can be provided for or ^{same} made at any time which, with prior payments, if there have been such, shall exceed in amount at any time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion and acceptance of the work.

3. Public Work to be Done by Contract: In the erection, improvement and repair of all public buildings and works, and in furnishing any supplies or materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of one thousand dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions; the first of which shall be at least ten days before the time for opening bids; provided, however, the Council may by a five-sevenths vote reject any and all bids, if deemed excessive and re-advertise for bids, or provide for the work to be done or supplies or materials purchased under the direction of the Manager, provided the total cost submitted by the Manager shall not exceed the lowest acceptable bid submitted. In case no bid is received the Council may likewise provide for the work to be done or supplies or materials purchased under the direction of the Manager.

4. Newspaper Advertising and Printing: The Council shall advertise annually for the submission of sealed proposals or bids from newspapers of general circulation printed and published in the City, for the publication of all ordinances and other legal notices and matters required to be published. A contract shall be awarded to the responsible bidder submitting the lowest bid on the basis of the bona fide subscription list of paying subscribers of said publication within the city limits of said city. The newspaper to which such contract is awarded shall be known and designated as the "official newspapers." The rates for published public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Failure of the Council to designate an official newspaper shall not invalidate any publication, where the same is otherwise in conformity to law or this Charter.

5. Illegal Contracts: No officer or employe of the City shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the City treasury, nor shall he receive any gratuity or advantage from any contractor or person furnishing labor or materials for the same. Any contract with the City in which any such officer is or becomes interested may be declared void by the Council.

Same

No officer or employe of the City shall aid or assist a bidder in securing a contract to furnish labor, materials, or other supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another or give or withhold information from any bidder not given or withheld from all other bidders, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed or material or supplies furnished than has, respectively, been performed or received.

Any officer or employe violating any of the provisions of this section shall be guilty of a misdemeanor and shall forfeit his office or employment on order of the Council or court of competent jurisdiction.

If at any time it shall be found that any person, firm or corporation to whom a contract has been awarded by the City has, in presenting any bid, colluded with any other party or parties, then the contract so awarded shall, if the Council so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss and damage which the City may suffer thereby. In such event the Council may advertise anew for bids for said work or supplies.

6. Hours and Minimum Wages. The time of service of any laborer, workman or mechanic employed upon any of the public works of the City, or upon work done for said City, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said City, or for any contractor or subcontractor doing work under contract upon any public work aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon any public, military or naval defenses or works in time of war. The minimum wage of any laborer, workman or mechanic employed upon any public work, whether so employed directly by the City and its officers, or by contractor or subcontractor, or by any other person or persons, shall be the prevailing scale of wages recognized in the City for like work.

7. Preference to Citizens of the City: (a) When laborers, workmen or mechanics are employed upon any public work, whether so employed directly by the City and its officers, or by contractors or subcontractors, or by any other person or persons, such laborers, workmen or mechanics whenever available must be qualified electors of the City, and married men must be given preference over unmarried men.

(b) When making purchases for any department of the City, local merchants shall be given the preference, quality and price being commensurate. Same.

8. Contracts for Lighting or Heating: No contract for lighting streets or for heating or lighting public buildings, places or offices, shall be made for a longer period than one year, nor shall any contract to pay for such utility at a higher rate than the minimum price charged to any other consumer be valid.

Section 10. Vacancies in the Council: Any member of the Council who is absent from all meetings thereof for two consecutive months, unless excused by the Council, shall forfeit his office. Any vacancies occurring in the Council shall be filled by a person appointed by a four-sevenths vote of the Council. Said person appointed shall serve during the unexpired term or until his successor is elected at the next succeeding municipal election, and qualified.

Section 11. Committees of Council: The Council shall appoint such standing and other committees as it deems necessary.

Section 12. Sale or Lease of City Property: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of five-sevenths of all the members and no lease of any city property shall be made for a period longer than five years, except by ordinance adopted by a five-sevenths vote of the Council.

Section 13. Official Bonds: The Council shall, by ordinance, determine what officers and other persons in the service of the City shall give bond for the faithful performance of their duties, and shall fix the amounts of such bonds and each of such officers and other persons shall before entering upon the duties of his office or employment, execute a bond to the City in the penal sum provided by such ordinance, including in the same bond the duties of all offices of which he is made by this Charter, or otherwise, ex-officio incumbent. Such bonds must be examined and approved by the Council. All bonds when approved shall be filed with the Controller, except the Controller's bond, if any, which shall be filed with the Treasurer. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where surety company bonds are approved by the Council the premium therefor shall be paid by the City.

Section 14. Oath of Office: Every officer of the City, before entering upon the duties of his office, shall take and file with the Controller the constitutional oath of office, except that the oath of the Controller and Ex-Officio City Clerk shall be filed with the City Treasurer.

Section 15. Records: The Controller as ex-officio City Clerk, or his deputy, shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council, and of the Board of Equalization. He shall

keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate, shall be prima facie evidence of the contents of such ordinances and of the passage and publication thereof. He shall also keep an index to the minutes of the Council and to said ordinance book. The Controller shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this Charter, or by ordinance or resolution.

Section 16. Examination of Records: The Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, from time to time, without notice, examine the books, records, and reports of the Controller and of all other officers and employes who receive or disburse city money, and of such other officers and departments as the Council may direct. The final report at the end of the fiscal year shall be made in triplicate and one each thereof shall be filed with the Controller, Council, and City Attorney. Any officer, clerk or employe who shall refuse to give all required assistance and information to such accountant or submit to him for examination such books, papers and records of his office as may be required, shall forfeit his office, by order of the Council or court of competent jurisdiction.

Article VIII.

POLICE COURT.

Police court Section 1. Police Judge: There shall be a Police Judge (who must be an elector of the City) appointed by the Council. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the City and which might be tried in such Justice's Courts; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City is not more than one hundred dollars, the trial must be by the court; in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the City is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode

of proceeding in said Police Court shall be the same as are, ^{Same.} or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

Section 2. Powers of Judge: The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. He shall make such periodical reports as the Council may require.

Section 3. Inability to Act: In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in the case of sickness, or inability to act, he may call upon any Justice of the Peace residing in the County of Ventura to act in his stead.

Section 4. Justice of the Peace: The Council may, by ordinance, appoint any Justice of the Peace of the township in which the City of San Buenaventura is located, as Police Judge thereof, regardless of his residence.

Section 5. Records: The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said Court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property of the Police Court under the preceding charter of the City shall be the records, files, and property of the Police Court of said City created by this charter.

Section 6. Continuity of Proceedings: All actions and proceedings pending and undetermined in the Police Court under said preceding charter, shall be proceeded with, heard, tried and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally commenced therein.

Article IX.

CITY MANAGER.

Section 1. Qualifications: The Manager shall be the administrative head of the city government. He shall be chosen by the Council without regard to political consideration and solely with reference to his executive and administrative qualifications. No one shall be eligible for appointment thereto who has not served as City Manager, or as an assistant or deputy thereof for at least one year, or who has not had at least three years experience in a responsible executive position. He need not be a resident of the State of California at the time of his appointment, but promptly thereafter he shall become and thereafter remain, during his incumbency, an actual resident of the City.

Before entering upon his duties the Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City in the sum of five thousand dol-

Same.

lars, the premium of which shall be paid by the City. Said bond shall be to the satisfaction of the Council and the approval of the Mayor shall be endorsed thereon.

Section 2. Term: The Manager shall be appointed for an indefinite term, but shall be removable at the pleasure of the Council, by a five-sevenths vote thereof. Upon any vacancy occurring in the office of the Manager subsequent to the first appointment hereunder, the Council shall, at its next meeting thereafter, adopt a resolution of its intention to appoint a Manager, which resolution shall be published once in the official newspaper of said City, and no such appointment shall be made until at least four weeks shall have elapsed after such publication and must be made within sixty days thereafter. This provision, however, shall not affect the appointment of a Manager pro tem as herein provided.

Section 3. Powers and Duties: The powers and duties of the Manager shall be:

1. To see that all ordinances are enforced.

2. To appoint, except as otherwise provided in this Charter, all heads of departments, and other city officers and employes, and remove the same at pleasure, and to have general supervision and control over the same. All of such appointments shall be made upon merit and fitness alone.

3. To exercise general supervision over all privately owned public utilities operated within the City so far as the same are subject to municipal control.

4. To see that the provisions of all franchises, leases, contracts, permits and privileges, granted by the City, are fully observed, and to report to the Council any violation thereof.

5. To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

6. To act as purchasing agent for all departments of the City except those of Public Library and Education; and in those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof; provided, however, that he may designate some officer or employe of the City to act as assistant purchasing agent, and to perform the duties of the purchasing agent. All purchases shall be made by requisition signed by the Manager.

7. To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employe in any of the departments of the city government, except of the Council and Board of Education.

8. To keep the Council advised as to the needs of the City.

9. To prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including the annual report of all the departments of the City.

10. To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision; and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

11. To have control of all public utilities owned or operated ^{Same.} by the City.

12. To have general supervision over all City property and its use by the public or City employes.

13. To make such recommendations to the Council or Board of Equalization regarding the annual assessment roll as he may deem advisable.

14. To devote his entire time to the discharge of his official duties.

15. To appoint such advisory boards as he may deem desirable to advise or assist him in his work, provided, the members of such board shall receive no compensation.

16. To perform such other duties as may be required by this Charter or as the Council may require of him.

17. From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to organize the work of the departments under his control, to assign assistants, deputies, and employes from any office or department of the City government to perform such work or service in connection with any other office or department thereof, or to work in more than one of said offices or departments; provided that no such change shall affect the powers or duties of any elective officer of the city.

Section 4. Seats at Council Meetings: The Manager and such other officers of the City as may be designated by vote of the Council shall be entitled to seats with the Council, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council.

Section 5. Manager Pro tem: In case of the absence of the Manager, or his temporary disability to act as such, the Council shall appoint a Manager pro tem who shall possess the powers and discharge the duties of the Manager during such absence or disability only; provided, however, that a Manager pro tem shall have no authority to appoint or remove any City officer or employe except with the five-sevenths vote of the Council.

Section 6. Council Interference in Administration: No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the Manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for Manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any City office or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction. Neither the Manager nor any person in the employ of the City, shall take any part in securing,

or shall contribute any money toward the nomination or election of any candidate for a municipal office.

Section 7. Ineligible persons: No person related to the Manager by consanguinity or affinity within the third degree, shall hold any appointive office or employment with the City.

Article X.

CITY ATTORNEY

City
attorney

Section 1. City Attorney: The City Attorney shall be appointed or removed by the Manager. He shall be an elector of said City, admitted and qualified to practice before the Supreme Court of the State of California, and the Federal Court of the Southern District of California, and shall have been in actual practice in California for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council, and all other city officials, boards and departments, and when requested in writing for a legal opinion by any city official or the head of any department of the City (except the Board of Education) concerning City business, his opinion must be given in writing. He shall prosecute all violations of City ordinances and shall draft all ordinances, resolutions, contracts, and other legal documents and instruments required by the Council or the Manager.

Section 2. Approval of Bonds and Contracts: He shall approve, as to form, all official and other bonds given to or for the benefit of said City, and all contracts with said City, and no contract shall become enforceable as against said City without the endorsement thereon of such approval.

Section 3. Attendance at Council Meetings: He shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by four members thereof or by the Mayor.

Section 4. Inability to Act: When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Manager, appoint some other qualified attorney temporarily to act in his place, and whenever, in the judgment of the Council, the interests of the City require it, it may, upon recommendation of the Manager, employ assistant counsel.

Section 5. Records: The City Attorney shall deliver all books, records, papers, documents, and personal property of every description, owned by the City, to his successor in office, and the City shall provide a means of safe-guarding the same.

Section 6. Additional Powers and Duties: He shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance, or imposed upon the chief legal officer of municipalities by law.

Article XI.

HEALTH OFFICER.

Section 1. Health Officer: The Health Officer shall be a ^{Health officer.} duly licensed physician under the laws of the State of California, or a person trained in public health work. He shall have all the powers and be subject to all the duties conferred upon health officers and boards of health by the general laws of the State, and such other powers and duties as may be conferred by ordinance.

Article XII.

CHIEF OF POLICE.

Section 1. Chief of Police: The Chief of Police shall ^{Chief of police} have general command and control over the police force. He shall have power to appoint, subject to the approval of the Manager, such police officers and other employes as may be authorized by the Council.

Article XIII.

FIRE CHIEF.

Section 1. Fire Chief: The Fire Chief shall have ^{Fire chief.} general control over fire protection and prevention. He shall have power to appoint, subject to the approval of the Manager, such firemen and other subordinates as may be authorized by the Council.

Article XIV.

CITY ENGINEER.

Section 1. City Engineer: The City Engineer must be ^{City engineer} a civil engineer, who has practiced his profession not less than three years. All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office, if practicable. He shall possess the same power of making surveys, plats and certificates, as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the City and pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts therefor, one of which he shall file with the Clerk. All maps, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office, or that he may have received from his predecessor, shall remain the property of the City.

Section 2 Street Superintendent: The City Engineer may be ex-officio Street Superintendent and as such shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City and used for street construction and repair. He may employ such fore-

men, laborers and other employes, subject to the approval of the Manager, as the Council may authorize. The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State. Nothing herein contained shall prevent the Manager himself from acting as ex-officio City Engineer and/or Street Superintendent and filling such offices as herein provided.

Article XV.

BOARD OF EDUCATION.

Board of
education.

Section 1. Board of Education: The control of the Public School Department of the City shall be vested in a Board of Education, which shall consist of five members elected from the district at large.

Section 2. Powers and Duties: The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and laws of the State of California.

Section 3. Election and Term: The members of the Board of Education shall serve for terms of three years from the first day of May in each year or until their successors are elected and qualified. At the regular school election held on the last Friday in March, 1931, there shall be elected by the electorate of the San Buenaventura School District at large five members of the Board of Education, provided that the two candidates receiving the largest number of votes shall serve until the first day of May, 1934; the two candidates receiving the next highest number of votes shall serve until the first day of May, 1932, and the one candidate receiving the next highest number of votes shall serve until the first day of May, 1933, and thereafter at each annual election there shall be elected members of the Board to fill the terms of members expiring in that year. All vacancies in the Board of Education shall be filled by a vote of the remaining members of the Board for the unexpired term thereof.

Section 4. Secretary of the Board: The Superintendent of City Schools shall be ex-officio Secretary and Clerk of the Board of Education.

Article XVI.

LIBRARY BOARD.

Library
board

Section 1. Library Trustees: The control and administration of the Public Library of said City shall be vested in the Board of Library Trustees, which shall consist of five members, appointed as in this Charter provided.

Section 2. Powers and Duties: The powers and duties of the Library Board shall be such as are prescribed by the Constitution and laws of the State of California.

Article XVII.

FISCAL ADMINISTRATION.

Fiscal ad-
ministration

Section 1. Expenditures and Indebtedness: No money shall be expended and no indebtedness shall be incurred on

behalf of the City, for any purpose, unless and until the same ^{Same.} shall have been authorized by ordinance, resolution or order of the Council, or in case of bonds, by vote of the people.

Section 2. Controller: The Controller shall be the general accountant of the City. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to accounts and contracts of the City, its disbursements, revenues, and other financial affairs. He shall keep an account of all moneys paid into and out of the Treasury, and shall draw and sign all warrants on the Treasurer for payment of money out of the Treasury, except as otherwise provided in this Charter, by ordinance or by general law.

All orders for the purchase of goods, materials and supplies, and all orders or contracts proposed to be entered into by the City by virtue of which any money shall or may become payable by the City, except contracts the expense of which is to be paid by assessments upon properties benefited or affected thereby, shall before becoming effective on behalf of the City, be presented to the Controller and have endorsed thereon his certificate that there remains unexpended and unapplied in the City Treasury as provided by this Charter, a balance of the appropriation or fund applicable thereto sufficient to pay the estimated expense to be incurred during the then current fiscal year under said order or contract as estimated by the Board or Officer making the same or that adequate provision therefor has been made in the tax levy, or by other revenues to be received by the City as estimated in the budget. It shall be the duty of the Controller to make such endorsement upon every such contract or order so presented to him if there remains unexpended and unapplied the said estimated amount in any appropriation, fund or tax levy, or other estimated revenue applicable thereto, and thereafter he shall hold and retain the same amount to pay the expense to be incurred under said order or contract until the same is fully performed and expense paid.

Section 3. Treasurer: The City Treasurer shall receive and safely keep and pay out as directed in this Charter all moneys belonging to the City and all moneys received by or coming into the hands of any officer, board, department or employe of the City, and shall keep an exact account of receipts and disbursements.

Section 4. Presentation of Demands: All demands against the City shall, before being paid, be presented to and approved by the proper Board, Commissioner or Officer, as herein provided. Demands against the Library Fund shall be presented to the Board of Library Trustees, demands against funds in the control of the Board of Education shall be presented to the Board of Education, demands for which no appropriation has been made shall be presented to the Council; and all other demands shall be presented to the Manager; provided, that any person dissatisfied with the refusal of the Manager to approve any demand, in whole or in part, may present the same to the

Same

Council, and the approval of such demand by a five-sevenths vote of the Council shall have the same effect as its approval by the Manager. The Council may provide for a petty cash fund of not more than One Hundred (\$100.00) Dollars to be paid to the Manager and used by him for payment in cash of expenditures provided for in the budgets that can not conveniently be paid otherwise. He shall account to the Council for all moneys paid by him out of said fund when making demand for the replenishment of the same, and at such other times as the Council may require, and they shall thereupon be charged against the proper appropriations.

Section 5. Warrants on Treasury: All demands approved by the proper Board, Commission or Officer shall be presented to the City Controller, who shall examine the same; and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the Treasurer therefor, payable out of the proper fund. Objections of the Controller to any demand may be overruled by five-sevenths vote of the Council, and the Controller shall thereupon draw his warrant as directed by the Council. Such warrants, when presented to the Treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six per cent per annum. The Controller shall draw his warrants for payment of municipal or other bonds payable out of funds in the Treasury upon presentation and surrender of the proper bonds or coupons, without approval of any Body or Officer. The Council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the City, not in conflict herewith.

Section 6. Actions Against City. No payment shall be made from the Treasury of the City, except as otherwise provided by law or this Charter, except on demands presented and approved and warrants drawn as herein or by ordinance provided. No action shall be brought on any claim or demand for money or damages against the City or any Board, Commission or Officer thereof, until a demand for the same has been presented as provided in this Charter or by ordinance and rejected in whole or in part. If rejected in part, action may be brought to recover the whole. Nor shall any action be brought upon any such demand that has been approved in whole, as herein or by ordinance provided, but nothing herein contained shall prevent the holder of any demand from resorting to proceedings to compel any Officer, Board or Commission to act upon a demand or to pay a demand that has been properly allowed.

Section 7. Inventory of City Property: At the time for preparing and submitting the budget, as prescribed in this

Charter, a complete inventory of all personal property belonging to the City shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the Manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the Manager, and all chief officials and department heads of the City shall be responsible for making and transmitting to the Manager a full and correct inventory of all City personal property in their possession or under their control. Same.

Section 8 Estimates and Budget: The fiscal year of the City shall begin on the first day of July. On or before the first day of June of each year, the Manager shall submit to the Council a proposed budget for the Public Service Department and a proposed budget for all other departments to be known as the General Budget. Said budgets shall include estimates for all the revenues and expenditures of the City departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expense of conducting each department and office of the City for the ensuing fiscal year; showing the objects of expenditure such as personal service, contractual service, materials and supplies, equipment, capital outlays and fixed charges; and further consolidated under funds, organization units and character of expenditures.

2. Expenditures for the corresponding items for the current year and last preceding fiscal year with reasons for increases and decreases recommended as compared with appropriations for the current year.

3. The total value of supplies and materials on hand at the date of the preparation of the estimate.

4. The total amount of City debt outstanding together with a schedule of maturities of bond issues by departments, and a statement of borrowing capacity of the City.

5. A statement of the amounts which should be appropriated:

- (a) For interest on the City debt;
- (b) For paying off any serial bonds maturing during the year or for sinking fund requirements;
- (c) For other fixed charges.

6. An estimate of the amount which should be appropriated for contingent or emergency purposes.

7. An itemization of all anticipated revenues of the City from sources other than taxes, shown by departments.

8. An item to be known as "unappropriated balance" which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise. The budget shall also contain an item to be known as the "cash basis fund" which shall be carried over to the next ensuing fiscal year following the

Same

fiscal year for which the budget is prepared, to meet the cash requirements prior to the receipt of taxes.

9. An estimate of the amount of money to be raised from taxes, the tax rate, and bond issues which, with revenue from other sources, would be necessary to meet the expenditures proposed.

10. A long-time program of proposed activities, developments and improvements listed in order of relative importance and specifying whether the work is to be done by bond issue or by taxation.

11. Such other information as may be required by the Council or as the Manager may deem advisable to submit.

12. Sufficient copies of such proposed budgets, shall be prepared and submitted, that there may be copies on file in the office of the Controller for the inspection of the public and one copy of each budget furnished each member of the Council. The Council shall have power to revise, correct, or modify said proposed budgets in any particular.

Section 9. Appropriations: After considering said proposed budgets, the Council shall fix a time for holding a public hearing upon the same and shall publish a notice of the time fixed for said hearing one time in the official newspaper at least ten days before the time of hearing. After said hearing the Council may further correct or modify said proposed budget and shall by resolution, adopt a Public Service Budget and a General Budget and authorize the tax levy to meet the total estimated expenses for the fiscal year less the amounts to be raised by bond issues and revenues collected from other sources; provided, however, that the total rate of such tax levy for any and all purposes, other than the bonded debt of the City and special assessments within the City, shall in no event exceed the total aggregate tax rate allowed under all laws now or hereafter applicable to cities of the Fifth Class; provided, however, that such limitation may be altered by ordinance adopted by vote of the people. Such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted.

Section 10. Transfer of Appropriations: At any meeting after the adoption of the budget or budgets, the Council, by a vote of four members, may amend or supplement such budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Section 11. Taxation: The Council shall have power by ordinance to provide a system for the assessment, levy and collection of all City taxes, which system shall conform as nearly as may be to the general laws of this State provided for the assessment, levy and collection of county taxes. All taxes levied, together with any penalties imposed for delinquency and the cost of collection, shall constitute liens on the property assessed and every tax upon personal property shall be a lien

upon the real property of the owner thereof. The said liens Same. shall attach as of the first Monday in March of each year.

Section 12. County May Perform Fiscal Functions: The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Ventura of any function of the City relating to the assessment of property for taxation, and equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for municipal improvements, the sale of property for nonpayment of taxes levied for municipal purposes or for nonpayment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes and may repeal any such ordinance.

Section 13. Cash Basis Fund: The Council shall create and maintain a revolving fund, to be known as the cash basis fund, for the purpose of placing the payment of the running expenses of the City on a cash basis. For this purpose the Council shall provide that, from all the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount thereof shall be sufficient to meet all legal demands against the City for the first four months or other necessary period of the succeeding fiscal year. The Council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the cash basis fund be returned before the end of the fiscal year.

Section 14. Special Taxes and Bonds: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes which can not be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general laws.

Section 15. Limit of Bonded Indebtedness: The bonded debt of the City shall at no time exceed a total of fifteen per cent of the assessed valuation of all property taxable for City purposes; provided, however, that bonds issued for the acquisition, extension, betterment or maintenance of municipally owned public utilities shall not be counted as a part of such limitation.

Section 16. Depreciation Fund: The Council shall annually set aside from the income derived by the City from its revenue

Same

producing public utilities, as a separate depreciation fund for each of said public utilities, a sum which, according to the estimate of the Manager, and approved by the Council, shall be sufficient to meet the normal depreciation in said public utility. Such funds shall be used only for the replacement, betterment, and extensions of the plants and equipment of said public utilities respectively.

Section 17. **Public Service Sinking Fund:** A fund to be known as the Public Service Sinking Fund is hereby created, to which fund shall be credited from the receipts of the Public Service Department a sufficient amount each year to cover the total amount of payments falling due that year, for principal and interest of all bonds issued for the acquisition, improvement or extension of public utilities operated by the City. The Council shall fix from time to time the percentage of the receipts of the Public Service Department required to cover the principal and interest of such bonds, and such percentage of said receipts shall be credited by the City Treasurer to said Public Service Sinking Fund; provided, however, that if, in the opinion of the Council, the total amount necessary for said Sinking Fund can not conveniently be taken from the receipts of said Public Service Department, nothing in this section shall affect or impair their power, after so declaring, to levy such taxes as may be necessary to provide for interest and principal of such bonds.

Section 18. **Bond Retirement Fund:** Any surplus from the income of such revenue producing public utilities remaining after providing for said Depreciation Fund and said Public Service Sinking Fund shall be used only (first) for the retirement of the bonded debt issued for the public utility producing the same, and (second) to the retirement of any other bonded debt of the City.

Section 19. **Special Deposit Fund:** There is hereby created a fund to be known as the Special Deposit Fund, wherein shall be deposited all moneys received by the City or any Department, Officer, or Board thereof for the purpose of guaranteeing the payment of any costs, charges, or damages accruing or liable to accrue to the City from the depositor, and all moneys deposited as bail to secure the liberation of a person accused of a public offense, and all moneys required to be deposited for the purpose of indemnifying persons whose property is in danger of being damaged or destroyed by the operation of the depositor. The money so deposited may be returned to the depositor should he become entitled to the return thereof, in such manner as the Council may, by ordinance, prescribe, or, upon default being made in the payment of such costs, charges or damages, or in the performance of any of such conditions, acts or things, may be declared forfeited in whole or in part and be disposed of as the Council may direct.

Section 20. **Utility Funds:** Accounts shall be kept for each public utility owned or operated by the City, distinct from other city accounts and in such manner as to show the true and com-

plete financial results of such City ownership, or ownership ^{Same.} and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the City of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and, in the case of City operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such City ownership or ownership and operation, which report shall give the information specified in this section, and such other information as the Council shall deem expedient.

Section 21. Special Assessments. The acquisition, improvement, widening and opening of streets, the planting of trees, and the making of any other public improvement may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a procedure for the improvement of streets, alleys or other public places, the laying of pipes, or conduits or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon except State, County and Municipal taxes, but no such ordinance shall prevent the Council from proceeding under general laws for said purposes.

Section 22. Illegal Approval of Payments. Every officer who shall wilfully approve, allow or pay any demand on the Treasury not authorized by law, shall be liable to the City individually and upon his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City, by order of the Council or a court of competent jurisdiction.

Section 23. Deposit of Money Collected: All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the City in his official capacity, or by any department of the City for the performance of any official duty, and all moneys accruing to the City from any source, and all moneys directed by law, or by this charter, to be paid or

deposited in the Treasury, shall be paid into the Treasury within forty-eight hours. The Treasurer shall receipt for each such deposit in triplicate, giving the original and duplicate to the depositor who must file the duplicate with the Controller.

Section 24. Counting the City's Money. The Mayor, Controller and Manager shall together count the money and other securities in the Treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts which should be in the Treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Article XVIII.

INALIENABLE RIGHTS OF CITY.

Inalienable
rights of
city.

Section 1. Inalienable Rights of City: The City hereby declares inalienable its rights in and to its waterfront, all tidelands and submerged lands within the limits of the City, as the same now or hereafter exist, whether filled or unfilled, and all improvements thereto now or hereafter made. The City hereby specifically reserves to itself the right to appoint harbor commissioners, to create or be a part of a harbor district and to take any and all other steps that it may from time to time deem advisable for the improvement and maintenance of its waterfront and harbor and for the development and conduct of port facilities and commerce. However, nothing in this paragraph shall be construed as prohibiting the Council, in its discretion, and upon such terms as it may prescribe, from leasing any portion of the waterfront for public recreational purposes for a term not exceeding ten years; provided further, that a lease may be made for such or other purposes and/or for a longer period if such lease be submitted to the electors and approved by a vote of two-thirds of those voting thereon

Article XIX.

FRANCHISES.

Franchises

Section 1. Power to Grant: Plenary control over use of all property owned, leased or controlled by the City is vested in the Council. Franchises, permits or privileges may be granted to persons, firms or corporations, upon such terms, conditions, restrictions or limitations as may be prescribed by the Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred, nor shall any franchise be granted for a longer period than fifty (50) years, provided that in all franchises there shall be reserved to the City the right to take over, for public operation, at any time the works, plant and property of all public utilities within the City, except steam railroads and pipe lines originating outside and passing through and not serving the City, constructed under the grant, at their physical valuation and without compensation for franchise value, good will, going concern, earning power, increased cost of production, severance damage, or increased value of prop-

erty occupied by its plant and equipment. Provided, that ^{Same} every franchise or other permit shall be granted subject to the right of and in the City at any time, upon reasonable notice, to change the grade, location, alignment or use, of any street or place in or over which such franchise or permit is exercised or operated without liability or obligation on the part of said City in any wise occasioned by any change of location of the pipes, poles, lines or other equipment of such franchise or permit required by such change of grade, location, alignment or use. The Council may by ordinance adopted by five-sevenths vote of all its members provide a method whereby franchises may be granted, terminated or extended, and from time to time in like manner change the method so provided. The Constitution and general laws of the State of California shall be applicable in all cases arising outside of the provisions of the ordinances of the Council providing for the granting or termination of franchises.

Section 2. Termination: Any public utility franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the City shall determine to acquire by condemnation or otherwise, the property of such utility. Indeterminate franchises may also be granted, subject always to the right of the City at any time and upon six months' notice in writing, to acquire and possess the property of the grantee.

Section 3. Rights of City: All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the City:

1. To repeal the same by ordinance at any time for non-use, or for failure to begin construction within the time prescribed, or other violation of the terms of the franchise;
2. To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;
3. To regulate the rates and charges of all public utilities under its jurisdiction;
4. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
5. To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility, and to require annual and other reports by each such public utility; provided, that if the Railroad Commission of the State of California or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the State or throughout any district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the Council may prescribe more detailed forms for the utilities within its jurisdiction;
6. To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

Section 4. Establishment of Public Utilities: The City may establish, acquire, lease, and/or operate, or cease to operate and dispose of public utilities and quasi-public utilities, at its own option in the manner provided by the laws now existing or hereafter enacted, or by the majority vote of the registered qualified electors of the City in the manner provided by ordinance enacted by the Council by the affirmative vote of five members of such Council. All amendments of such ordinances shall require a like vote. In such ordinances the Council may define what are public utilities and quasi-public utilities. In acquiring public utilities and quasi-public utilities the City may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or trust deeds against the property of such utilities or not, and may assume and pay such obligations as part of the purchase price.

Article XX.

MISCELLANEOUS PROVISIONS.

Miscellaneous provisions.

Section 1. General Law Applicable: All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter or with ordinances or resolutions adopted in pursuance of this Charter, shall be applicable to the City.

Section 2. Officers to Continue: All officers, assistants and employees in office when this Charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this Charter, until the election or appointment and qualification of their successors.

Section 3. Full Time of Officers and Employees: All officers and employees of the City shall devote their entire time to the discharge of their official duties and shall do no private work which will incur any expense on the part of the City, unless otherwise provided by resolution of the Council.

Section 4. Continuity of Rights and Obligations: All vested rights of the City shall continue and shall not in any manner be affected by its adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this Charter, unless otherwise herein expressly provided. All contracts entered into by the City for its benefit prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Section 5. Invalidity: If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Section 6. Ineligibility: The members of the Board of Freeholders which framed this Charter shall be ineligible for any remunerative office hereunder for a period of two years after the adoption of this Charter.

Section 7. Charter in Effect: For the purpose of electing all elective officers and all purposes connected therewith, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes it shall take effect on the fourth Monday in April, 1931. Provided that all ordinances, resolutions and regulations in force at the time of the approval of this Charter by the Legislature, and not inconsistent with the provisions thereof, are hereby continued in force until the same shall be amended or repealed; and provided further, that the members of the Council in office at the time of the approval of this Charter by the Legislature, shall continue to hold office and discharge the duties thereof until the fourth Monday in April, 1931, at eight o'clock P.M., and the members of the Board of Education until the first day of May, 1931, and until the election and qualification of the Councilmen and members of the Board of Education under this Charter; and the terms of each of the other officers in office at the time the Charter shall be so approved shall cease and terminate when the Council elected hereunder shall by resolution so declare; but the powers and duties of all officers of the City of San Buenaventura, after the approval of this Charter by the Legislature shall be as prescribed in this Charter or by ordinance or resolution passed pursuant thereto.

Section 8. Amendments: This Charter may be amended in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California.

CERTIFICATE.

Whereas, The City of San Buenaventura for years last past ^{Certificate} has been and now is a City containing more than three thousand and five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

Whereas, On the third day of June, 1930, at a special Municipal election held on that day in said City, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect James S. Blackstock, Merle J. Rogers, Robert M. Sheridan, J. E. Barker, J. M. Argabrite, J. Edgar Rains, Grace C. Coffey, D. J. Reese, Joseph E. Noyes, Floyd J. Hickey, John A. Lagomarsino, J. H. Hinsdale, Arthur E. Wilvert, W. H. Glover, and E. E. Wiker, who were all electors of said City and eligible as candidates under said section, a Board of fifteen freeholders to prepare a Charter for the government of said City; and

Whereas, The result of said election of freeholders was duly declared by the legislative body of the City of San Buenaventura on the ninth day of June, 1930, and the said electors

Same.

thereafter duly qualified as such freeholders in accordance with law;

Be it known, that in pursuance of the provisions of said Constitution and within the period of one hundred and twenty days after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the Charter of the City of San Buenaventura; and

Be it further known, that the said Board of Freeholders hereby requests said legislative body of the City of San Buenaventura to cause the publication of the said proposed Charter as provided in said Section 8 of Article XI of said Constitution, and fixes Tuesday, the fourth day of November, 1930, as the date for holding a special municipal election in said City, at which the proposed Charter shall be submitted to the qualified electors of the City of San Buenaventura for their ratification and adoption.

If the Legislature of the State of California approve this Charter, it shall thereupon become the Charter and organic law of the City of San Buenaventura;

In witness whereof, we, the duly elected, qualified and undersigned freeholders of the City of San Buenaventura, County of Ventura, State of California, have hereto set our hands at the City of San Buenaventura, County of Ventura, State of California, on this 16th day of August, 1930.

J. EDGAR RAINS,
Chairman.

W. H. GLOVER,
Secretary.

Freeholders of the City of San Buenaventura, County of Ventura, State of California:

MERLE J. ROGERS,
ROBERT M. SHERIDAN,
J. E. BARKER,
J. H. HINSDALE,
JOHN A. LAGOMARSINO,
ARTHUR E. WILVERT,
E. E. WIKER,
JOSEPH M. ARGABRITE,
GRACE C. COFFEY,
JOSEPH E. NOYES,
FLOYD J. HICKEY,
W. H. GLOVER,
J. EDGAR RAINS.

Attest:

W. H. GLOVER,
Secretary of the Board of Freeholders.

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Same

Article

- I. Name of City.
- II. Boundaries.
- III. Rights and Liabilities.
- IV. Powers of City.
- V. Elections.
- VI. Officers, Deputies, and Employes and Their Compensation.
- VII. Legislative, The Council, Powers and Duties.
- VIII. Police Court.
- IX. City Manager.
- X. City Attorney.
- XI. Health Officer.
- XII. Chief of Police.
- XIII. Fire Chief.
- XIV. City Engineer.
- XV. Board of Education.
- XVI. Library Board.
- XVII. Fiscal Administration.
- XVIII. Inalienable Rights of City.
- XIX. Franchises.
- XX. Miscellaneous.

That the undersigned make this certificate in the phraseology above mentioned because the same is the phraseology required by the Constitution of the State of California; that such Constitution requires that the certificate shall show that until the day fixed for election upon such Charter, the legislative body of said City shall advertise in one or more papers of general circulation published in said City, a notice that such copies of said Charter in pamphlet form may be had upon application therefor. That in the opinion of the undersigned officials, the words "until the day fixed for election," the word "notice" and the word "advertisement" called for legal conclusions upon the part of the certifying parties. That the facts upon which the said legal conclusions in this certificate are based are as follows: That on or about the 8th day of September, 1930, the City Clerk of said City received said copies of said proposed Charter, printed in pamphlet form in her office at the City Hall in said City. That on said day and at said place there was present a representative of the Ventura County Star, which was then and there a newspaper of general circulation printed and published and disseminated in said City of San Buenaventura. That said City Clerk then and there advised the said reporter of the fact that such copies of said proposed Charter in pamphlet form were in her office and were available for distribution, and then and there suggested and requested that such reporter cause to be published in said newspaper a story or a notice (and the said City Clerk does not remember which word was used) to the effect that such pamphlet copies of the proposed Charter were in the office of said City Clerk available

Same

for distribution and might be had upon application therefor. That subsequent to said conversation and on the 8th day of September, 1930, in the said Ventura County Star, a statement appeared which read as follows: "Copies of Ventura's proposed home rule Charter, in booklet form, may be obtained free at the office of the City Clerk, Ruth Meilandt, at the City Hall." That thereafter, and on or about said 8th day of September, 1930, and prior to the date fixed for the election upon such Charter, the exact time being unknown to said City Clerk, a representative of the Ventura Free Press, a newspaper of general circulation within said City of San Buenaventura, and then and there printed, published and disseminated within said City, called at the office of said City Clerk of said City of San Buenaventura, and the said City Clerk communicated to the said representative the fact that such copies of the proposed Charter in pamphlet form were at the office of said City Clerk and were available for distribution, and that such copies might be had upon application therefor. That said City Clerk does not recollect having asked or directly suggested to said representative of the Ventura Free Press at such time and place or at all that a notice should be published to the effect that said pamphlet Charters were available. That in truth and in fact the said Ventura Free Press did, on or about the 20th day of October, 1930, publish a statement reading in part as follows: "Copies of the Charter may be obtained at the office of the City Clerk, and it is urged that the people read the Charter."; that notice was given as follows in newspapers of general circulation in said City that said copies of said Charter could be had and secured at the office of said City Clerk upon application therefor, to-wit, in the Ventura County Star on September 9, 1930, appeared the following: "If you desire authoritative information as to what the charter means, what it might be expected to accomplish, how it compares with the city of the fifth class government we now have, or any other pertinent phase of the subject, address your query to The Star and it will be forwarded to this disinterested expert (referring to Dr. Cattrell above) for reply. P. S. Copies of the charter in pamphlet form are now to be had for the asking at the city clerk's office."; in said Ventura County Star on September 16th, 1930, appeared the following: "Seven weeks are to elapse before the issue is decided at the polls. This allows plenty of time for every citizen to read the charter for himself (pamphlet copies are to be had free of charge at the city clerk's office) and to obtain satisfactory answers to every question which may arise in his mind." In said Ventura County Star under date of October 4th, 1930, appeared the following: "If you haven't read the proposed charter for yourself, there's a free copy waiting at the city clerk's office. Don't take somebody's unsupported word for what it contains, if you are in doubt about any provision; just look the matter up for yourself. A month from today you are to vote on it." That in said Ventura County Star on October 20th, 1930,

appeared the following: "Copies of the charter may be obtained ^{Same} at the office of the city clerk, and it is urged that the people read the charter." That fifteen hundred copies of said Charter were printed and kept for distribution at the office of said City Clerk. That until the day fixed for said election, information was widely disseminated in said City that said copies of said Charter could be obtained on application at the office of said City Clerk in numerous public addresses, and that all of said copies of said printed Charter in pamphlet form were applied for at the office of said City Clerk prior to the date of said election and distributed by said City Clerk to persons making application therefor, with the exception of less than fifty copies which remained in the office of said Clerk undistributed at the time of said election. That said Charter, in its entirety, was published by order of said legislative body of said City, on the 29th day of August, 1930 in the Ventura County Star and on the 30th day of August, 1930 in the Ventura Free Press, both being then and there newspapers of general circulation printed and published in said City; that the City Attorney of said City, under his official title, published articles setting out and explaining said Charter section by section, making an analytical comparison between said sections and the present general law under which said City is now governed, said articles being published in the following dated issues of said Ventura Free Press, a newspaper of general circulation printed in said City, to-wit: October 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st and 22nd, 1930.

That on or about the 6th day of October, 1930, however, a citizen of the City of San Buenaventura appeared before the said City Council at a regular session thereof and protested as follows; as appears upon the minutes of said Council in Minute Book 6 at page 369: "Mrs. Clara A. Forrester appeared before the Council requesting that the date of election on proposed City Charter be set ahead in order to give the citizens of the City ample time to acquaint themselves with the provisions of the Charter. She was informed, however, that such action would not be within the province of said Council." That said protesting citizen was then and there advised that copies of said Charter in pamphlet form were available in the office of the City Clerk of said City and could be had upon application therefor, and that thereafter and under date of October 7th, 1930, the Ventura Free Press published an account of such protest before the City Council in the following language: "CAN'T DEFER CHARTER VOTE SAYS COUNCIL. Impossible to grant request presented by taxpayer. Voting on the proposed new charter for the City can not be put off to a date later than November 4, the city council last night advised Mrs. R. T. Forrester, 319 North Ventura Avenue, who accompanied her petition for postponement with the declaration that only one side of the question had been given the voters and that the electorate should be fully informed. Under the law, the election had to be called

Same

within a certain number of days after the charter draft was filed with the council, Mayor Randall explained, and therefore additional time can not be granted the voters who wish to study the provisions. CAN'T UNDERSTAND IT. Mrs. Forrester said it took her four days to digest four lines on page 10 of the charter pamphlet and that 'only a lawyer can understand some of the provision.' 'It is not fair to ask the people to vote on such a serious matter without giving them time to digest it,' she said. 'If it is such a wonderful thing the people ought to be advised, and a copy of the charter placed in the hands of every voter. There should be public forums where the 'cons' as well as the 'pros' are told.'

Councilman Albro said there is no question but that the people should be given both sides of the question, but he had no advice for the petitioner other than that she study the charter and read the newspapers."

That the City Clerk was never instructed by the City Council, the same being then and there the legislative body of the City of San Buenaventura, to notify any newspaper that such printed pamphlet copies of the proposed Charter were available for distribution. That none of the publications of said fact that said printed charters were available for distribution were ordered by the City as a paid advertisement nor was the City billed therefor as a paid advertisement.

That in the event such facts as hereinabove set forth justify the legal conclusion that until the day fixed for the election of such Charter, the legislative body of said City did advertise in one or more papers of general circulation published in said City, a notice that such copies might be had upon application therefor, then and in such event the State Legislature are to interpret the certificate herein contained in such light. That in the event, however, the Legislature is of the opinion that the facts stated do not establish such conclusions, the Legislature shall interpret the said certificate and the conclusions therein contained as aforesaid as being the conclusions of the signers of this certificate supported by no other evidence than that contained in the said statement of facts.

I, Ruth E. Meilandt, City Clerk of the City of San Buenaventura, County of Ventura, State of California, hereby certify that the foregoing is a full, true and correct statement of the proceedings relating to the ratification of said charter by the qualified electors of said City of San Buenaventura, and that the charter as above set forth, is a full, true and correct copy as the same was prepared, proposed and ratified.

In witness whereof, I have hereunto set my hand and the seal of the City of San Buenaventura this 21st day of January, 1931.

[SEAL]

RUTH E. MEILANDT,
City Clerk of the City of San Buenaventura, County of Ventura, State of California.

In Witness Whereof, we have hereunto set our hands and caused the seal of said City of San Buenaventura to be affixed hereto this 21st day of January, 1931.

GEORGE A. RANDALL,
Mayor of the City of San Buenaventura.

RUTH E. MEHLANDT,
[SEAL] City Clerk of the City of San Buenaventura.

and,

WHEREAS, Said charter has been submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring, a majority ^{Ratification} of all the members elected to each house voting therefor, and concurring therein, That said charter as presented to, adopted and ratified by the qualified electors of said city of San Buenaventura, and as hereinabove fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of San Buenaventura, State of California.

CHAPTER 28.

Assembly Concurrent Resolution No. 11—Approving certain amendments to the charter of the city of Albany, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1930.

[Filed with Secretary of State January 23, 1931.]

WHEREAS, The City of Albany, State of California, contains a population of over eight thousand inhabitants and has been ever since the nineteenth day of April, 1927, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city voting thereon at an election held for that purpose on the twenty-sixth day of March, 1927, and approved by the Legislature of the State of California, April 19, 1927, (statutes of 1927, page 2312); and

WHEREAS, The legislative body of said city, namely, the council thereof, duly proposed to the qualified electors of the City of Albany five certain amendments to the charter of said City by submission of said proposals at the special municipal election held in said city on Tuesday, November 4, 1930, to wit:

City of
Albany:
charter
amendments

FIRST PROPOSAL.

That Section 8 of said Charter be amended to read as follows :

City off-
cers and
employees

SECTION 8. OFFICERS AND EMPLOYEES—The Administrative officers of the City of Albany shall consist of five members of the Council, a Mayor, a City Clerk, a City Auditor, a City Treasurer, a City Attorney, a City Assessor, a City Tax Collector, a City Engineer, a Street Superintendent, a City Judge, a Chief of Police, a Fire Chief, a Health Officer, five Park Commissioners, and five Library Trustees, provided the Council may by ordinance or resolution, provide for such other or subordinate officers, assistants, deputies and employees as it may deem necessary. The members of the Council may be elected from the City at Large, and shall hold office for four years and until their successors are elected and qualified. All other officers and employees except as otherwise herein provided, shall be appointed by the Council and hold office during the pleasure of the Council.

The City Clerk shall be ex-officio Assessor, and the City Engineer shall be ex-officio Superintendent of Streets. The Council may by ordinance or resolution combine or consolidate any two or more offices, and require the duties of the same to be performed by one official.

It is provided herein that all present elective officers shall without interruption continue to perform the duties of their respective offices until the expiration of their respective terms for which they have been elected.

SECOND PROPOSAL.

That Section 17 of said Charter be amended to read as follows :

City Judge

SECTION 17. CITY JUDGE—There shall be a City Judge. He shall be an attorney at law admitted to the bar of the Supreme Court of the State of California. He shall be judge of the City Court, which is hereby established. Said City Court shall have jurisdiction, concurrently with the justices' court, of all actions and proceedings, civil and criminal, arising within the corporate limits of said City, and which might be tried in such justices' court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of said City, where the fine, penalty or forfeiture imposed by the ordinance is not more than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of said City is over one hundred dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of pro-

ceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the Superior Court from all judgments of said City Court in like manner and with like effect as in cases of appeals from justices' courts.

The City Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees and costs collected by him shall be paid into the City Treasury weekly. He shall make such periodical reports as the Council may require.

In all cases in which the City Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County to act in his stead.

The Council may appoint a Clerk of the City Court.

THIRD PROPOSAL.

That Section 20 of said Charter be amended to read as follows:

SECTION 20. HEALTH OFFICER—There shall be a Health Officer appointed by the Council. He shall be a person who has been licensed to practice medicine in the State of California. He shall exercise general supervision over the health and cleanliness of the City, and he shall make rules and regulations and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

FOURTH PROPOSAL.

That Section 38 Subd. (a) of said Charter be amended to read as follows:

SECTION 38 Subd. (a). The control of the School Department, shall be vested in a Board of Education which shall consist of five members who shall receive a compensation of Five Dollars per month per member. A member of the City Council selected by a vote of the majority of the members of the Council as in this Charter provided shall be one of the members thereof. The other four members of the Board shall be elected at large by the electors qualified to vote, at municipal elections in the same manner and time as the members of the Council. Each of said last named members must have been a resident and taxpayer of the City of Albany for at least three years preceding his election. Said last named members of the Board shall serve for a term of four years and until their successors are elected and qualified, provided

that the members of the Board of School Trustees who shall be in Office at the time this Charter shall take effect shall retain the office to which each one was elected until the time hereinafter specified. The Council shall not more than 30 days after the ratification of said Charter by the Legislature call a special election to be held not exceeding 30 days thereafter, at which time one new member of the Board of Education shall be elected. Such special election shall otherwise be held in all respects like a general municipal election under the provisions of this Charter. At its first meeting after said special election the Council shall select one of its members to be a member of the Board of Education as herein provided and he shall thereupon take his seat as such. The Board of Education shall thereupon forthwith convene and the said first Board shall so classify themselves by lot that two of their number shall hold office until the regular municipal election to be held in the year 1928 and two of their number shall hold office until the regular municipal election to be held in the year 1930 and until their successors are elected and qualified. Thereafter two members shall be elected every two years for a term of four years.

FIFTH PROPOSAL.

That section 38 Subd. (g) of said Charter be amended to read as follows:

Estimates

SECTION 38 Subd. (g). The Board of Education shall annually on such date as shall be fixed by the Council, submit in writing to the Council a careful estimate of the whole amount of money to be received from the State and County for the support of the public schools in the City together with a careful estimate of the amount specifying in detail the object thereof required from the City for the adequate support of the public schools for the ensuing year. The City Council shall include in and apportion from the annual tax levy a minimum sum of not less than thirty-five cents on each one hundred dollars of assessed valuation of a maximum sum of not more than seventy-five cents on each one hundred dollars of assessed valuation to be paid into the school fund of the city.

If any member of the Board of Education shall remove from the City or absent himself therefrom for more than sixty days consecutively without permission of the Board of Education or shall fail to qualify his office shall thereupon become vacant.

WHEREAS, Said five proposals above mentioned containing said proposed amendments to said charter were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, published for one time after their passage in "The Enterprise," a newspaper of general circulation, and the official newspaper of said city; and

WHEREAS, Copies of said proposals containing said proposed amendments were printed in convenient pamphlet form, and

until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said "The Enterprise," that such copies could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, A special municipal election was held in said city of Albany on Tuesday, the 4th day of November, 1930, pursuant to the provisions and requirements of said charter, said day being at least forty (40) days after the completion of the publication of said proposed charter amendments in said official newspaper in said City, to wit, "The Enterprise," and not more than sixty (60) days after the completion of said publication, and did provide in said resolution for the submission of the proposed charter amendments entitled, "First Proposal," "Second Proposal," "Third Proposal," "Fourth Proposal," and "Fifth Proposal," to the qualified electors of said city for their ratification at said election; and

WHEREAS, said election was duly called and held on said 4th day of November, 1930, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify two of the proposed amendments to said charter, to wit, Second Proposal and Third Proposal; and

WHEREAS, the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined by the proper officers, thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified two of the said proposed amendments to said charter, to wit, said Second Proposal and Third Proposal, as follows, to wit:

SECOND PROPOSAL.

That Section 17 of said Charter be amended to read as follows:

SECTION 17. CITY JUDGE—There shall be a City Judge City Judge. He shall be an attorney at law admitted to the bar of the Supreme Court of the State of California. He shall be judge of the City Court, which is hereby established. Said City Court shall have jurisdiction, concurrently with the justices' court, of all actions and proceedings, civil and criminal, arising within the corporate limits of said city, and which might be tried in such justices' court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of said City, where the fine, penalty or forfeiture imposed by the ordinance is not more than one hundred

dollars, the trial must be by the court. In civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of said City is over one hundred dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the Superior Court from all judgments of said City Court in like manner and with like effect as in cases of appeals from justices' courts.

The City Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees and costs collected by him shall be paid into the City Treasury weekly. He shall make such periodical reports as the Council may require.

In all cases in which the City Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County to act in his stead.

The Council may appoint a Clerk of the City Court.

THIRD PROPOSAL.

That Section 20 of said Charter be amended to read as follows:

Health
officer.

SECTION 20. HEALTH OFFICER—There shall be a Health Officer appointed by the Council. He shall be a person who has been licensed to practice medicine in the State of California. He shall exercise general supervision over the health and cleanliness of the City, and he shall make rules and regulations and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

WHEREAS, the foregoing is a full, true and correct copy of said proposal or amendments to the charter of the City of Albany ratified by the electors of said city as aforesaid, on file in the office of the City Clerk of the City of Albany.

In witness whereof, B. W. Mowday, Mayor of said City, and H. W. Brewer, City Clerk, have hereunto set their hands and caused the corporate seal of the City of Albany to be thereunto affixed, on the 21st day of January, 1931.

[SEAL]

B. W. MOWDAY,
Mayor of the City of Albany.

H. W. BREWER,
City Clerk of the City of Albany.

WHEREAS, The said proposed amendments have been and are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section eight of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring, a majority ^{Ratification} of all members elected to each house voting therefor and concurring therein, That the said amendments to the charter of the city of Albany herein set forth as proposed to and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as parts of the charter of the said city of Albany.

CHAPTER 29.

Assembly Joint Resolution No. 9—Relative to urging the post office department of the United States to cease its survey for and action in reducing the personnel of the postal service of the United States during the present depression in business and commerce and requesting a reinstatement of men who have been surveyed out.

[Filed with Secretary of State January 23, 1931.]

WHEREAS, It appears that for some months a survey has been in progress by the post office department of the United States for the purpose of reducing the personnel of the postal service; and ^{Urging federal post office department to retain employees}

WHEREAS, It appears that great numbers of men are being daily discharged from the postal service, many of whom have families and have been in the postal service for years, and are thus thrown out in the world to make a living, and most of whom are unable to secure employment and are increasing the ranks of the unemployed; and

WHEREAS, There has existed for some time a wide depression in industry resulting in many thousands of deserving persons being without any source of income through no immediate fault of their own; now, therefore be it

Resolved by the Assembly and the Senate, jointly, That the Legislature of the State of California does hereby request the post office department of the United States to withhold such survey action and that until such depression is over it survey out only those men which it may find absolutely necessary and that it reinstate those men who have been dismissed from the service.

Resolved, further, That the chief clerk of the Assembly is hereby directed to transmit by air mail forthwith upon its adoption copies of this resolution to the post master general and to the United States senators and members of congress of the State of California.

CHAPTER 30.

Assembly Concurrent Resolution No. 13—Approving fifteen certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of February, one thousand nine hundred thirty-one.

[Filed with Secretary of State March 2, 1931.]

City of
Long Beach
charter
amendments

WHEREAS, the City of Long Beach, in the County of Los Angeles, State of California, contains a population of over fifty thousand inhabitants, and has been, ever since the year 1921, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921 (Statutes 1921, page 2054) and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California, the twenty-seventh day of April, 1923, (Statutes 1923, page 1624), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California, the eighteenth day of April, 1925, (Statutes 1925, page 1330) and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California, the fifteenth day of January, 1929 (Statutes 1929, page 1977), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California, the twenty-ninth day of March, 1929 (Statutes 1929, page 2062); and

WHEREAS, proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Long Beach, as set out in the certificate of the Mayor and City Clerk of said City of Long Beach, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE SEVENTEENTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED THIRTY-ONE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California,
County of Los Angeles,
City of Long Beach. } ss.

We, Asa E. Fickling, Mayor of the City of Long Beach, and J. Oliver Brison, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section Eight, Article Eleven, of the Constitution of the State of California which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto, duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California the twenty-seventh day of April, 1923 (Statutes of 1923, page 1624), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California the eighteenth day of April, 1925 (Statutes 1925, page 1330): and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California the fifteenth day of January, 1929 (Statutes 1929, page 1977); and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the Secretary of State of the State of California the twenty-ninth day of March, 1929 (Statutes 1929, page 2062); and,

That, pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the legislative body of said city, namely, the City Council of said city did, on its own motion and pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the electors of said city of Long Beach eighteen amendments to the charter of said city and ordered that said amendments be submitted to said electors of said city at a special municipal election to be held in said city on the seventeenth day of February, 1931; and

That said eighteen proposed amendments were, and each of them was, at the time and in the manner provided by law, duly published in The Long Beach Sun, a daily newspaper of general circulation published in said City of Long Beach, and the official newspaper of said city, and the newspaper designated by said city council for said purpose;

That said proposed amendments were printed in convenient pamphlet form, and at and during the time and in the manner provided by law, a notice was published in The Long Beach Sun that such copies could be had upon application therefor at the office of the City Clerk of said city; and

Same

That said City Council did, by ordinance designated as Ordinance No. C-1025, which was duly adopted on the thirtieth day of January, 1931, order the holding of a special municipal election in said City of Long Beach on the seventeenth day of February, 1931, which date was more than forty days and less than sixty days after the completion of the publication of said eighteen proposals of amendments to the charter of the city of Long Beach, as aforesaid, and which ordinance was published at least ten successive days prior to said election in The Long Beach Sun, the official newspaper of the City of Long Beach, and a newspaper of general circulation and published in said city, and was posted in three conspicuous places in the City of Long Beach;

That said special municipal election was held in said City of Long Beach on said seventeenth day of February, 1931, which day was more than forty days and less than sixty days after said proposals of amendments to the charter of said City of Long Beach had been published once in The Long Beach Sun, as aforesaid, which said election was held during a regular session of the Legislature and before the final adjournment thereof;

That at such special municipal election, held as aforesaid, on said seventeenth day of February, 1931, a majority of the qualified voters of said City of Long Beach voting thereon voted in favor of fifteen of said proposals of amendments of the charter of the City of Long Beach, and duly ratified the same;

That said proposals of amendments to the charter of the City of Long Beach so ratified, as aforesaid, were and are amendments numbered one, two, three, four, five, six, eight, nine, ten, twelve, thirteen, fourteen, sixteen, seventeen and eighteen; and

That the city council of said City of Long Beach, after duly and regularly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and ratified said proposals of amendments to the charter of the City of Long Beach known as amendments numbered one, two, three, four, five, six, eight, nine, ten, twelve, thirteen, fourteen, sixteen, seventeen, and eighteen; and

That said proposals of amendments to the charter of the City of Long Beach ratified by the electors of said city, as aforesaid, are in words and figures as follows, to wit:

PROPOSITION NO 1

That Section 39 of the charter of the City of Long Beach be amended to read as follows:

City council

Sec. 39. The city council shall be elected on a general ticket as provided in Article VII of this charter, one from each of the districts of the City of Long Beach, but shall be

elected by the electors of the entire city, and shall serve for a term of three years beginning on the first Monday after the first day in July after their election, and until their successors are elected and qualified. Absence from five consecutive regular meetings, unless excused by resolution of the city council, shall operate to vacate the seat of any member so absent. In the event of the creation of new districts, as provided in section 1a hereof, one councilman from each new district, whose term shall expire with the terms of the councilmen then in office, shall be elected as herein provided. Whenever a vacancy in the city council shall occur, such vacancy shall be filled at a special election to be called for that purpose. Said election shall be held in the district for which the councilman is to be elected and shall be called within thirty days after the occurrence of such vacancy. Said election shall be held within ninety days after the occurrence of such vacancy unless same shall occur within ninety days of a primary nominating election provided for in Section 65a of this charter, in which event such vacancy shall be filled by the city council. Such special election shall be held within such district in the manner to be provided by the city council by ordinance.

PROPOSITION NO. 2

That Section 49 of the Charter of the City of Long Beach be amended to read as follows:

Sec. 49. Unless specifically stated to the contrary, all ^{Employees'} all officers of the City of Long Beach, whether elective or ^{residence.} appointive, and all assistants, deputies, clerks, attaches, or other employees, except those elected or appointed to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, shall be bona fide residents of the City of Long Beach, or territory legally annexed thereto for one (1) year next preceding the day of their election or the date of their appointment, and on such day or date shall be qualified electors of the city. No officer, assistant, deputy, clerk, attache or other employee shall be in litigation against the city when elected or appointed.

PROPOSITION NO 3

That Section 58 of the Charter of the City of Long Beach be and the same hereby is repealed.

PROPOSITION NO. 4

That Section 100 of the Charter of the City of Long Beach be amended to read as follows:

Sec. 100. The civil service of the city is hereby divided ^{Civil service} into the unclassified and the classified service.

1. The unclassified service shall include:
 - (a) All officers elected by the people.
 - (b) All deputies and assistants of elective officers who hold their office during the pleasure of such elective officers.
 - (c) The City Manager and the Assistant City Manager.

(d) The heads of departments, and the heads of divisions of departments, and members of all appointive boards.

(e) The deputies and secretaries of the City Manager, and one secretary for each department, and the City Clerk.

2. The classified service shall comprise all positions not specifically included in this Charter in the unclassified service. There shall be in the classified service the following three classes, to be known as the competitive class, the non-competitive class, and the labor class:

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

(b) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, or may be determined by the rules of the board.

(c) The labor class shall include ordinary unskilled labor.

(d) The power of creating classifications of employees in the classified civil service shall be with the Civil Service Board, subject to confirmation by the City Council.

PROPOSITION NO 5

That Section 101 of the Charter of the City of Long Beach be amended to read as follows:

Examina-
tion.

Sec. 101. In all examinations before the Civil Service Board, held pursuant to this Charter, said Board shall, in addition to all other credits, give to veterans a credit of ten additional points; and the term "veterans" as used herein shall mean honorably discharged soldiers, sailors, or marines (including army field clerks), who have, or who shall have, served for a period of thirty days or more in either the United States Army, Navy, or Marine Corps, or nurse in the Army, Navy, or Marine Corps, in time of war, or as a nurse in the service of the American Red Cross in time of war: "time of war" shall include any expedition of the armed forces of the United States.

Such ten-point credit shall likewise be granted to the widows of such veterans, provided that the widows of such veterans were married to such veterans on or before November 11th, 1918; and also to the wives of injured soldiers, sailors, or marines who themselves are not qualified, but whose wives are qualified to hold such positions.

The average passing grade in all examinations shall be seventy.

All ties shall be decided in favor of veterans.

Preference under this section shall not apply to promotion or to promotion examination.

Veterans claiming the benefit of this section must submit proof of honorable discharge from the United States Government.

PROPOSITION NO. 6

That a new section be added to the Charter of the City of Long Beach, to be designated as Sec. 109a, and to read as follows:

Sec. 109a. All persons who have been in the employ of the City of Long Beach continuously for three years prior to January 2, 1931, and who have, for said time, occupied positions in the classified civil service, and for which positions no eligible lists exist on January 2, 1931, shall be deemed to have been regularly appointed to such respective positions, and the date of such appointments shall be deemed to be as of January 2, 1931, provided, however, that such appointments shall be subject to the provisions of Section 105. The provisions of this section shall not affect or apply to persons holding positions in the classified civil service under regular appointments; and the provisions of this section shall not apply to any appointments made after January 2, 1931.

Appoint-
ments

PROPOSITION NO. 8

That Article XVI of the Charter of the City of Long Beach be amended to read as follows:

Sec. 187. (1) There is hereby created a governmental board in the City of Long Beach, to be known as the Police and Fire Pension Commissioners, which shall consist of three members.

Pension
com-
mis-
sioners
police and
fire de-
partments.

The members of the Board of Police and Fire Pension Commissioners shall be appointed by the Mayor subject to confirmation by a majority of the City Council. No person shall be appointed a pension commissioner who is not a qualified elector of the City of Long Beach, or who holds any public office in such city, and members of the board shall serve without compensation.

The terms of office of the members of the Board of Police and Fire Pension Commissioners shall be four years; provided, however, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in July, 1925; one on the first Monday in July, 1926, and one on the first Monday in July, 1927. If any vacancy occurs, the Mayor shall fill the same for the unexpired term subject to confirmation by a majority of the City Council.

Immediately after their appointment the members of the Board of Police and Fire Pension Commissioners, as appointed hereunder, shall organize by electing one of their number chairman, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

The chief examiner of the Civil Service of the City of Long Beach shall be ex officio clerk of the Board of Police and Fire Pension Commissioners, and shall act as secretary of such board, and shall keep a record of all proceedings of such board in the manner provided for keeping a record of the proceedings of the Civil Service Board, and shall receive such

Same

compensation for said services as the City Council may by ordinance prescribe.

The Board of Police and Fire Pension Commissioners shall have exclusive control of the administration and the investment of the pension fund or funds which may be established as hereinbefore provided, and to make all needful rules and regulations for its guidance in conformity with the provisions hereof.

(2) Any member of the Fire or Police Department who is such member at the time of the effective date of this amendment, and who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall, on his application to the commission, or by order of the commission, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments from said fund a yearly pension equal to two-thirds of the annual salary attached to the rank or position held by him in such department one year prior to the date of his retirement. Provided, that after twenty years' aggregate service, on application of such member, or by the commission for the good of the department, such person shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty years' service, fifty per cent (50%) of the annual salary of the rank or position held by him one year prior to the date of retirement, and an additional one and two-thirds per cent ($1\frac{2}{3}\%$) of such salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

Any other member of the Fire or Police Department who shall have served in such department for thirty-five years in the aggregate in any capacity or rank whatever, shall, on his application to the commission, or by order of the commission, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly installments from said fund a yearly pension equal to two-thirds of the annual salary attached to the rank or position held by him in such department one year prior to the date of his retirement. Provided, that after twenty-five years' aggregate service, on application of such member, or by the commission for the good of the department, such person shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty-five years' service, fifty per cent (50%) of the annual salary of the rank or position held by him one year prior to the date of retirement, and an additional one and two-thirds per cent ($1\frac{2}{3}\%$) of such salary for each year over twenty-five years and less than thirty-five years in the aggregate served by such member before retirement.

(3) Whenever any member of the Police or Fire Department shall become physically disabled or by reason of bodily injuries received in, or by reason of sickness caused by the discharge of duties of such person in such department, or shall become so physically or mentally disabled as a result of such injury or sickness as to render necessary his retirement from active service, the commission shall order and direct that such person be retired from further service in such department; and thereafter such person so retired shall, during his lifetime, be paid from said pension fund a yearly pension equal to one-half ($\frac{1}{2}$) of the amount of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such person shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Police or Fire Department for disability or sickness, or the result thereof, as provided for in this section, shall cease when the disability or sickness, or the result therefrom, ceases, and such person shall, subject to civil service provisions of the City Charter, and other provisions of this Charter governing the appointment of city employees, be restored to active duty in such department of which such person was a member at the time of retirement, to the same rank or position which such person held at said time; and provided further, that in event such disability is of a continuing nature, the extent of which, however, will not prevent such person from performing certain prescribed duties within such department, the pension commissioners may, upon certificate as to such partial disability from regularly licensed physicians in the manner hereinafter provided for, order such person restored to the department from which he was retired at the same compensation which he received prior to retirement, and in which event his pension shall cease

Provided further, that no person shall be retired as provided in this section, or shall receive any benefits from said pension fund, unless there shall have been filed with said pension commission, prior to the granting of such pension, certificates of disability subscribed and sworn to by such person and by three regularly licensed practicing physicians of said city, one of whom shall be the police surgeon, one to be selected by said commission, and one by the person applying for such pension.

(4) Whenever any member of the Police or Fire Department shall die as a result of an injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement from such department, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half ($\frac{1}{2}$) of the salary attached to the rank or position which such deceased person held in such department at the time of his death or one year prior to the

Same

date of his retirement from active duty in such department. Said pension shall be paid to the widow during her lifetime, and thereafter to any child or children surviving her, or to his child or children should there be no widow, until such child or children shall have attained the age of eighteen years, or to his dependent parent or parents during their lifetime or during such dependency, should there be no widow or child. Provided, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least one year prior to the date of his death; and provided further, that if such widow, child or children, shall marry, then the pension paid to the person so marrying shall cease; and provided further, that should the dependency of such parent or parents terminate, then the pension paid to such dependent parent or parents shall cease.

(5) For the purpose of the provisions contained herein the Police Department shall consist of all members of such Police Department appointed under civil service rules and regulations and sworn in, as provided by the provisions of the Charter of the City of Long Beach, and including such members of such department as are not required to be under civil service rules and regulations, to perform the duties of a regular police officer of the City of Long Beach under whatever designation they may be described in any salary or departmental ordinance providing compensation for the members of said Police Department; and the Fire Department shall consist of all persons duly and regularly appointed in the Fire Department under civil service rules and regulations (as provided by the provisions of the Charter of the City of Long Beach, and including such members of such department as are not required to be under civil service rules and regulations), whose duty it is to prevent and extinguish fires in the City of Long Beach, under whatever designation they may be described in any salary or departmental ordinance providing compensation for said Fire Department.

(6) For the purpose of creating, maintaining and providing a fund to meet the payment of demands drawn for the payment of pensions and expenses of said Police and Fire Pension Commission, as herein provided, a fund is hereby created to be known as "Relief and Pension Fund." The city manager shall include in his annual budget an amount equal to two per cent of the estimated pay of the members of the police and fire departments, as hereinafter provided, and the city council shall appropriate such amount to the "Relief and Pension Fund."

There shall be paid into the said fund, the following monies, to-wit: (a) The City Auditor is hereby authorized, and shall deduct and pay into said fund semi-monthly, two per cent of the salary of each member of the police and fire departments; (b) The amount appropriated by the city council,

as hereinbefore provided, to-wit: a sum equal to the amount paid into said fund from the salaries of the members of the police and fire departments; (c) All contributions, rewards and donations to the police and fire departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award; (d) All fines imposed upon members of the police and fire departments for violations of the rules of said departments; (e) All proceeds from the sale of unclaimed property; (f) All contributions and donations to the said departments NOT specifically designated for inter-department relief funds

Such fund shall be a continuing fund and shall be kept in the treasury of the City of Long Beach. All proceeds arising from said fund, including interest thereon, shall be credited to such fund.

Sec. 188. This provision is intended to be in lieu of and take the place, in so far as it applies, of the Workmen's Compensation, Insurance and Safety Act of 1917, of the State of California, and amendments heretofore or hereafter to be adopted, and any person who would be entitled to a pension under the provisions of this amendment and who applies for a pension hereunder shall be deemed to have waived all provisions under the Workmen's Compensation, Insurance and Safety Act of 1917; but should it be decided by the Supreme Court of the State of California that the provisions of the Workmen's Compensation, Insurance and Safety Act of 1917 can not be waived, payments that may have been made hereunder shall be credited on the amounts allowed under said Act, and all pensions granted hereunder for causes included within the purview of said Workmen's Compensation, Insurance and Safety Act shall become null and void except as to such an amount as will, when added to the amount allowable under said Workmen's Compensation, Insurance and Safety Act, equal the total monthly pension herein provided for.

PROPOSITION NO 9

That Section 192, and Section 193 of the Charter of the City of Long Beach be and the same hereby are repealed.

PROPOSITION NO 10

That Section 202f of the Charter of the City of Long Beach be amended to read as follows:

Sec. 202f. The director shall manage and supervise the public recreation of the city within or without its corporate limits; shall, subject to the provisions of Article XXVI of this charter, purchase the equipment and materials necessary for public recreation and shall aid and promote and supervise all public functions of a public recreation nature or character; shall, subject to the approval of the Recreation Commission, by order entered on its minutes, have charge of the construction, operation, sale, renting or leasing of concessions or privi-
Public recreation.

leges on playground and public recreation areas, and shall have exclusive supervision and control of all equipment, apparatus and buildings, or portions of buildings, devoted to public recreation; shall issue permits for the use of playgrounds and other public recreation equipment and facilities; and shall, subject to the approval of the Recreation Commission, by order entered on its minutes, adopt a schedule of charges and fees and rents for special or regular services and use thereof.

PROPOSITION NO 12.

That a new Section, to be known as Section 202p, be added to Article XVIIa of the Charter of the City of Long Beach, to read as follows:

Recreation
commission

See 202p. Anything in this Article to the contrary notwithstanding, the board herein shall hereafter be known as The Recreation Commission and the fund herein authorized shall hereafter be known as The Recreation Fund, and wherever the term Playground and Public Recreation Commission appears in this Article, it shall be deemed to mean the Recreation Commission, and wherever the term Playground and Public Recreation Fund appears in this article, it shall be deemed to mean the Recreation Fund.

PROPOSITION NO 13

That Section 210A of the Charter of the City of Long Beach be amended by adding to Sub-division 6 thereof paragraphs (g) and (h) to read as follows:

City
prosecutor.

(g) The City Prosecutor shall prosecute, attend and conduct on behalf of the City Manager, at his request, all trials and/or hearings before the Civil Service Board of the City of Long Beach

(h) The City Prosecutor shall draft all penal ordinances upon the request of the City Council of the City of Long Beach, and shall render all opinions relative to the penal ordinances of said city upon the request of the heads of the different departments and/or the City Council.

PROPOSITION NO 14.

That Section 231 of the Charter of the City of Long Beach be amended to read as follows:

Planning
commission.

See 231. The City Planning Commission shall consist of six (6) electors of the City of Long Beach who shall serve without compensation, with either the City Engineer or the Assistant City Engineer as designated by the City Manager as an ex officio member. Those electors who, at the time of the adoption of this amendment, are members of the City Planning Commission, shall continue so to be, but shall at their first meeting thereafter, draw lots to determine the term of office of each. Two members shall hold office for one year; two for two years; one for three years, and one for four years. Each such term shall commence on the first Monday after the first day of July, 1931. At the expiration of each successive term of office, the City Manager shall appoint a successor with the

confirmation of the City Council, to serve for a term of four years. The term of the ex officio member shall correspond to his official tenure. If a vacancy shall occur otherwise than by expiration of term, it shall be filled as provided above for the unexpired portion of the term.

PROPOSITION NO 16

That a new Section, to be known as Section 303a, be added to Article XXVI, of the Charter of the City of Long Beach, to read as follows:

Sec. 303a. Every contract for public works and improvements to be performed within the City of Long Beach at the expense of the City of Long Beach, or to be paid for out of public moneys deposited in the City Treasury, or both, must provide - Public works.

(1) That every person performing manual labor in the execution of such contract shall be a citizen of the United States.

(2) That, excepting office men and foremen, preference in the performance of labor under such contract shall be given to persons who are bona fide residents of the City of Long Beach.

(3) That, in the performance of such contract, the minimum wages or compensation of persons performing manual labor in the execution of such contract shall be not less than the wages or compensation being paid by the City of Long Beach for manual labor at the time of the publication of the Notice calling for bids for such public work or improvement

(4) Any contract for work to be performed under the provisions of this article which does not comply with the provisions thereof shall be null and void.

(5) The City Council of the City of Long Beach shall pass such ordinances as may be necessary to carry into effect the provisions of this section.

PROPOSITION NO 17

That Article XX of the Charter of the City of Long Beach be amended by amending Sections 216 to 224, inclusive, and adding thereto Sections 216a, 216b, 216c, 218a, 218b, 218c, 218d, and 218e, to read as follows

Sec 216. There is hereby created a Department of the City Government to be known as the "Water Commission," which Water Commission shall be under the management and control of five commissioners, who shall be known as the Board of Water Commissioners. Each of said Commissioners shall be a qualified elector of the City of Long Beach, and shall receive such compensation, if any, as may be fixed by ordinance, by the City Council of the City of Long Beach. Water commission.

The term of each of the members of said Commission shall, except as otherwise hereinafter provided, be five years beginning with the first Monday after the first day of July from and after their respective appointments

Same.

The members of said board shall be appointed by the City Manager, subject to the approval of a majority of the City Council. The term of office of each of said members shall commence on the first Monday after the first day of July next succeeding the date of their appointment, provided, however, that the first Board appointed under the provisions hereof, shall so classify themselves by lot that the term of office of one member shall be one year, one member two years, one member three years, one member four years, and one member five years, all commencing on the first Monday after the first day of July occurring next after appointment hereunder.

Vacancies on said Board shall be filled in the same manner as in this Charter provided for the appointment of said Board. Any appointment to fill an unexpired term shall be for the period of the unexpired term.

Any member of the Board may be removed from office in the same manner and subject to the same conditions as provided in Section 108 of this Charter, or by recall as provided in Section 308 hereof.

Sec 216a. As soon as practicable after the appointment of the first Board, and thereafter annually as soon as practicable, after the first Monday after the first day of July of each year, the Board shall organize by electing one of its members President and one Vice President, who shall each hold office for a term of one year and until his successor is elected and qualified, unless his membership on the Board sooner expires. The Board may fill, for the unexpired term, any vacancy occurring in the office of the President or Vice President. The Board shall hold a regular meeting at least twice a month.

The City Council and City Manager shall be notified of the time and place ordered by the Board for the holding of its regular or special meetings. Any member of the City Council shall have the right to attend and speak at such meetings, but shall have no vote.

Sec. 216b. The Commission shall appoint a Secretary who may but need not be, a member of the Commission, who shall hold office during the pleasure of the Commission, and who shall receive such compensation as the Commission may from time to time determine. The Secretary shall keep a record of the proceedings and transactions of the Commission, specifying therein the names of the commissioners at all meetings and the ayes and noes upon all votes, which shall be open to public inspection at reasonable hours. The Secretary shall post and publish all orders, resolutions and notices which the Commission shall order to be posted or published, and shall perform such other duties as are herein enumerated or as may be ordered by the Commission.

The Secretary shall keep the files of the Commission which shall be open to inspection by members of the City Council and by the City Manager at all reasonable times. Within

twenty-four (24) hours after the final adjournment of any regular and special meeting of the Commission, he shall transmit a copy of the minutes thereof to the City Manager and to the City Council.

Sec. 216c. The powers conferred by this Charter upon the Commission, shall be exercised by order or resolution adopted by majority of its members, and recorded in the minutes with the ayes and noes at length. Such action shall be attested by the signatures of the President or Vice President or two members of the Commission, and by the signature of the Secretary of the Commission.

Sec. 217. The City of Long Beach shall continue in the ownership and enjoyment of all water and water rights vested in it, and ownership of the right to develop, economize, control, use, conserve and utilize all water flowing or being beneath the surface of any and all lands now owned or that may be hereafter acquired by it. No water or water right now or hereafter owned or controlled by the City, shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the City, voting on the proposition at a general or special election, at which such proposition shall be lawfully submitted, and no water shall ever be sold, supplied or distributed to any person or corporation other than municipal, for resale, rental or disposal to consumers or other persons. Provided that nothing in this Section contained shall be construed to prevent the ordinary sale and distribution by the City of water to its inhabitants for their own use, or to prevent the supplying or distribution by the City of surplus water to consumers or municipal corporations outside of the City, as elsewhere in this Charter provided.

Sec. 218. The Water Commission shall have the power, subject to the provisions of this Charter and to such ordinances of the City as are not in conflict with the grants of power herein made to this Department:

(1) To supervise, control, regulate and manage the Department, and to make and enforce all necessary and desirable rules and regulations therefor, and for the exercise of such powers conferred upon the Department by this Charter. It shall have such additional powers and perform such other duties as are specified in this Charter or by ordinance not in conflict with the provisions thereof.

(2) To appoint a general manager who shall be, subject to the control of the Water Commission, the chief administrative officer of the Department, a consulting engineer and an attorney, who shall have such powers and duties as the Commission may prescribe and who shall each and all hold office during the pleasure of the Commission, and receive such compensation, if any, as the Commission may fix. No such general manager, consulting engineer, attorney or subordinate officer appointed under the provisions of this Section, shall be, nor shall he have

Same.

been for at least six months prior to such appointment, a member of said Commission.

(3) To construct, operate, maintain, extend, manage and control works and property for the purpose of supplying the City and its inhabitants with water, and to acquire and take by purchase, lease, condemnation, or otherwise, and to hold in the name of the City any and all property situated within or without the City and within or without the State, that may be necessary or convenient for such purpose, and also have, exercise and enjoy in the name and for and on behalf of the City of Long Beach, all powers, rights and privileges in so far as the same may be legally exercised and enjoyed, granted or enumerated under an act of the Legislature, known as Chapter 429 of the Statutes of 1927 (Stat. 1927, p. 694), approved by the Governor of the State of California on the tenth day of May, 1927, and all acts amendatory thereto.

(4) To regulate and control the use, sale and distribution of water owned or controlled by the City; the collection of water and the granting of permits for connections with said water works and to fix the rates to be charged for such connections; and, subject to the approval of the City Council by ordinance, to fix the rates to be charged for water for use within or without the City and to prescribe the time and manner of payment of the same. Such rates shall be fixed at least every year; provided that, except as hereinafter otherwise prescribed, such rates shall be of uniform operation as near as may be, and shall be fair and reasonable, taking into consideration among other things, the nature of the use, the quantity supplied and the value of the service; provided, however, that the rates inside the City may be less, but not greater, than the rates outside the City for the same or similar uses.

(5) To supply and distribute, at rates fixed as hereinbefore provided, any surplus water owned or controlled by the City and not required for the use of consumers served by the City within its limits, to consumers outside the City for their own use and to municipal corporations outside the City for municipal uses, for resale, disposal or distribution, to consumers within their limit; provided that the supplying or distribution of such surplus water shall in any case be subject to the paramount right of the city at any time, to discontinue the same, in whole or in part, and to take and hold or to distribute such surplus water for the use of the City and its inhabitants; provided, further, that contracts for supplying surplus water by the City to municipal corporations outside the City, or for any exchange of surplus water with any such outside municipal corporations, may be made by the Water Commission in the name of the City, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the City, as shall be prescribed by resolution adopted by the Commission, and approved by an ordinance of the City; but in every such contract, the right

shall be reserved to the City to terminate the same upon three ^{Same.} years' written notice to such municipal corporation, to be given by said Commission whenever it shall determine and declare, by resolution adopted by the Commission and approved by an ordinance of said City, that the water to be supplied under such contract, is required for the City of Long Beach and its inhabitants, and every such contract must, before execution thereof, be assented to by a majority of the qualified electors of said City, voting upon the proposition at a general or special election, at which such proposition shall be submitted.

(6) To sue and be sued, and, when the Commission so determines, to require the services of the City Attorney, free of charge, in all matters to which the Commission is a party.

(7) Except as otherwise provided in this Charter, to sell from time to time such personal property placed under the Commission's control as shall be no longer necessary or suitable for the use of such Commission.

(8) To control and order, except as otherwise in this Charter provided, the expenditure of all money received from the sale or use of water or from any other source in connection with the operation of said water works; provided that all such moneys pertaining to said water works shall be deposited in the City Treasury, to the credit of a fund to be known as the "Water Revenue Fund" and the money so deposited in such fund shall be kept separate and apart from other money of the City and shall be drawn only from said fund upon demand authenticated by the signature of the President, or Vice President, and Secretary, or persons designated by said Commission to temporarily act in their respective places and stead.

Nothing contained in this Article shall be construed to repeal or change the provisions of Section 222 of this Charter. The City Manager and the City Council shall have full jurisdiction of all revenues from water bearing lands owned by the City of Long Beach other than revenues derived from the sale of water therefrom.

Sec 218A The Commission shall, prior to the beginning of each fiscal year, adopt an annual departmental budget, and make an annual departmental budget appropriation covering the anticipated revenue and expenditures of the Commission. Such departmental budget shall conform, as far as practicable, to the forms and times provided in this Charter for the general City budget. Each such budget shall contain a sum to be known as the "unappropriated balance" which sum shall be available for appropriation by the Commission later in the ensuing fiscal year, to meet contingencies as they may arise. One copy each of such budget when adopted, and of every resolution subsequently adopted, making appropriations from said unappropriated balance, shall promptly be filed with the City Manager and City Auditor. No expenditure shall be made or financial obligations incurred except as authorized by

Same.

the annual departmental budget appropriation or appropriations made subsequent to said annual budget.

Sec. 218B. No money shall be drawn from any fund under the control of the Commission, except upon warrants authenticated by the signatures of the President or Vice President, together with that of the Secretary, of the Commission. The Commission shall file with the Auditor a notice giving the names and signatures of the President, the Vice President and the Secretary, who are authorized to sign the Commission's demands as aforesaid. The Commission, by resolution, may authorize a temporary substitution in the case of the absence or inability of the President, the Vice President or the Secretary to act. A copy of any such resolution or substitutions shall be filed with the Auditor.

Sec. 218C. The City Manager shall, upon request of the Commission, provide suitable quarters for the Commission. The Commission shall provide equipment and supplies for the Department.

Sec. 218D. The Commission may, in addition to any other bonds required by the City Charter, require bonds of any and all such officers and employees of the Commission, for the faithful performance of their duties.

Sec. 218E. Whenever provision is herein made for the discharge of specific duties by a specified appointee, the Commission may designate an employee in said Department with full power to act in place of such appointee, in case of such appointee's absence or inability to act.

Sec. 219. None of the money in or belonging to the Water Revenue Fund shall be appropriated or used for any purpose except for the following purposes:

(1) For the necessary expense of operating and maintaining the water works, and for such preliminary surveys, reconnaissances, options, estimates, engineering data, experimentation and investigation, as in the discretion of said Commission shall be necessary, or as shall be incident to the extension or betterment of the physical properties, or the business of the department and/or the acquisition of additional lands, water rights and/or other property.

(2) For the payment of the principal and interest, or either, due or coming due upon outstanding notes, certificates or other evidences of indebtedness issued against revenues from said works in pursuance of Section 224, or bonds or other evidences of indebtedness heretofore or hereafter issued for the purpose of such works, or parts thereof.

(3) For the necessary expense of constructing, extending and improving such works, including purchases of lands, water rights, and other property; also the necessary expenses of conducting and extending the business of the department.

(4) To return and pay into the general fund of the City, from time to time, upon resolution of the Commission, from any surplus money, in either such revenue funds, any sums

paid by the City from funds raised by taxation for the pay-^{Same.}ment of the principal or interest of any municipal bonds issued by the City for and on account of the municipal works to which such revenue fund pertains.

(5) To be transferred to the general fund of the City, if and when, in the judgment of the Commission, such moneys are no longer necessary for the purposes of said Commission.

Sec. 220. Any action by the Water Commission, authorizing the acquisition or sale of real property, approval of contracts which obligate the City for a longer period of time than one year, or which involves a rule of general application to be followed by the public, shall be taken by the Commission by order or resolution. Every order or resolution adopting a rule of general application to be followed by the public, shall be published once in a daily newspaper and shall take effect upon such publication.

Sec. 221. The Commission shall provide for the cost of extensions and betterments of said water works, from the funds derived from the sale of bonds, so far as such funds are or shall be made available for the use of the Commission for said purpose, from income received from the revenue of the Water Department, and from the proceeds of loans contracted as provided in Section 223 of this Charter.

Sec. 222. The Commission shall each year apportion and set apart, out of the revenue fund of the Water Department, in the City Treasury, an amount sufficient to pay at maturity all sums coming due in said year for principal and interest upon all outstanding bonds issued for the purposes of the works, to which such revenue fund pertains, and said amount shall be transferred forthwith into a special fund in the City Treasury, to be designated by a name indicating the nature or purpose of such special fund, and the money in such special fund shall be subject to apportionment by the Auditor as may be required to make such payments of the principal and interest of said bonds, and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this Section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payments out of revenue, as above provided, of the principal and interest of bonds hereafter issued for securing water from new sources, shall be required only to the extent determined by resolution of the Commission, approved by a majority vote of the Council, prior to the submission to the electors of the City of the proposition of authorizing such bonds. Such resolution shall be subject to amendment only by resolution of said Board, approved by majority vote of the Council, and assented to by majority of electors of the City, voting on the question of approving such resolution at a general or special election at which such question shall be lawfully submitted.

Sec. 223. The Commission shall have power, upon determination that an emergency exists which justifies it in so doing, to borrow money upon such terms and conditions, and under such procedure, as may be prescribed by resolution, for the purpose of acquiring, constructing, reconstructing, repairing, extending or improving works, for supplying the City and its inhabitants with water, and to issue notes, certificates, or other evidences of indebtedness therefor, subject to the following provisions:

(a) The whole amount of any such indebtedness shall be payable in not exceeding five years from the time of contracting the same; provided that any such indebtedness, or part thereof, made payable after one year from the time of contracting the same, shall be subject to the right of the Commission to pay the same with accrued interest thereon on any interest due date after said one year period.

(b) The total outstanding indebtedness incurred under the provisions of this Section, for the purpose of either of such municipal works, must not exceed 33 $\frac{1}{3}$ % of the gross operating revenue from such works during the preceding fiscal year.

(c) The rates of water service from the Municipal works shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness, in addition to all other obligations and liabilities payable out of the revenues of the Department.

(d) Such indebtedness shall be payable only from the revenue of the Water Commission, and shall not be an obligation of the City of Long Beach.

Sec 224. Whenever the context so requires, the term "Water Commission," "Water Department," "Department" or "Works" where used in any of the foregoing Sections, shall be deemed and taken as interchangeable terms, having the same meaning

PROPOSITION NO 18

That Article XXI of the Charter of the City of Long Beach be amended to read as follows:

ORGANIZATION

Harbor department.

Sec 225. To promote and more definitely insure the comprehensive and adequate development of the Port of Long Beach through continuity of control, management and operation, there is hereby created a department of the City of Long Beach to be known as the "Harbor Department."

HARBOR COMMISSIONERS.

Commissioners

Sec. 226. The exclusive control and management of the Harbor Department is hereby vested in the Board of Harbor Commissioners which shall be composed of five (5) members, who shall be appointed by the City Manager, subject to the approval of the Council

No person shall be appointed as a member of the Board who is not at the time of his appointment, and has not been con-

tinuously for two (2) years immediately preceding, a qualified elector of the City of Long Beach.

The members of the Board shall receive such salaries, if any, as may be prescribed by ordinance of the City Council of the City of Long Beach.

ORGANIZATION

Terms of Office.

Sec 227. Within thirty (30) days after the ratification of this amendment by the Legislature, the City Manager shall appoint five (5) persons as members of the first Board, subject to the approval of the Council. Terms.

The members so appointed shall immediately organize by the election of a President, Vice President and Secretary, and make provision for stated meetings, and shall determine, from time to time, when and where the Board shall hold its meetings, which shall be open to the public.

Said persons shall, thereupon, also cast lots for their respective terms:

One (1) of whom shall serve until the first Monday after the first day of July, 1933;

Two (2) of whom shall serve until the first Monday after the first day of July, 1935;

Two (2) of whom shall serve until the first Monday after the first day of July, 1937.

At the expiration of the term of each of said persons so appointed, their successors shall be appointed by the City Manager, subject to the approval of the Council, for a full term of six (6) years, except in the case of a vacancy, in which event the appointment shall be for the unexpired term.

REMOVAL

Sec. 227-a. Any member of the Board may be removed from office in the same manner and subject to the same conditions as provided in Section 108 of this Charter, or by recall as provided in Section 308 of this Charter. Removal.

ORDINANCES AND RESOLUTIONS

Sec. 227-b. All actions taken by the Board of Harbor Commissioners shall be by motion spread upon its minutes, or by resolution except as hereinafter set forth in this Article. Ordinances

Any member of the Board may require a record of the vote on any resolution to be made in its minutes. The Board shall keep a minute book wherein shall be recorded the proceedings taken at its meetings and it shall keep a record and index of all its resolutions and ordinances, which shall be open to public inspection when not in use.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three (3) members of the Board.

No ordinance shall be placed upon its final passage until at least five (5) days have elapsed after its first reading. All ordinances and resolutions shall be published at least once in

the official newspaper of the City of Long Beach and no ordinance shall become effective until thirty (30) days after the date of its final passage.

The Board may, by vote of three (3) of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth, and defined, and a separate roll call on the question of the emergency shall be taken.

The enacting clause on ordinances passed by the Board shall be substantially in these words:

Be it ordained by the Board of Harbor Commissioners of the City of Long Beach as follows:

All ordinances shall be signed by the President, or Vice President of the Board, and attested by the Secretary.

A certified copy of each ordinance adopted by the Board shall be forthwith filed with the City Clerk, and the City Clerk shall keep a record and index thereof which shall at all times be open to public inspection.

ORDINANCES REQUIRED IN CERTAIN CASES

Ordinances
when
required

Sec. 227-c. All proceedings for the acquisition of real property by purchase, condemnation, or otherwise, or the granting of any lease longer than one (1) year, the fixing, regulating, and altering schedules of rates, dockage, wharfage, tolls, and charges for all public-owned docks, piers, wharves, slips and other facilities, and for services rendered by the Harbor Department, and the adoption of all general rules and regulations of the Board, excepting administrative regulations of a temporary nature, shall be taken by ordinance, provided that the Board may by resolution fix, regulate and alter schedules of rates, dockage, wharfage, tolls and charges for all public-owned docks, piers, wharves, slips and other facilities, and for services rendered by the Harbor Department for a period not to exceed sixty (60) days.

POWERS AND DUTIES OF THE BOARD OF HARBOR COMMISSIONERS

Powers of
commission.

Sec. 228. The Board of Harbor Commissioners shall have the complete and exclusive power, and it shall be its duty for and on behalf of the City of Long Beach;

(1) To sue and defend in the name of the City of Long Beach in all actions and proceedings wherein there is involved any matters within the jurisdiction of the Board.

(2) To make provision for the needs of commerce, shipping, and navigation of the port, to promote, develop, construct, reconstruct, alter, repair, maintain, equip and operate all waterfront properties including piers, wharves, sea walls, docks, basins, channels, slips, landings, warehouses, floating and other plants or works, dredge, and reclaim land, construct, equip and operate terminal trackage with sidings and turn-outs and railroad connections between docks, piers and other port structures, and connect the same with mainline tracks, and to establish, equip and operate all other facilities or aids

incident to the development, protection and operation of the port, as may be deemed proper and desirable in its judgment, and it may modify its plans from time to time as the requirements of commerce, shipping and navigation may demand, and as part of such development and operation to provide for tugs, dredges, fireboats, barges, cold storage plants, and all other publicly-owned facilities or appliances, incident to the operation of the port, of such number and character, and in such places as the Board may deem feasible and proper. Same.

(3) To take charge of, control, and supervise the Port of Long Beach, including all the waterfront properties, and lands adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities and other utilities, and all rights and interests belonging thereto, which are now or may hereafter be owned or possessed by the City of Long Beach.

(4) To have control and jurisdiction of that part of the City of Long Beach, hereinafter defined as the "Harbor District," and to make and enforce therein general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in the Board.

Provided, however, that with the approval of the Council, the Board may relinquish to the Council control of portions of the said area, and likewise, upon request of the Board, the Council may, by ordinance, enlarge the Harbor District.

(5) To require owners of water terminal properties and facilities within the port to keep the same in proper condition and repair and to maintain them with especial reference to the safety of persons and property and the reduction of fire hazard or nuisances, and it shall have the right to inspect such terminal facilities at reasonable times.

(6) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the Harbor District, to fix the proper license fees to be paid to the city by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The Board shall have the right, at all reasonable times, to have access to, and, in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the Board may prescribe. The amounts of the license fees to be paid to the city by any such person, firm or corporation, operating any such public service or utility, and the rates or tolls to be charged and collected for service furnished or supplied by such public service or utility shall be fixed by the Board by ordinance.

Same

(7) To regulate the speed, berthing, anchoring, towing, loading, unloading and mooring of vessels within the port.

(8) To handle, store and recondition all commodities; to sell or otherwise dispose of personal property within its possession or ownership, and generally, to perform all services customary, necessary or expedient in connection with the development and operation of the port.

(9) To issue receipts, negotiable or otherwise, for property or merchandise, in its charge or possession, and to act as agent in sales and other contracts.

(10) To fix all rates, dockage, rentals, tolls, pilotage, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the Harbor Department, and to provide for the collection thereof.

(11) To use, for loading and unloading cargo, with the right to collect tolls, dockage and other terminal charges thereon, such portions of the streets of the City of Long Beach ending or fronting upon the water areas of the harbor of said city, as may be used for said purposes.

(12) To build piers, wharves, docks, bulkheads, slips or other structures, across and upon such streets, provided only that access be provided to the public at the shoreward end thereof.

(13) To lend its aid to secure the improvements of navigable tidal waters, within or adjacent to the port, where, in its opinion, such improvements are economically justifiable, and in the general carrying out of its powers to cooperate with neighboring cities, other ports, the State of California, or the United States Government, and appear before state, federal and other public legislative and administrative authorities

(14) To manage the business of the port and promote the maritime and commercial interests by proper advertisement of its advantages, and by the solicitation of business, within or without the port, within the State of California or other states or in foreign countries, through such employees and agencies as it may deem expedient.

(15) To acquire in the name of the City of Long Beach by purchase, condemnation, gift, lease, or otherwise take over and hold all lands, property, property rights, leases, or easements, and personal property of every kind, necessary or convenient for the development and operation of the port, or for the carrying out of the powers herein granted to the Board.

Whenever the Board determines that any lands owned by the City within its jurisdiction have become unnecessary for port purposes or harbor development, it may, by ordinance, transfer such land to the control of the City Council, free from all restrictions.

(16) To purchase materials and supplies without advertising for bids in an amount not exceeding Eight Hundred Dollars (\$800 00).

(17) To enter into contracts, agreements, leases, or stipulations, germane to the scope of its powers and duties. Same.

(18) To let all work by contract or order it done by day labor, as the Board may determine.

(19) To employ and appoint a Port Manager, who shall hold his position during the pleasure of the Board, and such other officers, employees and agents as may be necessary in the efficient and economical carrying out of its functions and to prescribe and fix their duties, authority and compensation, and to require such officers, employees and agents to give a bond in such an amount as the Board may require for the faithful discharge of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance duly passed.

(20) To provide and equip offices.

(21) To expend all funds necessary to the carrying out of the powers and duties herein expressed.

(22) To adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities.

(23) To prescribe fines, forfeitures and penalties for the violation of any provision of this Article, or of any ordinance, but no penalty shall exceed Five Hundred Dollars (\$500.00) fine, or six months imprisonment, or both.

(24) To do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Article, and to exercise all powers not in conflict with the Constitution of the State, or with this Charter, germane to the scope of its powers, purposes and duties.

Sec. 228a. The City Manager and the City Council shall be notified of the time and place of the holding of all meetings of the Commission and shall have the right to attend and address the Commission at such meetings. The Secretary of the Commission shall, within twenty-four (24) hours after the adjournment of each meeting of the Commission, furnish the City Manager and City Council with a copy of the minutes of such meeting. The files of the Commission shall be open to inspection by the City Manager or the City Council at all reasonable times.

Sec. 229. Subject to the rules of the Harbor Department and the instructions of the Board, the Port Manager shall have the following powers and duties in addition to the powers and duties which are, or may be, conferred upon him elsewhere in this Charter.

(1) To enforce all ordinances, orders, rules and regulations adopted by the Board relating to regulation, operation or control.

(2) To supervise and manage all construction and maintenance work authorized or ordered by the Board, and to that end the board shall have power to delegate to him such

Same.

necessary powers and duties as are by this Charter conferred upon said Board.

(3) To designate and assign berths or landings for the use of vessels at any wharf or like facility controlled or operated by the Board, at the duly established rates or charges for the use of such municipal wharves and like facilities, and subject to the rules and regulations governing the same. Every such berthing assignment shall reserve to the Board the right to use such wharf or other facility for general wharf or other purposes when such space is not required for the use of the grantee or holder.

(4) To designate and assign space in any warehouse, elevator, or like facility operated by the Board, at the duly established rates or charges for the use of such municipal facilities, and subject to the rules and regulations governing the same.

(5) Every such assignment of a berth or of space in any warehouse, elevator or like facility operated by the Board shall be revocable by the Port Manager, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year.

(6) Whenever it shall be determined by the Board, by order, that certain parts of the tide or submerged lands therein described in the Harbor District may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, the Port Manager shall have power, subject to approval of the Board, to grant revocable permits to use limited portions of such tide or submerged lands for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the City of Long Beach. Every revocable permit shall prescribe that it shall be revocable, without compensation to the grantee or holder thereof, upon due notice to be stated therein; such permit in no case to exceed one year.

(7) Every such assignment of revocable permit shall be issued on printed forms, which shall set forth the terms and conditions thereof.

Sec. 229a. (a) All tidelands and submerged lands within the Harbor District, whether filled or unfilled, now owned or hereafter acquired by the City of Long Beach, are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, and shall, except as herein provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as herein provided, any part of or any interest in the waterfront, tidelands, submerged lands, or appurtenances thereto belonging, owned, controlled, possessed or held by the City of Long Beach in the Harbor District; provided that grants of such lands may be made to the State of California, or to the United States of America, for public purposes, when authorized by a majority vote of the qualified

voters of the city, voting upon the question of authorizing ^{Same} any such grant at an election.

(b) The Board of Harbor Commissioners shall have power to grant to any person, firm or corporation franchises and permits to use the water frontage in the Harbor District for purposes in connection with or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary coterminous and adjacent tide or submerged lands, for periods not exceeding forty (40) years, as hereinafter provided. Whenever it shall be determined by the board, by ordinance, that certain parts of such tide or submerged lands therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the Board of Harbor Commissioners shall have power to grant leases of such tide or submerged lands for periods not exceeding forty (40) years, for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the City of Long Beach.

(c) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental and compensation as prescribed therein, and to the limitations, conditions, restrictions and reservations in this Article contained. Every such grant for a definite period of time shall be made by ordinance. Every ordinance making any such grant for a period of five (5) years or less shall be published once in the same manner as ordinances of said City, and shall take effect ten (10) days after the first publication thereof.

Every ordinance making any such grant for a period of more than five (5) years shall be published once in the same manner as ordinances of said city. Every such ordinance, when published, shall, before the same becomes effective, be subject to the referendum provisions of this Charter relating to ordinances.

Every such grant shall provide for a readjustment of the rental or the compensation every ten (10) years during the term thereby created, upon such procedure as shall be specified in such grant.

(d) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of the works, structures or improvements provided for therein shall, if the same be not already constructed or made, be commenced within ninety (90) days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

(e) No total or partial assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the Board of Harbor Commissioners.

(f) Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipelines, conduits, and for such telephone, telegraph, light, heat

or power lines as may from time to time be determined by the Board of Harbor Commissioners, and the same shall be subject to such rights of way for such streets and other highways and for such railroads and other means of transportation as shall have been duly established or shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the Board for harbor improvements, or for the development of facilities for the promotion and accommodation of commerce, navigation or fishery, or for providing railroad or other terminal facilities.

(g) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, sea walls and channels, constructed or maintained thereunder, shall be and become the property of the City of Long Beach without compensation therefor to the grantee or holder thereof; and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of the city without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.

(h) The Board of Harbor Commissioners shall have power to declare a forfeiture of any such grant upon the neglect, failure or refusal of the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, any and all buildings, structures and improvements of whatsoever character, erected, installed, or made under, through or because of, or pursuant to the terms thereof, shall immediately ipso facto become the property of the city, and every such grant shall so provide.

Sec. 229-b. Grants of franchises, permits, leases, revocable permits and assignments provided for herein shall be made only upon written application therefor submitted to the Board of Harbor Commissioners, which application shall set forth such information as the Board may require, and shall be accompanied by a fee, to be prescribed by the Board, sufficient to cover the expenses of making any such grant. In every case where an application is filed for a franchise, permit or lease for a definite, fixed term, at least thirty (30) days must elapse after date of filing such application before the Board shall have power to grant such franchise, permit or lease.

LEASING AND OPERATION OF FACILITIES

Leasing of
facilities

See 229-c. (a) The Board shall have the power, by ordinance, to lease, or to contract for the operation of, any wharf, pier, mole, transit shed, or other like facility belonging to or possessed by the City of Long Beach within the Harbor District, for periods not exceeding five (5) years and for all

purposes which will foster and promote water-borne commerce, subject to such terms and conditions and such rental and compensation as may be prescribed by the Board. **Same.**

(b) The Board shall have power to contract for or permit the operation of trains and cars upon the municipal terminal railroad of the city upon such terms and conditions as it may prescribe. In order to provide for the unified or joint operation and control of railroad facilities in the Harbor District, both municipal and private, the Board shall have power;

(1) To lease all necessary privately owned railroads, tracks, facilities and adjuncts and to operate, or provide for operation of, the same in conjunction with the municipal terminal railroad; or

(2) To lease the municipal terminal railroad to an association, corporation or company for the purpose of operating the same together with all other privately owned railroads, tracks, facilities, and adjuncts in the Harbor District necessary to provide unified or joint operation and control of all such facilities; provided, that any such lease shall be by ordinance and subject to the referendum provisions of this Charter

Sec. 229-d All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by the City of Long Beach in or upon or pertaining to the water front or navigable waters of said city, all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid for services, franchises or licenses, or otherwise by law or ordinance or order, to the city for the operation of any public service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the City Treasury to the credit of a fund to be known as the Harbor Revenue Fund, and shall be kept separate and apart from other moneys of the city. None of the money in or belonging to the Harbor Revenue Fund shall be appropriated or used for any purpose except the following purposes:

(1) For the necessary expenses of conducting the Harbor Department, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith;

(2) For the acquisition, construction, completion and maintenance of harbor and port improvements, buildings, work, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the department,

including the purchase or condemnation of necessary lands and other property and property rights;

(3) For the payment of the principal or interest, or both, of harbor improvement bonds;

(4) To return and pay into the general fund of the City, from any surplus money in said Harbor Revenue Fund, which in the judgment of the Board may not be needed for port purposes, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the harbor improvement works to which such revenue fund pertains.

ANNUAL BUDGET

Budget

Sec. 229-e. The Board shall annually, on or before the third Monday of July, carefully prepare a budget setting forth the estimated receipts of the port, and from other sources, for the ensuing year, and the sums of money necessarily required for the administration of the department, and for maintenance, operation, construction and development of the port and its facilities for the ensuing year, and stating the amount necessary to be raised by tax levy for said purposes. Said budget, when so prepared, shall be certified by the President and Secretary of the Board, and a certified copy thereof shall, on or before said date, be filed with the City Clerk, one with the City Manager, and one with the Auditor.

TAX LEVY FUNDS.

Tax funds.

Sec. 229-f. The act of filing such budget, as provided for in the foregoing section, shall constitute an appropriation to the Board of the total amount so specified therein as necessary to be raised by tax levy, and such amount shall become a part of the annual budget of the Council, and shall be deemed included in the proceeds derived from any tax which the Council, in accordance with Section 257 of the Charter, may levy.

Provided, however, there is reserved to the Council the right to reduce the amount of such appropriation by adopting an ordinance therefor at any time prior to the introducing of its ordinance fixing the annual rate of taxation, stating specifically therein its reasons for making such reduction. Such amount so fixed by the Council shall thereupon be included in its annual budget and tax levy in lieu of the amount fixed by the Board.

It shall be the duty of the Auditor to credit to the Board the amount so appropriated, and the Treasurer shall keep all such funds separate from other funds in his possession. The auditor shall draw and sign warrants upon such funds, when allowed by the Board, in accordance with Section 136 of this Charter, and all powers and duties therein conferred or imposed upon the City Council are, in relation to port funds, hereby conferred and imposed upon the Board. The Board shall have the exclusive management and disbursement of such funds.

The Council may also, from time to time, make further appropriations to the Board of such amounts as may, in its judgment, be necessary or proper.

REPAYMENT OF SURPLUS FUNDS.

Sec. 229-g. All moneys once apportioned or appropriated to the Board, and all income from the operation of the port and its facilities, or all net income from leases or other sources, shall remain in its control until expended, provided the Board may from time to time pay over to the General Funds of the City profits from the operation of the port, and any surplus funds which, in its judgment, may not be needed for port purposes.

Repayment
of surplus
funds.

BOND INDEBTEDNESS

Sec. 229-h. The proceeds from the sale of bonds now authorized or which shall hereafter be authorized for port purposes, shall be under the control of and expended by the Board, and shall be expended for the objects and purposes for which the indebtedness was incurred. Whenever it is desired to incur additional bonded indebtedness for any object or purpose consistent with its general powers, the Board shall prepare tentative plans and estimates and submit its recommendations in writing to the City Council.

Bond in-
debtedness.

MONEYS ON HAND

Sec. 229-i. All moneys in the Harbor Revenue Fund and Harbor Improvement Bond Fund at the time of the adoption of this Charter Amendment and all other revenues and funds in the possession of the City set aside for port purposes, shall immediately be under the jurisdiction and control of the Board.

Moneys
on hand.

DUTIES OF TREASURER.

Sec. 229-j. All moneys under the control of the Board shall be immediately paid over to the Treasurer of the City of Long Beach, who shall have the care and custody of said funds, and shall keep separate accounts thereof, and pay out the same, as provided in this Charter.

Duties of
treasurer.

BUILDING PERMITS

Sec. 229-k. No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the "Harbor District" without first applying for and securing from the Board a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Board shall consider the application therefor, the character, nature and size and location of the proposed improvement, and exercise a reasonable and sound discretion in the premises.

Building
permits.

Such permit shall be in addition to any permit which may be required by law from the Building Inspector of the City of Long Beach.

CONTRACTS

Contracts

Sec. 229-l. All contracts, except where the expenditure involved does not exceed the sum of Eight Hundred Dollars (\$800.00), shall be made and entered into upon competitive bidding in the manner and form as provided in Article XXVI of this Charter, and all powers and duties therein conferred or imposed upon the City Council are, in relation to all matters connected with the port, hereby conferred and imposed upon the Board, and all powers and duties therein conferred or imposed upon the City Manager are, in relation to all matters connected with the port, hereby conferred and imposed upon the Port Manager. Plans and specifications at the time of publication of notice inviting such bidding must be on file in the office of the Board, subject to public inspection.

SUPERVISION OF LEASES, ETC

Supervision
of leases,
etc.

Sec. 229-m. The Board shall take over and control all leases, permits, easements and privileges, but not franchises, granted by the City within the "Harbor District," and receive the income therefrom, and it shall be its duty to see that all provisions thereof are faithfully observed, and it may cause to be instituted such actions or proceedings in the name of the City of Long Beach as may be necessary to revoke, cancel or annul them when they have become forfeitable in whole or in part, or are illegal, or void, or voidable.

RESTRICTIONS OF POWERS OF COUNCIL

Restrictions
of powers
of council

Sec. 229-n. No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street, or other public improvement shall be located or constructed in the "Harbor District," by the City of Long Beach, or the Council thereof, without the approval of the Board.

PUBLIC STREETS

Public
streets

Sec 229-o. Whenever the Board shall determine that it is necessary to open, close, improve, alter or vacate a public street, or part of a street, or easement within the "Harbor District," certified copy of the resolution so determining such necessity shall be filed by the Board in the office of the City Clerk, whereupon the City Engineer and the City Council may initiate and carry to completion the proceedings necessary to affect said proposal.

CIVIL SERVICE

Civil service

Sec. 229-p. All permanent places of employment in and under the Board shall be included within the Classified Civil Service of the City of Long Beach, and subject to the provision of Article XI of this Charter, except the Port Manager and his two principal assistants, the Clerk of the Board, the Pilots, the Chief Wharfinger, field and traffic representatives and all persons intermittently employed in handling cargo and freight.

ADDITIONAL POWERS

Sec. 229-q. The City Council, subject to the approval of the Board, may by ordinance confer upon and delegate to the Board, from time to time, such additional powers and duties which may be vested in it, and which it may deem necessary or convenient to carry out the general purposes of such Board.

Additional powers

LIBERAL CONSTRUCTION

Sec. 229-r. If any section, clause, word, or provision of this amendment shall be held unconstitutional, the other sections, clauses, words, or provisions of this amendment shall not be affected thereby. All the provisions of this Article shall be liberally construed.

Liberal construction.

Sec. 229-s. The provisions of this Article shall supersede and control all other provisions of the Charter in conflict therewith. To all other extents, the powers, duties, and functions heretofore vested in the Council, or any of the officials, boards, or departments of the city shall be unimpaired.

HARBOR DISTRICT

Sec. 229-t. The Harbor District referred to in this Article shall include all that portion of the City of Long Beach bounded on the East by the East line of the Los Angeles County Flood Control District Right-of-Way, on the West by the boundary line of the City of Long Beach, on the North by the Southerly line of Anaheim Street, and on the South by the boundary line of the City of Long Beach

Harbor district

Sec. 229-u. For the purpose of appointing the members of and organizing the Board, the Amendment shall take effect immediately upon its ratification by the Legislature; for all other purposes it shall take effect thirty (30) days thereafter. All lawful ordinances, resolutions, regulations, employments, duties and obligations pertaining to any of the matters included in this Article, shall, however, continue in force until the same may be duly amended, repealed or abolished.

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the City of Long Beach ratified by the electors of said city, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Asa E. Fickling, Mayor, as aforesaid, and J. Oliver Brison, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed, on this 24th day of February, 1931.

A. E. FICKLING,
Mayor of the City of Long Beach.

[SEAL]

J. OLIVER BRISON,
City Clerk of the City of Long Beach.

WHEREAS, said proposals of amendments to the charter of the City of Long Beach ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the

State of California for approval or rejection without alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Ratification. *Resolved by the Assembly of the State of California, the Senate concurring,* a majority of all the members elected to each house voting therefor and concurring therein, That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, as presented to, adopted and ratified by the qualified electors of said city of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration as amendments to and as a part of the charter of the city of Long Beach.

CHAPTER 31.

Assembly Joint Resolution No. 12—Relative to memorializing congress to enact certain legislation now pending granting travel pay and allowances to certain soldiers of the Spanish-American war and Philippine insurrection who were discharged in the Philippines.

[Filed with Secretary of State March 4, 1931]

Travel pay
for soldiers
discharged
after
Spanish-
American
war.

WHEREAS, There is now pending before the congress of the United States of America a bill (H. R. 7930), providing that soldiers who enlisted in the regular Army in 1898 for the duration of the war with Spain, who were discharged in the Philippines, who did not reenter the military service there, and who embarked from Manila within one year after discharge, be allowed travel pay and commutation of subsistence for a period not exceeding three months during which they awaited transportation by government transport, less any sums heretofore paid by the government by way of such travel pay and commutation of subsistence; and

WHEREAS, Such legislation is in all respects just and desirable; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the congress of the United States of America be hereby memorialized and earnestly urged to enact said bill, and the President and Vice President be likewise memorialized and urged to support said bill; and be it further

Resolved. That the Chief Clerk of the Assembly be, and he is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairmen of the Committee on Military Affairs in each of the two houses of congress, and to the senators and representatives, from California, in congress.

CHAPTER 32.

Senate Joint Resolution No. 10—Relative to Englebright fire prevention bill H. R. 3245.

[Filed with Secretary of State March 5, 1931]

WHEREAS, There is pending in congress the Englebright fire prevention bill H. R. 3245, calling for an appropriation of four million dollars for improvement and protection of the national forests; and

WHEREAS, From the above appropriation two hundred thousand dollars is specifically appropriated for range improvements and rodent control in national forests; and

WHEREAS, The fire menace is becoming an ever increasing hazard because of the influx of tourists into mountainous sections of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we most heartily approve and endorse the Englebright fire prevention bill H. R. 3245 and urge our representatives in congress to support its passage; and that the President of the United States be requested to attach his signature thereto, so that it may become a federal law; and be it further

Resolved, That the secretary of the Senate is hereby directed to transmit copies of this resolution by telegraph to the President and Vice President of the United States, the speaker of the house of representatives, and to senators and representatives of California in the congress of the United States.

CHAPTER 33.

Assembly Concurrent Resolution No. 14—Relating to the appointment of a representative from this state to a committee composed of representatives from the states of Oklahoma, Texas, Kansas and New Mexico for the purpose of sponsoring legislation to conserve natural resources.

[Filed with Secretary of State March 5, 1931]

WHEREAS, Pursuant to an agreement entered into on the 28th day of February, 1931, between the states of Oklahoma, Texas, Kansas and New Mexico, there was appointed a committee of representatives of oil producing states to be styled the "Oil states advisory committee," composed of one member from each of said states, and

WHEREAS, The purposes and objects of said committee are to discuss, recommend and sponsor such legislation as may be advisable or necessary effectually to conserve the deposits of oil and gas and other natural resources, and

Englebright
fire preven-
tion billDelegate to
"oil states
advisory
committee"

WHEREAS, The State of California is vitally interested in such conservation and in any legislation to effectuate the same, and

WHEREAS, The State of California has been invited by Honorable William H. Murray, governor of the state of Oklahoma, to appoint a representative to said oil states advisory committee, which committee is to meet for the purpose of conferring upon said matters on the seventh day of March, 1931, at Texarkana, Texas; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the governor appoint a delegate to represent the Legislature and the State of California upon the oil states advisory committee, and that said delegate shall have authority and it shall be his duty to confer and negotiate with the other duly appointed members of said committee representing the states above named respecting the conservation of oil and gas and other natural resources, and to aid said committee in rendering and sponsoring such legislation as may be desirable or necessary to effectuate such conservation; and be it further

Resolved, That it shall be the duty of said delegate to report to the present session of the Legislature from time to time as to the proceedings and conclusions of said committee.

CHAPTER 34.

Assembly Joint Resolution No. 14—Relative to restoration of the trading value of silver.

[Filed with Secretary of State March 10, 1931]

Trading
value of
silver.

WHEREAS, The drastic fall in the price of silver has played an important part in the present world of business depression through its immediate influence upon the purchasing power of Oriental and silver-producing countries as well as affecting the prosperity of our own silver-producing states; and

WHEREAS, International trade has materially suffered and will continue to suffer unless the adverse influences which have contributed to the diminished trading value of silver are removed; and

WHEREAS, The most important cause of this diminished trading value of silver can be ascribed to the placing upon the silver markets of the world of unusual and large amounts of silver resulting from governmental demonetization programs; and

WHEREAS, The trade of California with Oriental nations, with Mexico and other Latin countries has been adversely affected by the decline in the trading value of silver; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the President of the United States be and he is hereby urged and requested to seek ways and means whereby the causes which contribute to the diminished trading value of silver may be removed and the purchasing power of the nations that use silver as a medium of exchange in trade with other nations may be restored; and be it further

Resolved, That the chief clerk of the Assembly be and he is hereby directed to transmit copies of this resolution forthwith to the President of the United States.

CHAPTER 35.

Senate Joint Resolution No. 11—Relative to accepting permit from the government of the United States for the construction of approach roads and toll collection areas over certain rights of way leading to the Golden Gate bridge and relating to the retrocession by the congress of the United States of jurisdiction over the said rights of way, approach roads, toll areas, bridge ends, and bridge.

[Filed with Secretary of State March 11, 1931]

WHEREAS, The secretary of war of the United States has by grant dated the thirteenth day of February, 1931, granted to the Golden Gate bridge and highway district certain rights of way upon which are to be located the approach roads, toll areas and bridge ends of the proposed Golden Gate bridge; and

Retrocession
of federal
jurisdiction
over Golden
Gate bridge
ends, etc.

WHEREAS, The said grant is by its terms granted in lieu of and supersedes the permit to the Golden Gate bridge and highway district dated October 27, 1930; and

WHEREAS, The said permit dated the thirteenth day of February, 1931, requires as a condition precedent to the taking effect of such permit that the State of California accept the same and conform to certain other requirements therein contained; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the said permit granted by the secretary of war to Golden Gate bridge and highway district be and the same hereby is, together with each, all, every and singular the terms, conditions, limitations, reservations, and requirements therein contained, accepted by and on behalf of the State of California; and be it further

Resolved, That the State of California does hereby make application to congress for a retrocession of jurisdiction over the rights of way, toll areas, bridge ends, and the bridge itself to be constructed across the Golden Gate bridge at the mouth of San Francisco bay and mentioned, described and designated in that certain grant from the secretary of war to the Golden

Gate bridge and highway district dated February 13, 1931; and be it further

Resolved, That the State of California will, in case such retrocession of jurisdiction is granted by congress, accept such retrocession of jurisdiction, and will assume the responsibility for managing, controlling, policing, and regulating traffic thereon, all subject to the following limitations and to such other limitations as congress may prescribe:

a. That nothing in said permit contained shall be construed to give to the State of California or any of its agents, authority at any time to regulate traffic of military personnel or vehicles upon the said bridge or roads. All traffic upon said roads and upon said bridge shall be free from any tolls, charges or any form of obstruction by state or other agencies, against military and naval personnel and their dependents, civilians of the army and navy traveling on government business under military authority, and government traffic.

b. That whenever in the judgment of the secretary of war or his authorized representative any emergency exists which justifies it, he may assume exclusive control and management of said bridge and roads and may then in his discretion prohibit, limit or regulate traffic thereon.

c. That nothing in said permit contained shall be construed to confer upon the state courts the right to try persons subject to military law for crimes or offenses committed on said roads, or upon said bridge within the boundaries of the respective military reservations involved, but the courts of the United States or military tribunals as now or hereafter provided by law, shall retain exclusive jurisdiction to try such persons for such offenses.

Be it further

Resolved, That the State of California does hereby agree to make the bridge and highways and toll areas in said permit described a part of the system of public highways of the state; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the secretary of war, to each house of congress, and to the senators and representatives in congress of the State of California.

CHAPTER 36.

Senate Concurrent Resolution No. 12—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States. Department of California

Report of
annual con-
vention of
Veterans of
Foreign
Wars.

[Filed with Secretary of State March 19, 1931]

Resolved by the Senate, the Assembly concurring, That there shall be printed as a public document, five hundred

copies of the report of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California, for the year 1931 and of each succeeding annual convention together with illustrations, copies of general orders enacted at such conventions and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly, the annual cost thereof, not exceeding six hundred dollars, to be payable from the appropriation for legislative printing.

CHAPTER 37.

Senate Concurrent Resolution No. 11—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively.

[Filed with Secretary of State March 31, 1931]

Resolved by the Senate, the Assembly concurring, That there shall be printed as a public document five hundred copies of the session of the department encampment of California of the United Spanish War Veterans for the year 1931 and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost of same not to exceed six hundred dollars payable from the legislative printing appropriation; and be it further

Report of
department
encampment
of United
Spanish War
Veterans

Resolved, That there shall be printed as a public document five hundred copies of the report of the annual convention of the Disabled American Veterans of the World War of the Department of California for the year 1931 and of each succeeding annual convention, together with illustrations, copies of general orders enacted at such convention and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost of same not to exceed six hundred dollars payable from the legislative printing appropriation.

Report of
annual con-
vention of
Disabled
American
Veterans of
the World
War

CHAPTER 38.

Senate Joint Resolution No. 12—Relative to memorializing congress to make an emergency appropriation as a loan to the federal reclamation fund.

[Filed with Secretary of State March 31, 1931.]

WHEREAS, There is not now available in the federal reclamation fund an adequate amount to carry on the construction

Emergency
federal ap-
propriation
to federal
reclamation
fund.

and betterment on many reclamation projects approved by congress and now in process of construction; and

WHEREAS, Such lack of funds necessitates the discontinuance of work thereon until such time as said reclamation fund may be augmented by the different sources of income thereto; and

WHEREAS, The prevailing economic depression throughout the nation may cause considerable time to elapse before the income to said reclamation fund will be adequate to permit the continuance of work on the various reclamation projects; and

WHEREAS, Said delay in the continuation of construction on such projects will add considerable to the cost of those projects now under construction, loss to settlers now on the projects awaiting an initial or additional water supply, and tend to add to the general economic depression in many localities in our western states; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California most respectfully urges the congress of the United States of America to make an emergency appropriation of five million dollars (\$5,000,000) as a loan to the reclamation fund; and his excellency, the governor of the State of California, be requested to forward to the president of the senate, the speaker of the house of representatives, and to each of our senators and representatives in congress a properly certified copy of this resolution.

CHAPTER 39.

Assembly Joint Resolution No. 8—Relative to the increase in power of radio station KQW.

[Filed with Secretary of State April 9, 1931.]

Radio station KQW. Increase of power.

WHEREAS, The encouragement and protection of agriculture is an important feature of our legislative policy; and

WHEREAS, Radio station KQW, situated in the city of San Jose, State of California, has become, and now is, one of the leaders among the progressive and forward looking farm agencies of the state and has through its broadcasts been of material assistance to the farmers of the state in the sowing and marketing of their crops; and

WHEREAS, In order to continue its splendid work said station must be allowed to increase its power to five thousand watts; and

WHEREAS, An application for such increase is now pending before the federal radio commission; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California urge the assistance of the federal radio commission

and the support of congress; and that the President of the United States be respectfully requested to lend his aid, in order that the power of radio station KQW be increased; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the speaker of the house of representatives of the United States, the federal radio commission and to each senator and representative in congress from the State of California.

CHAPTER 40.

Assembly Joint Resolution No. 19—Relative to memorializing the Federal Tariff Commission to impose a tariff on Chinese dried eggs.

[Filed with Secretary of State April 10, 1931.]

WHEREAS, There was imported into the United States last year from China the equivalent of over 60,000,000 dozens of eggs, most of which found market in California; and

Tariff on
Chinese
dried eggs

WHEREAS, That fact is resulting in irreparable injury to the great poultry industry of this state, a reduction of a quarter of a million tons in consumption of poultry feed, the product of nearly half a million acres of land, a loss of more than a million dollars in freight to the carriers of California, and incalculable loss to labor in our state; and

WHEREAS, Said dried eggs are produced at a cost of three to five cents per dozen under conditions not up to our American sanitary or living standards, and therefore their sale in this country tends to reduce the standard of living of the American people; and

WHEREAS, This deplorable situation is made possible by the fact that said dried Chinese eggs pay a duty of less than two and one-half cents per dozen; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Federal Tariff Commission impose upon said Chinese dried eggs such tariff as will adequately protect this great American industry and the labor dependent upon it; and be it further

Resolved, That the governor of California be respectfully requested to forward a true copy of this resolution to the Federal Tariff Commission at Washington, D. C., not later than April 10, 1931.

CHAPTER 41.

Senate Concurrent Resolution No 7—Relative to establishment of a state prison in one of the southern counties of the State of California.

[Filed with Secretary of State April 13, 1931]

Committee
on state
prison site
in south.

WHEREAS, The present state prisons located at San Quentin and Folsom are insufficient in size and inadequate in equipment to properly care for the large influx of prisoners; and

WHEREAS, Said influx of prisoners is annually increasing; and

WHEREAS, The transportation of such prisoners sentenced from the southern counties of this state to and from said prisons is a difficult and hazardous task; and

WHEREAS, The transportation of prisoners sentenced from the southern counties in this state is expensive and imposes an undue burden upon the taxpayers of this state; and

WHEREAS, A committee of the Legislature appointed pursuant to resolution of the Legislature adopted at the forty-seventh session thereof, was, by Senate Concurrent Resolution No. 28, session of 1929, directed to continue its work of investigating the aforementioned matters; and

WHEREAS, The work of said committee is as yet unfinished and it is necessary and proper that its work be continued to completion and that further report of its findings be submitted to the Legislature; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the committee of the Legislature appointed at the forty-seventh session and continued in existence at the forty-eighth session thereof for the purpose of investigating the advisability of locating a state prison in one of the southern counties of the state and recommending to the Legislature a suitable location therefor, and to estimate the cost of construction thereof, and other related matters, is continued in full force and effect for the purpose of completing its work, reporting its findings to the Legislature, collaborating with state officials in respect to the subject matter of this resolution, and of approving the site to be selected for the state prison mentioned in chapter 684 of the statutes of 1929; and the positions of all of the members of said committee are continued in full force and effect except that the member of the Assembly from the twenty-fifth assembly district is hereby appointed as a member of said committee to fill a vacancy therein and the member of the Senate from the ninth senatorial district is hereby appointed as a member of said committee to fill the other vacancy therein; and be it further

Resolved. It is the intent of the Legislature that the commission and the legislative committee work together toward the selection of a site for the state penitentiary, said commission having been created by the provisions of chapter 684 of the

statutes of 1929, and that the commission and legislative committee hereby continued in force jointly select the site for said prison to be purchased by the state; and be it further

Resolved, That it is the desire of the Legislature that such site be selected, if possible, within sixty days after the adjournment of the present session of the Legislature, and in the event such site shall not have then been selected, such legislative committee shall make and file with the Governor its report setting forth all desirable sites considered by said committee; nothing in this resolution contained shall be construed as in anywise limiting or restricting the powers conferred upon the commission by said chapter 684; and be it further

Resolved, That if the said commission and committee do not select a site for said prison within sixty days after adjournment of the present session of the Legislature, a committee is hereby appointed consisting of the Speaker of the Assembly, and the president of the Senate, of the forty-ninth session of the Legislature, and the director of public institutions, to jointly, with the said commission, select the site for said prison.

CHAPTER 42.

Senate Concurrent Resolution No. 27—Approving certain amendments to the charter of the city of Bakersfield, county of Kern, State of California, voted for and ratified by the electors of said city of Bakersfield at a special election held therein on the twenty-fourth day of March, 1931.

[Filed with Secretary of State April 13, 1931]

WHEREAS, The city of Bakersfield in the county of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the twentieth day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of section 8, article eleven, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of May, 1914, and approved by the Legislature of the State of California, on the twentieth day of January, 1915; and,

City of
Bakersfield
charter
amendments.

WHEREAS, On the twenty-sixth day of January, 1931, the legislative body of the city of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be called, a proposed amendment to the city charter of the city of Bakersfield, to be designated as section 115½ thereof, and on January 12, 1931, and January 19, 1931, petitions signed by qualified electors were filed with the legislative body of the city of

Bakersfield, to wit: the city council, and the said city council caused said petitions to be duly verified, showing the same to be signed by more than fifteen per cent of the qualified electors of said city, whereupon and on the twenty-sixth day of January, 1931, the city council of the said city of Bakersfield duly and regularly called a special election for the purpose of voting on said three proposed amendments, to be called and held on the twenty-fourth day of March, 1931, and which said date was fixed by the said city council of the city of Bakersfield as the time for voting upon said amendments as proposed; and

WHEREAS, All of said proposed amendments were published in *The Bakersfield Californian*, a newspaper of general circulation printed and published in the city of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the city of Bakersfield, and said publication was made at the time and in the manner prescribed in section 8 of article eleven of the constitution of the State of California, and copies of said proposed amendments to said charter were printed in convenient pamphlet form, and from the date of the first publication of the said proposed amendments aforesaid until the date fixed for the election at which the said amendments were to be submitted to the voters, the legislative body of said city of Bakersfield, to wit: the city council, caused to be published in said *The Bakersfield Californian*, the official newspaper of the city of Bakersfield, a newspaper of general circulation printed and published in said city of Bakersfield, a notice that copies of said proposed amendments to said charter could be had in the office of the city clerk of the city of Bakersfield, upon application therefor; and

WHEREAS, Said election was duly called and regularly held on March 24, 1931, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of the city of Bakersfield, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify each of the following proposed amendments to said charter, said proposed amendments so ratified being in words and figures as follows, to wit:

PROPOSITION NO. 1.

CIVIL SERVICE FOR OFFICERS AND EMPLOYEES IN THE MISCELLANEOUS DEPARTMENTS OF THE CITY OF BAKERSFIELD.

Section 1. Creation and establishment of civil service.

Civil service.

There is hereby created and established civil service for all officers and employees of the city of Bakersfield, excepting elective officers, the city manager, the police judge, public welfare commissioners and members of the police and fire departments.

Section 2. Appointment of civil service board.

Within thirty (30) days after the ratification of this amendment by the Legislature of the State of California, the city council of the city of Bakersfield shall appoint as members of a civil service board, five (5) citizens of the city of Bakersfield, who shall otherwise have no connection with the city government. At the time of said appointment the city council shall designate one of the citizens so appointed to serve for a term which shall expire December 31, 1932, two for a term which shall expire December 31, 1933, and two for a term which shall expire December 31, 1934. At the expiration of each of the terms so provided for, successors shall be appointed by the city council for a term of four (4) years. Vacancies on the civil service board from whatever cause shall be filled by the city council for the unexpired term. Members of the civil service board may be removed from office in the same manner as are elective officers of the city of Bakersfield, and not otherwise.

Section 3. Appointment of a secretary of the civil service board.

The city manager shall appoint one of the deputies in the several offices of the city hall to be secretary of the civil service board. The secretary shall perform such duties as may be assigned by said board.

Section 4. Duties of civil service board.

The civil service board shall formulate rules and regulations governing the selection and promotion of all candidates for positions as officers and employees of the city of Bakersfield except the city manager, the police judge, and public welfare commissioners, and members of the police and fire departments. Examinations of all candidates shall be practical in their character and shall relate to those matters only which will fairly test the relative capacity and ability of the persons examined to discharge the duties of the positions to which they seek to be appointed or promoted. No question in any examination shall relate to political or religious opinions or affiliations. All officers and employees affected by this amendment shall be appointed by the authority having the appointive power as provided for by the city charter, except that subordinates in the several departments affected by this amendment shall be appointed by the head of the department in which the vacancy occurs, with the approval of the city manager, from a list of eligibles furnished by the civil service board, from the three highest standing candidates on the list.

It shall be the duty of the civil service board to hold examinations and to administer other suitable tests to those desiring positions or who are applicants for or who may have been recommended for promotion by the heads of departments, for the purpose of determining their fitness for such positions, or their qualifications for such promotions, and from the result

of such examinations and tests the board shall prepare a list of eligibles for all positions affected by this amendment. Any person carried on the eligible list for a period of two (2) years without being appointed or promoted shall be dropped from said eligible list and shall not be eligible for appointment or promotion without reexamination.

Section 5. Present incumbents to be qualified and to remain on present positions without examination.

Incumbents. To the end that there be no disruption in the present service, and that no undue hardship may be worked upon any officer or employee affected by this amendment who shall have attained a certain position or rating as a result of continuous and faithful service, all officers and employees affected by this amendment shall be credited by the civil service board with a qualifying mark, both mental and physical, to the position or rating held by them at the time of the ratification of this amendment.

Section 6. Political opinions or religious belief not to be considered.

No discrimination No person shall be appointed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of religious belief.

Section 7. Probation period.

Probation Appointment or promotion to employment or rank shall not be deemed complete until a period of probation not to exceed six (6) months has elapsed. In event of promotion to higher grade, the appointee may be reduced by the head of the department, with the approval of the city manager, and in event that such appointee is in the lowest grade, such appointee may be discharged by the head of the department affected, with the approval of the city manager.

Section 8. Temporary employment.

Temporary employment. Nothing contained in this amendment is intended to prevent the employment of persons for temporary services in the several departments affected by this amendment; provided, however, that such persons shall not be continued in service for a period of time exceeding four (4) months.

Section 9. Suspensions and removals.

Suspensions and removals. The authority having the appointive power, as provided for by the city charter, may suspend from duty for cause for a period not to exceed thirty (30) days, any officer or employee affected by this amendment. In the event that any officer or employee is charged with any offense which, in the judgment of the authority having the appointive power, justifies expulsion of such officer or employee from the service of the city, said authority having the appointive power shall prepare, or cause to be prepared, written charges against the accused, such written charges to be filed with the civil service board

herein created and established. Copies of such charges shall be furnished to the accused, who shall not less than ten (10) days after such service prepare his defense thereto. Copies of such charges shall also be furnished to the city manager. The accused may, at the hearing of such charges, be represented by counsel, and shall have the right to compel the attendance of such witnesses as he may desire to testify in his behalf.

Section 10. Creation and establishment of trial board.

There is hereby created for the purpose of hearing and determining charges made against an officer or employee of the several departments affected by this amendment, a board to be known as the trial board, which shall be composed of the members of the civil service board, the mayor, and the city manager. The verdict and judgment of a majority of the trial board shall be final. If the accused be found guilty the trial board may dismiss him from the service of the city, or inflict such other punishment upon him as in the judgment of the board shall be adequate; provided, however, that should an officer or employee be convicted of a felony, or malfeasance in office, or be adjudged insane, or absent himself from the city for more than thirty (30) days without leave, the trial board shall, upon the recommendation of the authority having the appointive power, declare his position or office vacant, and the vacancy shall be filled as heretofore provided.

Trial board

Section 11. Masculine gender to include feminine gender.

Whenever in this amendment the masculine gender is used, it shall be deemed to include the feminine gender.

Construction

Section 12. Constitutionality.

If any section, subsection, clause, or phrase of this amendment is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this amendment.

Constitutionality

Section 13. Repeal of unconstitutional provisions.

Any provision, section, clause, or phrase of the charter of the city of Bakersfield in conflict herewith is hereby expressly repealed.

Repeal

PROPOSITION No. 2.

CIVIL SERVICE FOR THE POLICE DEPARTMENT OF THE CITY OF BAKERSFIELD.

Section 1. Appointment and removal of commissioners.

Within sixty (60) days after the ratification of this amendment, the city council shall appoint as members of a civil service board three residents of the city to be known as civil service commissioners, who shall otherwise have no connection with the city government. At the time of said appointment, the city council shall designate one of the citizens, so appointed, to serve for a term which shall expire on December thirty-first of the calendar year following appointment, one for a term

Police department
civil service

which shall expire on December thirty-first of the third calendar year following said appointment, and one for a term which shall expire December thirty-first of the fifth calendar year following said appointment. At the expiration of each of the terms so provided for and thereafter a successor shall be appointed for a term of six years. Vacancies on the civil service board, from whatever cause, shall be filled by the city council by appointment of a successor for the unexpired term.

A commissioner may be removed from office in the same manner as are elective officers of the city and not otherwise.

Section 2. Classified civil service.

Classifica-
tion

The commissioners shall classify, in accordance with the duties of the department, all positions in the police department of the city. The commissioners may grade and from time to time may regrade the positions governed by any class in accordance with salaries and duties, to the end that the like salaries shall be paid for like duties. New positions when created shall be classified, graded, and filled in accordance with these provisions. Before any new position is created by the head of the police department, he shall secure from the civil service commission the proper designation of such position and the title of such position shall correspond with the classification adopted in accordance with the provisions of this section. Any classification or grading may be amended or abolished by the commission, and classes calling for similar qualification may be consolidated, but persons who have been appointed from any such class shall retain any position lawfully held thereunder, so long as such position is maintained, unless removed or otherwise provided herein.

Section 3. Rules of commissioners.

Rules

The commissioners shall make rules to carry out the propositions of this article and for examinations, appointments, promotions and removals, and in accordance with the provisions of this article may from time to time make changes in the existing rules. All rules and all changes therein shall be kept in the files of the commissioners and shall be open to public inspection.

Section 4. Examination of applicants.

Examina-
tions

All applicants for places on the police department or for promotion, shall be subjected to examination, which shall be public, competitive, and free. Such examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the person examined to discharge the duties of the positions to which they seek to be appointed. Every appointee to the police department, at the time of appointment, shall be not less than twenty-five years of age, and not more than thirty-five years of age, and must pass the physical tests prescribed by the civil service commission which shall not be less than that required of recruits to the United States Army.

No question in any examination shall relate to political or religious opinions or affiliations.

Section 5. Notice of examinations.

Notice of the time, place, and general scope of every examination shall be given by the commissioners by publishing such notice two weeks preceding such examination in the official newspaper and posting a copy thereof in a conspicuous place in the quarters occupied by the police department in the city of Bakersfield, for two weeks before such examination.

Examinations.

Section 6.

Applicants who have passed the examination prescribed by the commissioners shall take rank upon a register of candidates to be kept by the commissioners, in the order of their relative excellence, as determined by the examination in reference to grade, class, and position and without reference to priority of time of examination.

Register of candidates

Section 7. Appointment.

Whenever a position upon the police department of the city is to be filled, with the exception of the position of chief of police, the chief of police shall notify the commission of that fact, and the commission shall then certify to the chief of police the name and address of two or more candidates in the discretion of the commission, but not exceeding three, standing highest upon the register for the class or grade to which the position belongs. The commission shall not certify the name of any person who, in the judgment of the commission, is not of good moral character or who has secured a place upon the eligible list by fraud, concealment of facts, or by violation of the rules of the commission; and having certified such person, they shall cancel such certification and remove the name of any such person from the eligible list.

Appointment.

Section 8. Appointments on probation, conditions of discharge, temporary appointments.

The chief of police shall notify the commissioners of each position to be filled, separately, and shall fill such position by appointment of one of the persons certified to him by the commissioners therefor. Such appointment shall be on probation for a period to be fixed by the rules of the commissioners; such rules shall not fix such period at exceeding six months. The commissioners may strike off names of candidates from the register of eligible candidates if they have remained thereon more than one year. At or before the expiration of the period of probation, the chief of police may discharge a candidate upon assigning in writing his own reason therefor to the commissioners. If a candidate is not discharged at or before the expiration of the period of probation his appointment shall be deemed complete. To prevent the stoppage of public business or to meet emergencies,

Probation

Temporary appointments

including the absence of any officer or member of the department, the chief of police may, with the approval of the commissioners, make temporary appointments to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this article can be made.

Section 9. Appointment of chief of police.

Chief of
police

The chief of police shall be appointed by the city manager from among the members of the Bakersfield police department from a list of three eligible candidates, which list shall be furnished to the city manager by the commissioners not later than twenty days after a vacancy in the office of chief of police shall occur; after appointment the chief of police shall be removed from office or reduced in rank only as provided by this article.

In case of the removal, demotion, resignation, or death of the chief of police, the city manager may with the approval of the commissioners make a temporary appointment of chief of police, said appointment to remain in force not exceeding sixty days, and only until a regular appointment may be made under the provisions of this article.

In case of the temporary absence or disability of the chief of police, the assistant chief of police shall become acting chief of police during the period of such absence or disability.

Section 10. Promotions; qualifications for promotion.

Promotions.

The commissioners shall provide for promotion in the department on the basis of ascertained merit and standing vacancies shall be filled by promotion. All examination for promotion shall be competitive among such members of the department, as established by the commissioners, as desire to submit themselves to such examination. The commissioners shall submit to the appointing power the names of not exceeding three applicants having the highest rating for each promotion.

No member of the police department shall be eligible for promotion to any position other than that of chief of police until he shall have had three years experience as a regular paid peace officer, one year of which must have been served in the Bakersfield police department immediately preceding the date of his promotion. No member of the police department shall be eligible for promotion to the position of chief of police until he shall have had five years experience as a regularly paid peace officer, three years of which must have been served in the Bakersfield police department immediately preceding the date of his promotion.

Section 11. Removal, demotion or discharge—Members of department.

Removal,
demotion,
discharge

No person employed in the police department, shall be removed, demoted or discharged, except for cause, upon written charges, and after an opportunity to be heard in his own defense. Pending the hearing of such charges against members of the department, with the exception of the chief of

police, the chief of police may suspend the person so accused and pending the hearing of charges against the chief of police, the city manager may suspend the chief of police; but suspension in any case shall not be valid for more than thirty days upon any charge unless the hearing thereon shall be delayed beyond such time by the act of the person so accused. Charges against any member of the department, other than the chief of police, shall be filed with the chief of police. The chief of police, together with the assistant chief of police, and one other officer from the department, to be appointed in each case by the chief of police upon the institution of charges, shall constitute a board of officers to hear and determine such charges.

A correct copy of such charges shall be furnished to the accused who shall, within ten days after such service, file a written answer thereto. The accused, at the hearing of such charges, which may be private or public at the option of the board of officers, shall have the right to submit evidence in his behalf, and no hearing shall be had until five days notice has been given the accused in writing of the time and place thereof.

The finding of such board of officers shall be final, unless, within a period of ten days after notice of decision, the employee so tried appeals to the civil service commission against such finding. The appeal must be in writing and must state the reasons upon which it is based. The commission must, upon receiving notice of appeal, set the matter for rehearing, which may be public or private at the option of accused, who shall be entitled to five days notice in writing of the time and place thereof. A public hearing is waived unless demanded by accused in his written appeal. The order or the decision of the civil service commission upon such appeal shall be final and shall forthwith be enforced by the chief of police. If the civil service commission shall reverse or alter the finding, the commission may, in its discretion order the employee affected paid his salary from the time of his discharge or suspension.

Section 12. Removal, demotion or discharge of chief of police.

The chief of police shall not be removed, suspended, demoted or discharged except for cause upon written charges filed with the civil service commission and after an opportunity to be heard in his own defense at a public or private hearing. Pending the hearing of such charges, the city manager may suspend the chief of police so accused, but such suspension shall not be valid for more than thirty days. The order or decision of the civil service commission after a public hearing shall be final.

Same. chief
of police.

Section 13. Suspension; causes of suspension or removal.

The civil service commission may hear and determine charges filed by any citizen if the appointing power neglects or refuses

Suspension.

to act. The chief of police or other authorized officers of the department may, subject to the rules of the department for disciplinary purposes, suspend a subordinate for a period not exceeding thirty days and such suspension shall carry with it the loss of salary for the period of suspension. Removal, suspension, demotion or discharge may be upon any of the following grounds: Incompetency, habitual intemperance, immoral conduct, dishonesty, inattention to duties, drunkenness on duty, and insubordination.

Section 14. Notice of appointments, promotion or changes.

Notices.

Immediate notice in writing shall be given by the city manager or by the chief of police to the commissioners of all appointments, and of permanent or temporary changes, made in the police department, and of all transfers, promotions, resignations, suspensions or vacancies from any cause from such service and of the date thereof; and a record of the same shall be kept by the commissioners.

When any place of employment is created or abolished or the compensation attached thereto altered, the officer making such changes shall immediately report in writing to the commissioners.

Section 15. Secretary of the commission.

Secretary.

The commissioners shall from time to time designate one of their members as secretary, provided, however, that the city manager may appoint one of the deputies from one of the offices in the city hall to be assistant secretary to the board.

Section 16. Bureau of identification.

Bureau of identification.

The superintendent of the bureau of identification shall be appointed by the chief of police, subject to the approval of the commissioners from eligible list submitted by the commissioners. This eligible list shall consist of the names of all men having satisfactorily passed the examination for the position of superintendent of the bureau of identification, prescribed by the commissioners. The commission may, in its discretion, waive maximum age limit, required residence in the city of Bakersfield, and/or physical qualifications, when otherwise no eligible list would result from examination for the position of superintendent of the bureau of identification.

Section 17. Present members of department.

Incumbents.

To the end that there be no disruption in the present service of the police department and that no undue hardship may be worked upon any member of said department who shall have attained a certain grade or rank as a result of continuous and faithful service in said department, all members of said department shall be credited by the civil service board with a qualifying mark, both mental and physical, for entrance to the classified service of the police department, and to the rank, grade or position held by such member at the time of the ratification of this amendment.

Section 18. Vacancies.

All officers and members of the police department, after ^{Vacancies} serving in such department not less than one year, shall be entitled to fifteen days vacation annually. Such vacation shall be at such time as the chief of police shall direct and shall be without loss of pay. Any member of the police department in the reserve corps, naval reserve, marine corps reserve or national guard of the United States army or navy, when called for his annual fifteen days of intensive training shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such officer or member, but such officer or member shall have, in addition thereto, the usual vacation period on pay allotted to members of the police department.

Section 19. Limitation of employment.

Officers and members of the police department shall not follow any other profession, trade, calling or business, but shall devote their entire time to the performance of their duties as members of the police department; provided, however, that extra duty may be worked and compensation received therefor in such cases provided for in city ordinances or in cases approved by the city manager. ^{Limitation of employment}

Section 20. Records, books, and expenses of commission.

It shall be the duty of the city council to furnish all the ^{Equipment} necessary books, papers, stationery, and other supplies which are necessary to carry out the provisions of this article.

Section 21. Constitutionality section.

If any section, clause, or phrase of this amendment is for ^{Constitutionality} any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections of this amendment.

Section 22.

Any provision, section, clause, or phrase of the charter of the city of Bakersfield in conflict herewith is expressly ^{Repeal} repealed.

PROPOSITION No. 3.

EXCLUSIVE FRANCHISE FOR COLLECTION AND DISPOSAL OF
RUBBISH AND GARBAGE

Section 115½.

The city council may, after advertising for bids in the official newspaper of the city of Bakersfield for five (5) consecutive days, award to the highest responsible bidder an exclusive franchise, permit or privilege, for a term not to exceed ten (10) years, to collect and dispose of all rubbish and garbage that may accumulate within said city. ^{Garbage franchise}

AND WHEREAS, The council of the city of Bakersfield, county of Kern, State of California, in accordance with the law in such cases made and provided, did meet at their usual place of meeting, at the time and in the manner provided by

law, and duly canvassed the returns of said election as certified by the election board, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified each of the amendments to the charter of the city of Bakersfield as hereinabove set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the affidavit of Elmer Martin, mayor of the said city of Bakersfield, and Vance Van Riper, clerk of said city, whose affidavit is in words and figures as follows, to wit:

State of California, }
 County of Kern, } ss.
 City of Bakersfield. }

This is to certify that we, Elmer Martin, mayor of the city of Bakersfield, and Vance Van Riper, clerk of the city of Bakersfield, have compared the foregoing proposed and ratified amendments to the city of Bakersfield with the original proposed amendments submitted to the qualified electors of the said city of Bakersfield at a special election held within the city of Bakersfield on March 24, 1931, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said charter, and the matter set forth therein are and each of them is true.

In witness whereof we have hereunto set our hands and caused the corporate seal of the city of Bakersfield to be attached this thirtieth day of March, 1931.

[SEAL]

ELMER MARTIN,
 Mayor of the City of Bakersfield.

VANCE VAN RIPER,
 Clerk of the City of Bakersfield.

AND WHEREAS, the said amendments to the charter of the city of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Ratification

Resolved by the Senate, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the said amendments to the charter of the city of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the city of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said charter of the city of Bakersfield.

CHAPTER 43.

Senate Joint Resolution No. 15—Relating to an immediate survey of forest insect conditions and for the control of forest insects.

[Filed with Secretary of State April 13, 1931]

WHEREAS, The forests of California are seriously threatened with great losses due to the activities of bark beetles and other forest insects; and

Survey of
forest
insect
conditions

WHEREAS, In parts of California forest insects have killed over one-half of all commercial timber with annual losses in excess of ten per cent of the entire stand, and

WHEREAS, Forest insects also threaten timber of high value in recreation areas, having in past years killed all timber on some twenty thousand acres within the Yosemite National Park, and

WHEREAS, Forest insect losses are always greatest in years of deficient rainfall, and

WHEREAS, California is now confronted with a year of sub-normal precipitation, and

WHEREAS, In past years funds for forest insect control have been largely diverted to use in other states in protecting timber of less value than timber in California, and

WHEREAS, The United States owns many millions of acres of timber land in California, upon which lands the insects are causing heavy losses to timber, and

WHEREAS, The owners of private lands adjoining such federal lands are unable to control forest insects unless the federal government also carries on control work, and

WHEREAS, For the control of forest insects there are now available federal funds that have not yet been allotted to other states; it is

Resolved by the Senate and the Assembly, jointly. That one hundred thousand dollars of the federal fund should be allotted to California for making an immediate survey of forest insect conditions and for the control of forest insects where the survey shows the work to be most needed; and be it further

Resolved. That the chief forester of the United States who has the authority to make the above allotment, be, and hereby is urged to make the allotment to California; and be it further

Resolved. That a copy of this resolution be sent to the President of the United States, and to the secretary of the department of agriculture and to the chief forester of the United States.

CHAPTER 44.

Assembly Joint Resolution No. 16—Relative to memorializing United States secretary of agriculture Arthur M. Hyde,

to rescind his order of December 26, 1930, with regard to the labeling of food products containing corn sugar.

[Filed with Secretary of State April 21, 1931]

Corn sugar
labeling

WHEREAS, On December 26, 1930, United States secretary of agriculture Arthur M. Hyde issued the following order: "Corn sugar (dextrose) when sold in packages, must be labeled as such; when sold in bulk must be declared as such; but the use of pure refined corn sugar as an ingredient in the packing, preparation or processing of any article of food in which sugar is a recognized element need not be declared upon the label of any such product.

"Nothing in this ruling shall be construed to permit the adulteration or imitation of any natural product such as honey by the addition of any sugar or other ingredient whatever"; and

WHEREAS, Research by the laboratories of the California state board of health and elsewhere indicate that corn sugar has entirely different properties from cane or beet sugar (chemically known as sucrose), and also has materially less sweetening power; and

WHEREAS, Cane or beet sugar have been used for generations in the home, and commercially as the natural sweetening for foods and that the consumer expects this sugar to be used in these products; and

WHEREAS, In view of the above facts, Secretary Hyde's order will mislead the consuming public as to the contents of manufactured food products; and

WHEREAS, Secretary Hyde's ruling thereby disregards one of the fundamental principles of the federal food law, which is that the public shall not be deceived or misled as to the contents of any package of food; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States secretary of agriculture, Arthur M. Hyde, be hereby memorialized and earnestly urged to rescind said order: and be it further

Resolved, That the chief clerk of the Assembly be hereby directed forthwith to transmit this resolution to Secretary Hyde, to the President of the United States, and to the members of congress.

CHAPTER 45.

Assembly Concurrent Resolution No. 23—Relative to grade crossing study.

[Filed with Secretary of State April 22, 1931]

Grade cross-
ing study
by railroad
commission
and depart-
ment of
public
works.

WHEREAS, The matter of grade crossing study, protection and closing is one of utmost importance to the safety of the people of the State of California; and

WHEREAS, Up to the present time, no general state-wide survey of this problem has been made for the purpose of developing a state-wide program for the elimination of grade crossing hazards; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the department of public works of the State of California and the railroad commission of the State of California be, and they are hereby required and directed jointly and in cooperation to make a complete study of the matter of grade crossing (of roads, streets and highways over railroads and interurban railways) within this state and to that end to hold such hearings and procure such data from any and all available sources as may, in their opinion, be of assistance to them in such connection; and thereafter, but not later than the tenth day of January, 1933, report to the Legislature at its fiftieth session, a complete, state-wide plan for the protection and the elimination either by separation of grades or physical closing of the grade crossings of this state in an orderly manner, together with such facts respecting such grade crossings and their protection or their elimination by grade separation or physical closing as may, in their opinion, be pertinent to the development of such a state-wide plan, including a statement of the number, location and character, and a classification of existing grade crossings; a statement of available and recommended methods of elimination and protection; the usual and ordinary cost thereof per crossing; a statement of such legal and financial problems as may be involved, and with such conclusions and recommendations as may to them appear pertinent; and be it further

Resolved, That neither this study nor this report shall affect or alter the jurisdiction of the railroad commission under the public utilities act with respect to individual grade crossings, nor shall the inclusion of any certain grade crossing in any particular class or recommendation in said report affect or be binding upon the railroad commission in any proceeding or investigation involving such grade crossing.

CHAPTER 46.

Senate Concurrent Resolution No. 29—Approving an amendment to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the twenty-fourth day of March, 1931.

[Filed with Secretary of State April 24, 1931.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of a certain amendment, hereinafter set forth, to the charter of the city of San Diego,

City of
San Diego
charter
amendment

a municipal corporation in the county of San Diego, State of California, as set out in the certificate of the mayor and city clerk of said city of San Diego, as follows, to wit:

State of California,	} ss.
County of San Diego,	
City of San Diego.	

Certificate

We, the undersigned, Harry C. Clark, mayor of the city of San Diego, and Allen H. Wright, city clerk of said city, do hereby certify and declare as follows:

The city of San Diego, in the county of San Diego, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the sixteenth day of March, 1889.

The legislative body and authority of said city, being the common council thereof, did, on its own motion, by resolution passed and adopted by said common council on the second day of February, 1931, pursuant to section 8 of article eleven of the constitution of the State of California duly propose to the qualified electors of the city of San Diego, a certain amendment to the charter of said city.

The said common council did, by resolution duly passed and adopted on the second day of February, 1931, proclaim and fix the twenty-fourth day of March, 1931, as the date upon which the said amendment so proposed would be submitted to the qualified electors of said city.

The said common council did, by resolution number 55832, passed by said common council on the second day of February, 1931, submit said amendment so proposed as aforesaid to the qualified electors of said city for their approval at a special election held in said city on the twenty-fourth day of March, 1931.

The amendment so proposed and submitted to the electors of said city for their approval by said resolution number 55832 was, on the sixth day of February, 1931, and within fifteen days after the passage and adoption of said resolution submitting said amendment, published once in The San Diego Sun, the official newspaper of said city of San Diego.

The common council of the city of San Diego caused copies of said amendment to be printed in convenient pamphlet form, and from the sixth day of February, 1931, until the twenty-fourth day of March, 1931, being the date fixed for the election upon such charter amendment, did advertise a notice in The

San Diego Sun, a paper of general circulation published in the city of San Diego, that such copies of said amendment in pamphlet form might be had upon application therefor at the office of the city clerk in the city hall of said city.

Said amendment was submitted, pursuant to the terms of resolution numbered 55832 of the common council to the qualified voters of said city at a special election held in said city on the twenty-fourth day of March, 1931, being not less than forty nor more than sixty days after the completion of the advertisement of said amendment in The San Diego Sun, the official paper of the city of San Diego.

On the thirtieth day of March, 1931, being the first Monday following said election, at a regular meeting of the common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and did thereby find and determine that the certain charter amendment proposed in said resolution and submitted to the electors of said city, and designated in said resolution number 55832, as proposition one, was duly and regularly ratified by a majority of the qualified voters voting on such amendment.

The said charter amendment so ratified by the qualified voters of the city of San Diego at said election is in words as follows, to wit:

PROPOSITION ONE.

Amend Article X of the Charter of The City of San Diego by adding a new section thereto, to be known and numbered as Section 27, which said section shall read as follows: City electricity contracts.

“Section 27. Notwithstanding the previous provisions, limitations and restrictions in this charter contained, the Common Council shall have power, for the purpose of securing electrical energy for the said city and its inhabitants, to enter into a contract with the Government of the United States for the perpetual furnishing of electrical energy; and also for the purpose of securing and furnishing electrical energy for the use of said City and its inhabitants to construct, acquire and operate electrical machinery and transmission lines for the production, transmission and sale of electrical energy.”

In witness whereof, we have hereunto set our hands and caused the seal of the city of San Diego to be affixed this 31st day of March, 1931.

[SEAL]

HARRY C. CLARK

Mayor of the city of San Diego

ALLEN H. WRIGHT

City clerk of the city of San Diego

AND WHEREAS, The said proposed amendment is now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of article eleven of the constitution of said state; now, therefore, be it

Ratification

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the said charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same is, hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of said city of San Diego.

CHAPTER 47.

Senate Concurrent Resolution No. 34—Relative to approving the charter of the city of San Diego, which was submitted to the qualified voters of said city and voted for and ratified by them at the general municipal election held on the seventh day of April, 1931.

[Filed with Secretary of State April 24, 1931]

City of
San Diego
charter.

WHEREAS, The city of San Diego, in the county of San Diego, State of California, now is and was at all times herein referred to, a city containing a population of more than one hundred thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, The said city of San Diego at all times mentioned herein was, and now is organized and existing under a freeholders' charter adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of the said city on the second day of March, 1889, and approved by the Legislature of the State of California on the sixteenth day of March, 1889; and

WHEREAS, Proceedings having been had for the proposal, adoption and ratification of a new charter for said city of San Diego, as set out in the certificate of the mayor and city clerk of the said city of San Diego, to wit:

State of California.	} ss.
County of San Diego.	
City of San Diego.	

We, the undersigned, Harry C. Clark, mayor of the city of San Diego, county of San Diego, State of California, and Allen H. Wright, city clerk of said city, do hereby certify and declare as follows:

That the city of San Diego, in the county of San Diego, State of California, now is and at all times herein referred to, was a city containing a population of more than one hundred thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said city of San Diego at all times mentioned herein ^{Same} was, and now is, organized and existing under a freeholders' charter adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the sixteenth day of March, 1889.

That, pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, the common council of the said city of San Diego, said common council being the legislative body of said city, did by a two-thirds vote of all its members, pass a resolution calling a special municipal election to be held on Tuesday, the twenty-sixth day of August, 1930, for the purpose of choosing a board of fifteen freeholders, to frame, prepare and propose a new charter for the said city of San Diego; that at such election held on said day, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, which said board within one hundred twenty days after the result of said election was declared, to-wit, on the seventeenth day of December, 1930, filed a request with the common council of said city for an extension of sixty days' time in which to complete its work, which extension was duly authorized by the said common council, within which period the said board of freeholders did frame and prepare a proposed new charter for said city, and did on the ninth day of January, 1931, file in the office of said city clerk a proposed new charter for the government of the said city, and upon said charter designated the date of the General Municipal Election, to-wit: the seventh day of April, 1931, as the date upon which, and the election at which, said charter should be submitted to the electors of said city for ratification; that said proposed charter and said designation for the date for the submission thereof to the electors for ratification were duly filed by a majority of the members of the said board of freeholders; that thereupon said mayor and common council duly caused said charter to be submitted to the electors of said city for ratification at the General Municipal Election held on the seventh day of April, 1931, and did, within fifteen days after the filing of said charter, cause the same to be published once, on the twenty-fourth day of January, 1931, in The San Diego Sun, the official newspaper of said city, and caused copies of said charter to be printed in convenient pamphlet form, and until the date fixed for the election upon such charter, advertised in said newspaper, a notice that such copies of said charter could be had at the office of the city clerk upon application therefor; that at the said election, duly and regularly held on said seventh day of April, 1931, a majority of qualified electors voting thereon voted in favor of such proposed charter, and

the common council of the city of San Diego, county of San Diego, State of California, at a meeting held in the manner required by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of the said electors voting thereon had voted for and ratified said charter; that said charter, after the same was prepared, proposed and ratified as herein set forth, is as follows, to-wit:

CHARTER OF THE CITY OF SAN DIEGO

ARTICLE I

Corporate Powers.

Powers.

Section 1. Incorporation and Corporate Powers. The municipal corporation now existing and known as "The City of San Diego" shall continue to be a municipal corporation under the same name, with the boundaries as now established or as may hereafter be legally established. Such municipal corporation shall have perpetual succession, may use a corporate seal; may sue and defend in all courts and places, and in all matters and proceedings whatever; may own and acquire property within or without its boundaries for either governmental or proprietary, or any municipal purpose, either by succession, annexation, purchase, devise, lease, gift or condemnation, and may sell, lease, convey, exchange, manage and dispose of the same as the interests of said City may require; receive bequests, donations and gifts of all kinds of property within and without The City of San Diego in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations; may own and operate public utility systems, including the joint or sole operation and ownership of utilities for the purchase, development, and supply of water and electrical power for the use of the City and its inhabitants and others; and generally shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever now or hereafter authorized to be granted to municipal corporations by the Constitution and laws of the State of California.

Section 2. Powers Under Constitution and General Laws. The City of San Diego, in addition to any of the powers now held by or that may hereafter be granted to it under the Constitution or Laws of this State, shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, however, that nothing herein shall be construed to prevent or restrict the City from exercising, or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by General Laws of the State.

Jurisdiction.

Section 3. Extent of Municipal Jurisdiction. The municipal jurisdiction of The City of San Diego shall extend to the

limits and boundaries of said City and over the tidelands and waters of the Bay of San Diego, and into the Pacific Ocean to the extent of one Marine League. In addition thereto The City of San Diego shall have the right and power to prepare and adopt such rules and regulations as it may deem necessary for the regulation, use, and government of the water system of The City of San Diego, both within and without the territorial limits of said City, and such rules and regulations having been adopted by Ordinance, shall have the force and effect of law.

ARTICLE II.

Nominations and Elections.

Section 4. Districts Established. For the purpose of electing members of the Council, the City shall be divided into six Districts as nearly equal in registered voter population as practicable. For all primary and regular elections held under this Charter, the boundaries of such Districts shall be as follows:

District Number One includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the northerly line of the U. S. Military Reservation on Point Loma with the shore line of the Pacific Ocean; thence in a general northerly direction along the shore line of the Pacific Ocean to its intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence southerly along said easterly boundary line of the Pueblo Lands of San Diego to its intersection with the northerly line of Lot 17, Resubdivision of Villa Lots 51 to 57 and 59 to 66 inclusive, Pueblo Lots 1110-1113, University Heights, according to Map thereof No. 1064, Records of San Diego County; thence westerly along the northerly line of said Lot 17 and along the northerly line of V. L. 58, University Heights, according to Map thereof No. 951, Records of the County of San Diego, to the northwest corner of said V. L. 58; thence southerly along the westerly line of said V. L. 58 to the northerly line of Referee's Partition Map of East One-Half of P. L. 1110, according to Map thereof No. 937, Records of San Diego County; thence westerly along the northerly line of said Referee's Partition Map of East One-Half of P. L. 1110 to the northwest corner thereof; thence southerly along the westerly line of said Referee's Partition Map of East One-Half of P. L. 1110 to an intersection with the easterly production of the northerly line of Valle Vista Terrace, according to Map thereof No. 1081, Records of San Diego County; thence westerly along the easterly production of the northerly line of said Valle Vista Terrace, and along the northerly line of said Valle Vista Terrace to the northwest corner thereof; thence southerly along the westerly line of said Valle Vista Terrace to its intersection with the northeasterly production of the northwesterly line of Lot 5, Pueblo

City council
election
districts

District 1

District 1. Lot 1111; thence southwesterly along the northeasterly production of the northwesterly line of said Lot 5, and along the northwesterly line of said Lot 5 to the easterly line of Mission Cliff Manor, according to Map thereof No. 1867, Records of San Diego County; thence northerly, westerly and southerly along the easterly, northerly and westerly lines of said Mission Cliff Manor to the northerly line of Pueblo Lot "D"; thence westerly along the northerly line of Pueblo Lot "D" to the northwest corner thereof; thence $S00^{\circ} 30'E$ along the westerly line of Pueblo Lot "D" to a point distant 196.0 feet northerly from the southwesterly corner thereof; thence $N50^{\circ} 03' 50''W$ a distance of 1019.8 feet to a point; thence $N38^{\circ} 26'W$ a distance of 698.24 feet to a point; thence $S58^{\circ} 27'W$ a distance of 732.42 feet to a point; thence $S66^{\circ} 40'W$ a distance of 882.97 feet to a point on the westerly line of Pueblo Lot 1118 distant 214.00 feet northerly from the northerly line of Florence Heights No. 2 Addition, according to Map thereof No. 905, Records of San Diego County; thence southerly along the westerly line of said Pueblo Lot 1118 a distance of 214.00 feet to the northerly line of said Florence Heights No. 2 Addition; thence westerly along the northerly line of said Florence Heights No. 2 Addition to the centerline of Falcon Street; thence northerly along the northerly production of the centerline of Falcon Street to its intersection with the easterly production of the centerline of Court Way; thence westerly along the easterly production of the centerline of Court Way to the easterly line of Franklin Court, according to Map thereof No. 1453, Records of San Diego County; thence northerly along the easterly line of Franklin Court to the northeasterly corner thereof; thence westerly along the northerly line of said Franklin Court and along the northerly line of Avalon Heights, according to Map thereof No. 1600, Records of San Diego County, to the northwest corner of Lot 35, said Avalon Heights; thence southerly along the westerly line of said Lot 35 to the northerly line of Lot 34, said Avalon Heights; thence westerly along the northerly line of said Lot 34 to the northwesterly corner thereof; thence southerly, easterly and southerly along the westerly line of said Avalon Heights to the southwest corner of said Avalon Heights, said corner being on the centerline of Jackdaw Street; thence southerly along the centerline of Jackdaw street to its intersection with the centerline of Lewis Street; thence easterly along the centerline of Lewis Street to its intersection with the centerline of Ibis Street; thence southerly along the centerline of Ibis Street to the south line of Arnold and Choate's Addition, according to Map thereof No. 334, Records of San Diego County; thence easterly along the southerly line of Arnold and Choate's Addition to the centerline of Hawk Street; thence northerly along the centerline of Hawk Street to its intersection with the centerline of Douglass Street; thence easterly along the centerline of

Douglass Street to its intersection with the centerline of Goldfinch Street; thence southerly along the centerline of Goldfinch Street to its intersection with the centerline of Sutter Street; thence westerly along the centerline of Sutter Street to its intersection with the westerly line of C. C. Seaman's Subdivision, according to Map thereof No. 530, Records of San Diego County; thence southerly along the said westerly line of C. C. Seaman's Subdivision to its intersection with the centerline of Brookes Avenue; thence easterly along the centerline of Brookes Avenue to its intersection with the centerline of Hawk Street; thence southerly along the centerline of Hawk Street to its intersection with the centerline of Upas Street, thence easterly along the centerline of Upas Street to its intersection with the centerline of Reynard Way; thence southerly along the centerline of Reynard Way to its intersection with the centerline of Eagle Street where said Eagle Street terminates in Reynard Way between Lots 63 and 64, Reynard Hills, according to Map thereof No. 2097, Records of San Diego County; thence southeasterly along the centerline of Eagle Street to the centerline of Dove Street; thence southerly along the centerline of Dove Street to its intersection with the centerline of Maple Street; thence easterly along the centerline of Maple Street to its intersection with the centerline of Curlew Street; thence southerly along the centerline of Curlew Street to its intersection with the centerline of Union Street; thence southeasterly along the centerline of Union Street to its intersection with the centerline of Hawthorn Street; thence southwesterly along the centerline of Hawthorn Street and its southwesterly production to its intersection with the shore line of the Bay of San Diego; thence in a general northwesterly direction along the shore line of the Bay of San Diego to its intersection with the easterly boundary line of the U. S. Marine Corps Base; thence in a general northerly and northwesterly direction along said boundary line of the U. S. Marine Corps Base to the southerly line of Barnett Avenue; thence westerly along the southerly line of Barnett Avenue to its intersection with the southeasterly production of the centerline of Lytton Street; thence northwesterly along the southeasterly production of the centerline of Lytton Street and along the centerline of Lytton Street to its intersection with the centerline of Rosecrans Street; thence southwesterly along the centerline of Rosecrans Street to its intersection with the centerline of Lowell Street; thence southeasterly along the centerline of Lowell Street to its intersection with the shore line of the Bay of San Diego; thence southerly along the shore line of the Bay of San Diego to the northerly line of the U. S. Military Reservation; thence westerly along the northerly line of the U. S. Military Reservation to the place of beginning.

DISTRICT TWO.

District Number Two includes all that portion of the City of San Diego embraced within the following described boundaries:

District 2.

Beginning at the intersection of the centerline of Sandrock Grade with the easterly production of the northerly line of Valle Vista Terrace, according to Map thereof No. 1081, Records of San Diego County; thence westerly along the easterly production of the northerly line of said Valle Vista Terrace, and along the northerly line of said Valle Vista Terrace to the northwest corner thereof; thence southerly along the westerly line of said Valle Vista Terrace to its intersection with the northeasterly production of the northwesterly line of Lot 5, Pueblo Lot 1111; thence southwesterly along the northeasterly production of the northwesterly line of said Lot 5, and along the northwesterly line of said Lot 5 to the easterly line of Mission Cliff Manor, according to Map thereof No. 1867, Records of San Diego County; thence northerly, westerly and southerly along the easterly, northerly and westerly lines of said Mission Cliff Manor to the northerly line of Pueblo Lot "D"; thence westerly along the northerly line of Pueblo Lot "D" to the northwest corner thereof; thence southerly along the westerly line of Pueblo Lot "D" to a point distant 196.00 feet northerly from the southwesterly corner thereof; thence N50° 03' 50"W a distance of 1019.8 feet to a point; thence N38° 26'W a distance of 698.24 feet to a point; thence S58° 27'W a distance of 732.42 feet to a point; thence S66° 40'W a distance of 882.97 feet to a point on the westerly line of Pueblo Lot 1118 distant 214.00 feet northerly from the northerly line of Florence Heights No. 2 Addition, according to Map thereof No. 905, Records of San Diego County; thence southerly along the westerly line of said Pueblo Lot 1118 a distance of 214.00 feet to the northerly line of said Florence Heights No. 2 Addition; thence westerly along the northerly line of said Florence Heights No. 2 Addition to the centerline of Falcon Street; thence northerly along the northerly production of the centerline of Falcon Street to its intersection with the easterly production of the centerline of Court Way; thence westerly along the easterly production of the centerline of Court Way to the easterly line of Franklin Court, according to Map thereof No. 1453, Records of said San Diego County; thence northerly along the easterly line of said Franklin Court to the northeasterly corner thereof; thence westerly along the northerly line of said Franklin Court and along the northerly line of Avalon Heights, according to Map thereof No. 1600, Records of San Diego County, to the northwest corner of Lot 35, said Avalon Heights; thence southerly along the westerly line of said Lot 35 to the northerly line of Lot 34, said Avalon Heights; thence westerly along the northerly line of said Lot 34 to the northwesterly corner thereof; thence

southerly, easterly and southerly along the westerly line of said Avalon Heights to the southwest corner of said Avalon Heights, said corner being on the centerline of Jackdaw Street; thence southerly along the centerline of Jackdaw Street to its intersection with the centerline of Lewis Street; thence easterly along the center line of Lewis Street to its intersection with the centerline of Ibis Street; thence southerly along the centerline of Ibis Street to the south line of Arnold and Choate's Addition, according to Map thereof No. 334, Records of San Diego County; thence easterly along the southerly line of Arnold and Choate's Addition to the centerline of Hawk Street; thence northerly along the centerline of Hawk Street to its intersection with the centerline of Douglass Street; thence easterly along the centerline of Douglass Street to its intersection with the centerline of Goldfinch Street; thence southerly along the centerline of Goldfinch Street to its intersection with the centerline of Sutter Street; thence westerly along the centerline of Sutter Street to its intersection with the westerly line of C. C. Seaman's Subdivision, according to Map thereof No. 530, Records of San Diego County; thence southerly along the said westerly line of C. C. Seaman's Subdivision to its intersection with the centerline of Brookes Avenue; thence easterly along the centerline of Brookes Avenue to its intersection with the centerline of Hawk Street; thence southerly along the centerline of Hawk Street to its intersection with the centerline of Upas Street; thence easterly along the centerline of Upas Street to its intersection with the centerline of Reynard Way; thence southerly along the centerline of Reynard Way to its intersection with the centerline of Eagle Street where said Eagle Street terminates in Reynard Way between Lots 63 and 64, Reynard Hills, according to Map thereof No. 2097, Records of San Diego County; thence southeasterly along the centerline of Eagle Street to the centerline of Dove Street; thence southerly along the centerline of Dove Street to its intersection with the centerline of Maple Street; thence easterly along the centerline of Maple Street to its intersection with the centerline of Curlew Street; thence southerly along the centerline of Curlew Street to its intersection with the centerline of Union Street; thence southeasterly along the centerline of Union Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to its intersection with the centerline of Sixth Street; thence northerly along the centerline of Sixth Street to its intersection with the westerly production of the northerly line of Balboa Park; thence easterly along the westerly production of the northerly line of Balboa Park, and along the northerly line of Balboa Park to its intersection with the southerly production of the centerline of Arnold Avenue; thence northerly along the southerly production of the centerline of Arnold Avenue and along the centerline of

Arnold Avenue to its intersection with the centerline of University Avenue; thence westerly along the centerline of University Avenue to its intersection with the centerline of Texas Street; thence northerly along the centerline of Texas Street to its intersection with the centerline of Polk Avenue; thence easterly along the centerline of Polk Avenue to its intersection with the centerline of Hamilton Street; thence northerly along the centerline of Hamilton Street to its intersection with the centerline of El Cajon Avenue; thence westerly along the centerline of El Cajon Avenue to its intersection with the centerline of Florida Street; thence northerly along the centerline of Florida Street to its intersection with the centerline of Meade Avenue; thence easterly along the centerline of Meade Avenue to its intersection with the centerline of Louisiana Street; thence northerly along the centerline of Louisiana Street to its intersection with the centerline of Adams Avenue; thence easterly along the centerline of Adams Avenue to its intersection with the centerline of Sandrock Grade; thence northerly along the centerline of Sandrock Grade to the place of beginning.

DISTRICT THREE.

District Number Three includes all that portion of The City of San Diego embraced within the following described boundaries:

District 3

Beginning at the intersection of the southerly production of the centerline of Arnold Avenue with the northerly line of Balboa Park; thence northerly along the southerly production of the centerline of Arnold Avenue and along the centerline of Arnold Avenue to its intersection with the centerline of University Avenue; thence westerly along the centerline of University Avenue to its intersection with the centerline of Texas Street; thence northerly along the centerline of Texas Street to its intersection with the centerline of Polk Avenue; thence easterly along the centerline of Polk Avenue to its intersection with the centerline of Hamilton Street; thence northerly along the centerline of Hamilton Street to its intersection with the centerline of El Cajon Avenue; thence westerly along the centerline of El Cajon Avenue to its intersection with the centerline of Florida Street; thence northerly along the centerline of Florida Street to its intersection with the centerline of Meade Avenue; thence easterly along the centerline of Meade Avenue to its intersection with the centerline of Louisiana Street; thence northerly along the centerline of Louisiana Street to its intersection with the centerline of Adams Avenue; thence easterly along the centerline of Adams Avenue to its intersection with the centerline of Sandrock Grade; thence northerly along the centerline of Sandrock Grade to its intersection with the easterly production of the northerly line of Valle Vista Terrace, according to Map thereof No. 1081, Records of San Diego County; thence easterly along the easterly production of the northerly line of Valle

Vista Terrace to its intersection with the westerly line of Referee's Partition Map of East One-Half of Pueblo Lot 1110, according to Map thereof No. 937, Records of San Diego County; thence northerly along the westerly line of said Referee's Partition Map of East One-Half of Pueblo Lot 1110 to the northwest corner thereof; thence easterly along the northerly line of said Referee's Partition Map of East One-Half of Pueblo Lot 1110 to the westerly line of V. L. 58, University Heights, according to Map thereof No. 951, Records of the County of San Diego; thence northerly along the westerly line of said V. L. 58 to the northwest corner thereof; thence easterly along the northerly line of said V. L. 58 and along the northerly line of Lot 17, Resubdivision of Villa Lots 51 to 57 and 59 to 66 Inclusive, Pueblo Lots 1110-1113, University Heights, according to Map thereof No. 1064, Records of San Diego County to an intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence southerly along the easterly boundary line of the Pueblo Lands of San Diego to an intersection with the centerline of Polk Avenue; thence easterly along the centerline of Polk Avenue to its intersection with the centerline of Wilson Avenue; thence southerly along the centerline of Wilson Avenue to its intersection with the centerline of University Avenue; thence easterly along the centerline of University Avenue to its intersection with the centerline of 38th Street; thence southerly along the centerline of 38th Street to its intersection with the centerline of Victoria Avenue; thence southwesterly along the centerline of Victoria Avenue to its intersection with the centerline of Wabash Avenue; thence southerly along the centerline of Wabash Avenue to its intersection with the Fourth Standard Parallel South, San Bernardino Base and Meridian; thence westerly along said Fourth Standard Parallel to the easterly boundary line of the Pueblo Lands of San Diego; thence southerly along the easterly boundary line of the Pueblo Lands of San Diego to its intersection with the centerline of Grape Street; thence westerly along the centerline of Grape Street to the easterly line of Pueblo Lot 1140 of the Pueblo Lands of San Diego; thence westerly in a direct line to the intersection of the centerline of Grape Street with the west line of 34th Street; thence westerly along the centerline of Grape Street to its intersection with the centerline of 30th Street; thence northerly along the centerline of 30th Street to its intersection with the centerline of Ivy Street; thence westerly along the centerline of Ivy Street to the easterly line of Balboa Park; thence northerly along the easterly line of Balboa Park to the northeast corner thereof; thence westerly along the northerly line of Balboa Park to the place of beginning.

DISTRICT FOUR.

District number four includes all that portion of The City of San Diego embraced within the following described boundaries:

District 4

Beginning at the northwesterly corner of Lot 17, Windsor Place, according to Map thereof No. 1870, Records of San Diego County, said corner also lying on the east line of the Pueblo Lands of San Diego; thence northeasterly along the boundary line of The City of San Diego, and continuing along said boundary line of The City of San Diego in its various directions to its intersection with the Fourth Standard Parallel South, San Bernardino Base and Meridian, thence westerly along said Fourth Standard Parallel to its intersection with the centerline of Wabash Avenue; thence northerly along the centerline of Wabash Avenue to its intersection with the centerline of Victoria Avenue; thence northeasterly along the centerline of Victoria Avenue to its intersection with the centerline of 38th Street; thence northerly along the centerline of 38th Street to its intersection with the centerline of University Avenue; thence westerly along the centerline of University Avenue to its intersection with the centerline of Wilson Avenue; thence northerly along the centerline of Wilson Avenue to its intersection with the centerline of Polk Avenue; thence westerly along the centerline of Polk Avenue to its intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence northerly along the easterly boundary line of the Pueblo Lands of San Diego to the place of beginning.

DISTRICT FIVE.

District number five includes all that portion of The City of San Diego embraced within the following described boundaries:

District 5

Beginning at the intersection of the southeasterly boundary line of The City of San Diego with the shore line of the Bay of San Diego; thence northwesterly along the shore line of the Bay of San Diego to its intersection with the southerly production of the centerline of 6th Street; thence northerly along the southerly production of the centerline of 6th Street to its intersection with the westerly production of the centerline of Commercial Street; thence easterly along the westerly production of the centerline of Commercial Street and along the centerline of Commercial Street to its intersection with the centerline of 14th Street; thence northerly along the centerline of 14th Street to its intersection with the centerline of Market Street; thence easterly along the centerline of Market Street to its intersection with the centerline of 31st Street; thence northerly along the centerline of 31st Street to its intersection with the centerline of A Street; thence easterly along the centerline of A Street to its intersection with the centerline of 32nd Street; thence northerly along

the centerline of 32nd Street to its intersection with the centerline of Cedar Street; thence westerly along the centerline of Cedar Street to its intersection with the centerline of Edgemont Street; thence northerly along the centerline of Edgemont Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to the westerly line of 34th Street; thence easterly in a direct line to the intersection of the centerline of Grape Street with the east line of Pueblo Lot 1140 of the Pueblo Lands of San Diego; thence easterly along the centerline of Grape Street to its intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence northerly along the easterly boundary line of the Pueblo Lands of San Diego to its intersection with the Fourth Standard Parallel South, San Bernardino Base and Meridian; thence easterly along said Fourth Standard Parallel to the Northeast corner of Section 2, Township 17 South, Range 2 West, S.B.M., which is also in the Easterly boundary line of The City of San Diego; thence southerly along the boundary line of The City of San Diego, and continuing along said boundary line of The City of San Diego in its various directions to its intersection with the shore line of the Bay of San Diego, the place of beginning.

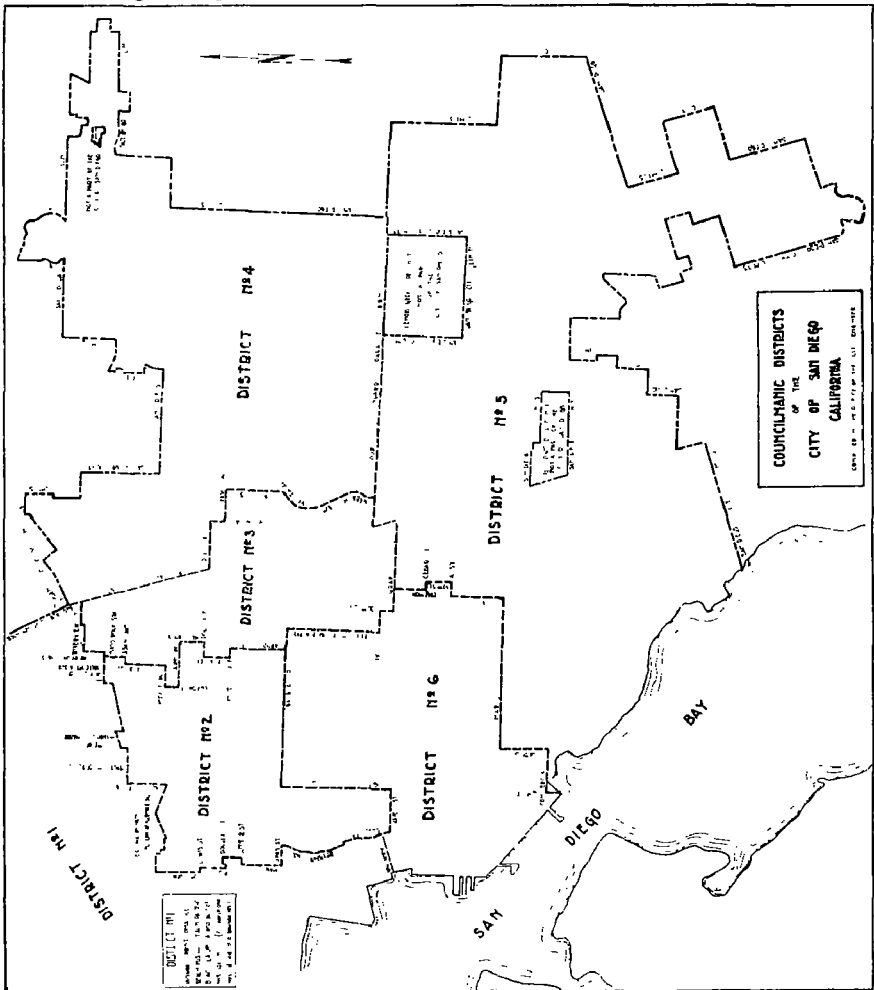
DISTRICT SIX.

District number six includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the southwesterly production of the centerline of Hawthorn Street with the shore line of the bay of San Diego; thence northeasterly along the southwesterly production of the centerline of Hawthorn Street and the centerline of Hawthorn Street to its intersection with the centerline of Union Street; thence southeasterly along the centerline of Union Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to its intersection with the centerline of Sixth Street; thence northerly along the centerline of Sixth Street to its intersection with the westerly production of the northerly line of Balboa Park; thence easterly along the westerly production of the northerly line of Balboa Park, and along the northerly line of Balboa Park to the northeast corner thereof; thence southerly along the easterly line of Balboa Park to its intersection with the centerline of Ivy Street; thence easterly along the centerline of Ivy Street to its intersection with the centerline of 30th Street; thence southerly along the centerline of 30th Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to its intersection with the centerline of Edgemont Street; thence southerly along the centerline of Edgemont Street to its intersection with the centerline of Cedar Street; thence easterly along the centerline of Cedar Street to its intersection with the centerline of 32nd Street;

District 6

thence southerly along the centerline of 32nd Street to its intersection with the centerline of A Street; thence westerly along the centerline of A Street to its intersection with the centerline of 31st Street; thence southerly along the centerline of 31st Street to its intersection with the centerline of Market Street; thence westerly along the centerline of Market Street to its intersection with the centerline of 14th Street; thence southerly along the centerline of 14th Street to its intersection with the centerline of Commercial Street; thence westerly along the centerline of Commercial Street and the westerly production of the centerline of Commercial Street to its intersection with the southerly production of the centerline of 6th Street; thence southerly along the southerly production of the centerline of 6th Street to the shore line of the Bay of San Diego; thence northwesterly and northerly along the shore line of the Bay of San Diego to the place of beginning.



Section 5. Redistricting. In the event that any voting precinct which may be established at the time this Charter takes effect or which may be thereafter established is partly within two or more such districts, said precinct shall be allocated to the District in which a majority of the voters within such precinct resides, and said district boundaries shall be changed accordingly by an ordinance of the Council. The City shall be redistricted by ordinance for the purpose of maintaining approximate equality of registered voting population, at least once in every ten years, but shall not be redistricted within four years after any such redistricting. Redis-
tricting

Any territory hereafter annexed to or consolidated with The City of San Diego shall at the time of such annexation or consolidation be added to an adjacent District or Districts by an ordinance of the Council, provided, that if any territory annexed or consolidated at any one time shall contain qualified voters sufficient to upset the approximate equality of the established districts, the Council shall at least sixty days before an election after such annexation or consolidation redistrict the City regardless of the time limitation of four years heretofore mentioned.

In any redistricting, the districts shall be comprised of contiguous territory and made as equal in registered voters as shown by the registration records, and as geographically compact as possible, and the districts so formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines.

Section 6. Qualified Electors. The qualifications of an elector at any election held in the City under the provisions of this Charter shall be the same as those prescribed by the general law of the State for the qualification of electors at General State Elections. No person shall be eligible to vote at such City election until he has conformed to the general State law governing the registration of voters. Qualified
electors

Section 7. Elective Officers. No person shall be eligible to or hold any elective office of the City, either by election or appointment, unless he shall have been a resident and elector thereof for at least three years next preceding his election or appointment. Elective
officers.

In addition to the foregoing qualifications, every Councilman must have been at the time of his election, or appointment in the event of a vacancy, an actual resident in the district from which he was nominated for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting.

Section 8. Election Authorities. All elections provided for by this Charter, whether for choice of officers or submission of questions to the voters, shall be conducted in the manner prescribed by general laws of the State for the election of State Law
governing
elections

and County officers, or for the approval or rejection of initiative or referendum measures; and the provisions of the general election laws of the State shall apply to all such City elections except when changed by this Charter or by ordinance of the Council.

Nomina-
tions.

Section 9. Nominations. Nominations of candidates for all elective offices shall be made by filing with the City Clerk, on forms prepared by him, at least thirty days before a primary election a petition stating the name of the candidate, his residence, the office for which he seeks nomination, the term for which he is running, occupation, years of residence in the City, previous public positions held in this City or elsewhere, and a written acceptance of nomination by the candidate. The petition of a candidate for the office of Councilman shall also state the years of residence in the district from which he seeks nomination. The information hereinabove required shall appear at the head of each petition of nomination, followed by the signature and legal residence of each petitioner written in ink or indelible pencil, and there shall be attached to each petition an affidavit of the person in charge of the petition that each signature has been made in his presence and, to the best of the belief of the affiant, is the genuine signature of the person whose name it purports to be.

Nominating petitions for elective officers other than Councilmen shall be signed by at least 300 qualified electors of the City. The petition of a candidate for the office of Councilman shall be signed by at least 200 qualified electors residing in the district from which the candidate seeks nomination, and names of electors not residing in such district shall not be counted. No person shall sign petitions of nomination for elective officers for a greater number of candidates than are to be elected. No petition of nomination shall be valid unless it conforms to the provisions of this Charter, and no name of any candidate shall be placed on the ballot at the primary election unless the nominating petition of such candidate shall conform substantially to the provisions of this section.

The City Clerk shall be allowed ten days after filing to examine and verify the signatures and other requirements of sufficiency. If the petition of nomination is found to be sufficient and in proper form, the City Clerk shall immediately so certify and place the name or names of candidates therein on the primary ballot in alphabetical order under the proper designation as to office, and cause to be published at least once in the official newspaper, the names of all offices to be filled and the names of candidates as they are to appear on the primary ballot. An insufficient petition may be returned to the person filing the same for additional signatures and the person named as nominee in the petition shall be notified immediately of the insufficiency. A supplementary petition may be presented as provided in the original petition, if such can be filed before the time of closing the nominations.

The City Clerk shall cause sample ballots and instructions to voters to be mailed to the registered electors entitled to vote at each municipal election.

Section 10. Elections. The regular municipal primary ^{Elections} election shall be held on the fourth Tuesday in March in each odd numbered year and the regular municipal election shall be held on the fourth Tuesday in April of the same year, or, if either of these days fall on a legal holiday, then the election shall be held on the succeeding day. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

The ballots for all municipal elections including the pri- ^{Ballots.} mary election, shall conform to the requirements of the general law of the State in all respects. All ballots shall contain the names of all candidates arranged in alphabetical order. The names of the candidates for the Council shall also be arranged by the number of the district from which they have been petitioned, under the title of the office which they seek. At the right of each name shall appear a square, in which a cross (X) must be stamped designating the choice of that candidate. All elections including the primary, shall be held at the voting places designated by the Council and under such rules and regulations, not inconsistent with the election laws of the State, as the Council may determine by ordinance, except that the Council may consolidate the voting precincts provided for in general State elections in the City and give notice of such consolidation in the ordinance calling the election.

At the regular municipal primary election there shall be ^{Primary election} chosen by the electors of each Council District two (2) candidates for the office of any Councilman from a district whose term expires the succeeding May, and there shall be chosen by all the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding May.

At the regular municipal election which shall be held on the ^{Regular election} fourth Tuesday in April in the odd numbered years, the electors of the whole City shall select from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding May, and there shall be chosen by all the electors of the whole City from among the candidates chosen at the primary election one candidate to succeed any other elective officer whose term expires in May succeeding the election. The candidate receiving the highest number of votes for the office for which he was nominated at the primary election shall be declared elected.

The election returns, including primary election returns, for ^{Canvass} each municipal election precinct shall be filed immediately after counting with the City Clerk who shall place them in safe custody until the canvass by the Council. The Council shall meet on the second day next succeeding the date of each

and every municipal election, including the primary election, and canvass the returns. The results of the canvass shall be immediately made public

Certificate.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal shall issue a certificate therefor and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate, file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

The Council in office at the time this Charter is approved by the legislature, shall provide for holding the first election of officers under this charter, shall canvass the votes, declare the results, and approve the bonds of all officers elected at such election.

ARTICLE III.

Legislative Power.

The council

Section 11. Legislative Power. All legislative powers of the City shall be vested, subject to the terms of this Charter and of the Constitution of the State of California, in the Council, except such legislative powers as are reserved to the people by this Charter and the Constitution of the state.

Section 12. The Council. The Council shall be composed of seven (7) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmen including the Mayor shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of May next succeeding their election and until their successors are elected and qualified.

At the first election held after this Charter takes effect there shall be elected a Mayor, whose term of office shall expire May 6, 1935, and one Councilman from each of the six (6) Districts as provided in Article II of this Charter. At the first meeting of the Council held for organization under this Charter, the Councilmen elected from the six Districts shall draw lots to determine which three (3) Councilmen shall retire on May 6, 1935, and which three (3) Councilmen shall retire on May 8, 1933. Thereafter there shall be elected at each general municipal election according as their respective terms of office expire either four Councilmen, including the Mayor, or three Councilmen.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within

thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

Each Councilman shall receive as compensation the sum of \$3000.00 per year, payable in monthly installments. The compensation or salary of each Councilman may be changed at any time by a majority vote of the qualified electors of the City at either a special or general municipal election; provided however, that the salary of a Councilman shall not be increased during the term of office for which he was elected.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor and a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 13. Meetings of the Council. The Council shall provide by ordinance for the time and place of holding its meetings; provided, however, that there shall be at least one regular meeting in each week. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special shall be open to the public.

All legislative action shall be by ordinance except where otherwise required by the Constitution or laws of the State of California. The Council shall keep a journal of its proceedings which shall be a public record. On the passage of every ordinance the vote shall be taken by yeas and nays and entered upon the journal and no ordinance shall be passed without the concurrence of a majority of the members elected to the Council. The proceedings of the Council shall be public and citizens shall have a reasonable opportunity to be heard. The first meeting of the Council shall be held at ten o'clock A.M. on the first Monday after the first day in May following its election.

All subsequent meetings shall be held pursuant to adjournment, or in accordance with a rule adopted by the Council which may be amended at any time. Special meetings shall be held on the call of the Mayor or on the written request of any three Councilmen, upon twelve hours' notice to each member, to be served personally by written notice; provided, however, that such notice may be waived by the written consent of all the Councilmen.

Section 14. Council Rules. The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the

Council
rules.

production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior after notification of the charge and opportunity to be heard in defense.

Quorum

Section 15. **Quorum.** A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Except as otherwise provided herein the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

Introduction and passage of ordinances and resolutions.

Section 16. **Introduction and Passage of Ordinances and Resolutions.** Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except the annual ordinances making appropriations and ordinances codifying or re-arranging existing ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. No ordinance shall be passed until it has been read on two separate calendar days of the Council, unless the requirements of the reading of it on two separate calendar days be dispensed with by a vote of not less than five members of the Council. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split vote, or upon the request of two or more members of the Council. The enacting clause of ordinances passed by the Council shall be, "Be it ordained by the Council of The City of San Diego." The enacting clause of ordinances submitted by the initiative shall be "Be it ordained by the people of The City of San Diego."

When ordinances and resolutions take effect.

Section 17. **When Ordinances and Resolutions Take Effect.**—**Emergency Measures.** Ordinances making the annual tax levy and the annual appropriation ordinances, and emergency measures, shall take effect at the time indicated therein. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein, or, if no time be specified, then thirty days after their adoption. An

emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least five members of the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this Charter that compliance with such definition shall be strictly construed by the courts.

Resolutions shall become effective immediately upon their passage, unless otherwise stated therein.

Section 18. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage each ordinance or resolution of a general nature shall be published at least once in such manner as may be provided by this Charter or by ordinance.

Authentica-
tion and
publication.

Section 19. Effect of other Ordinances. All ordinances and resolutions in force at the time this Charter takes effect, not inconsistent with its provisions, shall continue in force until amended or repealed.

Existing
legislation

Section 20. Publication of Ordinances in Book Form. The Council shall, at least once in two years, cause to be printed and published in book form all ordinances of the City of a general nature in force at the time of such publication. The title page of such book shall contain the words, "Published by authority of the Council of The City of San Diego," and when so published all ordinances therein contained shall be received in all Courts as prima facie evidence of the due passage and publication of such ordinances, without further proof.

Ordinance
book

Section 21. Courts. The Council shall provide suitable buildings, rooms or accommodations for all police, city justice or municipal courts, for the convenient transaction of business and provide seals therefor if required by law.

Courts.

Section 22. Interference by Individual Members of Council with Administrative Service Prohibited.

(a) No member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the City Manager or other officer appointed or confirmed by the Council in the making of any appointment to, or removal from, any city office or employment, or the purchase of any supplies, or discuss directly or indirectly with any candidate for City Manager the matter of appointments to city offices or employment, or attempt to exact any promises from such candidate relative to any such appointments.

Political
Interferences
in public
service.

(b) Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager and not through his subordinates.

(c) A violation of the provisions of this section by any member of the council shall constitute a misdemeanor for which the offending member may be removed from office by the Council or for which the offending member may be tried by any court of competent jurisdiction and if found guilty the sentence imposed shall include removal from office.

Initiative,
referendum
and recall.

Section 23. Initiative and Referendum and Recall. The right to recall municipal officers and the powers of the initiative and referendum on all questions which the Council is authorized to control by legislative action are hereby reserved to the people of the City; such powers shall be exercised in the manner provided by the Constitution and general laws of the State of California. Ordinances may be initiated, or the Referendum exercised on ordinances passed by the Council, and any elective official may be recalled from office, under the provisions of the Constitution and the general laws of the State, provided that the number of signatures necessary to initiate an ordinance for the consideration of the Council shall be five per cent of the entire vote cast in the City at the last preceding election for the office of governor; that for the direct submission of a measure to the people it shall require a petition signed by fifteen per cent of the entire vote cast in the City at the last preceding election for the office of governor; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by seven per cent of the entire vote cast in the City at the last preceding election for the office of governor; and that for the recall of an elected officer it shall require a petition signed by twenty-five per cent of the entire vote cast in the City at the last preceding election for the office of governor. Petitions for the Initiative, Referendum, or Recall shall be on forms prescribed by an ordinance of the Council and shall state in full the ordinance to be initiated or referred or the officer to be recalled with reasons for such recall. This statement shall appear at the head of each petition, followed by the signature and legal residence of each petitioner written in ink or indelible pencil, and by the affidavit of the person in charge of the petitions that the signatures have all been made in his presence by the persons whose names they purport to be, and are legal signatures to the best of his belief. The City Clerk shall pass on the number and legality of the signatures attached to each petition and shall give notice of the sufficiency or insufficiency of signatures on each petition. Supplementary petitions or additional signatures may be presented in the form and procedure provided above.

ARTICLE IV.

Section 24. Mayor. The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall have no power of veto, but shall have a vote as a member of the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The Mayor shall receive as compensation the sum of \$5000.00 per year, payable monthly. The Mayor shall also receive each year for entertainment purposes a sum not to exceed \$1500.00.

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided however, that if the Council shall fail to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy. Any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

Section 25. Vice-Mayor. The Council shall annually in the month of May select one of its members who shall be the Vice-Mayor. The Vice-Mayor shall perform all the duties of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent or unable to perform his duties.

ARTICLE V.

Executive and Administrative Service.

Section 26. Administrative Code. The existing Departments, Divisions and Boards and existing Offices of the City Government are hereby continued unless changed by the provisions of this Charter or by ordinance of the Council. The Council shall by ordinance, by majority vote, adopt an administrative code providing for the detailed powers and duties of the administrative offices and departments of the City Government, based upon the provisions of this Charter. Thereafter, except as established by the provisions of this Charter, the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining, abolishing or decreasing the powers of any department, division or board shall require a vote of five (5) of the members of the Council. The Council may by ordinance, if authorized so to do by the general law of the State, provide that any function of the City may be performed by the County officer in charge of that respective function for the

County or for the establishment of a combined City and County district for the performance of any function.

The city
manager.

Section 27. The City Manager. The Council shall elect a Manager within sixty (60) days from the first meeting in May, under this Charter, who shall be the chief executive and administrative officer of the City. The Manager shall be chosen by the Council solely on the basis of his proven executive and administrative qualifications. The Manager need not, when elected, be a resident of the City or State, but must be a citizen of the United States. He shall, upon his election, immediately become a resident of the City. No member of the Council shall, during the time for which he was elected, or for one (1) year thereafter, be eligible to hold the position of Manager. The Manager shall be elected for an indefinite term, but may be removed at the pleasure of the Council. Before the Manager may be removed he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. At least two weeks shall be given the Manager between notice and hearing for the preparation of his answer to the reasons for removal. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. He shall receive a salary to be fixed in the annual appropriation ordinance. The salary set in the appropriation ordinance shall not be reduced while the Manager holds office, but may be subject to increase by the Council at its discretion. The Manager shall designate one of his subordinates as Assistant Manager, who shall serve as Manager in case of the absence or disability of the Manager.

In the event of a vacancy in the office of City Manager, the Council shall fill the same within sixty (60) days after the vacancy occurs.

Duties of
the manager

Section 28. Duties of the Manager. It shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including an annual report of all the Departments of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other executive and administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the

Manager or persons designated by him. He shall assume the ^{SAME} position of Director of any Department under his control for which a Director has not been appointed. The Commissions, Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available. To this end he shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the City, with the checking of these estimates against the information relative to past expenditures and income, with the preparation of the budget document and supporting schedules and with the presentation of the budget to the Council. He shall have the power, with the approval of the Council, to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments.

The Manager shall execute all contracts for the Departments under his control. He shall approve all requisitions and vouchers for said Departments in person or through such assistants as he may designate for the purpose.

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments. The Commission or Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department, not inconsistent with the general rules and regulations prescribed by the Manager.

In order to expedite the work of any Department or to adequately administer an increase in the duties which may devolve on any Department or to cope with periodic or seasonal changes, the Manager, subject to Civil Service regulations, is empowered to transfer employees temporarily from one Department to perform similar duties in another Department. Likewise each Department head shall have power to

transfer employees from one Division to another within his Department.

The Manager may direct any Department or Division, to perform work for any other Department or Division. Such powers to transfer employees or to direct the performance of work shall not apply to the Police or Fire Departments.

The Manager shall prepare and present to the Council an annual report of the City's affairs.

In case of general conflagration, rioting, flood, or other emergency menacing life and property, the Manager shall marshal all the forces of the different Departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ such other persons as he may consider necessary for the purpose of protecting the City and its residents. The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law.

And in such authorized emergencies the Manager shall be subordinate to and shall carry out such duties as may be assigned to him by the Mayor.

Powers of
manager.

Section 29. Responsibility of Manager—Powers of Appointment and Removal. The Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end, subject to the Civil Service provisions of this Charter and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the City under his control; but the Manager may authorize the head of a Department or officer responsible to him to appoint and remove subordinates in such Department or office. Appointments made by, or under the authority of, the Manager, shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days. No person directly related to the City Manager by blood or marriage shall be eligible for employment unless such relative was in the employ of the City at the time of the appointment of the City Manager.

Removal of
officers and
employees.

Section 30 Removal of Officers and Employees. All officers and employees in the classified service of the City who are appointed by the Manager or under his authorization may be removed by him or by the officer by whom appointed at any time in accordance with the provisions of this Charter, as contained in Section 129 of Article VIII, relating to Civil Service.

Officers and employees in the unclassified service appointed by the Manager may be removed by him at any time and, in the case of appointees in the unclassified service, the order of the Manager affecting said removal shall be final and conclusive. Any appointee or employee in the unclassified service so removed by the Manager may, however, within five (5)

days after receipt of a Notice of Dismissal, demand a written statement of the reasons therefor. Thereupon it shall be the duty of the Manager to forthwith deliver to the dismissed employee a written statement of the reason for such dismissal, a copy of which statement shall be forthwith filed with the Civil Service Commission or with the Council as hereinafter provided. Upon receipt of such written statement so furnished by the Manager, the Commission or Council shall fix a time and place for a public hearing, at which hearing the Civil Service Commission or the Council, as the case may be, shall have authority to investigate the facts set forth in said written communication from the Manager containing the reasons for said dismissal, and determine the truth or falsity of said facts; the Commission or Council shall report its findings and recommendations made as a result of such hearing, and cause a copy of such findings and recommendations to be delivered to the Manager and file the original with the City Clerk. The dismissed appointee or employee in such cases shall have the right to file with the Civil Service Commission or Council, as the case may be, a written reply or answer to any charges so filed by the Manager. All written documents, including the Manager's written reasons for such dismissal, the written order of dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Commission or Council, and any documentary evidence used at the hearing shall be filed with the proper officer of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the Manager to remove any appointee or employee in the unclassified service of the City, appointed or employed by him, and all such removals shall be final and conclusive.

In the case of removal by the Manager of the Chief of Police, the Chief of the Fire Department, the City Treasurer, or any official whose appointment is confirmed by the Council, all hearings involving the investigation of the reasons for the removal of such officer shall be conducted by the City Council, and in all other cases the hearings shall be conducted by the Civil Service Commission. In the event of a hearing before the Council, the City Clerk shall act as Clerk for such investigation, and in the event of a hearing before the Civil Service Commission, the Personnel Director shall act as the Clerk at such hearing. All such hearings shall be stenographically recorded and a full record of such hearing kept by the Clerk of the hearing.

Section 31 City Employees Out of Politics. Neither the City Manager nor any person in the employ of the City, other than elective officers, shall take any active part in any municipal campaign, or in securing or in contributing or soliciting the contribution of money toward the nomination or election of any candidate for municipal office. Any person found

City em-
ployees out
of politics.

gulty of violation of this section of the charter shall immediately forfeit his office or employment. The personnel director is charged with the enforcement of this provision and the decision of the Civil Service Commission or Council in any case arising thereunder shall be final and conclusive.

Section 32. Right of Manager and Other Officers in Council. The Manager and such other officers of the City as may be designated by a vote of the Council may attend all meetings of the Council but shall have no vote therein. The Manager or other officer so selected shall have the right to take part in discussions or matters properly before the Council relating to his office or may participate in discussions in such Council meetings when requested so to do by a member of the Council or a committee thereof.

Manager's
control de-
partment

Section 33 Manager's Control Department. The Manager shall appoint a Budget Officer, a Purchasing Agent and a City Engineer. He may at his discretion combine any or all of these offices in one or more persons or may exercise the duties of one or more of these offices himself. Each of these officers shall serve during the pleasure of the Manager and shall receive for their services such compensation as is fixed in the Annual Appropriation Ordinance.

The Manager's Department shall consist of such subordinate officers and employees as shall be authorized by ordinance.

Budget
officer.

Section 34. Budget Officer. The Budget Officer shall assist the Manager in the preparation of the annual budget and in all matters connected with the expenditures of the appropriations provided in the annual appropriation ordinance. He shall co-operate with the Auditor and Comptroller, and Purchasing Agent in the financial affairs of the City and shall have power to investigate and report on the operation and methods of all Departments of the City. He shall investigate the efficiency of each activity of the Departments and report to the Manager his findings and recommendations thereon. He shall perform such other functions connected with the financial affairs of the City as the Manager or the Council by ordinance may direct.

Purchasing
agent.

Section 35. Purchasing Agent. The Purchasing Agent shall make all purchases of supplies, materials, equipment, and insurance required by the various Departments or offices of the City, except as may be otherwise provided by the Council or this Charter. He shall prepare in consultation with the administrative officers of the City, standard specifications, for all supplies, materials, equipment, and insurance necessary for use by the various Departments or offices of the City.

Before making any purchase or sale, the Purchasing Agent shall give opportunity for competition under such rules and regulations, and with such exceptions, as the Council may by ordinance provide. The Council shall have power to

provide under such rules and regulations that any used, obsolete or depreciated personal property belonging to the City may be sold, exchanged or otherwise disposed of to the best advantage of the City without competitive bidding. Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent or by purchase and whenever so furnished, shall be paid for by the Department or office furnished therewith. It shall be his duty to inspect or cause to be inspected all purchases, and reject any of those which are not up to said standard specifications, and he shall not approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be transferred by the Purchasing Agent and a proper record made of the transaction. He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The Council may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase materials, supplies, or equipment in common use by the Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent shall prepare a perpetual inventory account of all materials, supplies, equipment, insurance and other purchases, and include thereon a list of all real and personal property belonging to the City, and may require the Departments to furnish him with an Inventory of all personal property on hand at the beginning of the budget year or at the end of the fiscal year; he shall file the original of such inventory account with the City Clerk and deliver a copy to the Auditor and Comptroller, and retain a copy for his office; once each year, or more often if required by the Auditor and Comptroller or upon demand of the Council, said Purchasing Agent shall amend and revise said Inventory Account so as to keep said inventory account up to date. He shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance or by the Manager.

Section 36. City Engineer. The Manager shall appoint a City Engineer who shall be a registered civil engineer of the State of California, and of not less than five years' experience

City
engineer.



as a civil engineer. He shall perform the duties imposed upon City Engineers by general law, this Charter, or ordinances of the Council together with such other duties relating to his office as may be required of him by the City Manager. He shall have such subordinate officers and employees as shall be authorized by ordinance. Neither the City Engineer nor his subordinates shall do any private engineering work while they are employed by the City.

It shall be the duty of the City Engineer, subject to the approval of the City Manager, to furnish any Department of the City such service, labor and materials as may be requisitioned by the head of such Department. The expense of such service, labor and materials shall be charged to the Department so furnished at actual cost.

He shall possess the same power in the City in making surveys, plats and certificates as is given by law to City Engineers and County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of City Engineers or County Surveyors. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control shall be the property of the City.

He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, and he shall keep complete statistical records covering the investigation, design, construction, maintenance and operation of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor and Comptroller. No maps or specifications for public work for the improvement of streets or for the subdivision of property shall be accepted until they have been filed with and approved by the City Engineer. Such maps and specifications shall then become the property of the City.

Personnel
director.

Section 37. Personnel Director. The Personnel Director shall be appointed by the Civil Service Commission and shall have all powers and perform all duties prescribed for such Personnel Director in Section 116 of Article VIII. In addition thereto he shall exercise general supervision over the employment policy of the City, subject to the Civil Service provisions of this Charter and the directions of the Civil Service Commission. He shall keep a record of the personnel conditions in the City service and shall, upon the request of the Manager or of the Civil Service Commission, or on his own initiative, investigate problems relating to the securing of a better class of applicants for positions, and to the maintenance of efficiency among City Employees, and to any and

all other matters relating to his department as may properly come before him.

The Personnel Director, with the approval of the Civil Service Commission and the Manager shall have jurisdiction to investigate working conditions of City service as they effect the health, welfare, efficiency, service and esprit de corps of the employees. He shall be accessible to any employee who shall desire to complain of any matter incident to his employment.

Section 38. City Clerk. The City Clerk shall be elected ^{City clerk} by the Council for an indefinite term and shall serve until his successor has been elected and qualified. His duties shall be to keep the corporate seal, books, papers, records and other documents belonging to the City, including the custody of the official bonds of City officers, and employees, except his own, which shall be in the custody of the Treasurer, and all deeds, title papers, mortgages, contracts, judgments, notes, insurance policies and debts, and any and all other records, the custody of which is not provided for in this Charter; to attend all meetings of the Council and keep a journal of its proceedings, all its ordinances and resolutions and perform such other duties relating to his office as the Council and this Charter shall direct. He shall have power to take affidavits, and administer oaths in all matters relating to the business of the City, and shall make no charge therefor. He shall have power to appoint, pursuant to the Civil Service provisions of this Charter, such deputies as are provided by law, who shall, under his direction, have the same powers and perform the same duties as the City Clerk.

Section 39 City Auditor and Comptroller. The City ^{City auditor and comptroller} Auditor and Comptroller shall be elected by the Council for an indefinite term and shall serve until his successor is elected and qualified. The City Auditor and Comptroller shall be the chief fiscal officer of the City. He shall exercise supervision over all accounts, and accounts shall be kept showing the financial transactions of all Departments of the City upon forms prescribed by him and approved by the City Manager and the Council. He shall submit to the City Manager and to the Council not later than the tenth day of each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department, Division and office thereof. No contract, agreement, or other obligation for the expenditure of public funds shall be entered into by any officer of the City and no such contract shall be valid unless the Auditor and Comptroller shall certify in writing that there has been made an appropriation to cover the expenditure and that there remains a sufficient balance to meet the demand thereof. He shall perform the duties imposed upon City Auditors and Comptrollers by the laws of the State of California, and such other duties as may be imposed upon him by ordinances of

the Council, but nothing shall prevent the Council from transferring to other officers matters in charge of the City Auditor and Comptroller which do not relate directly to the finances of the City. He shall prepare and submit to the City Manager such information as shall be required by the City Manager for the preparation of an annual budget. He shall appoint his subordinates subject to the Civil Service provisions of this Charter.

City
attorney.

Section 40. City Attorney. A City Attorney shall be elected by the people for a term of four years. The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The Attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the legal department; to give advice in writing, when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any Department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each his approval of the form or correctness thereof; to preserve in his office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in his office copies of all written opinions furnished by him to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City and the City Attorney shall on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his successor in office.

He shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, document, or evidence necessary to be used in any suit, or required for the purpose of his office.

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or Commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the Departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The City Attorney shall receive a salary of \$6,500.00 per year, payable monthly.

Section 41. Commissions. The Mayor shall appoint, subject to the confirmation of the Council, members of the Funds Commission and Civil Service Commission, which are hereby created. Commissions.

(a) Funds Commission. This Commission shall have supervision and control over all trust, perpetuity, and investment funds of the City and such pension funds as shall be placed in its custody, and shall administer them subject to the laws of the State and ordinances of the Council. The membership of this Commission shall be appointed by the Mayor and confirmed by the Council and shall be one bank official, two unclassified citizens, and the City Attorney and City Treasurer, ex-officio. They shall serve without compensation for terms of four years and until their successors are elected and qualified.

(b) Civil Service Commission. This Commission shall have supervision over the selection, promotion and removal of all employees of the City subject to the Civil Service provisions of this Charter (Article VIII).

Section 42. City Planning Commission. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. Their duties shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Manager shall appoint four members, one of whom shall be an architect of at least ten years' experience, and the Council shall elect three members. City planning commission

including one of their own members; the City Engineer, and the City Attorney shall be members *ex-officio*. The members of this Commission shall serve without compensation for terms of four years or until their successors are elected and appointed and qualified.

Advisory
commissions

Section 43. Advisory Commissions. The Manager may appoint a Commission of any number of citizens qualified to act in an advisory capacity to the Head of any Department or Division under his supervision or control. The members of any such Commission shall serve without compensation and during the pleasure of the Manager, and it shall be their duty to consult and advise with the Director, or Chief, as the case may be, but not to direct the conduct of the Department or Division.

Directors of
departments

Section 44. Directors of Departments. At the head of each Department under the City Manager there shall be a Director as specified herein who shall have supervision and control thereof. The Manager may act as the Director of any Department under his direction. Each Director shall have power to prescribe rules and regulations, not inconsistent with this Charter and the ordinances passed in pursuance thereof, for the conduct of the officers and employees of the Department of which he is in charge, for the distribution and transaction of its business, and for the custody of the books, papers, records, and property under its control. The work of each Department shall be distributed among the Divisions established by this Charter or as may be established by ordinance. There shall be a single officer in charge of each Division.

City
treasurer.

Section 45. City Treasurer. The Manager shall appoint a Treasurer subject to confirmation by a majority of the members of the Council. He shall perform the duties imposed upon City Treasurers by general law, the City Charter, or ordinances of the Council.

The office of the Treasurer shall consist of the Treasurer and such subordinate officers and employees as shall be authorized by ordinance.

The Treasurer shall receive, have the custody of, and disburse City moneys upon the warrant of the Auditor and Comptroller. He shall keep such books and records as are necessary for the recording of all receipts and expenditures, together with a record of money in City depositories. Every Department officer, or institution which receives money directly from the public, shall deposit the same daily with the Treasurer, unless otherwise authorized by ordinance. The Treasurer shall demand and receive from the County Tax Collector moneys collected by him for use of the City. And it shall be the duty of such County official to deposit such money monthly with the City Treasurer.

The Treasurer shall determine pursuant to the general law of the state, the selection of depositories for City funds. All

interest collected on City funds shall be accounted for monthly by the Treasurer.

Whenever any person is indebted to the City in any manner and the means of collection of such debt is not otherwise provided for by law or ordinance, the Treasurer shall be authorized to demand and receive the same. When any claim shall not be collectible by other methods, he shall report the same to the City Manager and the City Attorney for prosecution. When payment of a claim or any judgment thereon is made, he shall receive and receipt therefor in the name of the City.

The Treasurer shall issue notices for and collect special assessments previous to certification to the County Auditor, charges for permits for private use of public streets, and such other miscellaneous taxes, fees, assessments, licenses and privilege charges as may from time to time be assigned to him. He shall maintain a continuous inspection of the records and accounts of such taxes, licenses and privilege charges in order to effectuate their collection.

The Treasurer shall issue all permits and licenses except departmental permits and licenses which are by ordinance assigned to the particular Departments. Such permits and licenses shall be issued either directly by the Treasurer or upon specific authorization of the appropriate department as may be required by ordinances, but all revenues derived therefrom shall be deposited with the Treasurer.

The Treasurer in office at the time this Charter is adopted by the people shall serve out the term of office for which he has been elected.

Section 46. Department of Public Works. The Manager may appoint a Director of Public Works who shall perform the duties imposed upon this Department by general law, the City Charter, or ordinance of the Council. The Department of Public Works shall have charge of the Divisions of Streets, Sewers, Refuse Collection and Disposal, Public Buildings, Shops, Pueblo Lands and Unimproved City Property.

The Manager shall have the power to place any of the foregoing Divisions under the control and supervision of the City Engineer or any other Department under his control.

Section 47. Division of Streets. The Division of Streets shall consist of the Street Superintendent and such subordinate officers and employees as shall be authorized by ordinance.

The Street Superintendent shall have charge of the construction, improvement, repair and maintenance of all public highways and rights of way for which the City shall be legally responsible.

Section 48. Division of Sewers. The Division of Sewers shall consist of the Superintendent of Sewers and such subordinate officers and employees as shall be authorized by ordinance. The Superintendent of Sewers shall have charge of the construction, improvement, repair and maintenance of a

public sewer system for The City of San Diego and the inhabitants thereof, and he is hereby authorized to do any and all things necessary or incidental to said construction, improvement, repair and maintenance of such public sewer system.

Division of
refuse col-
lection and
disposal.

Section 49. Division of Refuse Collection and Disposal. The Division of Refuse Collection and Disposal shall consist of a Superintendent and such subordinate officers and employees as shall be authorized by ordinance.

The Superintendent shall be charged with the keeping of all City owned beaches, streets, highways, alleys and catch basins in a clean and sanitary condition, and with the direction and control of the removal of street sweepings and other refuse and rubbish from the City owned beaches, streets and highways. He shall be responsible for the collection and disposal of garbage, ashes and refuse and for the supervision and administration of all contracts let by the City for such collection and disposal.

Division
of public
buildings

Section 50. Division of Public Buildings. The Division of Public Buildings shall consist of a Superintendent and such subordinate officers and employees as shall be authorized by ordinance

The Superintendent of Public Buildings shall have charge of the construction, alteration, maintenance and care of all public buildings belonging to the City and not specifically by ordinance allocated to another Department of the City for such construction, alteration, maintenance, and care. He shall perform such duties as may be designated by the Manager or the Director of Public Works and by ordinance of the Council.

Division
of shops.

Section 51. Division of Shops. The Division of Shops shall consist of a Superintendent of Shops and such subordinate officers and employees as shall be authorized by ordinance. The Superintendent of Shops shall have charge of manufacturing, storing and repairing of automotive equipment, machinery, tools and other implements and equipment used by the Department of Public Works, and of such other storage and repair of other City owned property as the Council shall by ordinance direct or the Manager authorize. All charges for the care of equipment shall be made against the proper department on forms prescribed by the Manager and Auditor and Comptroller.

Division of
Pueblo lands
and unim-
proved city
property

Section 52. Division of Pueblo Lands and Unimproved City Property. The Division of Pueblo Lands and Unimproved City Property shall be under the Director of Public Works and under the direct supervision and control of such officer as he may direct.

Water
department.

Section 53. Water Department. There shall be included in the administrative organization of the City a separate department to be known as the Water Department. The accounts and records of the Water Department shall be so set up and kept that it may be ascertained therefrom at all times the exact cost of water sold to the consumer. The Department

shall consist of two divisions or bureaus, viz., the Division of Development and Conservation, and the Division of Distribution. ^{Same.}

(a) The Manager shall appoint a competent hydraulic engineer, who shall have charge of the Division of Development and Conservation and of such subordinate officers and employees in said Division as shall be authorized by ordinance. This Division shall have charge of all matters and things connected with, incidental or necessary to the development and conservation of water, and also of the conveyance and delivery of water to the distributing system of the City and to such consumers as are authorized to receive water from the City along the line of its supply.

(b) The Manager shall appoint a Superintendent of Distribution in the Water Department and such subordinate officers and employees as may be authorized by ordinance. This Division shall have charge of the distributing system of the City both within and without the territorial boundaries of the City, and of the actual distribution of water to the consumer, including the construction and maintenance of water mains, services and meters used in the distribution of water to the consumer. The Council shall from time to time establish a schedule of charges for water delivered by the City to the consumer, classified according to the purpose for which and the quantity of water used. Each such schedule shall be general in its application, and shall apply to all consumers. All Departments of the City using water from the distributing system shall pay for the same at the same rates as other consumers.

(c) Until such time as the Water Department is self-sustaining the Council must provide an adequate sum in the annual appropriation ordinance for the proper maintenance of the Department. In addition thereto, the Council shall levy annually a tax sufficient to provide a Sinking Fund for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Department on the accounts of the City. All revenue obtained by the City from the sale and distribution of water, except such revenue as has been heretofore appropriated by valid contract to another and specific purpose, shall be used exclusively for the maintenance and operation of the Water Department; provided, however, that no revenue as herein described shall be used for capital purposes in connection with the impounding and developing system located outside territorial limits of the City. All revenues, except such as have been heretofore appropriated by contract to some specific purpose, in excess

of the amount necessary for the maintenance and operation of such Water Department shall be transferred monthly to the General Fund of the City and shall be available thereafter for use for any legal City purposes, and all such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of water bonds and the payment of interest thereon. Such accounts shall be kept by the City Auditor and Comptroller until such water bonds have been actually redeemed.

(d) The Manager shall appoint an Advisory Commission of three citizens who have knowledge of water development problems, to advise with and formulate plans for future water development.

(e) The Council shall have power to employ special counsel for the purpose of advising and representing the City in all matters, proceedings and things relating to or concerning the development, impounding and distribution of water.

Harbor
department.

Section 54 Harbor Department. (a) The Mayor, with the approval of the Council, shall appoint three electors of the City as members of the Harbor Commission, one to serve for two years, one for three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of The City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within the limits of said City, except, however, such tide and submerged lands which have heretofore or which hereafter may be transferred to the exclusive control of the United States and excepting further such other land as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the

powers and duties prescribed by this Charter for said Harbor ^{Same} Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) The Council shall appropriate each year until the year 1938 the sum of \$150,000.00 in the annual appropriation ordinance for the use of the Harbor Commission on harbor improvements. This sum so appropriated annually, together with such portion of the revenue and receipts of the Department as may not be needed for operating expenses, shall be placed in a trust fund in the City Treasury and expended by the Harbor Commission for capital purposes only in the development of the harbor and tidelands of the Bay of San Diego. When the harbor has been fully developed all such funds which are not necessary for the maintenance and operation of said Department shall be placed in the general fund of the City and thereafter used for any lawful purpose.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law, provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which

relate to the planning and zoning of The City of San Diego shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

Park
department.

Section 55. Park Department. The Park Department shall consist of the Park Division, the Cemetery Division and the Street Trees Division.

The Manager shall appoint a Park Commission of three members whose powers shall be as prescribed in Section 43.

The Manager shall appoint a Park Director, who, in turn, shall appoint a Superintendent of Cemeteries, and a Superintendent of Street Trees.

The Park Director shall, subject to the advice of the Manager, supervise the administration of the affairs of the Cemetery and Street Trees Divisions and shall, in addition, be the executive officer and director of activities of the Park Division.

(a) The Park Department shall have the control and management of the parks, parkways, plazas, cemeteries and street trees of the City. The Council shall by ordinance adopt regulations for the proper use and protection of park property, and provide penalties for violations thereof.

The Manager is charged with the enforcement of such regulations.

All real property heretofore or hereafter designated or set aside for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or permitted in such manner as is prescribed by the laws of the State of California in such cases and until such changed use or purpose is first authorized or ratified by a vote of two-thirds of the qualified electors of the City voting at an election for that purpose. The Park Director shall have the power, with the approval or on the recommendation of the Manager, and when not inconsistent with proper park development or use, to permit the use by the Playgrounds and Recreation Department of suitable and convenient areas in any of the parks in the City for playgrounds, recreation centers or recreation camps.

The Park Director shall have all other powers conferred upon Boards of Park Commissioners by general laws, but the people may by a two-thirds vote modify such laws so as to designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the City and give to the Manager supervision over the construction, repair and maintenance thereof.

(b) The Cemetery Division shall subject to the advice of the Park Director, be charged with the management, control, preservation, regulation, improvement and embellishment of

all public burial grounds and cemeteries belonging to the City, and the sale of lots therein.

The net proceeds from the sale of such lots shall be deposited with the City Treasurer to be placed in the Cemetery Perpetuity Fund.

The Cemetery Perpetuity Fund shall be administered by the Funds Commission and shall be invested in such income producing securities as the Funds Commission may decide; the principal of the Perpetuity Fund, (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses of maintenance or upkeep of any nature whatsoever, but the income derived from such investments shall be transferred to the control of the Cemetery Division to be expended in the maintenance and upkeep of the Cemeteries.

The Cemetery Division shall have the power to construct, maintain and operate crematories, chapels and such other adjuncts as properly pertain to cemeteries, in so far as available funds will permit.

(c) The Street Trees Division shall, subject to the advice of the Park Director, have charge of the planting, maintaining, and removal of trees along the streets and boulevards of the City.

Section 56. Bureau of Safety. The Bureau of Safety shall consist of the Departments of Police, Fire, and Inspection. Bureau of safety.

Section 57. Police Department. The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time by ordinance prescribe. Police department.

All members of the Police Department at the time this Charter takes effect shall be retained and shall only be removed for cause as provided in Section 129 of Article VIII of this Charter.

The Chief of Police shall be appointed by the Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief may be removed by the Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Chief of Police, with the approval of the City Manager, shall direct and supervise the personnel, subject to Civil Service regulations, have charge of the property of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council.

The Chief of Police may appoint, subject to the approval of the Manager, an Assistant Chief of Police, a Chief of Detectives, and all members, officers and employees of the Police Department, subject to the Civil Service requirements of this Charter. During the absence or inability of the Chief of Police to perform the duties of his office the Assistant Chief of Police shall perform all the duties of the office of the Chief of Police.

The Chief of the Police Department, with the approval of the Manager, may establish a training school and merit system for training and disciplining members of the Department. The rules and regulations of such system and all changes must be approved by the Council. After the establishment of the merit system all appointments to the Police Department shall be made in accordance with the Civil Service provisions of this Charter. But, after appointment members of the Police Department shall not be subject to Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Police Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Police Department, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City who, after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

Fire
department

Section 58. Fire Department. The Fire Department shall consist of a Chief of the Fire Department, an Assistant Chief of the Fire Department, and such battalion chiefs, captains, lieutenants, firemen, and other officers and employees as the Council may by ordinance prescribe. All members of the Fire Department at the time this Charter takes effect shall be retained and shall only be removed for cause as otherwise provided herein.

The Chief of the Fire Department shall be appointed by the Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief may be removed by the Manager at any time in the manner provided for in Section 30 of Article V of this Charter. In appointing the Chief of the Fire Department, the Manager shall make his selection preferably from the ranks of the active members of the Fire Department with a rank of not less than that of battalion chief.

The Chief of the Fire Department, with the approval of the Manager, shall direct and supervise the personnel, have charge of the property and equipment of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council. All appointments to the Fire Department shall be made in accordance with the Civil Service provisions of this Charter from applicants not less than twenty-one nor more than thirty years of age. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed

rules and regulations of a Merit System established by the Chief of the Fire Department, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City who, after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive. Same

It shall be the duty of the Chief of the Fire Department to superintend the prevention and extinguishment of fires, establish rules and regulations for the operation and control of the Fire Department and provide penalties for the violation thereof, exercise full power and authority over all appropriations made for the use of the Fire Department, subject to the approval of the Manager.

The uniformed force of the San Diego Fire Department shall be divided into two divisions—one to perform duty days and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten (10) hours, and the night shift for a consecutive period of fourteen (14) hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four (24) hours while the opposite shift is off duty, and such change of shift shall be made every third day, except in cases of emergency. The Chief, however, with the approval of the Manager, may change the hours of work, and the time of shifts above prescribed, for the purpose of improving the working conditions of the members and the efficiency of said department, but no change shall be made which will impose additional burdens upon the members of said department or materially affect the double platoon system. The Chief shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department shall appoint a Superintendent who shall be in charge of the Fire and Police Alarm Telegraph system, a Fire Marshal who shall be in charge of the Department of Fire Prevention, a Secretary who shall be in charge of the Department of Records and Supplies, a Surgeon who shall be in charge of the Medical Department, and a Master Mechanic who shall be in charge of the Fire Department Repair Shop. There shall also be maintained a Fire Department Drill and Training School.

During the absence or inability of the Chief of the Fire Department to perform the duties of his office, the Assistant Chief of the Fire Department shall perform all the duties of the Chief of the Fire Department, and if the Assistant Chief is absent or unable to perform the duties of the Chief,

then the battalion chief in charge shall perform all the duties of the Chief of the Fire Department.

Department
of Inspec-
tion.

Section 59. Department of Inspection. The Department of Inspection shall consist of a Chief Inspector appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Chief Inspector shall be either a structural engineer or an experienced architect licensed to practice his profession in the State of California, versed in building construction, strength and mechanics of materials, installations of all kinds, and having a general knowledge of the State housing laws and the local inspection ordinances. He shall have been engaged in his profession for a period of not less than five years prior to his appointment. The Chief Inspector and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings or enclosures, or upon the property within the limits of the City, for the purpose of inspecting the same and for enforcing the provisions of the building code, and all other laws and ordinances in force in the City relating to the duties of the Department in the preservation of the safety of the public. No officer or employee of the Department of Inspection shall be engaged either directly or indirectly in any business or profession during the time he is employed by the City in said Department.

Section 60 Department of Public Health.

Department
of public
health.

(a) The Manager shall appoint a Public Health Commission consisting of five members, three of whom shall be graduates of a recognized legal college of medicine and duly licensed to practice medicine in the State of California. The remaining two shall have a general knowledge in the field of public health. The members of this Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.

(b) The Manager shall appoint a Director of Public Health who shall be a graduate of a recognized legal college of medicine and shall be licensed to practice his profession in the State of California. In addition to these qualifications he shall hold a degree of Director of Public Health from a recognized University, or, in lieu thereof, produce the necessary evidence showing that he possesses the essential qualities of administrative ability to perform the work of Director of Public Health.

(c) The Director of Public Health after appointment shall continue to hold office until his successor has been appointed and qualified and he shall receive as compensation such salary as may be fixed in the annual appropriation ordinance.

(d) The Director of Public Health shall be the executive officer of the Department and as such shall exercise all powers and perform all duties conferred by the general laws of the State upon health officers of municipal corporations. Such Director shall enforce all ordinances of The City of San Diego relating to public health and shall provide for the enforcement

of all ordinances, quarantines, regulations and rules prescribed ^{same.} by the State Board of Health pertaining to the regulation of public health in The City of San Diego. He shall also carry out and perform any duty imposed upon him by any statute of the State relating to public health and vital statistics and shall have general supervision of all hospitals and clinics established by ordinance for the purpose of isolation and treatment of communicable diseases or child guidance clinics or any other clinics that may be established for preventive treatment of physical or mental conditions.

(e) The Director of Public Health shall appoint such officers, subordinates and employees as provided by ordinance and as may be necessary to carry out the provisions of this Article and to enforce all laws of the State and City appertaining to public health.

(f) The Public Health Commission as herein created shall exercise all the powers and perform all of the duties conferred by general law upon Boards of Health in the State of California and such additional powers and duties as may be prescribed for Boards of Health by the rules and regulations of the State Board of Health.

(g) The Director of Public Health, under the supervision of the Health Commission, shall have supervision and control under any and all ordinances adopted by the Council of The City of San Diego of hospitals, sanitariums, maternity hospitals, convalescent homes and all other establishments relating to public health. In addition thereto he shall have the power to issue and revoke permits or licenses provided for under any and all ordinances relating to health and sanitation.

(h) The Department of Public Health shall have under its supervision and control all health and sanitary inspectors appointed under any ordinance or ordinances of The City of San Diego which relate to public health. Said Department shall also have supervision and control of the issuance of permits for the operation and inspection of plumbing and gas installations and for all other establishments or businesses requiring inspection under the supervision of the Public Health Department. This Department shall also supervise the issuance and revocation of licenses of such itinerant vendors as may be licensed by ordinance of The City of San Diego.

(i) The Public Health Department shall have supervision over the City Pound and shall be authorized to enter into agreements with any organization formed under the general laws of the State of California for the maintenance and operation of city pounds.

(j) Subject to the approval of the Manager, the Public Health Director may enter into agreements or contracts with other political subdivisions of the State or other United States health services for the purpose of insuring and safeguarding the public health of The City of San Diego and the inhabitants thereof. And in this connection to cooperate with the Public Health Service and Department of the United States or State

of California and with any City or County of this State whenever in the judgment of said Public Health Department the public health and safety of said City and its inhabitants will be best subserved.

Nothing in this Article contained shall be construed as preventing The City of San Diego from adopting any law which will confer benefits by the formation and maintenance of a local health district or prevent the formation of local health districts including the territory of The City of San Diego as may be authorized by general law of said State.

Section 61. Department of Social Welfare.

Department
of social
welfare

(a) The Manager shall appoint a Social Welfare Commission consisting of five (5) members, only three (3) of whom shall be of the same sex, each of whom shall have a general knowledge in the field of social welfare work.

(b) Members of the Social Welfare Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.

(c) The Manager shall appoint a Director of Social Welfare, who shall have the following qualifications: He shall be a graduate of an accredited school of Social Welfare and shall have had at the date of appointment at least two years of experience in the field of Social Welfare Work; or, if not a graduate as hereinabove provided, he shall have had at least five years' experience in approved Social Welfare agencies. Any person appointed to this office shall also have the essential qualifications of administrative ability necessary to carry out the work of Social Welfare herein authorized.

(d) The Director of Social Welfare shall be the executive officer of the Department and shall exercise all powers and perform all duties conferred by general laws or by ordinances of the Council of The City of San Diego. He shall appoint such subordinate officers or employees as shall be authorized by ordinance.

(e) The term of office of the Director of Social Welfare shall continue until his successor shall have been appointed and qualified, and he shall receive such compensation as is designated in the Annual Appropriation Ordinance.

(f) The Department of Social Welfare shall have the power and duty:

First: To investigate and to endorse, if worthy, in the manner provided by ordinance, all such charitable or philanthropic corporations or associations which are dependent on public appeal or general solicitation for support; and to have general supervision over all homes for the aged, boarding homes for children, day nurseries, homes for vocational training, and all other establishments relating to social welfare.

Second: To enforce such ordinances of the City which pertain or concern the solicitation of money or other valuable property for social welfare purposes.

Third: To encourage the formation of private social welfare organizations to meet needs not already provided for and to foster all worthy philanthropic enterprises.

Fourth: To disburse all funds set aside by the Council for social welfare purposes.

Fifth: To study and recommend means of improving the social conditions which lead to poverty, crime and disease.

Sixth: To promote cooperation among all charitable or philanthropic agencies in the City.

Seventh With the consent and approval of the City Council, by resolution or ordinance expressed, the Department of Social Welfare may receive gifts, bequests, or devises to be used for charitable or philanthropic purposes. and to administer any trust declared or created for any such purposes, in accordance with the terms of such trust; provided, however, that nothing herein contained shall be construed so as to prevent the Funds Commission from exercising full power of supervision and control over all trust property and investment funds, as authorized by Subdivision (a) of Section 41 of Article V of this Charter.

Eighth: To supervise and regulate dance halls and places of amusement or recreation as provided by ordinance.

Ninth: In general the Department of Social Welfare shall supervise all appeals for contributions to support local welfare enterprises, and shall have charge in the City of everything which relates to social service and welfare of the people.

Section 62. Playground and Recreation Department. There is hereby created a **Playgrounds and Recreation Commission**, to consist of five (5) members, two of whom shall be appointed by the Manager, two by the Board of Education of the San Diego School District, and the other by the Park Commission. The members of this Commission shall serve without compensation during the pleasure of the respective appointing authorities.

Playground and recreation department.

Except as hereinafter provided, the Manager shall appoint a Superintendent of Playgrounds and Recreation who shall hold office until his successor is appointed and qualified. The Superintendent of Playgrounds and Recreation, subject to the supervision of the Manager, shall be the executive officer and director of playgrounds and recreation activities in The City of San Diego. The Superintendent of Playgrounds and Recreation shall appoint such officers, subordinates and employees as may be authorized by ordinance. He shall have jurisdiction and control of all playgrounds, recreation centers, recreation camps, and recreation activities held on any City controlled beaches and piers as may be owned, controlled or operated by the City. He shall have authority to establish, maintain, promote and operate all types of recreation, either within or without the City limits, as may be consistent with the purposes of this Section. He shall also have authority under the Supervision of the Manager to purchase, lease and acquire, by gift or otherwise, on behalf of The City of San Diego, and

to maintain any property necessary or convenient for recreation purposes. He shall perform and exercise all other duties or powers which may be prescribed by general law or ordinance which relate to the activities of playgrounds and recreations in The City of San Diego.

The Manager shall have authority to enter into such contracts as may be deemed desirable for the best interests of The City of San Diego for the joint operation and control of playgrounds, by the San Diego School District and the City. All such contracts shall be executed by the Board of Education of the San Diego School District, and may provide:

(a) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said School District.

(b) For selection of Directors to control such jointly operated playgrounds and recreation fields.

(c) For payment of compensation to Directors so selected under and by virtue of the authority of said contract.

(d) For proper maintenance and equipment of such jointly owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego School District as herein authorized, the power of the Manager to appoint a Superintendent of Playgrounds and Recreation shall be limited so as to be consistent with the terms of such contract.

**Library
department**

Section 63. Library Department. The Manager shall appoint a Library Commission of three members who shall serve without compensation during his pleasure. The Manager shall appoint a City Librarian who shall be the executive officer and Director of the activities of the Department. The City Librarian must be either a graduate of a Library School accredited by the American Library Association, or present a statement from the Board of Library Examiners of the State of California that in their judgment the applicant is qualified to fill the position of Librarian of the San Diego Public Library. The Library Department shall consist of such central branch libraries and reading rooms and have such subordinate officers and employees as shall be authorized by ordinance.

The City Librarian shall manage and control the libraries and reading rooms of the City, shall purchase books, periodicals, and other publications, may purchase, lease, or receive by gift, any real or personal property for library purposes, subject to the provisions of the Annual Appropriation Ordinance, and shall make and enforce rules and regulations for the proper administration of all real and personal property under the jurisdiction of the Library Department. The City Librarian shall perform such other functions as are prescribed by general law or ordinance for public libraries.

Section 64. Support of Educational and Cultural Institutions. The Council shall annually make appropriations for

the support of all institutions of an educational, scientific, historical and cultural character, and which have a tendency to promote the welfare of the City and its inhabitants, which are now or which may hereafter be controlled by The City of San Diego and partially or wholly operated and maintained by said City for the benefit of its inhabitants.

ARTICLE VI.

Board of Education.

Section 65. School System. The School System of The City of San Diego shall include all Kindergarten, Elementary and Secondary Schools, and such Evening Schools, Technical Schools, Parental Schools and other Schools as are now established or that may hereafter be established by the Board of Education of the City in the San Diego School District under the general laws of the State of California. The boundaries of the San Diego School District shall be those now established or that may hereafter be established under the general laws of the State of California.

School system.

Section 66. Board of Education. The government of the San Diego School District shall be vested in a Board of Education, composed of five members who shall be elected at large by the electors of the School District at the same time as the members of the City Council. The candidates for the Board of Education shall have been qualified voters of the district at least three years prior to their nomination. The members shall serve for a term of four years, or until their successors are elected and qualified. The present members of the Board shall serve out their unexpired terms. Thereafter there shall be elected three members in 1933 and three members each four years thereafter; and two members shall be elected in 1935 and two members each four years thereafter. Any vacancy in the Body shall be filled by the Board of Education until the next general municipal election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of six hundred dollars per annum payable in monthly installments.

Board of education.

Section 67. Powers and Duties. The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon such boards by the laws of the State of California.

ARTICLE VII.

Finance.

Section 68. Budget and Accounting System. A complete budget and accounting system of municipal receipts and expenditures is hereby established. The Council may make changes, amendments or modification in said budget system to make it conform to amendments hereafter made in said budget law, and such other changes, amendments or modifications herein, not affecting the substance or completeness of said system as the Council shall have power to make under the laws and Constitution of the State.

Budget and Accounting system.

Fiscal year
and
manager's
estimate.

Section 69. Fiscal Year and Manager's Estimate. The fiscal year of the City shall begin with the first day of July and shall end with the next succeeding 30th day of June. On or before the first meeting in May of each year the Manager shall prepare and submit to the Council a budget of the expense of conducting the affairs of the City for the ensuing fiscal year. Departments not under the Manager shall submit their annual budget estimates to the Manager, or to such official as he may designate, and in such form as he shall require on or before April 15th for transmittal in proper form by the Manager to the Council. The budget shall include a summary outline of the fiscal policy of the City for the budget year, describing in connection therewith the important features of the budget plan; a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income and other means of financing the budget for the ensuing year, contrasted with the corresponding figures for the current year. The classification of the estimate shall be as nearly uniform as possible for the main divisions of all Departments and shall give the following information:

(a) A detailed estimate of the expense of conducting each Department and office of the City for the ensuing fiscal year; showing the objects of expenditure such as personal service, contractual service, materials and supplies, equipment, capital outlays, and fixed charges; and further consolidated or summarized under funds, organization units and character of expenditure;

(b) Expenditures for the corresponding items for the current year including the amounts estimated to the end of the current fiscal year with reason for increases and decreases recommended as compared with appropriations for the current year;

(c) The total value of supplies and materials on hand in each Department at the date of the preparation of the estimate;

(d) The total amount of City debt outstanding together with a schedule of maturities of bond issues by Departments, and a statement of borrowing capacity;

(e) A statement of the amounts which should be appropriated:

(1) For interest on the city debt,
(2) For paying off any serial bonds maturing during the year,

(3) For payments on lease contracts,

(4) For the aggregate of the year for the equal installments required to be appropriated annually during the life of all other bonds of the municipality in order to accumulate a fund sufficient to pay off such other bonds at maturity,

(5) For disability and retirement payments, in addition to the contributions of City employees, sufficient to maintain the respective funds;

(f) An estimate of the amount which should be appropriated for contingent or emergency purposes;

(g) An itemization of all anticipated revenues of the City from sources other than taxes, shown by Departments;

(h) An item to be known as the "unappropriated balance," which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise. The budget shall also contain an item to be known as the "reserve fund," which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements of the City for the portion of said next ensuing fiscal year prior to the receipt of taxes thereon, or for appropriations to the unappropriated balance fund, provided, that the Council shall create gradually such "reserve fund" as provided in Section 91 of this Article and shall add from year to year an amount sufficient to meet the cash requirements of the City; provided, however, that no transfers from this "reserve fund" shall be made at any time, except as authorized and limited in Section 91 of this Article.

(i) An estimate of the amount of money to be raised from taxes and bond issues which, with revenue from other sources, should be necessary to meet the expenditures proposed:

(j) A long-time program of proposed activities, developments and improvements listed in order of relative importance and specifying whether the work is to be done by bond issue or by taxation;

(k) Such other information as the Manager may think desirable or as may be required by Council. The Council shall provide for printing a reasonable number of copies of the estimate thus prepared, for distribution to citizens at least fifteen days before final passage. Copies shall also be furnished to the newspapers of the City and to each library thereof which is open to the public.

Section 70. Power to Fix Salaries. The Council shall have the power to fix the salaries of the City Manager, the City Clerk, the City Treasurer, the City Auditor and Comptroller, and all other officers under its jurisdiction. All members of Commissions shall serve without compensation except where otherwise provided by State law or this Charter. Except as otherwise provided by law the City Manager and other departmental heads outside of the departments under control of the City Manager shall have power to recommend salaries and wages subject to the personnel classification and the schedule of salaries fixed by the Civil Service Commission, of all other officers and employees within the total amount contained in the Annual Appropriation Ordinance for personal service in each of the several departments of the City Government. All increases and decreases of salary or wages

Power to fix salaries.

of officers and employees shall be determined at the time of the preparation and adoption of the budget, and no such increase or decrease shall be effective prior to the fiscal year for which the budget is adopted.

Annual appropriation ordinance.

Section 71. Preparation and Passage of Annual Appropriation Ordinance. Upon receipt of the Manager's estimate the Council shall at once prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinances shall take the same course in the Council as other ordinances but shall not be passed before the first meeting of the Council in July. The Council may reduce or eliminate any item, but may not increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department unless requested in writing so to do by the Manager or by the Board, Commission or officer in charge of a Department not under the jurisdiction of the Manager. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

Appropriation accounts.

Section 72 Appropriation Accounts. Accounts shall be kept by the Auditor and Comptroller for each item of appropriation made by the Council. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the transfers made thereto, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof. Upon completion of a project for which specific ordinance appropriation is made, it shall be the duty of the Director of the Department concerned at once to so notify the Auditor and Comptroller by letter of completion and clearance. The Auditor and Comptroller shall thereupon transfer any unexpended balance to the general fund. If after one year from date of approval of such ordinance, the Auditor and Comptroller has not received notice of completion or that the work is not progressing, he shall without further consideration restore the unexpended balance in the item so set up to the general fund.

Transfer of appropriations.

Section 73. Transfer of Appropriations. Upon the written recommendation of the Manager, the Council may at any time transfer all or part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated for the same Department or office; provided, however, the Council shall have no authority to transfer all or any part of the salary account during the fiscal year to any other purpose, save and except in the event of a public emergency, and then only for

the purpose of insuring the safety and lives and property of the inhabitants of The City of San Diego.

Section 74. Appropriation Required for City Debt. An appropriation on account of the debt of the municipality, at least equal to the amount or amounts, estimated by the Manager to be required for the purpose, shall be included in each Annual Appropriation Ordinance passed by the Council. If for any reason the Council fail to include such an appropriation in the Annual Appropriation Ordinance or shall appropriate for the debt of the municipality less than estimated by the Manager to be required for that purpose, or less than that actually required for that purpose, the Auditor and Comptroller shall nevertheless cause to be set up, an appropriation account for the full amount so estimated or actually required and shall, notwithstanding any other appropriation made by the Council, transfer to such account out of any moneys of the municipality derived from taxes and paid into the Treasury, such amount or amounts as may be necessary to bring the appropriation for the City debt up to the full amount of the Manager's estimate or the sum actually required.

Appropriation required for city debt.

Any taxpayer of the City or owner of any bond thereof may bring suit against the Auditor and Comptroller in the Superior Court to enforce the provisions of this section and if, upon such suit, it be found that the Council has failed to make an appropriation for the full amount estimated by the Manager and actually required for the City debt and that the Auditor and Comptroller has failed to set up the appropriation account and provide for transfers thereto as required by this section, the court shall order the establishment of such appropriation account and the necessary transfers thereto as hereinbefore provided. And such action by the court shall have the same force and effect in regard to appropriations for the City debt as though taken by the Council in the Annual Appropriation Ordinance.

Section 75. Annual Tax Levy. The Council shall finally adopt, not later than the last Tuesday in August of each year, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amount estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue, using as a basis the value of the property as assessed by the County Assessor, as the same may be equalized and returned to the council by the County Auditor as provided by general law. The Council shall immediately thereafter transmit to the County Auditor of the County of San Diego, a statement of such rate or rates so fixed by it.

Annual tax levy.

Section 76. Limit of Tax Levy. The tax levy authorized by the Council to meet the Municipal expenses for each fiscal year shall not exceed the rate of \$1.34 on each \$100.00 of the assessed valuation of the real and personal property within the city. In addition to the foregoing tax levy, the Council,

Limit of tax levy.

if necessary, shall levy annually a sum sufficient to meet the requirements of the pension funds herein provided for the Police and Fire Departments and the City Employees' Retirement Fund. No special tax shall be permitted except as expressly authorized by this Charter. The foregoing limitations shall not apply in the event of any great necessity or emergency, in which case they may be temporarily suspended, provided that no increase over said limits, except as in this Charter prescribed shall be made in any fiscal year unless authorized by ordinance adopted by the vote of two-thirds of the electors of this City voting on the proposition, and provided further that no indebtedness shall ever be incurred by The City of San Diego for public improvements which shall in the aggregate exceed twenty-five per cent (25%) of the assessed value of all real and personal property of such City, anything in this Charter contained to the contrary notwithstanding. This limitation on the part of the City to incur indebtedness shall be construed to include any indebtedness which may be incurred by special taxes or by the voting of bonds by the electors.

Special
tax levy.

Section 77. Special Tax Levy. The Council shall have the power to levy and collect taxes in addition to the taxes herein or by general law authorized to be levied and collected in an amount sufficient to pay the bonded indebtedness of said City and for the acquisition and construction of permanent improvements, real property, public buildings and structures and public offices, including equipping and furnishing of the same, at the rate of not more than five cents on each one hundred dollars of the assessed valuation during any one fiscal year, provided, however, that said amount of five cents may be increased by a vote of two-thirds of the electors voting on the proposition, but not to exceed the amount limited by Section 76 of this Article.

Assessment
and collec-
tion of
taxes

Section 78. Assessment and Collection of Taxes. The Council shall by ordinance provide that the assessment and collection of taxes for The City of San Diego shall be performed by the County Assessor and County Tax Collector of the County of San Diego and make such arrangements to carry out the provisions of this ordinance. Provided, however, that if at any time the majority of the electors of The City of San Diego voting at an election for that purpose, decide to have the City assume the duty of assessing and collecting the taxes for municipal purposes, then the Council may by ordinance provide for such assessment and collection of taxes by City officers and make the necessary arrangements to carry out the will of the people as expressed at such election.

Special as-
sessments.

Section 79. Special Assessments. The Council shall have power by ordinance to provide for the payment of all or any part of the cost of any public service or of the acquisition of any land or other property for public use, or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility

or improvement, by levying and collecting special assessments upon property specially benefited. The mode and manner for the acquisition of any land or other property for public use or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement and the levying and collecting of special assessments therefor shall be as prescribed at that time by the general law of the State of California relative thereto; unless the Council shall by ordinance provide otherwise.

Provided, however, that the legal and engineering work of preparing proceedings, plans and specifications, costs and estimates of any improvements under this Section shall be done and performed by the offices of the City Attorney and City Engineer, respectively, unless there shall be filed with the City Clerk for presentation to the Council a request in writing by property owners interested that such engineering and legal work be performed by engineers and attorneys outside of the City employ, and at the same time deposited with said Clerk for the use of the City a sum of money sufficient to cover and pay for the costs of such engineering and legal work. In the event that for any reason such proceeding for a public improvement shall not be carried forward to completion so that assessments upon the property benefited may be legally levied and collected in an amount sufficient to pay the entire cost of said public improvement, including such legal and engineering costs, then and in that event such money so deposited may be used by the City to defray the cost of such engineering and legal work as shall have been done prior to the abandonment of such proceeding. The Council shall order the return of such money, if the proceeding is completed to the extent that such costs for engineering and legal fees have been legally assessed as part of the costs against the property benefited. In no case, however, shall the City ever be held liable for the costs and fees of such outside engineers and attorneys.

Section 80. Money Required To Be In Treasury. No contract, agreement, or other obligation, involving the expenditure of money out of appropriations made by the Council, shall be entered into, nor shall any order for such expenditure be valid unless the Auditor and Comptroller shall first certify to the Council that the money required for such contract, agreement or obligation is in the treasury to the credit of the appropriation from which it is to be drawn and that it is otherwise unencumbered. The certificate of the Auditor and Comptroller shall be filed and made a matter of record in his office and the sum so certified as being in the treasury shall not thereafter be considered unencumbered until the City is discharged from the contract agreement or obligation. All unencumbered moneys actually in the treasury to the credit of the appropriation from which an obligation is to be paid, and all moneys applicable to its payment which before the

Money
required
to be in
treasury.

maturity thereof, are anticipated to come into the treasury to the credit of such appropriation shall, for the purpose of such certificate be deemed in the treasury to the credit of the appropriation from which the obligation is to be paid. The Council may approve a contract subject to a vote of two-thirds of the electors, extending over a period of years for additions to the real estate, water plant, harbor, or other revenue producing utilities, in excess of the estimated revenue of the year, if in the opinion of the Auditor and Comptroller and the Council there will be money available to meet the payments on the contract as they come due. Provided, however, that nothing herein contained shall be construed as authorizing the incurring of indebtedness in excess of that limited by Section 76 of this Article.

Allotments.

Section 81. Allotments. The Manager shall require the administrative heads of all Departments to submit to him, immediately after the adoption of the Annual Appropriation Ordinance, a work program for the budget year, which program shall include all appropriations for operation and maintenance expenditures and for the acquisition of property and shall show the requested allotments of all appropriations by quarters for the entire year. The Manager shall review the requested allotments of each Department and if necessary revise, alter, or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations available for the Department for the budget year. The Manager shall transmit a copy of the approved allotments to the Head of the Department and also a copy to the Auditor and Comptroller who shall authorize the expenditures to be made from the appropriations on the basis of such allotments, and not otherwise unless there shall be a balance carried over from a preceding allotment period or unless an additional appropriation or transfer has been made by the Council. The head of each Department may request the Manager to approve a revision of the work program at the beginning of any quarter during the fiscal year and such approval shall be transmitted to the Department Head and the Auditor and Comptroller. The Manager may require that each Department set up a reserve in the original allotments of at least five per cent of the total appropriation of the Department or Divisions thereof. At any time during the fiscal year, this reserve or any portion of it, may be returned by the Manager to the original appropriation to which it belongs and added to any allotment and any unused portion shall remain as an unexpended balance at the end of the budget period. The Council may provide for the creation of revolving funds or of seasonal expenditures for any Department and such funds shall not be subject to the allotment method of distribution.

Examination and Investigation of claims

Section 82. Examination and Investigation of Claims by the Auditor and Comptroller. The Auditor and Comptroller shall examine all payrolls, bills, and other claims and demands,

except claims for damages against the City, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed, and duly approved; that it is legally due and payable; that an appropriation has been made therefor which has not been exhausted; and that there is money in the treasury to make payment. He may investigate a claim and for that purpose may summon before him any officer, agent or employee of the City, any claimant or other person, and examine him upon oath or affirmation relative thereto, and if he finds a claim to be fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor. If the Auditor and Comptroller issue a warrant on the treasury authorizing payment of any claim in contravention of the provisions of this Section, he and his sureties shall be jointly and severally liable to the City for the amount of such warrant if paid.

Section 83. Payment of Claims Against the City. No claim against the City shall be paid except by means of a warrant on the treasury issued by the Auditor and Comptroller. The Auditor and Comptroller shall issue no warrant for the payment of a claim unless the claim be evidenced by voucher approved by the head of the Department or office for which the indebtedness was incurred, and each such officer and his surety shall be liable to the City for all loss or damage sustained by reason of his negligence or corrupt approval of any claim. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants for salaries of officers and employees shall be allowed by the Auditor and Comptroller and paid regularly, semi-monthly, from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims. Payment of claims.

Section 84. Money to Be Drawn From Treasury in Accordance With Appropriation. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the Annual Appropriation Ordinance, and preliminary appropriation ordinance, or of the annual appropriation changed as authorized by Section 73 and subsection (h) of Section 69 of this Article. At the close of each fiscal year any unencumbered balance of an appropriation except retirement funds, and such trust funds as may be established by this Charter shall revert to the fund from which appropriated and shall be subject to reappropriation but appropriations may be made by the Council, to be paid out of the revenues of the current year, in furtherance of improvements or other objects or works which will not be completed within the year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned. Appropriation necessary.

Section 85 Daily Deposits of Money. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures and all moneys which may be collected or received by any officer of Daily deposits of money.

the City in his official capacity, or from any Department of the City for the performance of any official duty and all moneys accruing to the City from any source and all moneys directed by law or by this Charter to be paid or deposited in the treasury, shall be paid into the treasury daily.

Disposition

Section 86. Disposition of Public Moneys. All city officials and employees empowered to collect money for fees, permits, licenses, inspections, services, taxes or other municipal charges, shall collect the same promptly at the time they become due, turn them into the City treasury daily, obtain a receipt therefor, and report the same to the City Auditor and Comptroller weekly. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the City, and all funds which may remain in the possession of the City unclaimed after a period of one year from the date when due and payable, shall be credited to the general fund of the City, and shall be applicable to any purpose to which the Council may appropriate them and the Council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing.

**Uniform
accounts
and reports**

Section 87. Uniform Accounts and Reports. The Auditor and Comptroller shall prescribe uniform forms of accounts which shall be observed by all officers and Departments of the City which receive or disburse City moneys. Whenever an act shall be passed by the Legislature of the State providing for uniform municipal accounts or reports, the City Council may elect to conform thereto.

**Monthly
reports.**

Section 88. Monthly Reports of Officers. On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the Auditor and Comptroller of all moneys received by him during the preceding month.

**Monthly
statements**

Section 89. Monthly Statements by the Auditor and Comptroller. The Auditor and Comptroller shall prepare for submission to the Council, not later than the tenth day of each month, or when requested, a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department and Division thereof as of the last day of the previous month.

**Bonded in-
debtedness.**

Section 90. Contracting Bonded Indebtedness. (a) Whenever the Council shall determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement authorized to be acquired, constructed, completed or maintained by The City of San Diego, the cost of which will be too great to be paid out of the ordinary annual income and revenue of said City, the Council may contract bonded indebtedness for said purposes or any of them, pledging the credit of the City or the property or revenue of any public utility owned by the City and the proceedings taken for incurring such indebtedness shall be in accordance with the mode and manner prescribed by

the provisions of the general laws of the State of California ^{Same.} relative to incurring bonded indebtedness by municipalities in force at the time such proceedings are taken. Every ordinance or resolution determining that the public interest or necessity demands such improvement shall be adopted only by a vote of five members of the Council and it shall require a vote of two-thirds of the electors voting on each proposition at a regular or special election for the issuance of such bonds before said indebtedness or liability for said improvements may be incurred, except ordinances authorizing such bond issues as are specified in Section 92 of this Article. No bonds, except such bonds as have been heretofore or may be hereafter issued for the purpose of acquiring, constructing or completing improvements for the development, conservation and furnishing of water as hereinafter provided, shall be issued on the credit of the City which will increase the bonded indebtedness of said City beyond ten per cent of the assessed valuation of all real and personal property of said City subject to direct taxation as shown by the last preceding valuation for City taxes.

(b) Whenever the Council shall determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement for the development, conservation and furnishing of water, whether in the County of San Diego or elsewhere, the Council may contract bonded indebtedness for such improvement for the development, conservation and furnishing of water whenever authorized to do so by a vote of two-thirds of the electors voting at an election held for that purpose in the manner and mode prescribed by the general laws of the State of California in force at the time of holding said election. Bonds issued by virtue of the authority of this paragraph (b) including all bonds now outstanding for the purpose of development, conservation and furnishing of water, shall not exceed in amount the sum of fifteen per cent of the assessed valuation of all real and personal property of said City subject to direct taxation as shown by the last preceding valuation for City taxes. The fifteen per cent limitation contained herein shall be in addition to the amount authorized to be issued for other improvements as set forth in paragraph (a) of this section, it being the intent and purpose of this language to permit the City to incur a bonded indebtedness in an amount not to exceed ten per cent for all municipal improvements other than the development, conservation and furnishing of water, and in addition thereto to authorize bonds in an amount not to exceed fifteen per cent of the assessed valuation for the development, conservation or furnishing of water; provided, however, that indebtedness and liability for municipal improvements of every kind and character authorized to be incurred by the provisions of this Charter shall not exceed in amount the sum of twenty-five per cent of the assessed

valuation of all real and personal property of said City subject to direct taxation as shown by the last preceding valuation for City taxes.

(c) Every issue of bonds authorized by the provisions of this Section shall be payable within a term of years not to exceed the estimated period of usefulness of the property or improvement for which issued, and in no case to exceed the constitutional limit; provided, that at any time the Council may postpone the payment on all bonds issued for an income-producing utility for a period of five years from date of issue, but shall provide for the interest payment from the date of issue.

(d) When the municipal improvement for which the bonds were voted, as provided in the foregoing Subdivisions of this Section, has been fully completed, all or any surplus money derived from the sale of said bonds remaining in the City Treasury shall be used exclusively for the purpose of redeeming said bonds or paying the interest thereon.

Permanent revolving account.

Section 91. General Reserve Account. The Council shall create and maintain a permanent revolving account, to be known as the General Reserve Account, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said account shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have no power to transfer from the General Reserve Account to any other account or fund any moneys except such sum or sums as may be required for the purpose of placing such account or fund as nearly as possible on a cash basis, and except in the event of a public emergency, when it shall be determined by a vote of at least five (5) members of the Council that such moneys shall be expended in order to insure the safety and lives and property of the City or its inhabitants. It shall be the duty of the Council to provide that all moneys so transferred from the General Reserve Account be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Account exceeds thirty per cent of the total amount of the general budget for that year, the Council may appropriate such excess for any City purpose without returning the same. (See subsection [h] Section 69.)

Short term notes.

Section 92. Borrowing Money on Short Term Notes. If there is not sufficient cash reserve to meet current obligations, bonds or notes may be issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes, as authorized by the City Council by ordinance and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes, or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year shall be issued only

during the first four months of such fiscal year and each such bond, note, or warrant shall specify that it is payable solely out of the first revenues of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than five (5) per cent per annum, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five (25) per cent of the total appropriations of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the constitution of the State of California.

Section 93. Loans and Advances. It shall be lawful from time to time to advance money in the General Fund to any bond fund or to use any money in the General Fund for any purpose for which a loan shall have been authorized and bonds actually voted but not yet issued and sold, and the City officials need not sell said bonds until it is necessary to repay the General Fund advances or to replenish such loan fund or funds. The credit of the City shall not be given or loaned to or in aid of any individual, association or corporation; except that suitable provision may be made for the aid and support of the poor. Loans and advances.

Section 94. Contracts. In the construction, reconstruction, or repair of public buildings, streets, utilities and other public works, and in furnishing any supplies, materials, equipment, or contractual services for the same, or for other use by the City, when the expenditure therefor shall exceed the sum of one thousand dollars, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council on the recommendation of the Manager or the head of the Department in charge, if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for six consecutive days in a newspaper of a general circulation in the City for sealed proposals for the work contemplated, provided however, that the Council upon the recommendation of the Manager and by a vote of five of its members may order the performance of any such construction and reconstruction or repair work by the appropriate City forces when the estimates submitted as part of the Manager's recommendations indicate that the work can be done by the City force more economically than if let by contract. In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution, passed by a vote of five of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for such purpose. Contracts.

All contracts before execution shall be approved as to form and legality by the City Attorney.

Each bidder shall furnish with his bid such security or deposit insuring the execution of the contract by him as shall be specified by the Council or as provided by general law.

Bond
required

The Council shall require each contractor under this Section to insure the faithful performance of his contract by delivering to the City a surety bond in an amount specified by the Council, executed by a surety company authorized to do business in the State of California, and in addition thereto, the retention of sufficient payments under the contract to insure the protection of the City against labor or material liens.

The Council, on the recommendation of the Manager, or the Head of the Department not under the jurisdiction of the Manager, may reject any and all bids and re-advertise for bids. The Council may provide that no contract shall be awarded to any person, firm or corporation, if prison or alien labor is to be employed in performing such contract, or if the wage schedule for employees engaged in performing such contract are based on more than eight hours of labor per day. Any contract may be let for a gross price or on a unit basis and may provide for liquidated damages to the City for every day the contract is uncompleted beyond a specified date. It shall be competent in awarding any contract to compare bids on the basis of time completion, provided, that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties and provided further, that for any contract awarded solely or partially on a specified time for completion the Council shall not extend such time limits unless such extension be recommended by the Manager and the Head of the Department concerned.

No officer, whether elected or appointed, of The City of San Diego shall be or become directly or indirectly interested in, or in the performance of, any contract with or for The City of San Diego, or in the purchase or lease of any property, real or personal, belonging to or taken by said City or which shall be sold for taxes or assessments or by virtue of legal process or suit of said City. Any person wilfully violating this Section of the Charter shall be guilty of a misdemeanor and shall immediately forfeit his office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City.

All contracts entered into in violation of this Section shall be void and shall not be enforceable against said City; provided, however, that officers of a municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Railroad Commission of the State of California, and in such cases such con-

tracts shall be valid and enforceable obligations against the municipality, and the officer interested as a stockholder in such public utility corporation shall not be deemed to have an interest in such City contract within the meaning of this Section of the Charter.

Section 95. Preference in Accepting Bids. Any board, officer, commission or department empowered by this Charter to award contracts for goods, wares, merchandise, stores, supplies, drugs, subsistence, materials, equipment, tools, or other products of industry or manufacture, the cost or expense of which is to be paid by the City or any board, office, commission or department thereof, may award a contract for the purchase, sale and furnishing thereof to a regular bidder other than the lowest responsible bidder therefor, when, in the judgment of such awarding board, officer, commission or department, the best interests of the City and public policy relating to the general welfare will be subserved thereby, and when the bidder specifies in his bid the following terms and conditions to be observed in the execution of the contract and he furnishes additional security for the fulfillment thereof, to wit:

(a) That the articles, products or materials are to be in whole or in part manufactured, made or produced in industries established in The City of San Diego or its vicinity, specifying the name and location thereof; and

(b) That the mechanical and other labor, employed in the manufacture, making or production of such articles, products or materials, is to be paid the highest rates of wages prevailing in private industries for comparable work, specifying such rates for each class of labor to be employed;

Provided, however, that the bid of such higher bidder does not in amount or price exceed by five per cent that of the lowest responsible bidder for such contract.

Section 96. Progressive Payments. Any contract may provide for progressive payments if the ordinance or resolution authorizing the work so prescribes, but no progressive payment can be provided for or made at any time which, with prior payments, shall exceed in amount at that time seventy-five per cent of the value of the work done and materials used and no contract shall authorize or permit the payment of more than seventy-five per cent of the contract price before five days after the expiration period of filing liens, and the acceptance thereof by the Head of the Department concerned, and the Manager.

Section 97. Collusion in Bidding. If at any time it shall be found that any party or parties to whom a contract has been awarded has, in presenting any bid or bids, been guilty of collusion with any party or parties in the submission of any bid or for the purpose of preventing any other bid being made, then the contract so awarded may be declared null and void by the Council and the Council shall thereupon re-advertise for new bids for said work or the incomplete portion thereof. The Council shall debar from future bidding all

persons or firms found to be in violation of this Section, or any future firm in which such person is financially interested.

Alteration
in contracts.

Section 98. Alteration in Contracts. Whenever it becomes necessary in the opinion of the Manager to make alterations in any contract entered into by the City, such alterations shall be made only when authorized by the Council upon written recommendation of the Manager. No such alterations shall be valid unless the new price to be paid for any supplies, material, or work under the altered contract shall have been agreed upon in writing and signed by the contractor and the Manager prior to such authorization by the Council.

Continuing
contracts.

Section 99. Continuing Contracts. No contracts involving the payment of money out of the appropriations of more than one year, except public utility franchises, and except bonded indebtedness as provided in Section 90 of this Article, shall be made for a period of more than five years and no such contract shall be valid nor shall any rights, indebtedness, liabilities, nor obligations arise thereunder or be created thereby without notice published in the official newspaper of the City at least two weeks before final action of the Council upon such contract and the approval of not less than five members of the Council and unless submitted to the electors of the City at a regular or special election and approved by a two-thirds majority of those voting thereon.

Favoritism.

Section 100. No Favoritism in Public Contracts. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, or material, or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, by giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received. Any officer or employee found guilty of violation of this Section shall forfeit his position immediately.

Effect of
collusion or
favoritism.

Section 101. When Contracts and Agreements are Invalid. All contracts, agreements or other obligations entered into, all ordinances and resolutions passed, and orders adopted, contrary to the provisions of Sections 97 and 100 of this Article may be declared null and void by the Council and thereupon no contractor whatever shall have any claim or demand against the City thereunder, nor shall the Council or any officer of the City waive or qualify the limitations fixed by such section or fasten upon the municipality any liability whatever; provided that all persons who have heretofore furnished material for and/or performed labor on the job shall be protected by the contractor's surety bonds. Any wilful violation of these Sections on contracts shall constitute malfeasance in office, and any officer or employee of the City

found guilty thereof shall thereby forfeit his office or position. Any violation of these Sections, with the knowledge, expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the Council.

Section 102. Continuanace of Contracts. All contracts entered into by the City, or for its benefit, prior to the taking effect of the Charter, shall continue in full force and effect. All public work begun prior to the taking effect of the Charter shall be continued thereunder. Public improvements for which legislative steps shall have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions. Existing contracts.

Section 103. Franchises. The Council shall have power, subject to and in accordance with the provisions of the general laws of the State of California, in effect at that time, to grant to any person, firm, or corporation, franchises, and all renewals, extensions and amendments thereof, for the use of any public property under the jurisdiction of the City. Such grants shall be made by ordinance adopted by a vote of five of the members of the Council and only after recommendations thereon have been made by the Manager and an opportunity for free and open competition and for public hearings have been given. No ordinance granting a franchise or a renewal, extension or amendment of an existing franchise shall be effective until thirty days after its passage, during which time it shall be subject to the referendum provisions of this Charter. No franchises shall be transferable except with the approval of the Council expressed by ordinance. Franchises.

Section 104. Term and Plan of Purchase. Within six months after this Charter takes effect, copies of all franchises existing at the time shall be deposited with the Manager. The Council shall certify to the existence of such franchises and shall recognize them for periods not longer than the date of expiration on each. The Manager shall keep a public record of all franchises, leases or permits granted for the use of the public property of the City. The terms of all new franchises shall not extend beyond a period of fifty years, provided that any franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, such termination to be effective upon and not before payment of the purchase price for the property to be acquired. The method of determining the price to be paid for the property so acquired shall be that provided by law affecting the purchase of public utility properties in effect at the time of the purchase or condemnation of such public utility property. Purchase of franchises.

Section 105. Right of Regulation. All grants, renewals, extensions or amendments of franchise, whether it be so provided in the ordinance or not, shall be subject to the right of Regulation of franchises.

Same

the City to repeal the same by ordinance at any time for misuse or non-use, or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed; also to initiate proceedings before the proper tribunal to require proper and adequate extensions of plant and service, the maintenance of the plant and fixtures at the highest practicable standard of efficiency, the establishing of reasonable standards of service and quality of products, and the preventing of unjust discrimination in service or rates; and also at any time to examine and audit the accounts and other records of any franchise holder, and to require annual and other reports from each franchise holder; provided that the Council may prescribe more detailed forms for the franchise holders within its jurisdiction in addition to the forms and reports required by the General Laws of the State of California and the regulations of the State Railroad Commission; and to impose such other regulations as may be necessary for the health, safety and welfare of the public.

The City may provide that the percentage of gross annual receipts derived from the franchise privilege as fixed by the General Law of the State of California shall be paid to the Treasurer in such amounts and at such times as shall be determined in the ordinance granting the franchise.

The owner of a street or interurban railway franchise or privilege shall at all times keep that portion of the street occupied by his or its tracks in good condition, constantly in repair, flush with the street and with good crossings, and in the event that the street on which said franchise or privilege is granted shall be paved either by the City or under proceedings authorized by the General Laws of the State, the said owner of said franchise or privilege shall be required to pay for only that portion of any construction in excess of that covered by the specifications for the improvement of the rest of the street and which shall be necessary to provide a safe and suitable foundation for the operation of car lines over a paved street. It is the intent and purpose of this Section to relieve the owner of a franchise or privilege to operate street cars on the streets of The City of San Diego of the cost of new surface pavement between the tracks of said owner and for two feet on either side thereof on streets to be hereafter paved, and to require the owner of said franchise or privilege to lay a suitable foundation for the operation of car lines over a paved street.

Nothing herein contained, however, shall relieve the said owner of said franchise or privilege of his or its obligation to keep those portions of the streets occupied by the said owner constantly in repair flush with the street, and with good crossings, and to keep that portion of the pavement now existing or which may hereafter be placed between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, in good condition.

In the event that a street on which a franchise under this Section shall have been granted shall be paved or improved

under any of the General Laws in force at the time said improvement is started, the property owners shall be required to bear the entire cost of the improvements of the street including the cost of improving that portion of the street occupied by the owner of said franchise, save and except that portion required to be borne by the owner of the franchise, as hereinbefore provided.

Section 106. Revocable Permits. Permits revocable at will of the Council for such minor or temporary utility purposes and privileges as may be specified by general ordinance may be granted or revoked by the Council from time to time in accordance with the terms and conditions prescribed thereby and such permits shall not be deemed to be franchises as the term is used in this Charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure. Revocable permits.

Section 107. Official Bonds. The Council shall determine which officers shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. Each officer, upon entering upon his duties, shall deliver to the City a surety bond, executed by a reliable surety company authorized to do business in the State of California, in the penal sum required, which surety bonds shall include other offices of which he may be an ex officio incumbent. Said bonds shall be approved by the Council and filed with the Auditor and Comptroller. That of the Auditor and Comptroller shall be filed with the Treasurer. The premium of such bonds shall be paid by the City. Official bonds.

Section 108. Forfeiture of Office for Fraud. Every officer who shall wilfully approve, allow, or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond, for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever debarred and disqualified from holding any position in the service of the City. Fraud.

Section 109. Accounts of Municipally Owned Utilities. Accounts shall be kept for each public utility owned or operated by the City and for each income producing Department or Division distinct from other City accounts and in such manner as to show the true and complete financial result of such City ownership, or ownership and operation, including all assets, liabilities, revenues, and expenses. These accounts shall show the actual cost to the City of each public utility owned and of each income producing Department or Division; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for bond interest and redemption; and, in the case of City operation, all operating expenses of every description. Utility accounts

They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. They shall also show a proper allowance for depreciation, insurance,

and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned or subject to State tax. When bonds are hereafter issued for any income producing activity, the net income arising from such activity shall be applied upon the interest and principal of said bonds. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such City ownership, which report shall give the information specified in this Section and such other information as the Council shall deem expedient.

**Limitations
period on
claims
against city.**

Section 110. Time for Bringing Suits Against the City. No suit shall be brought on any claim for money or damages against The City of San Diego, or any officer or Commission of the City until a demand for the same has been presented to the Auditor and Comptroller and rejected in whole or in part by the Council. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is provided by law, all claims for damages against the City must be presented within six months after the occurrence from which the damages arose, and all other claims or demands shall be presented within six months after the last item of the account of claim is approved.

**Annual
audit.**

Section 111. Audit of Accounts of Officers. Each year the Council shall provide that an audit shall be made of all accounts and books of all the Departments of the City. Such audit shall be made by independent auditors who are in no way connected with the City. Upon the death, resignation or removal of any officer of the City, the Auditor and Comptroller shall cause an audit and investigation of the accounts of such officer to be made and shall report to the Manager and the Council. Either the Council or the Manager may at any time provide for an independent examination or audit of the accounts of any or all officers or Departments of the City government. In case of death, resignation or removal of the Auditor and Comptroller, the Manager shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the City, the Auditor and Comptroller, or other person making such audit, shall immediately give notice thereof to the Council, the Manager and the City Attorney and the latter shall forthwith proceed to collect such indebtedness.

**Appraisal of
city assets.**

Section 112. Appraisal of City Assets. The Auditor and Comptroller shall appraise annually the value of all real estate buildings, structures, furniture and fixtures, supplies, materials, equipment, and property of any kind owned by the City, and may require every officer or Commission to furnish him the data required therefor. Proper depreciation shall be made of all property of any kind which is used by the City for utility purposes and such depreciation shall be made a charge against the Department and taken account of in the charges made for service by that Department. A proper

balance sheet under classified heads shall be presented to the Manager for inclusion in the annual budget and shall be published in the annual report of the Auditor and Comptroller. This balance sheet shall show all convertible and other assets and all liabilities of the City.

Section 113. Official Advertising. All official advertising of The City of San Diego shall be done by contract. In July of each odd numbered year the City Clerk must publish a notice in a daily newspaper of said City for ten days calling for proposals to do all of the advertising of said City. Official advertising.

The bidder must be the responsible publisher of a newspaper in said City having a bona fide daily circulation and which has been regularly published in said City for at least two years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the "City Official Newspaper." No board, department, officer or authority shall make any publication which is not expressly authorized by this Charter or by ordinance; and all publications so authorized shall be made in the City Official Newspaper exclusively, unless otherwise expressly provided in this Charter.

Section 114. Bureau of Information and Publicity. The Council may establish a bureau of information and publicity under the supervision and control of the Manager, who shall designate some official in his Department or in that of the City Clerk to compile the annual report of the City giving a summary of the Council proceedings and a summary of the operations of the administrative Departments for the previous fiscal years; have charge of the editing, printing and distribution of all municipal records, reports and documents; collect and compile information and statistics concerning all Departments and offices of the City, and other municipalities; and publish as often as necessary a City Bulletin, which shall contain the transactions and proceedings of the Council, the legal advertising of the City and such other information relating to the affairs of the City as shall be determined by ordinance or as the Manager may designate. The City Bulletin shall be published in lieu of the awarding of a contract for publication of official advertising in a newspaper of the City when the Council shall determine that it is to the best advantage of the City. The City Bulletin shall be published, distributed or sold in such manner and on such terms as the Council may determine. No unofficial advertising shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy. Bureau of information and publicity.

ARTICLE VIII.

Civil Service.

Civil service
commission

Section 115. Civil Service Commission. There shall be a Civil Service Commission consisting of three members, not more than two of whom shall be of the same sex, appointed by the Mayor and confirmed by the Council, who shall serve for a term of five years. The Commission shall have the Powers and perform the duties specified in this Charter. The members of the Commission first selected under the provisions of this Charter shall draw lots for terms of three, four and five years, respectively. Thereafter the term of office of each member of the Commission shall be five years. All vacancies occurring in this Commission shall be filled by the Mayor, subject to confirmation by the Council. Members of the Civil Service Commission shall not hold any other office in the City government.

The City Council may remove a member of the Civil Service Commission for cause by a vote of at least five members of said Council, provided however that written charges shall have first been made against such member and an opportunity afforded for a public hearing before the Council upon such charges.

Personnel
director.

Section 116 Personnel Director. The Civil Service Commission shall appoint a Personnel Director who shall serve as Secretary of the Commission. He shall act as Chief Examiner and superintend the examinations, subject to the direction of the Commission. He shall perform such other duties as are prescribed by this Charter, by ordinance, or by the Commission.

Classifica-
tion

Section 117. Classification. The administrative service of the City is hereby divided into the unclassified and classified service, as follows:

The unclassified service shall include all elective positions and the following administrative offices:

A confidential Secretary to the Mayor; City Manager, a confidential Secretary and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Superintendent of Playgrounds and Recreation; City Librarian; Chief of Police and a confidential Secretary; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; The Hydraulic Engineer in charge of the Division of Development and Conservation, in the Department of Water; The Superintendent of Distribution of Water; Director of Public Health, and confidential Secretary; Director of Social Welfare; Officers and Employees of the San Diego School District; Members of all Commissions and Advisory Boards who serve the City without compensation.

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service.

Section 118. Rules. The Civil Service Commission shall ^{Rules.} adopt and may amend rules for the government, supervision and control of the classified service. Such rules after adoption shall have the force and effect of law. No rule or amendment thereto, however, shall become effective unless it shall have been adopted after a public hearing thereon, with reasonable notice of such hearing first given, and only after such proposed rule or amendment thereto has been published once in the official newspaper of the City and posted in three public places, and has also been approved by the Council. The rules among other things shall provide:

(a) For the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.

(b) For the rejections of any and all applicants who are not citizens of the United States. In making its selections, the Commission shall show preference (1) to citizens of the City of San Diego; (2) to citizens of the County of San Diego; (3) to citizens of California; (4) to other citizens of the United States.

(c) For competitive tests to ascertain the relative fitness of all applicants for appointment in the competitive class.

(d) For public notice of the time and place of all competitive tests, at least twenty days in advance thereof, by publication in the official paper of the City and by posting a notice in a conspicuous place in the City Hall.

(e) For the creation of eligible lists upon which shall be entered the names of the successful applicants in the order of their standing in the competitive tests and without reference to the time of the test.

(f) For the rejection of applicants or eligibles who do not satisfy reasonable requirements as to age, sex, physical condition and moral character or who have attempted deception or fraud in connection with any test or their application therefor.

(g) For the certification to the appointing authority, from the appropriate eligible list, for filling a vacancy in the competitive class, of the three names standing highest on such list.

(h) For temporary employment without test, in the absence of an eligible list; but no such temporary employment shall continue after the establishment of a suitable eligible list, nor for more than sixty days.

(i) For temporary employment for transitory work without test, but such employment shall require the consent of the Personnel Director in each case, and shall not continue for more than sixty days. No successive temporary appointments shall be allowed. Nor shall the acceptance or refusal to accept such temporary appointment on the part of a person on the eligible

list be a bar to appointment to a permanent position from said eligible list.

(j) For transfer from one position to a similar position in the same class and grade, and for immediate reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(k) For non-competitive tests for appointments to positions designated by the City Manager or other City Officers in charge of a Department and approved by the Civil Service Commission and requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(l) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom in the same manner as prescribed for original appointments except as otherwise provided for in this Charter.

(m) For suspension for the purpose of discipline, for not longer than ninety days.

(n) For leave of absence, with or without pay.

(o) For the appointment of unskilled laborers in the order of priority of applications, and with such test of physical and mental fitness as the Personnel Director may prescribe.

(p) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he so request, been presented by the person responsible for his appointment with the reasons therefor specifically stated in writing and has been given an opportunity to be publicly heard in his own defense by the Civil Service Commission or as otherwise provided for in this Charter. The written reasons for such discharge or reduction and any reply in writing thereto by any such officer or employee shall be filed forthwith with the Civil Service Commission.

(q) For investigating and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities.

(r) An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within the said period of six months without a hearing upon the recommendation of the Head of the Department in which said probationer is employed, or by the City Manager, with the approval of the majority of the Commission.

Application
register

Section 119 Application Register. There shall be kept in the office of the Civil Service Commission an application register, in which shall be entered the names and addresses and the order and date of application of all applicants for Civil Service tests and the offices or employments which they seek. All applications shall be upon forms prescribed by the Commission.

Civil service
tests.

Section 120 Civil Service Tests. Tests required by the Civil Service Commission shall be practical, shall relate to mat-

ters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take account of character, training, experience, and physical and mental fitness. No question in any test shall relate to race, or to political or religious opinions, affiliations or service, and no appointment, transfer, lay-off, promotion, reduction, suspension or removal shall be affected or influenced by race or such opinions, affiliations or service. Notice of the time, place and scope of each test shall be given by publication and posting, and by mail, at least twenty days in advance, to each applicant upon the appropriate lists of the application register. In all original examinations the Civil Service Commission shall in addition to all other credits, give a credit of five per cent of the total credits specified for such examinations to all those who have served in the United States Army, Navy, Marine Corps, or any division thereof in time of war, insurrection or rebellion, and who have been honorably discharged, or retired from active service; and also to the wife of such of those as were, while in such service, wounded, crippled, or otherwise physically or mentally incapacitated to an extent preventing them from engaging in any remunerative occupation, and also to the widow of any such person, and also the widow of any soldier, sailor or marine killed or who died while in such service, and a credit of ten per cent to disabled veterans of the United States Army, Navy, Marine Corps or any division thereof who served this country in time of war, insurrection or rebellion, and who have been honorably discharged or retired from active service, and whose disability has been first determined and rated by the United States Veterans Bureau, provided however that such applicants must first pass the tests and attain the certified list before such credit is given.

Section 121. Eligible Lists—Limitation. The list of applicants eligible to appointment by reason of civil service tests, with their grades, shall be known as the register of eligibles and shall be open to public inspection. The names of such eligibles shall be arranged in their respective lists in the order of their standing on test. The name of no person shall remain on the register of eligibles for more than two years without a new application and, if the Civil Service rules so require, a new test.

Eligible
lists—
limitation.

Section 122. Appointments. When any position in the classified service is to be filled, the appointing authority shall notify the Personnel Director who shall promptly certify to such authority the names and addresses of the highest three eligibles on the list for the class or grade to which the position belongs. The appointing authority shall appoint to such position one of the persons whose names are so certified. When no eligible list for the position exists, or when the eligible list has become exhausted and until a new list can be created, a name may be certified from the eligible list most nearly appropriate to the position to be filled.

Appoint-
ments

Section 123. Limitations on Appointments and Transfers. No person shall be appointed or employed in the classified

Limitations
on appoint-
ments and
transfers.

service of the City under any title not appropriate to the duties to be performed, and no person shall be transferred to, or be assigned to perform any duties of, a position subject to competitive test except with the approval of the Personnel Director.

Promotions

Section 124. Promotions. Whenever practicable vacancies in the classified service shall be filled by promotion, and the Civil Service rules shall indicate the lines of promotion, from each lower to higher grade wherever experience derived in the lower grade tends to qualify for the higher. Any advancement in rank shall constitute promotion. Lists from which promotions are to be made shall be created as provided in the Civil Service rules and the appointment of eligibles therefrom shall be made in the same manner as the original appointments, except as otherwise provided for in this Charter.

Service register.

Section 125. Service Register. There shall be prepared by the Personnel Director and maintained in the office of the Civil Service Commission a list of all persons in the service of the City showing in connection with each name the position held, the salary or wages paid, the date and character of selection or appointment, every subsequent change of status, and whether in the classified or unclassified service. Such list shall be known as the Service Register, and every appointing officer or authority shall promptly transmit to the Civil Service Commission all information requested for the establishment and maintenance of such register.

In the case of elective officers, such information shall be furnished by the City Clerk

Certification of pay rolls

Section 126. Certification of Pay Rolls. The Treasurer shall not pay, nor shall the Auditor and Comptroller issue a warrant for the payment of, any salary or compensation to any person holding, or claiming to hold, a position in the classified or unclassified service unless the pay roll or account of such salary or compensation shall bear the certificate of the Personnel Director that the persons named therein have been elected, appointed or employed and are performing service in accordance with the provisions of this Charter and the rules established thereunder, that their names appear upon the service register for the time for which such salary or compensation is claimed and that the salary or compensation is at the rate indicated on such register. If the Auditor and Comptroller shall wilfully or negligently approve any payment or issue any warrant in violation of this section he and the sureties on his bond shall be liable to the City for the amount thereof and action may be brought therefor by the City or any taxpayer for the use of the City without making previous request to the City to sue.

Standards of efficiency

Section 127. Standards of Efficiency. The Personnel Director shall fix standards of efficiency and recommend measures for co-ordinating the work of the various Departments and for increasing individual, group, and departmental effi-

iciency. It shall be the duty of the Personnel Director to fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to the Personnel Director for a period of three months that the conduct and efficiency of any officer or employee has fallen below such minimum that fact shall be reported to the authority responsible for the appointment of such officer or employee.

Section 128. Investigations. The City Council, the Civil Service Commission, the City Manager, the Personnel Director or any persons designated by any of them, may make investigations concerning the facts in respect to the operation and enforcement of the Civil Service provisions of this Charter and of the rules established thereunder, and concerning the condition of the Civil Service of the City or any branch thereof. Written charges of misconduct or inefficiency against any officer or employee in the classified service may be filed with the Personnel Director by any person. The Commission shall investigate any such charges, or cause them to be investigated, and report the findings of the investigation to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Any person or persons, making an investigation authorized or required by this section, shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. Provided, however, that in the event of more than one investigation concerning the same person or the same subject matter or matters closely allied thereto, then and in that event but one hearing shall be had and the entire matter shall be disposed of in the one hearing.

Section 129. Removals. Any officer or employee of the City in the classified service may be laid off, suspended or removed from office or employment for cause by the appointing authority. Written notice of lay-off, suspension or removal given to any officer or employee, or written notice left at or mailed to his usual place of residence, shall be sufficient to put any such lay-off, suspension or removal into effect. The person so notified may, within five days after such notice, demand a written statement of the reasons therefor and the right to be heard before the Civil Service Commission. Upon such demand the officer making the lay-off, suspension or removal shall supply the person notified thereof and the Civil Service Commission with a written statement of the reasons therefor, and the Commission shall fix a time and place for a public hearing. Following the public hearing, and such investigation as the Civil Service Commission may see fit to make, the Commission shall report its findings and recommendations to the authority responsible for the lay-off, suspension or removal as specified in the notice. Thereupon the authority making the lay-off, suspension or removal shall make such final disposition of the matter as may be determined by the Civil Service

Commission. The decision of the Civil Service Commission in any such case shall be final. A copy of the written statement of reasons given for any lay-off, suspension or removal, and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the Civil Service Commission shall be filed as a public record in the office of the Civil Service Commission.

Compensation established

Section 130. Compensation Established. The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service which shall provide uniform compensation for like service. It shall be the duty of the Civil Service Commission to prepare and furnish to the Council such schedule for the approval of the Council before the beginning of each fiscal year. Such schedule of compensation shall establish a minimum and maximum for any grade upon the recommendation of the Civil Service Commission, and an increase in compensation, within the limits provided for by any grade, may be granted at any time by the City Manager or other appointing authority upon the basis of efficiency and seniority record after having first received the approval of the Civil Service Commission therefor.

False statement by applicant.

Section 131. False Statement by Applicant. Any applicant for any office or employment in the classified service who shall knowingly make any false statement in connection with any test shall thereby forfeit his right to be entered upon the eligible register, and in case he has been appointed to an office or employment he shall forfeit it and shall not within three years thereafter be eligible to appointment to any office or employment in the service of the City, nor shall he during that time be entitled to take any Civil Service test.

Gifts or payments by applicants forbidden

Section 132. Gifts or Payments by Applicants Forbidden. No applicant for Civil Service test or for appointment to the classified service shall either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his test, appointment, or proposed appointment, nor shall he ask for or receive any recommendation or assistance from any person in the service of the City other than a statement regarding any previous service to the City as a subordinate under such officer or employee.

Fraud in administration of civil service.

Section 133. Fraud on Civil Service Provisions. No person shall wilfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or any appointment held or made under the Civil Service provisions of this Charter, or in any manner commit or attempt to commit any fraud in connection with such provisions or said Civil Service rules.

Political contributions.

Section 134. Political Assessments and Contributions Prohibited. No person in the administrative service of the City shall directly or indirectly give, solicit, receive or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political purpose

whatever from any other such officer, employee or person. No person shall orally, or by letter, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his influence or official authority to secure any appointment or prospective appointment, to any position in the service of the City as a reward or return for personal or partisan political service.

Section 135. Certain Political Practices Forbidden. No person about to be appointed to any position in the service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the City shall discharge, suspend, lay-off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the City shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

Section 136. Violations and Penalties. It shall be the duty of the Personnel Director to supervise the execution of the foregoing Civil Service provisions of this Charter and of the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or with others, wilfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the unclassified service of the City; or wilfully and corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the classified service, or aids in so doing; or wilfully or corruptly makes any false representation as to the results of such tests concerning persons so tested; or furnishes special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or to be tested, or to be appointed, employed, or promoted; or impersonates any person, or permits or aids in any impersonation in connection with any test, application, registration or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance thereof, any question to be asked on such test; or wilfully or through culpable negligence violates any of the Civil Service provisions of this Charter, or any of the rules made in pursuance thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding six months. If any such person be an applicant for competitive test he shall be excluded therefrom; if he be an eligible his name shall be removed

from the register of eligibles; and if he be an officer or employee of the City he shall immediately forfeit his office or employment.

Taxpayer's
actions

Section 137. Power of Taxpayers to Enforce Rules. Any taxpayer in the City may maintain an action to recover for the City any sum of money paid in violation of the Civil Service provisions, or to enjoin the Personnel Director from attaching his certificate to a payroll on account for services rendered in violation of this Article or the rules made thereunder; and the rules made under the foregoing provisions shall for this and all other purposes have the force of law.

Appoint-
ment of
officers

Section 138. Certain Candidacies for Elective Office and Appointments Prohibited. No person holding an elective office of the City shall, during the term for which elected, be appointed to any office or position in the service of the City except as otherwise provided by this Charter.

Further
powers

Section 139. Further Powers. The City Council, whenever requested by the Commission, may by ordinance confer upon the Commission such other or further rights, duties and privileges as may be necessary adequately to enforce and carry out the principles of Civil Service not in conflict with this Charter.

Incumbents

Section 140. Present Employees Retained. All officers and employees in the classified or unclassified service of the City at the time this Charter becomes effective as provided in Section 212 of Article XIV hereof, shall automatically retain their positions and shall thereafter be superseded, replaced, discharged, reduced in rank, promoted, transferred, or retired, only in accordance with the provisions of this Charter. Employees of any public utility taken over by the City, who are in the service of such utility at the time of its acquisition, shall be deemed to hold their positions as though appointed under the Civil Service provisions of this Charter; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

ARTICLE IX.

The Retirement of Employees

City
employees'
retirement
system

Section 141. City Employees' Retirement System. The Council of The City of San Diego, State of California, is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for public employees other than policemen and firemen (who are now members of a pension system) and elective officers, and members of Commissions who serve without pay; provided, however, that in no retirement system so established shall an employee be retired—except in case of disability, incapacitating the employee for the performance of his duties—before he reaches the age of sixty-two and before ten years of continuous service; except that the Board of Administration hereinafter created may, by rule, provide for retirement of employees after thirty years of continuous service who elect,

within one year after their entrance into a retirement system, to receive a retirement allowance payable after thirty years of continuous service at rates of contribution established by the Board of Administration. Retirement shall be compulsory at the age of seventy-two.

Section 142. Employment of Actuary. The Board of Administration hereinafter provided, shall secure from a competent actuary a report of the cost of establishing a general retirement system for all employees of The City of San Diego. Said actuary shall be one who has had actual experience in the establishing of retirement systems for public employees, and his position shall be considered one requiring expert or technical training within the meaning of subdivision (k) of Section 118 of Article VIII of this Charter

Employment of actuary

Section 143. Contributions. The retirement system herein provided for shall be conducted on the contributory plan—the City contributing jointly with the employees affected thereunder. Employees shall contribute an amount not to exceed 5% of their salary or wage, except that in the discretion of the Board of Administration, employees of the age of fifty or over, at the time a retirement system becomes effective, may be required to contribute not to exceed 10% of their salary or wage; and employees of forty years of age or over at the time a retirement system becomes effective may, at their option, within one year after their entrance into such a system and with the approval of the Board of Administration, elect to receive allowances in excess of those normally established, at rates of contribution to be determined by the Board. The City shall contribute an equal amount, except where employees elect to receive a retirement allowance at a rate in excess of that normally established; in which case the City shall contribute only the amount provided in the actuarial tables adopted by the said board for normal retirement allowances. The mortality, service, experience or other table calculated by the actuary and the valuation determined by him, and approved by the board, shall be conclusive and final, and any retirement system established under this Article shall be based thereon; provided that initial liabilities accruing under a retirement plan because of past service of employees in active service on the 7th day of April, 1925, may be covered by annual appropriations by the Council.

Contributions

Section 144 Board of Administration The system shall be managed by a Board of Administration which is hereby created, consisting of the City Auditor and Comptroller, the City Treasurer, three members of the retirement system, to be elected from the active membership, a resident official of a life insurance company and an officer of a local bank, both to be appointed by the Council. Such appointees shall serve without compensation. Members of the Board, other than ex-officio, shall serve for five years or until their successors are elected and qualified, and shall so classify themselves by

Board of administration

lot that one term shall expire each year. The members of the existing Board shall serve out their unexpired terms.

The Board of Administration may establish such rules and regulations as it may deem proper; shall elect one of its members president and appoint a secretary and may appoint such other employees as may be necessary. Such appointments, except the actuary, shall be made under the provisions of Article VIII of this Charter

The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted by the Council as to the conditions under which persons may be admitted to benefits of any sort under the retirement system; and shall have exclusive control of the administration and investment of such fund or funds as may be established, unless such funds are placed by the Board of Administration under the Funds Commission for investment. Provided, however, that the Auditor and Comptroller shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor and Comptroller such retirement allowance has been granted in contravention of this Article or any ordinance passed under the authority granted herein.

Retirement
fund.

Section 145. Retirement Fund. All moneys contributed by employees of the City or appropriated by the Council or received from any other source under the terms of this Article, shall be placed in a special fund in the City Treasury to be known as the City Employees' Retirement Fund, which said fund is hereby created. Such fund shall be a Trust Fund to be held and used only for the purpose of carrying out the provisions of this Article. No payments shall be made therefrom except upon the order of the Board of Administration. This fund may be placed by the Board under the Funds Commission for investment; but shall not be merged with other funds of the City

Additional
provisions.

Section 146. Additional Provisions. The council is hereby fully empowered by a majority vote of the members to enact any and all ordinances necessary, in addition to the ordinance authorized in Section 141 of this Article, to carry into effect the provisions of this Article, and any and all ordinances so enacted shall have equal force and effect with this Article and shall be construed to be a part hereof as fully as if drawn herein.

Pensioners

Section 147. Former Pensioners Entitled to Benefits of This Article. All persons who were receiving pensions prior to the adoption of this Charter shall be entitled to all the provisions of this Article.

Declaration
of intent

Section 148. Declaration of Intent. It is the intent and purpose of this Article, where not in conflict with the terms of the present existing City Employees' Retirement System, to continue said system in force and effect as existing at the time this Charter is adopted

ARTICLE X.

Police Relief and Pension Fund.

Section 149. Police Relief and Pension Fund. In order to continue in force and make effectual pensions already existing in favor of the Police force of The City of San Diego, there is hereby created the Police Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated in this Charter to be paid into such fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Police Department and shall be used exclusively for the payment of pensions under the terms and provisions of this Charter. No expenditure shall be made from such fund except on order of the Board of Trustees of the Police Relief and Pension Fund.

Police relief
and pension
fund.

The members of the Police Department within the meaning of this Charter who are entitled to the benefits of the Police Relief and Pension Fund shall consist of patrolmen, and all officers and policemen of every rank, including the Chief of Police and police matrons. Civilians and other employees serving the Police Department, but not included in the foregoing classification shall be entitled to all the benefits of the City Employees Retirement Fund, as provided in Article IX of this Charter.

In the event of an appointment to the office of Chief of Police of one who at the date of his appointment was and is not a regular member of the Department, entitled to all the benefits of the Police Relief and Pension Fund, then and in that event such appointee shall not be entitled to any of the benefits of said Police Relief and Pension Fund as provided in Article X of this Charter. An appointee of this character, however, shall be entitled to all the benefits of the Employees Retirement Fund, as outlined in Article IX of this Charter.

Section 150. Board of Trustees of Fund. The Chief of Police of the San Diego Police Department, the City Treasurer of The City of San Diego, and one member of said Department who has had at least seven years of continuous service in said Department and who holds a position not lower than the rank of Lieutenant, to be elected as hereinafter provided, and their successors in office, shall be and they are hereby constituted and appointed as the Board of Trustees of the Police Relief and Pension Fund. The elective member of said Board shall be chosen by ballot at an election to be held on the first Thursday after the first Monday in April of 1932, and every two years thereafter at the same time, at which election all police officers in good standing in the San Diego Police Department shall be entitled to vote. Said election shall be by secret ballot at a place designated by the Board of Trustees and shall be conducted in accordance with such rules and regulations as may be prescribed by said Board of Trustees.

Board of
trustees.

In the event of the death or resignation of the elective member of said Board, or in the event of said member becoming

ineligible for any reason to act on said Board his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days from the time of the death or resignation of said member or of the date of his ineligibility. Said election shall be conducted in the same manner as provided for the regular election.

**Treasurer
of fund**

Section 151. Treasurer of Fund. The Treasurer of said Police Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000), which may be increased at the will of the Board of Trustees, the premium of such bond to be paid from the Police Relief and Pension Fund.

**Investment
of funds**

Section 152. Investment of Funds. No money from said Police Relief and Pension Fund shall be invested in any securities other than approved United States Bonds, Bonds of the State of California, or local municipal or county bonds, provided that at no time shall more than one-half of the available funds be invested in any way whatsoever until there shall be in said fund at least one hundred thousand dollars (\$100,000) and at no time shall more than two-thirds of the total amount of said fund be invested.

**Payments
from fund**

Section 153. Board to Order Payment. The Chief of Police shall be the ex-officio President of the Police Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be the ex-officio Treasurer of the Police Relief and Pension Fund, and said Board shall order payments from said fund in accordance with the provisions of this Article. Said Board of Trustees shall report annually in the month of June to the Council of The City of San Diego, the condition of the Police Relief and Pension Fund, and the receipts and disbursements on account of the same, with a full list of beneficiaries of said fund and the amount paid them.

**Meetings
of board.**

Section 154. Meetings of Board. Said Board shall provide for quarterly meetings on the second Monday in January, April, July and October each year, upon the call of the President. The time and place of such meetings shall be posted on the bulletin board at the Police Headquarters at least seven (7) days prior to each meeting.

Warrants.

Section 155. Warrants of Board. Said Board shall issue warrants signed by the President, Treasurer and Secretary, to all persons entitled thereto, for the amount of money due to said persons from said fund, which warrants shall state for what purpose such payment is to be made. Warrants shall be drawn quarterly and paid monthly as they become due. Said Board shall keep a record of all proceedings, which record shall be a public document. A majority of all of the members provided for in this Article shall constitute a quorum and have power to transact business.

Powers

Section 156. Power of Board. The Board herein provided for shall in addition to other powers granted hereby, have power, first, to compel witnesses to attend and testify before it on all matters affecting the Police Relief and Pension Fund, in the same manner as is or may be provided for by law for

the taking of testimony before Notaries Public; second, to appoint a secretary and provide for the payment from said fund of all of its necessary expenses, including the Secretary's hire and printing; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this section; third, to make all needful regulations and rules for its guidance not in conflict with the provisions of this article.

Section 157. Contributions to Fund by Police. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee of the Police Department a sum equal to two per cent (2%) of the salary paid to said member or employee, and all fines imposed upon members of the Police Department in keeping with the rules and regulations of said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said fund Contributions to fund by police

Section 158. Contributions to Fund by Council. The Council shall, for the purposes of said Police Relief and Pension Fund herein provided for, except as hereinafter provided, direct the payment annually, from the General Fund of The City of San Diego, into the Police Relief and Pension Fund, of the following moneys: Contributions to fund by council

(a) One-third ($\frac{1}{3}$) of all rewards given or paid to members of the Police Department because of or in recognition of the performance of official duty.

(b) One-third ($\frac{1}{3}$) of all fines collected in the City Police Court of The City of San Diego for a violation of any law, except such fines as may be otherwise provided for under the laws of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego where said licenses are directly under the supervision of the Police Department.

(d) For the payment of a sum equal to all revenue paid into the Police Relief and Pension Fund by members or employees of the Police Department as provided for in Section 157, of this Article said sum to be equal to the amount retained by the Auditor and Comptroller of The City of San Diego during the next preceding year; and all such further sum or sums as shall be required for maintenance of said Police Relief and Pension Fund.

Provided, however, that whenever said Police Relief and Pension Fund contains a sum of money amounting to one thousand dollars (\$1,000 00) for each and every member of the Police Department, then and in that event all payments into said Police Relief and Pension Fund provided for in this section shall cease, and shall only be resumed in the event that said Fund shall be decreased below the amount herein specified.

Report to council.

Section 159. Report to Council. On the last day of June of each year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Council of all moneys paid out on account of said Police Relief and Pension Fund during the current year, and of the amount then to the credit of said Fund.

Payments monthly.

Section 160. Payments Monthly. All payments provided for in this Article shall be made monthly and upon proper vouchers.

Pensions increase with salaries.

Section 161. Pensions Increase with Salaries. All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Police Department from time to time.

Retirement for service.

Section 162. Retirement for Service. (a) Whenever any person who shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member or without such request if it deem it for the good of the service, retire such member from further service in the Police Department and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his lifetime, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half ($\frac{1}{2}$) the amount attached to the rank or employment held by said person for one year or more previous to the time of his retirement, payable to him in monthly installments.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the City Police Force, who shall have left said force for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Police Department within three months after having been honorably discharged from said military service, shall have such time counted as part of the aggregate service required for retirement pension.

(b) Upon the death of said pensioner, one-third ($\frac{1}{3}$) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall such pension exceed seventy-five dollars (\$75 00) per month; and if there be no widow, each child under eighteen (18) years of age, if unmarried, shall receive twenty dollars (\$20 00) per month, but in no case shall such pension exceed the sum of seventy-five (\$75.00) per month for one family; and if no widow or children, one-third ($\frac{1}{3}$) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under

the age of eighteen (18) years and unmarried who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary.

Section 163 Payments for Accidental Death. Whenever any member of the said Police Department shall lose his life while in the performance of his duty, or shall die as a direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the proper performance of his duty, then, upon satisfactory proof of such fact or facts, said Board of Trustees shall order paid and pay an amount equal to one-third ($\frac{1}{3}$) of his annual salary to his widow until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month, and if there be no widow, each child under the age of eighteen (18) years, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third ($\frac{1}{3}$) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried, who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Section 164. Payments for Disability. Whenever any regular member or employee of the Police Department shall become physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of duty or as a result thereof, to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half ($\frac{1}{2}$) of the salary paid to him at the time the disability was incurred. If such disability shall cease, he shall, upon recommendation of the Chief of Police, be restored to such active duty as he is able to perform, and such pension shall terminate. In the event of the death of such pensioner the pension shall be paid to his

dependents in accordance with the provisions of Section 163 hereof.

Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents, or upon the attainment of the age of eighteen (18) years by such dependent other than the widow or father or mother.

*Disability
or sickness
outside
scope of
duty*

Section 165. **Disability or Sickness Outside Scope of Duty.** Whenever any member of the Police Department shall, after the years of service stated below, become totally disabled or die from any sickness not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children, under the age of eighteen (18) years and unmarried, and if no children, his dependent mother or father or sister or brother under eighteen (18) years of age and unmarried, shall be paid from the Pension Fund the following amount:

For five years but not exceeding six years' service, \$100.00.

For six years but not exceeding seven years' service, \$200 00.

For seven years but not exceeding eight years' service \$300.00.

For eight years but not exceeding nine years' service, \$400.00.

For nine years but not exceeding ten years' service, \$500.00.

For ten years' service, \$1000 00.

After twenty years' service a pension under the provisions of Section 162 of this Article.

*Certificates
of disability*

Section 166. **Certificates of Disability.** No person shall be retired as provided in the preceding sections, or shall receive any benefit from said Fund, unless there shall have been filed with the Board of Trustees, prior to the granting of any such pension, certificates of disability, which certificates shall be subscribed and sworn to by such person, and by three regularly licensed practicing physicians of said City, one of whom shall be the Director of Public Health, one to be selected by said Board of Trustees, and one by the person applying for such pension. All costs incurred in obtaining any such certificate or for the making of any examination of any applicant for any such pension by any physician other than a physician employed by The City of San Diego, shall be paid by said applicant. Said Board of Trustees may require other evidence of disability before granting any such pension as aforesaid.

*Board con-
trol over
pensioners*

Section 167. **Board Control Over Pensioners.** Any member of the Police Department receiving a pension from such fund, who shall be convicted of a felony, or shall become dissipated, or a habitual drunkard, or shall become a non-resident of this State, except by written permission of the Board of Trustees, shall forfeit all rights to such pension. Any person retired for disability as herein provided, except those retired after twenty (20) years' service, may be summoned

before the Board provided for herein, at any time thereafter and shall submit himself thereto for examination as to his fitness for duty, and shall abide by the decision and order of such Board of Trustees with reference thereto; and all members of the Police Department who may be retired under the provisions of this Article, except those retired after twenty (20) years of service, shall report to the Chief of Police of said City, either in person or in writing, on the first Mondays of January, April, July, and October of each year; and in cases of great public emergency may be assigned to and shall perform such duty as said Chief of Police may direct; and such person shall have no claim for payment against the City for such duty performed.

Section 168. Pension to Cease in Certain Cases. Whenever any person who shall have received any benefit from said Fund shall be convicted of a felony, or shall become a habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the Board of Trustees, or shall disobey the requirements of said Board, in respect to said examination or duty, then such Board shall order that such pension allowances as may have been granted to such person shall immediately cease and such person shall receive no further pension, allowance or benefit unless such person be reinstated by said Board for good cause shown therefor. When pension ceases

Section 169. Former Pensioners Entitled to Benefits of This Article. All persons, including civilian employees, who were receiving pensions prior to the adoption of this Charter shall be entitled to all the provisions of this Article, and all civilian employees who at the date of the adoption of this Charter have contributed moneys to the Police Relief and Pension Fund may at their option continue to contribute said moneys, and all of such employees who so continue shall be entitled to all the benefits conferred by this Article. Former pensioners

Section 170. Pensioners Entitled to Hold Office. Any member pensioned under Section 162 of this Article shall in no way be deprived from holding public office, either appointive or elective. Pensioners entitled to hold office

Section 171. Declaration of Intent. It is the intent and purpose of this Article, where not in conflict with the terms of the present Police Relief and Pension Fund, to continue said system in force and effect as existing at the time this Charter is adopted. Declaration of intent

ARTICLE XI.

Firemen's Relief and Pension Fund.

Section 172. Firemen's Relief and Pension Fund. In order to continue in force and make effective pensions already existing in favor of the fire force of the City of San Diego, there is hereby created the Firemen's Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated by this Charter to be paid into said fund. This Firemen's relief and pension fund

fund shall constitute a trust fund for the benefit of the members of the San Diego Fire Department, and shall be used exclusively for the payment of pensions under the terms and provisions of this Charter. No expenditures shall be made from said fund except on order of the Board of Trustees of the Firemen's Relief and Pension Fund. Members of the Fire Department entitled to the benefits of this Article shall consist of the Chief of the Fire Department, and all officers and members thereof, provided, however, that in the event of an appointment to the office of Chief of one who at the date of his appointment was and is not a regular member, entitled to all the benefits of this Article, then and in that event such appointee shall not become a member within the meaning of the foregoing classification, but shall be entitled to the benefits derived from the City Employees Retirement Fund, as provided in Article IX of this Charter.

Board of trustees

Section 173. Board of Trustees of Fund. The Chief of the San Diego Fire Department, the City Treasurer, and one other member of said Department with at least seven years service in the Department, and not below the rank or rating of Lieutenant, and their successors in office, shall be and are hereby constituted and appointed as a Board of Trustees of the Firemen's Relief and Pension Fund. The elective member of this Board shall be chosen by ballot at an election to be held on the third Monday in April, 1932, and every two years thereafter, at which election all Firemen in good standing in the San Diego Fire Department shall be entitled to vote. The election provided for in this Section shall be under the secret ballot system, and held on the third Monday in April, at such place or places as the Board of Trustees shall direct, and under such rules and regulations as they shall prescribe. In the event of death, resignation, failure or inability of any member of said Board to act, if his position be elective, his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days of the time the vacancy is declared, and shall be conducted in the same manner as the regular election. The elective member of this Board may be recalled by a majority vote of all members of the Fire Department, and upon petition of twenty-five per cent of the members of the Department, the Board of Trustees shall call an election to recall such person, and if said officer is removed from office, said Board shall call an election within ten days to fill such vacancy, and such election shall be conducted as herein provided for.

Bond of treasurer

Section 174. Bond of Treasurer. The Treasurer of said Firemen's Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00), which can be increased if the Board of Trustees sees fit, and all expense incidental thereto shall be met from said fund.

Investment of funds

Section 175. Investment of Funds. The Board of Trustees of the Firemen's Relief and Pension Fund is hereby

authorized to invest said fund in approved United States Government, State of California, local municipal or county bonds; provided, however, that at no time shall more than half of the available funds be invested, until said funds shall reach one hundred thousand dollars (\$100,000.00), and at no time shall more than two-thirds of the total amount of said fund be so invested; and in any event enough money shall always be kept in said fund sufficient to meet the pension payments provided for in this Charter.

Section 176. Officers of Trustees. The Chief of the Fire Department shall be the ex-officio President of the Firemen's Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be ex-officio Treasurer of the Firemen's Relief and Pension Fund, and said Board shall order payments therefrom in accordance with the provisions of this Article. Said Board of Trustees shall report annually in the month of June, to the Council, the condition of the Firemen's Relief and Pension Fund, and the receipts and disbursements on account of same, with a full list of beneficiaries of said fund, and the amounts paid them.

Officers of
trustees

Section 177. Meetings of Board. The Board herein provided for shall hold quarterly meetings on the third Monday of January, April, July, and October of each year, and upon the call of its President. The time and place of such meetings shall be posted on the Bulletin Board at the Fire Department Headquarters at least seven days before each meeting. It shall issue warrants signed by the President, Treasurer and Secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from said Fund by said Board, which warrants shall be drawn quarterly and paid monthly as they become due. The Board shall keep a record of all proceedings, which record shall be a public record. A majority of all the members provided for in this Section shall constitute a quorum, and have power to conduct business.

Meetings.

Section 178. Powers of Board. The Board herein provided for shall, in addition to other powers granted hereby, have power, first to compel witnesses to attend and testify before it upon all matters connected with the operation of this Article in the same manner as is or may be provided for by law for taking of testimony before Notaries Public. Second, to appoint a Secretary and provide for the payment from said funds of all its necessary expenses, including the employment of a Secretary, and for necessary clerical work; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this Article. Third, to make all needful regulations and rules for its guidance in conformity with the provisions of this Article.

Powers.

Section 179. Contributions to Fund by Firemen. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to two per cent (2%) of the amount paid the

Contribu-
tions to fund
by firemen.

said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund.

Contribu-
tions to fund
by council

Section 180. Contributions to Fund by Council. The Council shall, except as hereinafter provided, direct the payment annually from the General Fund of the City into the Firemen's Relief and Pension Fund for the purposes of this Article, the following moneys:

(a) All rewards given or paid to members of the Fire Department force while in the discharge of Fire Department duties.

(b) One-third ($\frac{1}{3}$) of all fines collected in the City Police Court in The City of San Diego for violation of any law, except such fines as may be otherwise directed by the General Law of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego, where such licenses are directly under the supervision of the Police Department.

(d) A sum equal to the amount paid into the Firemen's Relief and Pension Fund by the members of the Fire Department each year, as required under Section 179 of this Article during the next preceding year, and such further sum each year as may be required for the maintenance of said Firemen's Relief and Pension Fund; provided, however, that when said Firemen's Relief and Pension Fund contains a sum of money amounting to \$1,000 for each and every member of the Fire Department, then and in that event all payments under the said Firemen's Relief and Pension Fund, as provided for in this Section, shall cease, and only be resumed in the event that said fund shall be decreased below the amount herein specified.

Reports to
council.

Section 181. Reports to Council. In the last month of the fiscal year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Council of all moneys paid out on account of said Firemen's Relief and Pension Fund during the fiscal year, and of the amount then to the credit of said fund.

Payments

Section 182. Payments Monthly. All payments provided for in this Article shall be made monthly and upon proper vouchers.

Increase or
decrease
of pension

Section 183. Pensions Increased. All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Fire Department from time to time.

Section 184. Retirement for Service.

Retirement
for service

(a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regularly constituted force, or any department

of said force provided for by this Article, the Board of Trustees shall upon the written request of any person, or his guardian, or without such request if it deem it for the good of the service, retire such person from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the Fire Department who shall have left said Department for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Fire Department within three months, after having been honorably discharged from said military service, or any member having served as substitute in the San Diego Fire Department, shall have such time counted as part of the aggregate service required for a retirement pension.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow, until she remarries and in no case shall such pension exceed seventy-five dollars (\$75) per month, and if no widow, each child under eighteen years of age, if they are not married, shall receive twenty dollars (\$20) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75) per month for one family; and if no children, one-third of his annual salary, not to exceed fifty dollars (\$50) per month, shall be paid to a dependent mother or father; and any dependent orphaned sister or brother under eighteen years of age, and unmarried, shall receive twenty dollars (\$20) per month but in no case to exceed fifty dollars (\$50) per month for the family; provided, however, if such pensioner was pensioned under subdivision (a) of this Section or Section 186 of this Article, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to divide the pension as it may deem proper. In the event that a member of the San Diego Fire Department who has been pensioned for disability shall marry after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this Article.

Section 185. Payments for Death or Disability.

(a) Whenever any member of the Fire Department force shall lose his life in the performance of duty, or shall die from

Payments
for death or
disability

heart trouble or pneumonia, or any other sickness peculiar to the work of a Fireman, his dependents shall receive a pension as provided for in Section 184 of this Article.

(b) Whenever any member of the Fire Department shall after the length of service stated below become totally disabled or die from any sickness or accident not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children under eighteen years of age and unmarried, and if no children, his dependent mother or father, or unmarried dependent sister or brother, under eighteen years of age, shall be paid from the pension fund as follows:

After five years but not exceeding six years service, \$100.00;

After six years but not exceeding seven years service, \$200.00;

After seven years but not exceeding eight years service, \$300.00;

After eight years but not exceeding nine years service, \$400.00;

After nine years but not exceeding ten years service, \$500.00;

After ten years service, but not exceeding twenty years, \$1000.00.

After twenty years' service, a pension under the provisions of Section 184 of this Article.

(c) Whenever any regular employee of the Fire Department shall become disabled in the line of duty, the Board of Trustees shall retire such person in accordance with the provisions of Section 184 of this Article, provided, however, that if such disability shall cease, he shall, upon the recommendation of the Chief of the Fire Department be restored to active duty, with the rank or rating or salary equal to that held at the time of retirement.

(d) Any member who has served for twenty-five years continuously as a Call Man may be retired at his own request, and receive during his lifetime, a sum equal to one-half the monthly pay received by him one year previous to the time of his retirement.

(e) Every member of the regular Fire Department who previously served as a Call Man may be credited on his service with one year for every two years service as a Call Man.

Fifteen year
service

Section 186. Fifteen Year Service. Any member having served fifteen years in the San Diego Fire Department shall be entitled to all the provisions of Section 184 of this Article, except in case of being removed from the Fire Department for habitual drunkenness, conviction of a felony or gross insubordination.

Pensioners
subject to
re-exami-
nation

Section 187. Pensioners Subject to Re-examination. Any person retired for disability under this Article may be summoned before the Board herein provided for at any time, and shall submit himself for examination as to fitness for duty, and abide by the decision of, and order of said Board with reference thereto; and all members of the Fire Department

who shall be retired under the provisions of this Article, or their beneficiaries, shall report to the Chief of Fire Department, either in person, or in writing, on the third Monday in January, April, July, and October of each year, and in case of great public emergency may be assigned to and perform such duties as the Chief of the Fire Department shall direct, except members pensioned under Section 184, subdivision (a). and Section 186. No pensioner of the Fire Department shall be compelled to work in any other department of The City of San Diego.

Section 188. Certificates of Disability. No person shall be retired for disability under the provisions of this Article, or receive any benefit therefrom, unless there shall be filed with the Board certificates of disability which shall be sworn to by the Fire Department physician, and two other regularly licensed physicians of The City of San Diego, and the person whose retirement is contemplated shall have the right to select one of the physicians if he chooses to so do. Said Board may require other evidence of disability before ordering such retirement, but upon satisfactory evidence of disability, said Board shall retire such person.

Certificates
of dis-
ability.

Section 189. Power of Board to Determine Pensions. Whenever any person who shall receive any benefit from the Firemen's Relief and Pension Fund, as provided herein, shall fail to report himself as required in this Article, after having received written notice of such failure to report, and upon satisfactory proof that said person received said notice, or shall disobey the requirements of said Board under this Article with the intention of being insubordinate, then said Board shall order that the pension allowance of such person shall immediately cease, and such person shall receive no further benefit, allowance, or pension under this Charter; provided, however, that no part of this Section shall apply to members pensioned under Section 184, subdivision (a) and Section 186 of this Article.

Power of
board to
determine
pensions

Section 190. Former Pensioners Entitled to Benefits of this Article. All persons who were receiving pensions prior to the adoption of this Charter shall be entitled to all of the privileges of this Article.

Former
pensioners

Section 191. Pensioners May Hold Public Office. Any member pensioned under Section 184 of this Article shall in no way be deprived from holding public office, either appointive or elective.

Pensioners
may hold
public office.

Section 192. Declaration of Intent. It is the intent and purpose of this Article, where not in conflict with the terms of the present Firemen's Relief and Pension Fund, to continue said system in force and effect as existing at the time this Charter is adopted.

Declaration
of intent

ARTICLE XII.

Labor on Public Work.

Wages

Section 193. Prevailing Rate of Wages to be Paid on Public Work. Not less than the prevailing or current rate of per diem wages paid by private employers in The City of San Diego for the same quality of service shall be paid to all laborers, workmen or mechanics employed by or on behalf of the City upon any public work, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or sub-contract or any other arrangement whatsoever.

Time and one-half.

Section 194. Time and One-half Pay. Not less than one and one-half times the said prevailing or current rate of per diem wages shall be paid for extra work performed by such laborers, workmen or mechanics on Sundays and legal holidays as set forth in Section 10 of the California Political Code and for work performed in excess of eight hours in one calendar day in such cases in which such overtime work is permitted by law.

Penalty for underpayment.

Section 195. Penalty for Failure to Pay Prevailing Rate. The officer or public body awarding any contract for public work on behalf of the City shall ascertain the current or prevailing rate of per diem wages paid by private employers in the City for each craft or type of workman or mechanic needed to execute the contract, and shall specify in the bids for said contract, and in the contract itself, what the current or prevailing rate of wages is for each craft or type of workman or mechanic needed to execute the contract, also the overtime, Sunday and holiday rate, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any subcontractor under him, to pay at least the said specified rates to all laborers, workmen and mechanics employed by them in the execution of the contract, and it shall be unlawful for them to fail to do so. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed, for each calendar day such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract or by virtue of said contract, by him, or by any subcontractor under him, and the said officer or public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. The term "prevailing or current rate of per diem wages" shall be the rate determined upon as such rate by the officer or public body awarding the contract or employing the workmen, whose decision in the matter shall be final. Nothing in these provisions, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public works aforesaid of more than the said current or prevailing wages.

Eight hour limit.

Section 196. Eight Hour Limit on Public Works. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the City, whether such work is done

within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, is hereby limited and restricted to eight hours during any one calendar day and it shall be unlawful for any officer or agent of the City who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war, provided, however, that within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or board awarding the contract a report, verified by his oath, setting forth the nature of said emergency, which report shall contain the name of said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed in the execution of the contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any public work or upon any work herein mentioned, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him.

Section 197. Alien Labor on Public Works Prohibited. No Alien labor. alien shall be employed upon the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. If the work is being done directly by the City the

officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each alien employed in the execution of said contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any of the public works of the City, or upon any work herein mentioned, for each calendar day during which such alien is permitted or required to labor in violation of the provisions of this section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. The term "alien" as used herein shall mean any person who is not a born or fully naturalized citizen of the United States.

Contractor's records

Section 198. Records to Be Kept by Contractors. Every contractor doing public work shall keep or cause to be kept an accurate record showing the names, occupation and citizenship of all laborers, workmen or mechanics employed by him, or by any subcontractor under him, in connection with the said public work, and also showing the actual hours worked and actual wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, their deputies and agents, and to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies and agents.

Duty to report violations.

Section 199. Duty to Report Violations. It shall be the duty of the officer or board awarding the contract to do any public work to take cognizance of all violations of the provisions of this Article committed in the course of the execution of said contract, and to report the same to City Auditor and Comptroller who shall withhold and retain from the contractor in question all sums and amounts which shall have been forfeited pursuant to the provisions of this Article and turn such sums over to the City Treasurer to become a part of the general fund of the City.

Penalty.

Section 200. Penalty for Violation. Any officer or member of a public board of the City who shall wilfully violate, or omit to comply, with any of the provisions of this Article shall be subject to removal from office by suit brought for that purpose in the Superior Court by any citizen, and any contractor, or agent or representative of any contractor doing any public work for or on behalf of the City, whether such work is done within or outside the limits of the City, who shall neglect to keep an accurate record of the names, occupation, citizenship, actual wages paid to and actual hours worked by the workers employed by him, or by any subcontractor under him, in connection with the said public work, or who shall refuse to allow access to same at any reasonable hour by any person authorized to inspect same under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred

dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Section 201. Street Work, Etc., Subject to This Article. Street work, etc. Street work and other improvement work done under the direction and supervision of the City, as well as irrigation and reclamation work, shall be held to come under the provisions of this Article; provided, however, that nothing in this Article with reference to the hours of labor shall apply to regular municipal employees who are employed at a regular weekly, monthly or yearly salary.

ARTICLE XIII.

City Police Court.

Section 202. Jurisdiction of City Police Court. Jurisdiction. There is hereby created and established a Police Court for The City of San Diego, which shall have all the jurisdiction and exercise all the powers which are now or may hereafter be provided for Police Courts in cities by the General Laws of the State of California.

Section 203. Qualifications of Police Judge. Police judge. The Police Court of The City of San Diego shall be presided over by a Police Judge, who shall be elected by the qualified electors of said City once every four years. Said Police Judge must have been at the time of his election, a regularly licensed and practicing attorney at law of the State of California, and a qualified elector of The City of San Diego. During the term for which he shall have been elected, the Police Judge shall not practice law in any of the Courts of the State of California. Any vacancy occurring during the term of office of said Police Judge must be filled by an appointee of the Mayor, made with the advice and consent of the Council.

Section 204. Salary. Salary. The Police Judge shall receive as compensation for his services such salary as shall be paid to Justices of the Peace of San Diego Township under the General Laws of the State of California.

Section 205. Clerk. Clerk. The Police Judge shall appoint a Clerk and such other officers, attaches or employees of said Court as may be provided by ordinance by the Council of said City, and such Clerk, attaches or employees shall receive the salaries provided for such positions in the annual appropriation ordinance.

Section 206. Absence of Judge. Absence of judge. In case of sickness or disability or absence of the Police Judge, any Justice of the Peace of the Township of San Diego may preside over such Court at the request of the Police Judge.

Section 207. Process. Process. The Clerk of the Police Court is authorized to administer oaths and take and certify affidavits, and he shall be authorized to issue and sign writs, summons, and all other processes in any actions or proceedings in said Police Court in the name of the Police Judge. A permanent

record shall be kept by said Clerk of all actions and proceedings in the said Police Court now provided by law to be kept.

Appeals

Section 208. Appeals. An appeal to the Superior Court from any judgment, order or decision of the Police Court is hereby reserved and granted to anyone injured or aggrieved by such judgment or order, and such appeal shall be taken in the manner and in accordance with the provisions of the General Law authorizing appeals from the Justice Courts of the State of California.

Present city court.

Section 209. Present City Court. The present City Justice of the Peace shall preside over the new Police Court established under this Charter until the end of his term of office, and shall continue to hold such office until a Police Judge is elected pursuant to the terms of this Charter at the regular Municipal Election to be held under this Charter in 1935.

Municipal courts.

Section 210. Municipal Courts. In the event that at any time the electors of The City of San Diego, by amendment to this Charter, or the Legislature of the State, by General Law, authorizes the creation of Municipal Courts in the Township of San Diego, with jurisdiction to enforce the provisions of General Law now relating to Police Courts in cities, then and in that event the Police Court of The City of San Diego and the office of Police Judge thereof, as herein established, shall be abolished, and thereafter the Municipal Court so created shall have and exercise all of the authority, jurisdiction and power formerly exercised by the Police Court of The City of San Diego.

ARTICLE XIV.

Miscellaneous Provisions.

Oath of office.

Section 211. Oath of Office. Every officer or member of a Board or of a Commission of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

"I solemnly swear (or affirm) that I will obey the constitution and laws of the United States and of the State of California, that I will, in all respects, observe the provisions of this Charter and the ordinances of The City of San Diego and faithfully discharge the duties of the office of -----."

Present officers

Section 212. Continuance of Present Officers. All persons holding office at the time the provisions of this Charter shall take effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The first election for the purpose of electing municipal officers under the provisions of this Charter shall be held on the fourth Tuesday in April, 1932, and the first primary election for the purpose of nominating candidates for said first election shall be held on the fourth Tuesday in March, 1932. Thereafter, the regular municipal elections shall be held in the odd-numbered years, as in Article

II provided. The terms of all elective officers who are in office at the time this Charter becomes effective shall terminate on the first Monday after the First day of May following the holding of such election except as in this Charter otherwise provided. For all other purposes this Charter shall become effective on the First day of January, 1932, provided however, that the provisions of this Charter relative to the appointment of officers and the creation of offices and departments shall not become effective until after the First Monday after the First day of May following the holding of the first election under the terms of this Charter.

The powers conferred and the duties imposed upon any Officer, Commission, Board or Department of the City by the laws of the State and by this Charter or ordinance shall be thereafter exercised and discharged by the Officer, Board or Department designated by this Charter or by ordinances passed by the Council, unless otherwise provided herein. The members of the Legislative body of The City of San Diego in office at the time the State Legislature ratifies and approves this Charter shall take the necessary action and do everything necessary or incidental for the purpose of holding the first election at which municipal officers are elected pursuant to the terms and provisions of this Charter.

Section 213. Continuing in Force Ordinances and Contracts. All ordinances unless expressly repealed by this Charter, ordinances adopted or in pursuance to the powers of this Charter, and all contracts of The City of San Diego in force at the time of the passage of this Charter shall continue in force until amended or repealed.

Existing ordinances, etc

Section 214. Reservation of Rights. The passage of this Act shall not affect any right accruing or accrued, or any suit, prosecution, or other legal proceeding pending at the time when it shall take effect as herein provided, and no penalty or forfeiture previously incurred shall be affected thereby.

Reservation of rights

Section 215. Publicity of Records. All books, records and accounts of every office and Department of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Council, except such records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Publicity of records

Section 216. Copies of Records. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same who shall be charged for such copies or extracts, and for certification, the charge to be fixed by the Council.

Copies of records

Section 217. No Payment for Office. No officer or employee of the City shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

Payment for employment

Any officer or employee found guilty by the Council or a court of competent jurisdiction shall thereby forfeit his office or position.

Contributions for employment

Section 218. No Contributions for Employment. No officer or employee shall solicit or accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employee, or from any one under his charge, or from any candidate or applicant for any position as employee or subordinate in any Department of the City. Any officer or employee found guilty by the Council or a court of competent jurisdiction shall thereby forfeit his office or position.

Pueblo lands

Section 219. Pueblo Lands No sale of Pueblo Lands owned by The City of San Diego which are situated North of the North line of the San Diego River shall ever be valid and binding upon said City unless such sale shall have been first authorized by an ordinance duly passed by the Council and thereafter ratified by the electors of The City of San Diego at any special or general municipal election. The City Manager shall have authority to lease Pueblo Lands, provided that any lease for a term exceeding one year shall not be valid unless first authorized by ordinance of the Council. No lease shall be valid for a period of time exceeding fifteen years

Eminent domain.

Section 220 Eminent Domain. The Council shall have power to acquire by eminent domain proceedings such property as may be needed for public use.

Hours of city offices

Section 221. City Offices To Be Kept Open. Except where otherwise provided for by law or this Charter all public offices of the City shall be kept open for business every day except Legal Holidays from 8:30 o'clock in the morning until 5:00 o'clock in the afternoon.

Constitutionality

Section 222. Effect of Invalidity in Part. If any clause, sentence, paragraph, section or part of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 223. Amendment of Charter. This Charter may be amended in accordance with the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, or any amendment thereof or provision substituted therefor in the State Constitution.

Section 224. Repeal of Inconsistent Acts. All Acts and parts of Acts of the laws of the State of California relating to The City of San Diego inconsistent herewith are hereby repealed as far as they apply to the said City.

CERTIFICATE.

WHEREAS, The City of San Diego for years last past has been and now is a City containing more than three thousand and

five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and Certificate.

WHEREAS, on the Twenty-sixth day of August, 1930, at a special Municipal election duly and regularly held on that day in said City, under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of the said City did duly choose and elect

Charles E. Anderson,
 Stephen Barnson,
 Albert W. Bennett,
 Celia A. Dunham,
 Judson A. Ferguson,
 Robert Graham,
 John C. Hartley,
 Edward N. Jones,
 Emil Klicka,
 Nicholas J. Martin,
 Raymond A. Mathewson,
 Henry W. Merkle,
 Ida B. Ranney,
 Charles O. Richards,
 John W. Snyder,

who were all electors of said City and eligible as candidates under said Section, a Board of fifteen Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of The City of San Diego on the Second day of September, 1930, and the said electors thereafter duly qualified as such Freeholders in accordance with law;

Be it known, that in pursuance of the provisions of said Constitution and within the period of one hundred and twenty days, with an additional period of sixty days duly granted by the legislative body of The City of San Diego, on the Twenty-second day of December, 1930, after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the Charter of The City of San Diego; and

Be it further known, that the said Board of Freeholders hereby requests said legislative body of The City of San Diego to cause the publication of the said proposed Charter as provided in said Section 8 of Article XI of said Constitution, and hereby fixes Tuesday, the Seventh day of April, 1931 (upon which day the general Municipal election next following the expiration of said sixty days is held), as the date fixed by the said Freeholders for the election upon such proposed Charter and at which said general election such Charter shall be submitted to the qualified electors of The City of San Diego for their ratification and adoption;

If the legislature of the State of California approve this Charter, it shall thereupon become the Charter and organic law of The City of San Diego, County of San Diego at the time therein specified;

In witness whereof, we, the duly elected, qualified and under-
signed Freeholders of The City of San Diego, County of San
Diego, State of California, have hereto set our hands at The
City of San Diego, County of San Diego, State of California,
on this ninth Day of January, 1931.

Nicholas J. Martin,
Chairman,

Edward N. Jones,
Secretary,

Charles E. Anderson,
Stephen Barnson,
Albert W. Bennett,
Celia A. Dunham,
Judson A. Ferguson,
Robert Graham,
John C. Hartley,
Emil Klicka,
Raymond A. Mathewson,
Henry W. Merkle,
Ida B. Ranney,
Charles O. Richards,
John W. Snyder,

Freeholders of The City of San Diego,
County of San Diego, State of California.

Attest:

Edward N. Jones,
Secretary of the Board of Freeholders.

CERTIFICATION.

State of California, }
County of San Diego, } ss.
City of San Diego. }

Certifi-
cation

I, Allen H. Wright, the duly appointed, qualified and act-
ing clerk of the city of San Diego, county of San Diego, State
of California, hereby certify that the foregoing is a full, true
and correct copy of the proposed charter of the said city of
San Diego, prepared and proposed by a duly qualified board
of fifteen freeholders, duly elected on the 26th day of August,
1930; that copies of the said charter were duly filed with the
clerk of the said city of San Diego on the 9th day of January,
1931, said copies being signed by all of the members of said
board of freeholders; that thereafter, within the period pre-
scribed by law, the said proposed charter was duly published
in The San Diego Sun, the official newspaper of said city of
San Diego; that said charter was submitted to the qualified
electors of said city at the general municipal election held on
Tuesday, the seventh day of April, 1931, the date of the said
election having been fixed by the said board of freeholders,

the said date being not less than sixty days from the completion of the publication of such charter, as required by law; and that at such election a majority of the qualified electors of said city of San Diego voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned the said city of San Diego contained a population of more than one hundred thousand inhabitants.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the city of San Diego, county of San Diego, State of California, this 13th day of April, 1931.

[SEAL]

ALLEN H. WRIGHT,
City Clerk of the City of San Diego.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the said city to be affixed this 13th day of April, 1931.

HARRY C. CLARK,
Mayor of the City of San Diego.

[SEAL]

ALLEN H. WRIGHT,
City Clerk of the City of San Diego.

AND WHEREAS, Said charter has been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Ratification.
Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by said city of San Diego, and as hereinabove fully set forth, be, and the same is hereby, approved as a whole as and for the charter of the City of San Diego, county of San Diego, State of California.

CHAPTER 48.

Senate Joint Resolution No. 16—Relative to accepting amendments to permit from the government of the United States for the construction of approach roads and toll collection areas over certain rights of way leading to the Golden Gate bridge and relating to the retrocession by the congress of the United States of jurisdiction over said rights of way as relocated and said toll areas, bridge ends and bridge.

[Filed with Secretary of State April 29, 1931.]

WHEREAS, On February 13, 1931, the secretary of war, pursuant to authority vested in him by the laws of the United States, granted to the Golden Gate bridge and highway district certain rights of way upon which are to be located the approach roads, toll areas and bridge ends of the proposed Golden Gate bridge; and

Change in
Golden Gate
bridge
approach
permits.

Same

WHEREAS, The said grant has been accepted by the Golden Gate bridge and highway district and also by the Legislature of the State of California under the terms of Senate Joint Resolution No. 11; and

WHEREAS, It has become advisable to realign and change the location of a certain portion of the right of way for an approach road across the Fort Baker military reservation in the county of Marin; and

WHEREAS, On the first day of April, 1931, the secretary of war did grant to the Golden Gate bridge and highway district an amended permit providing that the location of the center line of such right of way in the Fort Baker military reservation might be changed to the location shown upon the map attached to said amended permit of April 1, 1931; and

WHEREAS, It was however in said permit expressly provided that said amendment should not become effective and the original permit should remain unchanged thereby unless and until the said district should have accepted the said amendment and unless and until the State of California should have with respect to said amendment taken the same formal action which it was required to take with respect to the original permit and which is set forth in paragraph 11 and subparagraphs 11a, 11b and 11c of said instrument as a condition precedent to the taking effect thereof; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That said amendment dated April 1, 1931, to said permit dated February 13, 1931, granted by the secretary of war to the Golden Gate bridge and highway district, be and the same hereby is, together with each, all, every and singular the terms, conditions, limitations, reservations and requirements therein contained, accepted by and on behalf of the State of California; and be it further

Resolved, That the State of California does hereby make application to congress for a retrocession of jurisdiction over the rights of way as relocated and amended by said amended permit of April 1, 1931, in lieu of and superseding the application for retrocession of jurisdiction over the right of way heretofore granted across the Fort Baker military reservation in the original permit of February 13, 1931, in case the said relocated right of way is finally granted to the Golden Gate bridge and highway district; and be it further

Resolved, That the State of California will, in case such retrocession of jurisdiction is granted by congress, accept such retrocession of jurisdiction, and will assume the responsibility for managing, controlling, policing, and regulating traffic thereon, all subject to the following limitations and to such other limitations as congress may prescribe:

(a) That nothing in said permit contained shall be construed to give to the State of California or any of its agents, authority at any time to regulate traffic of military personnel or vehicles upon the said bridge or roads. All traffic upon said roads and upon said bridge shall be free from any tolls,

charges or any form of obstruction by state or other agencies, against military and naval personnel and their dependents, civilians of the army and navy traveling on government business under military authority, and government traffic.

(b) That whenever in the judgment of the secretary of war or his authorized representative any emergency exists which justifies it, he may assume exclusive control and management of said bridge and roads and may then in his discretion prohibit, limit or regulate traffic thereon.

(c) That nothing in said permit contained shall be construed to confer upon the state courts the right to try persons subject to military law for crimes or offenses committed on said roads, or upon said bridge within the boundaries of the respective military reservations involved, but the courts of the United States or military tribunals as now or hereafter provided by law, shall retain exclusive jurisdiction to try such persons for such offenses.

Be it further

Resolved, That the State of California does hereby agree to make such relocated right of way in the Fort Baker military reservation in said amended permit described a part of the system of public highways of the state; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the secretary of war, to each house of congress, and to the senators and representatives in congress of the State of California.

CHAPTER 49.

Senate Joint Resolution No. 17—Relative to memorializing congress to provide compensation, in lieu of taxes, for certain lands of the United States within the borders of the several states.

[Filed with Secretary of State April 29, 1931]

WHEREAS, The United States government has withdrawn and set apart within permanent national parks or forests, enormous tracts of land, approximately nineteen million acres in the State of California alone; and

Compensation for withdrawal of government land from taxation

WHEREAS, Among other reasons, this has been made possible by the owners of timber land trading in their "cut-over" lands to the government for selected "cuttings"; and

WHEREAS, The United States government pays no taxes on such lands resulting in throwing a heavy tax burden on privately owned property in the same political subdivision; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That congress is urgently requested to appropriate sufficient money so that a sum of five cents per acre per year may be paid, in lieu of taxes, to the political subdivisions in which such lands

belonging to the United States are situated; and be it further
Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the speaker of the house of representatives and each of the members from California of the senate and house of representatives of the United States.

CHAPTER 50.

Senate Concurrent Resolution No. 18—Relative to highway extension for the purpose of developing agricultural and natural resources

[Filed with Secretary of State April 29, 1931]

Development
of agricul-
tural and
natural
resources
by highway
extension

WHEREAS, The roads and highways of the state serve not only the present traffic needs but develop also the natural resources of the state by making these resources better known and more accessible and accord a distinct aid and benefit to agriculture by bringing the farm closer to market; and

WHEREAS, The development of such resources and the improvement of such marketing facilities will amply justify expenditures for highway extension for such purposes; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the California highway commission and the state department of public works are hereby requested and urged, when planning, constructing or improving the state highway system, to give due consideration and regard to the development of the natural resources of the state and the improvement of agricultural marketing facilities, as well as to traffic needs.

CHAPTER 51.

Senate Concurrent Resolution No. 23—Relative to requesting the division of motor vehicles to use the full word "California" on all number plates.

[Filed with Secretary of State April 29, 1931]

Use of word
"California"
on motor
vehicle li-
cense plates

WHEREAS, The division of motor vehicles designs the number plates issued yearly to comply with requirements of the California vehicle act; and,

WHEREAS, Section 42 (b) of said act provides that such plates shall have displayed upon them the word "California" or its abbreviation "Cal."; and,

WHEREAS, In designing such plates the division now uses the abbreviation rather than the full word; and,

WHEREAS, Automobiles registered in this state travel throughout the length and breadth of this country, and the abbreviation "Cal." is easily confused with the abbreviation used on the number plates issued by other states; and,

WHEREAS, The word "California" on number plates of automobiles traveling in other states would serve as a constant reminder of this state and would be an effective adjunct to the efforts of those who are advertising the advantages of California to the people of the nation; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the division of motor vehicles be requested to use the full word "California" on all number plates hereafter issued by the division; and be it further

Resolved, That copies of this resolution be forwarded to the director of public works, and to the chief of the division of motor vehicles.

CHAPTER 52.

Senate Concurrent Resolution No. 25—Relating to the suppression of traffic in narcotic drugs and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective laws governing the traffic in narcotic drugs and related matters.

[Filed with Secretary of State April 29, 1931]

WHEREAS, The misuse of habit forming drugs constitutes a grave menace to society; and

"State
narcotic
committee."

WHEREAS, There is great need of continued vigorous action on the part of the State of California to combat this evil; and

WHEREAS, The State of California is particularly subject to the illegal traffic in narcotic drugs on account of its great accessibility by land and water; and

WHEREAS, A continued effort is necessary on the part of the State of California in order to curb successfully all drug addiction within its boundaries; now, therefore, be it

Resolved by the Senate, the Assembly concurring. That there shall be and hereby is created a committee to be known as "state narcotic committee," consisting of one member of the Senate, to be appointed by the president of the Senate, and one member of the Assembly, to be appointed by the speaker of the Assembly, for the purpose of considering the enactment of effective laws governing the traffic in narcotic drugs; and be it further

Resolved, That the committee shall also make a complete study of the entire subject of drug addiction in California, and shall gather such other necessary information, formulate recommendations, and prepare and submit to the next session of the Legislature of the State of California their findings therein; and be it further

Resolved, That the members of said committee shall receive no compensation for their services, but shall be paid their necessary traveling and other expenses. The sum of five hundred dollars is hereby set aside from the contingent fund of the Senate, and a like sum from the contingent fund of the

Assembly, and made available for the purpose of defraying expenses, of such committee and committeemen, which expenses shall be paid equally from such contingent funds of the Senate and Assembly, and the state controller is hereby authorized and directed to draw his warrant in favor of the members of said committee for such expenditures as may be certified to him from time to time by said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 53.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California to amend the constitution of said state by amending section 7½ of article eleven, relating to charters of counties and the election of officers thereunder.

[Filed with Secretary of State April 30, 1931]

Constitution
Art. XI,
Sec 7½

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that section 7½ of article eleven of the constitution of said state be amended to read as follows:

County
charters

Sec. 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one,) and relating to matters authorized by provisions of the constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by

Freeholders

said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors, provided, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said

Proposed
charter.

Election.

Approval by
Legislature

county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the secretary of state and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

Amend-
ments

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided,

such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for governor at the last general election, at which a governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; provided, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public

Mode of
calling
election

places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

Provisions
of charter.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

1 For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns

within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section 8 of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers; provided however, it shall be competent in such charters to provide any other mode for their nomination and/or election, and to adopt and provide for any system of proportional representation on the legislative or governing body of counties, also the manner of voting under such system.

Elective officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

Further provisions of charter.

For offices other than those required by the constitution and laws of the state, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to

such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the state is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature

Scope of
charter.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections 4 and 5 of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

Surrender
and an-
nullment.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two-thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving

a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

Not applicable to city and county.

CHAPTER 54.

Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment of section 4 of article thirteen of the constitution of the State of California, relating to the exemption of vessels engaged in commerce from taxation.

[Filed with Secretary of State April 30, 1931.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, nineteen hundred thirty-one, two-thirds of all the members elected to each of the houses of said Legislature voting in favor thereof hereby propose to the electors of the State of California that section 4 of article thirteen of the constitution of the State of California be amended to read as follows:

Constitution:
Art. XIII,
Sec. 4.

Sec. 4. All vessels of more than fifty (50) tons burden registered at any port in this state and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes until and including the first day of January, 1955.

Taxation of
vessels of
50 tons
or over.

CHAPTER 55.

Assembly Concurrent Resolution No. 27—Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, such election held therein on the twenty-sixth day of March, 1931.

[Filed with Secretary of State April 30, 1931.]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly

City and
county of
San Fran-
cisco:
charter
amendments.

ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (statutes of 1899, page 241); and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, one certain amendment to the charter of said city and county of San Francisco by the submission of one proposal, numbered "One," entitled as follows, to wit:

CHARTER AMENDMENT NO. 1.

Proposal
amendment.

Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new article thereto to be known as article nineteen, thereof, providing for the government of the territory in San Mateo county in the event of its consolidation with the city and county of San Francisco.

WHEREAS, Said one proposal aforementioned containing said proposed amendment to said charter was in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after its order of submission in the "San Francisco Chronicle," a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposal was printed in convenient pamphlet form and until the date fixed for the election herein-after described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "San Francisco Chronicle," that such copy could be had on application therefor to the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a special election to be held in the city and county of San Francisco on the twenty-sixth day of March, one thousand nine hundred and thirty-one, the said proposal to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special election was held in said city and county of San Francisco on the twenty-sixth day of March, one thousand nine hundred and thirty-one, which day was more than forty days and less than sixty days after said proposed charter amendment had been published for one day in the "San Francisco Chronicle," newspaper, said special election having been held within six months next preceding a regular session of the Legislature; and

WHEREAS, On the thirtieth day of March, one thousand nine hundred and thirty-one, and thereafter at meetings duly convened in accordance with law, the board of election commis-

sioners of said city and county duly and regularly canvassed the returns of said special election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to wit, on the sixth day of April, one thousand nine hundred and thirty-one, the said board of election commissioners duly filed in the clerk's office of the board of supervisors "official statement of votes cast at the special election held in the city and county of San Francisco, State of California, on Thursday, the twenty-sixth day of March, A. D., 1931, for new charter and charter amendment"; and

WHEREAS, At said special election so held on the twenty-sixth day of March, one thousand nine hundred and thirty-one, said proposed amendment was ratified by a majority of the electors of said city and county voting thereon; and

WHEREAS, The said charter amendment so ratified by the electors of the city and county of San Francisco, is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section eight of article eleven of the constitution of the State of California, and is in words and figures, as follows, to wit:

PROPOSED CHARTER AMENDMENT, CONSOLIDATION WITH SAN MATEO COUNTY.

Charter Amendment No. 1, describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by adding a new article thereto to be known as Article XIX thereof, providing for the government of the territory in San Mateo County in the event of its consolidation with the City and County of San Francisco.

Consolidation with San Mateo county.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at the special election to be held on the 26th day of March, 1931, a proposal to amend the charter as follows:

That said charter be amended by the addition thereto of a new article to be known as Article XIX thereof, to read as follows:

ARTICLE XIX.

CONSOLIDATION OF SAN MATEO COUNTY

Other Provisions of the Charter Superseded.

Section 1. In event that all or any part of the area of the County of San Mateo shall be consolidated with the city and county in accordance with law and the constitution of the state, the provisions of Article XIX of this charter shall become effective on the effective date of such consolidation and all other provisions of this charter in conflict with the provisions of said article shall be thereupon and thereby superseded.

Provisions to be effective in event of consolidation.

Definitions.

Definitions

Section 2. The following terms as used in Article XIX. to wit, "city and county," "county," "city," "governmental agency," "consolidate," and "consolidation," unless the context clearly indicates otherwise, shall have the same meanings as in that certain act of the Legislature of the State of California known as the San Francisco-San Mateo consolidation act of 1929. approved June 11, 1929. The term "voter" as used in said article means a qualified and registered elector of the city, county, city and county, borough, or other territory concerned.

Continuation of Offices, Officers, Employees and Services.

Section 3. Upon the consolidation of the county as a whole, the offices of assessor, auditor, coroner, county clerk, district attorney, recorder, sheriff, tax collector, and treasurer of said county shall become branch offices of the corresponding respective offices of the city and county, and the incumbents thereof shall become deputies in the said respective offices of the city and county, and shall continue as such to the end of the terms for which they were respectively elected or appointed.

The offices, departments, boards, and commissions of the city and county shall establish such branch offices in the territory consolidated as shall be necessary or convenient and as directed by the Board of Supervisors, but with no less amount of service in the said territory than shall have been provided by the county, or any city, or governmental agency of the county just prior to the time consolidation shall become effective.

Any full-time incumbent appointive officer or employee of the county, or any city, or governmental agency of the county, who shall have held such office or employment continuously for one year next prior to consolidation and whose duties shall be assumed by the city and county, shall become an employee of the office, department, board, or commissions of the city and county assuming said duties and he shall as such employee thereafter be subject, without examination, to the civil service provisions of this charter, if any, applying to said employment.

Retirement Rights.

Section 4. Any policeman or fireman of the county, or any city, or governmental agency of the county, who shall become an employee of the police or fire department of the city and county, and who may participate in any pension or retirement system of the city and county, shall receive credit for his prior continuous full-time service to said county, city, or governmental agency.

Municipal Court.

Section 5. All cases pending in any justices' court, police court or court of any recorder or other judicial municipal magistrate or office of the county or any city, or governmental agency of the county consolidated with the city and county shall ipso facto be deemed to be and be transferred to

the municipal court of the city and county. Such municipal court shall hold regular sessions in such borough or boroughs as the Board of Supervisors may, by ordinance, direct, and at least one such borough shall be so designated.

Recording.

Section 6. Any instrument or judgment affecting the title to or the possession of real property situated in the territory of the county which may be consolidated with the city and county must be recorded in the branch office of the recorder of the city and county located in the territory so consolidated and all records in said branch office shall for all purposes be deemed records in the office of the recorder of the city and county.

Establishment of Boroughs.

Section 7. Any territory included in the area that has become a part of the city and county by consolidation and which at that time is not already within a borough may be organized into a borough in the manner hereinafter set forth, provided such territory contain at least 3000 population, as determined by ordinance of the Board of Supervisors. Any incorporated city included in the area that has become a part of the city and county by consolidation, which was such a city on or prior to January 1, 1931, shall automatically become a borough when consolidation becomes effective.

New Boroughs, Consolidation, Change in Boundaries, and Disestablishment of Boroughs.

Section 8. Any new borough may be established, any two or more boroughs may be consolidated, the boundaries of any borough may be enlarged or diminished, or a borough may be disestablished, provided a majority of the voters of the borough, or boroughs, and/or of the territory concerned, voting on such a proposition at an election called for the purpose, shall first have voted in favor thereof; provided, further, that no borough shall be disestablished nor the boundaries of a borough diminished, unless the same be approved by the Board of Supervisors by ordinance, or a majority of the voters of the city and county voting thereon at an election called for the purpose, shall first have voted in favor thereof. Such elections shall be called by the Board of Supervisors upon receiving the report of the borough commission hereinafter provided for, and at any time thereafter upon receiving a petition of at least twenty-five per cent of the voters of the borough or boroughs and/or the territory concerned. If any petition of voters requests the establishment of a new borough or any change in the boundaries of an existing borough, the Supervisors, before calling an election thereunder, must set the petition for public hearing and give notice thereof by publication at least once a week for two weeks in a newspaper published in the city and county. Upon such hearing, the Board of Supervisors shall have power to change and determine the boundaries as set

forth in any such petition. No new borough shall be established, nor shall two or more boroughs be consolidated, nor shall the boundaries of a borough be enlarged or diminished, nor shall a borough be disestablished, unless a majority of the voters of the borough, or boroughs, and/or the territory concerned, voting on such a proposition, shall first have voted in favor thereof.

Within thirty days after consolidation is effective, every borough council must appoint one member to a commission to be known as the borough commission. The commission shall be charged with the duty of studying the boundaries of all boroughs within the city and county and of making recommendations to the Board of Supervisors concerning consolidation, disestablishment, or any change in boundaries of any borough or boroughs. This report shall be submitted to the Board of Supervisors within two years from the time consolidation shall become effective. Upon receiving the report of the commission, the Board of Supervisors shall without delay call an election or elections and submit appropriate propositions in accord with the recommendations of the commission to a vote of the voters of the territory concerned.

Upon the consolidation of two or more boroughs, all property thereof shall belong to the consolidated borough and such borough shall become responsible for all the debts and obligations of the boroughs consolidated. Upon a change of boundaries or disestablishment of a borough, the Board of Supervisors shall provide for the equitable adjustment and payment of any borough debts.

The Board of Supervisors, by ordinance, shall provide for the method and manner of calling and holding elections provided for in this section and for the canvassing of the returns thereof.

Borough Powers.

Powers of
boroughs.

Section 9. Every borough shall have and may exercise, subject to the provisions of this charter, the following powers and duties which shall be exclusive within borough limits except as otherwise provided herein:

(1) To create districts for the purpose of regulating the location, height, area, bulk, and use of buildings, lands and premises, and to exercise zoning and planning powers.

(2) To maintain public libraries and reading rooms.

(3) To maintain parks, playgrounds and other recreational facilities, and to construct and maintain buildings and works appurtenant thereto, except parks, playgrounds and recreational facilities maintained by the city and county.

(4) To construct, improve, and maintain streets and the bridges, sidewalks, street signs, lighting fixtures and all other appurtenances incident thereto; except highways maintained by the state or any joint highway district and any highway or street which the Board of Supervisors shall declare to be a major highway to be maintained by the city and county.

(5) To construct and maintain local sewers, sewage disposal plants, storm drains, and outfalls. Same.

(6) To collect garbage and other wastes and to dispose of the same within or without borough limits, or provide therefor, except as the Board of Supervisors shall otherwise provide for such disposal. Permission to dispose of garbage and other wastes outside of borough limits shall be first obtained from the city and county or the borough having jurisdiction of the territory in which such disposal is made.

(7) To erect, maintain and repair public buildings, and improve and maintain public property within borough limits devoted exclusively to borough uses; provided a borough shall maintain at least one public building, which the borough council shall select and in which the council shall meet.

(8) To have and exercise the same power within limits of the borough to open, widen, narrow, or close public streets and highways, and to establish the grades thereof, as is possessed by the city and county, except no borough shall close or narrow any highway maintained by the city and county without the approval of the Board of Supervisors.

(9) To exercise the powers of eminent domain whenever necessary to acquire property and easements for streets, highways, or other public purposes.

(10) To issue permits for any privilege in or on any street within the jurisdiction of the borough, and to make regulations with regard to advertising by signs, billboards, banners, placards, posters, or pictures on any street, sidewalk, or private property, or upon any buildings, poles, or fences thereof, except within two hundred feet of any street or highway not under its jurisdiction.

(11) To issue permits for spur tracks.

(12) To establish fire limits for the regulation of building and construction of buildings.

(13) To license for purpose of regulation only such occupations as shall require regulation in the interest of public peace, health, safety, or welfare, and to prescribe the terms and conditions under which such licenses shall issue.

(14) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, by suit or otherwise.

(15) To enact local police ordinances, not inconsistent with the laws of the state or ordinances of the city and county, and to make rules and regulations for the exercise of any power conferred herein on boroughs and to provide penalties for the violation thereof, provided such penalties shall not exceed the penalty limits applicable by law or under this charter to city and county ordinances; such local police ordinances to have all the force and effect within the limits of the borough of an ordinance of the city and county and as though passed and adopted by the Board of Supervisors.

Same

(16) To create and define the powers and duties of all borough offices and employments, not established by this charter, necessary for the purpose of carrying out the provisions of this charter and executing the powers and duties of a borough; and to fix the compensation of all officers and employees of the borough not fixed by this charter.

(17) To call and hold borough elections whenever necessary.

(18) To levy borough taxes.

(19) To prepare and adopt an annual budget of estimated borough expenditures and to exercise control of all borough funds.

(20) To incur indebtedness for the purpose of carrying out any of the powers conferred on the borough.

(21) To create special districts for the purpose of defraying the cost of any public improvement which the borough is authorized to make, and to levy special assessments upon property materially benefited by such public improvement, and to issue bonds to represent or be secured by such assessments.

(22) To contract for such supplies, services, or labor, and to enter into such contracts as may be necessary.

(23) To employ a qualified person or persons to make an independent audit of borough funds and financial transactions of all kinds as the borough council may direct. If an audit is not made by the city and county, then the council shall provide for such an audit at least once in every two years.

(24) To accept devises, bequests, legacies, donations or services to or for the use of the borough and to administer the same in accordance with the conditions thereof.

(25) To issue subpoenas for the attendance of witnesses or the production of books or documents for the purpose of producing evidence or testimony in any matter pending before the borough council.

(26) To employ legal counsel.

(27) To change the name of the borough, by ordinance, provided the ordinance making such change in name shall first be approved by a majority of the voters of the borough voting thereon.

(28) To provide, by ordinance, for civil service for borough employees under such conditions as are hereinafter provided, provided such ordinance shall first be approved by a majority of the borough voters voting thereon.

(29) To provide, by ordinance, for a system of retirement allowances for old age and disability and death benefits to dependents, applicable to officers and employees of the borough under conditions hereinafter provided, provided such ordinance shall first be approved by a majority of the borough voters voting thereon.

(30) To appropriate borough funds for supplementing any city and county service or function within the borough; such

appropriations to be expended through the appropriate departments of the city and county.

(31) To enter into an agreement with any other borough or boroughs for the joint undertaking of any power conferred on a borough herein.

(32) To have and exercise all appropriate municipal powers which may be necessary or proper to the exercise of the foregoing powers or to the discharge of the foregoing duties, and which are not inconsistent with the other provisions of this charter.

Transfer of Borough Powers.

Section 10. Any power over which a borough shall have exclusive jurisdiction within its limits, as herein provided, may be transferred to the city and county by a borough by ordinance of the borough council thereof, but not unless a majority of the voters of the borough, voting on the question of the transfer of such power, shall first have voted in favor thereof; provided, that no such power shall be transferred to the city and county unless such transfer is also approved by ordinance of the Board of Supervisors.

Borough Elective Officers and Terms.

Section 11. The voters of a borough shall elect five members of the borough council, except as otherwise provided, and also a borough controller, unless a borough shall, by ordinance of the council approved by a majority of the voters thereof voting on such ordinance, vest the powers of borough controller in a borough manager. Except as otherwise provided, borough elective officers shall be elected to serve for terms of four years and until their successors are elected and qualify. Officers and terms

Within fifteen days after the establishment of a new borough created upon petition as herein provided, the mayor of the city and county shall appoint five qualified residents of the borough as members of the council to serve until their successors are elected and qualify. At the next succeeding general borough election, the voters thereof shall elect three members of the council to serve for terms of two years, and two members to serve for terms of four years, beginning at twelve o'clock noon on the eighth day of January following the date of their election.

The council of a borough which by consolidation is automatically established, shall consist of the same number of members as shall compose the council of the city at the time consolidation becomes effective. The city councilmen in office at the time of such consolidation shall continue in office as borough councilmen until the end of the terms for which they were respectively elected, and thereafter until twelve o'clock noon on the eighth day of January of the first succeeding even-numbered year. At the general borough election immediately preceding the expiration of the terms of any such members of

a borough council, the voters of the borough shall elect their successors to serve for terms of four years. At every borough general election the successors to those elective borough officers whose terms are next expiring shall be elected to serve for terms of four years.

At the first meeting of the council of a borough, it shall appoint a borough controller to serve until his successor is elected and qualifies. At the next succeeding general borough election, the borough voters shall elect a borough controller to serve for a term of four years, beginning at twelve o'clock noon on the eighth day of January following the date of his election; provided, however, that if a majority of the members of the borough council are elected at the same time, the borough controller shall be elected to serve for a two-year term, and thereafter his term shall be for four years.

A candidate for any elective borough office shall have been an elector of the borough, or of the area comprising the same, for a period of at least five years prior to the date of election at which he is a candidate. No person who shall hold an elective or appointive office of the city and county shall hold any elective borough office.

A borough council may fill any vacancy in an elective office of a borough for the unexpired term thereof.

Duties, Meetings, and Compensation of Borough Councilmen.

Council.

Section 12. The council shall constitute the legislative body of the borough and, except as otherwise provided, shall exercise the powers thereof.

The council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called, provided, however, that there shall be at least two regular meetings in each month. The first meeting shall be held within thirty days after its establishment at the time and place upon which a majority of the council shall in writing agree.

All legislative sessions of the council, whether regular or special, shall be open to the public. A majority of all members of the council shall constitute a quorum for the transaction of business. All borough records shall be open to the public.

No member of the council shall receive compensation for his services unless an ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon; provided, however, that councilmen of a borough automatically established shall continue to receive the same compensation as provided for councilmen by the city which it succeeds at the time consolidation becomes effective, until the borough provides otherwise by ordinance approved by a majority vote of the vote cast thereon.

The council shall by ordinance determine what bonds, if any, are to be given by the elective and appointive officers of the borough, and shall fix their amounts and form, and such

bonds shall be approved in the case of a borough controller by the council and in the case of all other officers by the borough controller, and the premiums thereon shall be paid by the borough.

Borough President.

Section 13. The council shall choose one of its own number as president to serve at its pleasure. The president shall be the executive head of the borough upon whom process issued by authority of law shall be served. In the name and on behalf of the borough he shall sign all legal instruments and documents to which the borough is a party except where otherwise provided herein or by ordinance. He shall have such other powers and perform such other duties as may be prescribed by law, or by ordinance or resolution of the council. President.

Borough Controller.

Section 14. The borough controller shall have in addition to such duties as are prescribed by this charter, such other duties as may be prescribed by borough ordinance. No borough funds shall be drawn from the treasury of the city and county except by warrant issued or countersigned by him, and he shall countersign no such warrant unless the claim is a legal obligation of the borough. He shall keep in his office sufficient and proper records and accounts of the financial transactions of the borough. Such records and accounts shall be kept in the forms and manner as prescribed by ordinance of the Board of Supervisors. He shall have access at all times for himself, or for any person designated by him, to books, records and cash in any office of the city and county and/or of the borough in which accounts are kept or money handled on behalf of the borough. He shall have power to inquire into all contracts, including the performance thereof and into all proceedings involving the expenditure of public funds to which the borough is a party, and into the financial transactions of all officers and employees of the borough. For this purpose he may administer oaths, summon witnesses and order the production of relevant books and papers. If any person fails to obey such summons or order or refuses to answer any proper question, the borough controller may petition a court of competent jurisdiction for an order directing such person to comply with said summons or order or to answer such questions. He shall have power to employ such expert accountants or other agents as he may deem necessary to carry out his powers, and the borough council shall appropriate such funds as may be needed for this purpose. Controller.

Borough Clerk.

Section 15. When consolidation becomes effective, the clerk of any city which is automatically established as a borough shall continue in office as borough clerk thereof until the expiration of the term for which he may be elected or appointed, and thereafter the council shall appoint a borough Clerk.

clerk who shall act as clerk of the council. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter, or by ordinance, or order of the council.

Borough Planning Commission.

Planning
commission

Section 16. The council may provide, by ordinance, for a borough planning commission of five members. The ordinance shall provide for the qualifications, manner of appointment, terms, and compensation of the members of such commission, but no compensation shall be paid any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon. Said ordinance shall provide that the borough planning commission shall have and exercise within the borough such powers and duties as shall correspond to, so far as possible, the powers and duties of the planning commission of the city and county.

Until a borough planning commission is provided, the council shall have and exercise within the borough such powers and duties of a planning commission as the council, by ordinance, may provide.

The borough planning commission, or the council, as the case may be, shall have such advisory powers relating to any planning matter of the city and county affecting any property, streets, public work or public improvement of or within the borough, as may be provided by ordinance of the Board of Supervisors.

The borough planning commission, or the council, as the case may be, shall have power to recommend changes in or the repeal of any city ordinance establishing zones for the uses of property within the borough which may be continued in effect upon consolidation. In the determination of which class of occupation zones the property within a borough may be divided, or in the modification of any city zoning ordinance continued in effect, the borough planning commission, or the council, as the case may be, shall accept the classification of occupation zones which the Board of Supervisors, by ordinance, shall establish for the city and county.

Borough Library Board.

Library
board.

Section 17. The council may provide, by ordinance, for a borough library board of five members. The ordinance shall provide for the qualifications, manner of appointment, terms and compensation of the members of such board, but no compensation shall be paid to any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon.

The borough library board shall have control and management of the borough library and the funds provided for same and shall have power to make such rules and regulations as

necessary for the conduct of its affairs, but the treasurer of the city and county shall have custody of such funds.

Borough Manager.

Section 18. The council may appoint a borough manager, ^{Manager} provided, however, that no borough manager shall be appointed unless an ordinance creating such office shall first have been approved by a majority of the borough voters voting thereon, and which ordinance, when so approved, shall not be amended or repealed except by ordinance also approved by a majority of the borough voters voting thereon. The city manager of a city automatically established as a borough shall continue to hold such office as borough manager until removed by the council, and the council may appoint his successor.

The borough manager shall be chosen by the council without regard to political consideration and solely with reference to his executive and administrative qualifications. Residence within the borough shall not be a qualification for his appointment; but promptly thereafter during his term of office, he shall become and shall remain an actual resident of the borough.

The powers and duties of the borough manager shall be as follows:

(a) To act as administrative head of the borough government.

(b) To see that all borough ordinances are enforced.

(c) To appoint, remove, and have control of all subordinates and employees, except as otherwise provided by this charter or by ordinance of the borough.

(d) To see that all permits and privileges granted by the borough are observed and to report any violations thereof to the council.

(e) To attend meetings of the council.

(f) To advise the council on the needs of the borough.

(g) To devote his entire time to the interests of the borough.

(h) To have general supervision of borough parks and playgrounds.

(i) To appoint such borough advisory boards as he may deem desirable to advise and assist him in his work; provided such boards shall not receive any compensation.

(j) To prepare the annual borough budget, as herein provided.

(k) From time to time, in order to facilitate the prompt, economical and efficient dispatch of borough business, to assign assistants, deputies or employees from any office or department of the borough government to perform work or service in any other office or department thereof, or to work in more than one of said offices or departments.

(l) To possess such additional powers and duties as may be provided in this charter or by ordinance.

The borough manager shall have the right to take part in the discussion of all matters coming before the council, but shall have no vote therein.

In case of the absence or disability of the borough manager, the council may designate some qualified person to perform the duties of the office temporarily.

No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the borough manager in making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for borough manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to borough offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the council, who may be removed therefrom by the council or by any court of competent jurisdiction.

No persons related to a borough manager by blood or by marriage shall be eligible for borough employment.

A borough manager may, by written agreement of the councils of the boroughs interested, act as joint manager for two or more boroughs, in which case he shall become a resident of one of the boroughs so interested and shall devote his entire time to the interests of such boroughs.

Borough Legislation.

Legislation

Section 19. The council shall act in legislative matters by ordinance only. Other action of the council, unless otherwise provided, may be taken by resolution, motion or order. No ordinance or resolution or order for the expenditure of money shall be passed without receiving the affirmative votes of a majority of all members of the council.

The enacting clause of all borough ordinances shall be as follows: "The people of the Borough of _____ (inserting the name of the borough) of the City and County of San Francisco do ordain as follows." No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the president and attested by the borough clerk and shall be published at least once in some newspaper of general circulation established, printed and published in the borough, and if there be no such newspaper they shall be posted in at least three public places in the borough before becoming effective.

Every ordinance passed by a council shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance and as otherwise provided herein. Ordinances declared by the council to be necessary

as emergency measures for the immediate preservation of public peace, health, safety, or welfare, containing a statement of the reasons for their urgency, and ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the council.

Borough Fiscal Procedure.

Section 20. Within the time limits fixed by this charter for ^{Finances.} the preparation and adoption of the budget of the city and county, every borough shall cause to be prepared and shall adopt a borough budget which shall be a complete statement of the estimate of the revenues and expenditures of the borough departments for the ensuing year. Such budget shall be prepared substantially in the same manner and in such detail as required for the budget of the city and county so far as the same may be applicable. Upon the adoption of the budget, it shall take effect at the same time and shall be binding upon the borough in substantially the same degree and in the same manner as the city and county budget shall be effective and binding upon the city and county.

The fiscal year of a borough shall be the same as for the city and county.

Within the time limits fixed by law or by this charter for the city and county, the council may levy a borough tax sufficient to raise the amount estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue; but such levy, exclusive of the tax to pay the interest and maintain the sinking funds of the bonded indebtedness of the borough and exclusive of special assessment and district taxes and of the library tax, shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the taxable property within the borough. Should the council fail to fix the tax rate within the time prescribed, then the borough tax rate of the previous year shall constitute the rate of the current year. The council, by ordinance, may provide for a higher tax limit, but such tax limit shall not be effective unless the ordinance fixing such tax limit shall first have been approved by a majority of the borough voters voting thereon.

All borough taxes levied, together with interest thereon and any percentage imposed for delinquency and the cost of collection, which shall be those prescribed in this charter for the city and county, shall constitute liens on the property assessed, which taxes, interest, penalties and charges shall be collected in the same manner as is provided for the collection of city and county taxes, and which liens may be foreclosed upon in the same manner as is provided for the foreclosure of liens for city and county taxes.

Same

All borough taxes shall be levied on the valuation of the taxable property within the borough as shall be fixed by the assessor of the city and county for city and county tax purposes.

There shall be a borough fund for each borough. All borough taxes shall be collected by the tax collector of the city and county and shall be paid into the city and county treasury to the credit of the borough concerned, together with all revenues of a borough received from fines, licenses, and other sources of revenue, except as otherwise provided. Money shall be payable from a borough fund only on warrants drawn with the approval of a council by such borough officer as the council may authorize, and when countersigned by the borough controller.

The manner and time within which deposits of borough moneys received from taxes, licenses, fees, fines, penalties, forfeitures, and all moneys accruing to a borough from any source shall be made, the transfer and disposition of all surplus funds and the manner in which borough accounts shall be kept, shall be provided for by ordinance of the Board of Supervisors, and shall be uniform for all boroughs.

The council shall not create, audit, or permit to accrue, any debt or liability in excess of the available money in the borough fund of the borough that may be legally apportioned and appropriated for such purpose; provided that taxes levied though uncollected are deemed available income and revenue for the year for which levied: and provided, that any borough, during the first year of its existence, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year, nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the borough fund legally applicable to the payment of the same, except as hereinafter provided. When any order or demand is presented to the borough controller for approval and such order or demand is a proper and legal order or demand and the amount of said order or demand does not exceed the amount of the unexpended and not otherwise appropriated moneys remaining in the fund out of which said order is payable but where there are not actual moneys on hand in said fund for the payment of said order or demand, the borough controller must indorse thereon the words, "not approved for want of funds," with the date of presentation and shall, in attestation thereof, affix his signature thereto; and shall number such indorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum. Such orders or demands, so registered as herein provided, shall be paid in the order in which the same are registered.

All license taxes collected by the city and county within the limits of any borough shall be credited to the borough fund of such borough by the treasurer of the city and county.

Borough Tax Subventions.

Section 21. The Board of Supervisors shall provide by ordinance for a system of subventions from tax funds of the city and county to boroughs which expend funds for the maintenance of streets, sewers, libraries, parks, or playgrounds during any fiscal year; provided that in no event shall the subvention to any borough either exceed the aggregate amount which such borough shall appropriate out of borough funds in said fiscal year for said purposes, or exceed the amount which the city and county shall raise in said fiscal year by city and county taxes levied and assessed for like purposes against taxable property within such borough. Such system of subventions may be modified from time to time by the Board of Supervisors by ordinance, but all ordinances so providing shall apply generally to all boroughs. Taxation

Borough Bonded Indebtedness.

Section 22. A borough may incur an indebtedness, exceeding in any year the income and revenue provided for such year, for the purposes of paying the cost of any borough improvement or acquisition within the power of the borough to make or acquire and may issue and sell borough bonds for such purposes, provided said indebtedness and bonds are authorized as herein provided by ordinance or resolution of the borough pledging the faith and credit of the borough therefor. Such ordinance or resolution shall be adopted and the proposition for the issue and sale of such bonds shall be submitted to a vote of the voters of the borough in substantially the same form and manner and according to the same procedure as is provided in this charter for the issue and sale of bonds by the city and county, or in the manner and form and according to the procedure provided in any general law of the State of California in force at the time governing the issue and sale of bonds by municipalities, so far as the same may be applicable. Bonds.

No such debt shall be incurred and no such bonds shall be issued by any borough without the assent of two-thirds of the voters thereof voting thereon at an election to be held for that purpose, nor unless before or at the time of incurring said debt or issuing said bonds provision shall be made for the collection of an annual tax sufficient to pay the interest on such debt or bonds as it falls due and provision shall also be made to constitute a sinking fund for the payment of the principal thereof on or before maturity.

In no case shall borough bonds be issued for a term which shall exceed the estimated life of the work or improvement for the payment of which they are issued as certified by the council in the ordinance calling the bond election, nor for a term to exceed forty years.

No bond shall be issued on the faith and credit of the borough which will increase the bonded indebtedness thereof beyond five per cent of the assessed valuation of the property within the borough subject to direct taxation as shown by the last preceding assessed valuation.

The proceeds from the sale of borough bonds shall be applied exclusively to the purposes and objects to which the voters of the borough have assented, until such purposes and objects have been accomplished, after which the surplus, if any, shall be transferred to the bond interest or redemption fund of the borough.

Borough bonds shall not constitute or be a debt or general obligation of the city and county.

Borough Special Assessments.

Assess-
ments.

Section 23. In the exercise of its power to provide for the payment of the cost of any public improvement in whole or in part by special assessment levied against the property benefited thereby, a borough acting through its council may establish local improvement districts and levy and collect special assessments and reassessments to pay the costs and expenses of such improvements, which expenses shall be made and assessments levied and collected in conformity with the procedure set forth in this charter for the city and county, or with the procedure set forth in any ordinance passed or adopted thereunder, or with the procedure set forth in any one or more of the general laws of the State of California in force at the time of the improvement relating to the doing of public work or the making of public improvements in municipalities or in counties, so far as the same may be applicable. The council may provide in accordance with the procedure set forth in said charter or said ordinance or general law or laws for the issuance, sale, payment and redemption of interest bearing bonds to represent or to be secured by such assessments or any reassessments remaining unpaid after a certain period, either singly or in the aggregate, and may provide that such assessments or reassessments may be paid in installments and be collected in the same manner in which city and county taxes are collected or otherwise, and for the sale of lands burdened by such assessments or reassessments and for the purchase of same on behalf of the borough in event of nonpayment, and may provide other or alternative methods for such collection by foreclosure or otherwise. Such work or improvements are any permitted to be done by boroughs under this charter or by the city and county or by any such procedure, ordinance or general law.

Nothing contained herein shall prevent the Board of Supervisors from establishing similar local improvement districts where the same shall cover territory in two or more boroughs or parts thereof, or cover territory lying partly within and partly without a borough, or from levying and collecting special assessments and reassessments to pay the cost and expenses of such local public improvements.

Borough Contracts and Official Advertising.

Section 24. In the preparation of estimates, calling for bids, ^{Contracts.} advertising, and awarding of contracts for supplies, materials, labor, official advertising, or for any public work, a borough shall be subject to the provisions of any ordinance as the Board of Supervisors shall provide to be applicable uniformly to all boroughs. Such ordinance shall follow as closely as practicable the provisions of this charter relating to such matters applicable to the city and county and shall charge borough officers with appropriate duties in the premises.

Contracts for the official advertising of a borough shall be let as this charter provides for the letting of contracts for official advertising of the city and county, provided that any such contract shall be let to a daily or weekly newspaper of general circulation established, printed, and published in the borough, if any such there be. If there be no such newspaper, then such contract shall be let to a daily or weekly newspaper of general circulation established, printed and published in the city and county.

Any newspaper of general circulation which for one year next prior to consolidation was established, printed and published in the territory consolidated with the city and county shall thereafter be deemed to have been so established, printed and published as a newspaper of general circulation for said period of one year within said city and county for all purposes of official publication or advertising.

The advertising of the delinquent borough tax list of the property within a borough shall be let by the Board of Supervisors to the lowest responsible bidder for publication in a newspaper of general circulation, established, printed, and published within such borough, if any such there be, and otherwise in such a newspaper established, printed and published in the city and county and such delinquent tax list shall be published in such newspaper at least once.

Interest in Borough Contracts.

Section 25. No officer or employee of a borough shall be or become directly or indirectly interested in any contract of such borough. Any such officer or employee violating the provisions of this section shall forfeit his office of employment and be disqualified from being elected, appointed or employed in the service of such borough, or the city and county, or any other borough thereof, and such contract shall be void.

Borough Civil Service.

Section 26. Whenever the voters of a borough shall ^{Civil service} approve an ordinance of the council providing for civil service for officers and employees of the borough, the council shall enter into an agreement with the civil service commission of the city and county for the administration of the civil service system of the borough, and it shall provide in the borough

budget for the payment to the city and county of the costs of such services.

In any such ordinance it shall be provided that all borough officers and employees, not otherwise exempt as herein provided, shall be subject to the civil service provisions of this charter as far as they may be consistently applicable to such officers and employees. Such ordinance shall further provide that there shall be no exemption of any borough officers or employees from the borough civil service system except in the case of elective borough officers, appointees to any borough board or commission not required to give full-time service, and the borough manager, if any. Such ordinance may also provide that any borough officer or employee, who shall be subject to the borough civil service system and who has been continuously employed full time for one year prior thereto by the borough or by the city automatically established as such borough, shall without examination be deemed appointed within the civil service provisions of this charter to the position to which he may be assigned and entitled to all the benefits of said civil service provisions thereafter.

Borough Pensions.

Pensions.

Section 27. Whenever the voters of a borough shall approve an ordinance of the council providing for retirement allowances and death benefits applicable to officers and employees of the borough, the council shall enter into an agreement with the board of administration of the employees' retirement system of the city and county for the administration of the borough retirement allowances and death benefits, and for contributions by the borough and the borough officers and employees to the employees' retirement system of the city and county in like manner as is provided for such administration and contributions by the city and county and city and county officers and employees.

The right of borough officers and employees to participate in such a retirement system, the manner in which they may participate, and the benefits they may enjoy, shall be those provided by the employees' retirement system for officers and employees of the city and county.

In any such ordinance it may be provided that any officer or employee participating in its benefits shall receive credit for his prior continuous full-time service to the borough and/or to the city automatically established as such borough, and all liabilities accruing under such system because of such prior service shall be met by the borough.

Borough Elections.

Elections.

Section 28. The primary and general elections of a borough shall be held at the time provided in this charter for municipal primary and general elections of the city and county. Except as otherwise provided in this charter, the council by ordinance shall call any special borough election and notice of such special election shall be given by proclamation issued by the president

of the council and posted and published as the council may direct for the period of at least thirty days next preceding the date of such election. Any borough election shall be conducted and canvassed in the same manner as an election of the city and county, but the cost of any special election shall be borne by the borough. A borough special election may be called to be held on any day appointed for any primary or general election of the city and county.

Borough Initiative, Referendum, and Recall.

Section 29 The voters of a borough may invoke the initiative provisions of this charter to apply to any borough ordinance, and they may also invoke the referendum provisions of this charter to apply to any ordinance, act or measure of a council. The council may submit any ordinance it is empowered to pass to a vote of the borough voters. The voters of a borough may invoke the recall provisions of this charter to apply to any elective borough officer. It shall be the duty of the Board of Supervisors, by ordinance uniformly applicable to all boroughs, to make the provisions of this section effective.

Initiative,
referendum,
and recall.

Interchange of Services.

Section 30. Any department, officer, or employee of a borough may be permitted to perform services for any office, board, or department of the city and county, and may be compensated for such services by the city and county, provided approval thereof is first obtained from the proper borough authority.

Borough Continuation of Employees, Contracts, and Ordinances.

Section 31. Except as otherwise provided, any employee of a city consolidated with the city and county, who shall be in the employ of any department or office of such city, the duties of which shall be undertaken by a borough automatically established as successor to any such city, shall continue in the position to which he may be assigned in the employ of the borough until the end of his term or if without a term until removed by the authority to whom power of removal is committed.

Employees,
contracts,
ordinances.

All contracts for materials, supplies and labor, and all public works, special assessments or similar proceedings entered into or undertaken by a city consolidated with the city and county in force or in course of performance when consolidation becomes effective, shall be continued and perfected by the borough automatically succeeding any such city, provided the borough shall have jurisdiction in the matter for which such contracts were entered into or over such public works, special assessment or similar proceedings, and otherwise by the city and county.

All ordinances of a city consolidated with the city and county which are not inconsistent with the provisions of this charter or with any ordinance of the city and county shall, until repealed or amended by borough ordinances, be continued in

force as ordinances of the borough automatically succeeding such city.

General Legislation for Boroughs.

Section 32. The Board of Supervisors shall have general power to enact all legislation necessary to permit boroughs to exercise their powers or perform their duties under any provisions of this charter and not otherwise provided for herein. Such legislation shall be consistent with the provisions of this charter relating to the city and county or to boroughs and shall be uniform for all boroughs.

Ordered Submitted—Board of Supervisors, San Francisco, Feb. 9, 1931.

Ayes: Supervisors Andriano, Canepa, Colman, Gallagher, Garrity, Havenner, Hayden, McGovern, McSheehy, Miles, Peyser, Roncovieri, Stanton, Suhr.

Noes: Supervisors Shannon, Spaulding.

Absent: Supervisors Breyer, Power.

J. S. Dunnigan, Clerk.

State of California, }
City and County of San Francisco } ss.

This is to certify that we, Angelo J. Rossi, mayor of the City and County of San Francisco, and J. S. Dunnigan, clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendment to the charter of the said City and County of San Francisco with the original proposal, submitting the same to the electors of said city and county at a special election held on Thursday, the twenty-sixth day of March, one thousand nine hundred and thirty-one, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this seventh day of April, 1931

ANGELO J. ROSSI,

Mayor of the City and County of
San Francisco.

[SEAL]

J. S. DUNNIGAN,

Approved as to form, Clerk of the Board of Supervisors
JNO. J O'TOOLE, of the City and County of San
City Attorney. Francisco.

Now therefore, be it

Resolutions

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city and county of

San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as amendment to, and as part of the charter of the city and county of San Francisco.

CHAPTER 56.

Assembly Concurrent Resolution No. 26—Approving the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco at a special election held therein on the twenty-sixth day of March, 1931.

[Filed with Secretary of State May 5, 1931]

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants and has been, ever since the eighth day of January, in the year 1900, organized and acting under a freeholder's charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, 1898, and approved by the Legislature of the State of California on the twenty-sixth day of January, 1899; and

City and county of San Francisco: charter.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a new charter for said city and county of San Francisco as set out in the certificate of the mayor and clerk of the board of supervisors of said city and county of San Francisco; and

WHEREAS, The mayor and the clerk of the board of supervisors of said city and county of San Francisco have certified as follows:

State of California, }
City and County of San Francisco } ss.

We, the undersigned, respectively the mayor of the city and county of San Francisco, State of California, and the clerk of the board of supervisors thereof, do hereby certify that the said board of supervisors is the legislative body of the city and county of San Francisco, and that on the thirtieth day of June, 1930, the said board of supervisors in regular meeting assembled, and by a two-thirds vote of all the members of said board, enacted an ordinance calling an election to be held in the city and county of San Francisco on Tuesday, the twenty-sixth day of August, 1930, for the purpose of electing a board of fifteen freeholders to frame a new charter for the city and county of San Francisco, pursuant to the provisions of, and under the authority of, section 8 of article eleven of the constitution of the State of Cali-

Same

fornia, and that said ordinance has never been repealed, revoked or set aside, and that said ordinance now is and was at all of the times hereinafter mentioned, a valid ordinance of the said board of supervisors of the city and county of San Francisco, and that a copy of said ordinance, marked "Exhibit A," is hereto attached, which is hereby certified to be a full, true and correct copy of the original ordinance enacted as aforesaid.

That pursuant to the aforesaid ordinance, an election was duly noticed, called and held in the city and county of San Francisco, on Tuesday, the twenty-sixth day of August, 1930, for the purpose of electing said board of fifteen freeholders to frame a new charter for the said city and county of San Francisco, at which said election the following named persons were elected freeholders to frame said charter, to wit:

Lewis F. Byington, F. V. Keesling, Arthur W. Brouillet, Stephen Malatesta, Julius S. Godeau, Thomas Doyle, Thomas P. Garrity, Hugh Gallagher, Thomas Danforth Boardman, John H. McCallum, Adolph Uhl, C. Harold Caulfield, Leo A. Cunningham, John S. Drew and John G. Lawlor; all of which will more fully appear from the certificate of Charles J. Collins, registrar of voters of the city and county of San Francisco, which said certificate is hereunto attached and marked "Exhibit B."

That on or about the twenty-ninth day of December, 1930, the board of supervisors of the city and county of San Francisco, by resolution No. 33704 (new series), consented that the period allowed by law within which the said above mentioned freeholders should prepare and propose a new charter for the city and county of San Francisco should be extended for a period not exceeding sixty days, a copy of which said resolution is hereto attached and made a part hereof, marked "Exhibit C," and which is hereby certified as a full, true and correct copy of said resolution.

That said board of freeholders duly prepared a charter for the city and county of San Francisco, and a majority of the said board of freeholders signed the same, and said charter as so signed was on the nineteenth day of January, 1931, filed in the office of the clerk of the board of supervisors, and that before filing said charter said board of freeholders fixed Thursday, the twenty-sixth day of March, 1931, as the date for the holding of a special municipal election in the city and county of San Francisco, at which said charter should be submitted to the electors of the city and county for their ratification and adoption, and designated such date for such purpose on said charter. That said charter is attached hereto and made a part hereof, marked "Exhibit D," and we hereby certify that said "Exhibit D" is a full, true and correct copy of the aforesaid charter and of all the endorsements thereon, prepared, proposed, and filed with the board of supervisors as aforesaid.

That within fifteen days after the filing of said charter as ^{Same} aforesaid, the said board of supervisors caused such charter to be published once in the San Francisco Chronicle, the official newspaper of the city and county of San Francisco, which said publication was made in said newspaper on the twenty-second day of January, 1931, pursuant to Resolution No. 33778 (new series) of said board of supervisors, a copy of which said resolution is hereto attached and made a part hereof, marked "Exhibit E," and which said copy is hereby certified to be a full, true and correct copy of said Resolution No. 33778 (new series); and that said board of supervisors did also cause copies of said charter to be printed in convenient pamphlet form, and did from the said twenty-second day of January, 1931, to and until the date fixed for the election on such charter, advertise in a newspaper of general circulation published in the city and county of San Francisco, that such copies of said charter might be had upon application therefor at the office of the clerk of the board of supervisors in the city and county of San Francisco, and that copies of said charter were maintained at the said office of the clerk of the board of supervisors for distribution in conformity with said notice from the date of the printing of said notice to and until the date of said election.

That the date fixed for the election on said charter was more than sixty days after the filing and the completion of said publication of said charter as aforesaid.

That on the twenty-sixth day of March, 1931, a special municipal election was held in the city and county of San Francisco for the purpose of approving and ratifying said charter prepared, proposed, filed and advertised as aforesaid, and that at such election, the vote on said charter was as follows:

In favor of the approval of said charter...59,084 votes
Against the approval of said charter....45,741 votes

all of which will more fully appear from the certificate of the registrar of voters of the city and county of San Francisco hereto attached and made a part hereof and marked "Exhibit F"

In witness whereof, Angelo J. Rossi, the mayor of the city and county of San Francisco, and J. S. Dunnigan, the clerk of the board of supervisors of said city and county, have signed this certificate and affixed thereto the corporate seal of the city and county of San Francisco, this eleventh day of April, 1931.

ANGELO J. ROSSI,
Mayor.

[SEAL]

J. S. DUNNIGAN,
Clerk of the board of supervisors.

EXHIBIT "A."

Ordinance
calling
election.

Calling Special Election for Freeholders for Charter Revision.

On recommendation of Judiciary Committee.

Bill No. 9282, Ordinance No. 8789 (New Series), as follows:

Calling a special election in the City and County of San Francisco, and fixing a date for said election, for the purpose of choosing a Board of Fifteen Freeholders, which said Freeholders, when chosen by the electors of the City and County of San Francisco, shall prepare and frame a new Charter for said City and County, so that the same may be submitted to the electors of the said City and County, all as provided in Section 8 of Article XI of the Constitution of the State of California.

Be it ordained by the People of the City and County of San Francisco as follows:

Section 1. Whereas, the City and County of San Francisco is a City and County in the State of California containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

Section 2. Whereas, the said City and County of San Francisco has heretofore adopted a Charter in conformity with the provisions of Section 8 of Article XI of the Constitution of the State of California; and

Section 3. Whereas, more than thirty years has now elapsed since the original adoption of said Charter, and the same is now, as a result of numerous amendments, in many respects confusing, and contains provisions which are conflicting and obsolete.

Section 4. The Board of Supervisors of the City and County of San Francisco does hereby call a special election to be held in the City and County of San Francisco on Tuesday, the 26th day of August, 1930, and does hereby fix Tuesday, August 26, 1930, as the date for a special election for the election and choosing of a board of fifteen freeholders by the electors of the City and County of San Francisco, which said Board of Freeholders shall prepare and frame a new Charter for said City and County.

Section 5. That said Board of Freeholders, when elected and chosen, shall frame and prepare said Charter and cause the same to be submitted to the electors of the City and County of San Francisco for their approval, within the time and in accordance with the provisions of the Constitution of the State of California.

Section 6. Any person to be eligible for election to said Board of Freeholders must be a freeholder within the City and County of San Francisco and must, for a period of at least five years prior to the date of his or her candidacy for said office, have been an elector of said City and County.

Section 7. This ordinance shall become effective immediately upon its passage.

Ayes—Supervisors Andriano, Canepa, Gallagher, Havenner, McGovern, McSheehy, Power, Roncovieri, Shannon, Stanton, Suhr, Toner—12.

Noes—Supervisors Colman, Hayden, Miles, Rossi, Spaulding—5.

Absent—Supervisor Peyser—1.

EXHIBIT "B."

State of California, }
City and County of San Francisco } ss.

I, the undersigned registrar of voters of the city and county of San Francisco, State of California, do hereby certify that I am the official custodian of all records, files, papers and documents of elections held within the city and county of San Francisco; that on the twenty-sixth day of August, 1930, under and pursuant to ordinance of the board of supervisors of the city and county of San Francisco, duly enacted and adopted by a two-thirds vote of said board, a special election was called and held in the city and county of San Francisco for the purpose of electing a board of fifteen freeholders to prepare and propose a new charter for the city and county of San Francisco; that said election was duly held in the manner provided by law and thereafter and within the time allowed by law the board of election commissioners of the city and county of San Francisco duly canvassed the vote cast at said election and did certify and declare that the following named persons, to wit: Lewis F. Byington, F. V. Keesling, Arthur W. Brouillet, Stephen Malatesta, Julius S. Godeau, Thos. Doyle, Thomas P. Garrity, Hugh Gallagher, Thomas Danforth Boardman, John H. McCallum, Adolph Uhl, C. Harold Caulfield, Leo A. Cunningham, John S. Drew and John G. Lawlor, were the fifteen candidates receiving the highest number of votes at said election for the said position and office of freeholder, and that said board of election commissioners did thereupon and on the fifteenth day of September, 1930, certify and declare that said persons above named were duly elected as the board of freeholders to prepare and propose a new charter for the city and county of San Francisco; that all of said persons were at the date of said election, and for more than five years next preceding said date had been, electors of the city and county of San Francisco, and that each of said persons was nominated for the position and office of freeholder in the same manner as is provided for the nomination of officers of the municipal government of the city and county of San Francisco.

Certificate
of election
of free-
holders

In Witness Whereof I have hereunto set my hand and affixed my official seal in the city and county of San Francisco, State of California, this eleventh day of April, 1931.

[SEAL]

C. J. COLLINS,
Registrar of Voters
of the city and county of San
Francisco, State of California.

EXHIBIT "C."

Resolution No. 33704.

(New Series.)

Resolution
extending
period for
preparation
of charter

Resolved, That the Board of Supervisors of the City and County of San Francisco, State of California, hereby consents that the period allowed by law within which the fifteen freeholders chosen by the electors of said City and County at the general election held therein on the 26th day of August, 1930, shall prepare and propose a charter for the government of said City and County, namely, within one hundred and twenty days after the result of said election was declared, may be extended by said Board of Freeholders for a period not exceeding a total of sixty days.

Adopted—Board of Supervisors, San Francisco, Dec. 29, 1930.

Ayes: Supervisor Andriano, Canepa, Colman, Gallagher, Havemmer, McGovern, McSheehy, Power, Roncovieri, Stanton, Suhr.

Absent: Supervisors Hayden, Miles, Peyser, Rossi, Shannon, Spaulding, Toner.

J. S. DUNNIGAN, Clerk.

Approved, San Francisco, Jan. 2, 1931.

JAMES ROLPH, JR.,
Mayor.

EXHIBIT "D."

CHARTER

OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE CITY AND COUNTY AND ITS POWERS.

Name and Boundaries of City and County.

Boundaries

Section 1. The City and County of San Francisco shall continue as a municipal corporation known by name as San Francisco. The boundaries of the municipal corporation are those set forth in the Political Code of California and as such may be extended as provided by law

Powers of the City and County.

Powers

Section 2. The City and County of San Francisco shall have perpetual succession; may appear, sue and defend in all courts and places in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may, subject to the restrictions contained in this charter, purchase, receive, hold and enjoy, sell, lease and convey real and personal property; receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

All rights and titles to property, all rights and obligations ^{Same} under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City and County of San Francisco or in any officer or employee thereof in his official capacity, at the time this charter becomes effective, as well as all liabilities in contract or tort and causes of action involving the same in so far as they affect the city and county or any officer or employee thereof in his official capacity which shall be outstanding at the time this charter becomes effective, shall continue without abatement or modification by reason of any provision hereof.

All ordinances or resolutions in force at the time this charter takes effect and not inconsistent therewith shall continue in force until amended or repealed. All public improvements or other proceedings legally authorized under the charter superseded by this charter shall be carried to completion under previously existing laws or under this charter. The powers or duties vested in city and county officers, boards or commissions by law or under the charter superseded by this charter shall be exercised, continued and carried out by their successors or by other city and county officers, boards or commissions, consistent with the provisions of this charter.

All functions of the city and county, and the powers and duties of officers and employees charged with the performance thereof, as these shall have been apportioned among departments and offices, and institutions, utilities, bureaus or other subdivisions thereof, as existing at the time this charter shall go into effect, shall continue to be the functions of such departments and offices and the powers and duties of officers and employees assigned thereto, except as in, or under authority of, this charter otherwise specifically provided. The legally authorized officers and employees of each of said departments and offices or subdivisions thereof shall continue as the officers and employees of said departments and offices or subdivisions thereof, subject to the conditions governing their respective appointments to such positions, and except as in this charter otherwise provided; and where part of the functions and duties of any department or office are, by this charter, transferred or placed in any other department or office, the persons performing such functions and duties, shall be transferred therewith. The compensations legally authorized for the several officers and employees shall be continued subject to the other provisions of this charter.

The city and county may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, officers and employees, and shall have all rights and powers appropriate to a county, a city, and a city and county, subject only to the restrictions and limitations provided in this charter, including the power to acquire and construct plants, works, utilities, areas, highways and institutions outside the boundaries of the city and county, and maintenance and operation

of the same, and the exercise of functions or maintenance of services outside the boundaries of the city and county, including the expenditure of funds therefor through any agency. The specification or enumeration in this charter of particular powers shall not be exclusive. The exercise of all rights and powers of the city and county when not prescribed in this charter shall be as provided by ordinance or resolution of the board of supervisors.

General Law Procedure.

Procedure

Section 3. Where a procedure for the exercising of any rights or powers belonging to a city, or a county, or a city and county is provided by statute of the State of California, said procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of, this charter.

ELECTIVE AND APPOINTIVE OFFICERS.

City and County Officers.

Officers.

Section 4. The officers of the city and county shall be the officers elected by vote of the people, members of the board of education, members of boards and commissions appointed by the mayor, members of the juvenile probation and adult probation boards or committees, members of the board of law library trustees, the superintendent of schools, the clerk of the municipal court, the secretary and jury commissioner of the superior court, the executive appointed by each board or commission as the chief executive officer under such board or commission, the controller, the chief administrative officer, the head of each department under the chief administrative officer and the coroner, public administrator, county clerk, tax and license collector, recorder, registrar of voters, horticultural commissioner, sealer of weights and measures, and such other officers as may hereafter be provided by law or so designated by ordinance.

Elective Officers and Terms.

Terms

Section 5. The mayor, the members of the board of supervisors, an assessor, a district attorney, a city attorney, a sheriff, a treasurer, a public defender, and municipal court judges shall be elected by the voters of the city and county. At the general municipal election in 1931, and every fourth year thereafter, there shall be elected a mayor, six supervisors, a district attorney, a sheriff and an assessor; and at the general municipal election in 1933, and every fourth year thereafter, there shall be elected five supervisors, a city attorney and a treasurer; and at the general election in 1934, and every fourth year thereafter, there shall be elected a public defender. In each case for the term of four years. At the general municipal election of 1931, twelve municipal court judges shall be elected, who shall, by lot, classify their terms as four for two years, four for four years, and four for six years, and at the general municipal election of 1933, and each

second year thereafter, there shall be elected four judges of the municipal court for terms of six years to fill terms about to expire. All terms of office of elective officials shall begin at twelve o'clock noon on the 8th day of January following the date of their election.

Any appointive officer or employee of the city and county who shall become a candidate for election by the people to any public office shall automatically forfeit such city and county office or position.

No person elected as mayor or supervisor shall be eligible, for a period of one year after his last day of said service as mayor or supervisor, for appointment to any full-time position carrying compensation in the city and county service.

Absence from State, and Vacancies

Section 6. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the state, except by permission of the mayor and the board of supervisors. Violation of this section shall be sufficient cause for removal of any officer violating the same. Absence and
vacancies.

An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a crime involving moral turpitude, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of the city and county, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the state without leave for more than sixty consecutive days.

Qualifications of Officers and Employees.

Section 7 No person shall be a candidate for any elective office, nor shall be appointed as a member of any board or commission or as an officer of the city and county unless he shall have been a resident of the city and county for a period of at least five years and an elector thereof for at least one year immediately prior to the time of his taking office, unless otherwise specifically provided in this charter. All employees of the city and county shall be citizens and shall have been residents thereof, for at least one year prior to appointment, unless otherwise specifically provided in this charter, and members of the fire and police departments shall be citizens and shall have been residents of the city and county for at least five years next preceding appointment; provided that appointees whose duties are performed outside the city and county shall not be subject to residence requirements of this section; and provided also that positions requiring expert or technical training may, on the recommendation of the department head and the mayor, and with the approval of the civil service commission and the board of supervisors, be exempted from the requirements of this section. Officers and
employees

Bonds of Officers and Employees.

Bonds.

Section 8 Unless otherwise provided in this charter, all officers, and such employees as may be specified by ordinance, on the recommendation of the chief administrative officer or the board or commission concerned, shall give bond in such amounts as may be required by ordinance, provided that the minimum amount of bond to be furnished by the controller be \$100,000; by the tax collector, \$100,000; by the county clerk, \$50,000; and by the public administrator, \$50,000. The surety on such bonds shall always be such as is specified by and approved in the manner provided by ordinance. The supervisors may, by ordinance, provide for group bonding of officers and employees. The premiums on all official bonds shall be paid by the city and county.

Powers Vested in Board of Supervisors.

Powers of
board of
supervisors

Section 9. The powers of the city and county, except the powers reserved to the people or delegated to other officials, boards or commissions by this charter, shall be vested in the board of supervisors and shall be exercised as provided in this charter. The board of supervisors shall, ex officio, be the board of equalization for the city and county. It shall be the duty of the board of supervisors to canvas the vote cast at each election in the city and county, and certify the official count of such balloting. The supervisors shall determine the maximum number of each class of employments in each of the various departments and offices of the city and county and shall fix rates and schedules of compensation therefor in the manner provided in this charter. On the recommendation of the mayor and the chief administrative officer, the board of supervisors may create or abolish departments which are now or may hereafter be placed under the chief administrative officer or under commissions appointed by the mayor.

The board of supervisors may, by ordinance, confer on any officer, board or commission such other and additional powers as the board may deem advisable.

Whenever the board of supervisors by ordinance shall declare that the public interest demand a night university, municipally established, maintained and controlled, they shall submit the proposal to the people, and if approved by a majority of the electors voting thereon, the board of supervisors may by ordinance provide for the establishment, maintenance and control of such a night university having courses of instruction in advance of the instruction maintained in high schools or junior colleges. Said university shall have the power to grant academic degrees and shall be open to any resident of the city and county qualified to enter and pursue the courses of instruction therein given.

Number, Compensation and Meetings of Supervisors.

Supervisors.

Section 10. The board of supervisors shall consist of eleven members elected at large, provided that for the period January

8, 1932, to January 8, 1934, the board shall consist of fifteen members. Each member of the board shall be paid a salary of two thousand four hundred dollars (\$2,400) per year, and each shall execute an official bond to the city and county in the sum of five thousand dollars (\$5,000).

At twelve o'clock noon on the 8th day of January next following their election, the newly elected and continuing members of the board of supervisors shall meet at the legislative chamber in the City Hall, and thereafter regular meetings shall be held as fixed by resolution. The supervisors constituting the new board shall, on January 8, 1932, and every second year thereafter, elect one of their number as president of the board for a two-year term. The president shall preside at all meetings, shall appoint all standing and special committees of the board and shall have such other powers and duties as the supervisors may provide.

The meetings of the board shall be held in the City Hall, provided that, in case of emergency, the board, by resolution, may designate some other appropriate place as its temporary meeting place. The board shall cause a calendar of the business scheduled for each meeting to be published and shall keep and publish a journal of its proceedings. Notice of any special meeting shall be published at least twenty-four hours in advance of such special meeting.

Suspension and Removal.

Section 11. Any elective municipal officer, including ^{Suspension and removal.} municipal court judges, and any member of the civil service commission or public utilities commission or school board may be suspended by the mayor and removed by the board of supervisors for official misconduct, and the mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. On such suspension, the mayor shall immediately notify the supervisors thereof in writing and the cause therefor, and shall present written charges against such suspended officer to the board of supervisors at or prior to its next regular meeting following such suspension, and shall immediately furnish copy of same to such officer, who shall have the right to appear with counsel before the board in his defense. Hearing by the supervisors shall be held not less than five days after the filing of written charges. If the charges are deemed to be sustained by not less than a three-fourths vote of all members of the board, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the board of supervisors within thirty days after the filing of written charges, the suspended officer shall thereby be reinstated. The mayor must immediately suspend from office any elective official guilty of official misconduct or convicted of a crime involving moral turpitude, and failure of the mayor so to act shall constitute official misconduct on his part.

Any appointee of the mayor, exclusive of civil service and public utilities commissioners, and members of the school board, may be removed by the mayor. Any nominee or appointee of the mayor whose appointment is subject to confirmation by the board of supervisors, except the chief administrative officer and the controller, as in this charter otherwise provided, may be removed by a majority of such board and with the concurrence of the mayor. In each case, written notice shall be given or transmitted to such appointee of such removal, the date of effectiveness thereof, and the reasons therefor, copy of which notice shall be printed at length in the journal of proceedings of the board of supervisors, together with such reply in writing as such official may make. Any appointee of the mayor or the board of supervisors guilty of official misconduct or convicted of a crime involving moral turpitude must be removed by the mayor or the board of supervisors, as the case may be, and failure of the mayor or any supervisor to take such action shall constitute official misconduct on his or their part.

LEGISLATIVE PROCEDURE.

Clerk of the Board of Supervisors.

Board
procedure.

Section 12. The board of supervisors shall appoint a clerk, who shall be designated as clerk of the board of supervisors and who shall, ex officio, be clerk of the board of equalization. The clerk shall have charge of the office and records of the board and its committees, and the personnel employed to handle the business, affairs and operations of the board, its committees and members when engaged in official duty. The clerk shall be the appointing officer for such personnel, subject to the civil service provisions of this charter. The clerk shall keep a journal of proceedings of the board and files of all ordinances and resolutions and properly index the same. He shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the board for which publication is specified. He shall have such other duties and responsibilities as the board shall prescribe.

Action by Resolution or Ordinance.

Board
action

Section 13. Action of the board of supervisors shall be by ordinance or resolution introduced in writing and passed or adopted by at least a majority of all the members at each reading. Every legislative act shall be by ordinance. The enacting clause of all ordinances shall be, "Be it ordained by the people of the City and County of San Francisco." Every ordinance and resolution, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title, and ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations. Any ordinance enacting or revising and reenacting a complete municipal code for the city and county, which code shall supersede or repeal all general ordinances

prior thereto, shall be construed to be confined to a single subject.

If any subject is embraced in an ordinance and is not expressed in the title thereof, the ordinance shall be void only as to so much thereof as is not expressed in the title. No ordinance shall be amended in whole or in part unless each section of such ordinance be printed in full, together with the proposed amendment or amendments thereto at the time such amendment or amendments are introduced and voted upon.

An ordinance shall be passed by the board of supervisors only after reference to and report thereon from committee, unless it be an ordinance prepared and reported out by committee, and after two readings and votes at separate meetings of the board, which meetings shall be at least ten days apart; provided, however, that as to an emergency measure as defined in section 16, reference to committee or the readings and votes at separate meetings may be waived by a three-fourths vote of all members of the board. The existing or impending emergency as defined in such ordinance shall be declared by specific vote of the board. No other resolution shall be adopted by the board of supervisors on the date of its introduction and without reference to committee, except by the unanimous consent of the supervisors present. Annual budget and appropriation ordinances shall be passed only after two readings, not less than five days apart, and the second or final passage shall be not less than fifteen days after the introduction of each such ordinance.

No ordinance granting a franchise shall be finally passed within ninety days of its introduction.

Except as otherwise provided in this charter, proposed ordinances which are introduced and referred to committee shall be published in full within three days after their presentation to the board and, if modified, also upon passage on first reading, or as an emergency measure as herein defined; provided, however, that ordinances passed to codify, rearrange and publish existing ordinances, as provided for in section 17, shall not require publication. The term "published" as used in this charter shall mean publication in the official newspaper as required by ordinance or by this charter. The official newspaper is hereby defined to be a daily newspaper of general circulation, published in the city and county and which has a bona fide daily circulation of at least 8000 copies.

The vote on all ordinances and resolutions upon each reading shall be by ayes and noes. The vote by ayes and noes on all measures shall be recorded in the journal of the proceedings of the board.

Approval by Mayor—Reconsideration and Veto.

Section 14. Each proposed resolution or ordinance voted on by the supervisors and failing of passage and each ordinance or resolution adopted by the supervisors shall, within

Resolution
or ordi-
nance
approval by
mayor

Same.

twenty-four hours of such action, be transmitted to the mayor by the clerk of the board, with appropriate notation of the action of the board thereon. Any resolution acted upon by the board of supervisors by unanimous consent of those present on the date of the introduction of such resolution and any ordinance adopted by the board as an emergency measure shall be acted upon by the mayor within three days after receipt thereof by him from the clerk of the board. All other ordinances or resolutions shall be acted upon by the mayor within ten days of such receipt.

The mayor shall either approve each resolution or ordinance, adopted by the supervisors by signing and returning same to the clerk of the board within the time limit, or he shall disapprove and veto any resolution or ordinance, or veto or reduce any separate appropriation item therein and shall return each such resolution or ordinance to the clerk of the board with his written objections within the time limit. His failure to make such return shall constitute approval and such ordinance or resolution shall take effect without the mayor's signed approval. The clerk of the board shall note such fact on the official copy of such resolution or ordinance. If any separate appropriation item in any resolution or ordinance is vetoed or reduced by the mayor as herein provided, the remainder of any such ordinance or resolution may be approved by the mayor and, if not specifically approved by the mayor, shall take effect without such approval and shall be so noted by the clerk of the board.

The board of supervisors may reconsider any resolution or ordinance vetoed or disapproved, or any separate appropriation item vetoed or reduced by the mayor, and if, after such reconsideration, two-thirds of all the members of the board shall vote in favor of passage thereof, it shall become effective notwithstanding the mayor's veto. If a larger vote is required for the adoption of a measure by the provisions of this charter, such larger vote shall be required to overcome the veto of the mayor. The vote of reconsideration of each such vetoed resolution, ordinance or separate appropriation item therein shall be taken at the convenience of the board. If the ordinance, resolution or separate appropriation item is not passed over the mayor's veto within thirty days, the measure or item shall be lost.

In the event of any absence of the mayor for which he or the board of supervisors has failed to designate an acting mayor, no resolution or ordinance adopted by the board of supervisors shall take effect by reason of the failure of the mayor to approve, or disapprove, and return such resolution or ordinance within the time limits applicable thereto, and, in such case, the time periods or limitations as fixed by this section shall not start until an acting mayor is appointed by the mayor or elected by the supervisors, as in this charter provided, or the return of the mayor.

Any proposed resolution or ordinance voted on by the board of supervisors and failing of passage shall be reconsidered by the board on the written request of the mayor, stating his reasons therefor, filed with the clerk of the board by the mayor within ten days of the board's action on such resolution or ordinance. The board shall reconsider such measure at its convenience, but not later than thirty days after the filing of the mayor's request therefor.

Record, Publication and Effect of Ordinances and Resolutions.

Section 15. All ordinances, after final passage or upon their becoming effective shall be certified by the clerk of the board and recorded in a book kept for that purpose, and resolutions adopted shall be certified and recorded in like manner. Except in case of an emergency measure passed and not previously published, and except as otherwise specified in this charter, publication of ordinances and resolutions in full shall not be required after final passage. Notice that an ordinance or resolution has passed or become final shall be published once within five days of such final passage. To amend an ordinance which has proceeded to second reading shall require publication of the ordinance as amended and proceeding de novo.

Emergency Measures.

Section 16. No ordinance shall become effective until ten days after final passage, unless adopted by a three-fourths vote of all members of the board as an emergency measure as defined in this section. No ordinance affecting franchises, grants, bond issues or the sale, lease or purchase of land shall ever be passed as an emergency measure, and the people by initiative or referendum ordinance may further restrict the matters that may be passed as emergency measures. Immediate necessary preservation of public peace, property, health or safety, provision for the uninterrupted operation of any city and county department or office, or action required to comply with time limitations as established by law, shall be emergencies within the meaning hereof; provided, however, that such emergency shall actually exist and shall be specifically stated and defined in such ordinance, and shall be specifically voted on as provided in section 13 of this charter.

When ordi-
nances shall
become
effective

Codification and Rearrangement of Ordinances.

Section 17. Ordinances previously adopted and continuing in force may be codified and rearranged, and thereupon shall be published in book form. Provision for codification and rearrangement may be made in one ordinance containing one or more subjects. Such publication shall constitute publication of the ordinance or several ordinances contained in each book or pamphlet so published. Any such publication shall contain a joint certificate of the mayor, the clerk of the board of supervisors and the city attorney of the correctness

Publication
of ordi-
nances

of such arrangement and publication. With any publication of the charter, there shall be included initiative ordinances and digests of reported court decisions relating to said charter and ordinances.

GENERAL POWERS AND DUTIES OF BOARDS, COMMISSIONS, DEPARTMENT HEADS AND OFFICERS.

Powers and Duties of County Officers.

County
officers.

Section 18. Each county officer shall have all the powers conferred and shall discharge all the duties imposed by general laws upon said officer of a county or a city and county of this state, and shall have such other powers and duties as in this charter specifically provided.

Powers and Duties of Boards and Commissions.

Boards and
commis-
sions.

Section 19. The board of supervisors and each board and commission appointed by the mayor, or otherwise provided by this charter, shall have powers and duties as follows:

(a) To prescribe reasonable rules and regulations not inconsistent with this charter for the conduct of its affairs, for the distribution and performance of its business, for the conduct and government of its officers and employees, and for the administration, custody and protection of property under its control and books, records and papers appertaining to its affairs. The board of supervisors, by ordinance, may provide that rules and regulations of any board or commission, or general orders of any department head issued by authority of any board or commission that are of general public concern shall be published or posted.

(b) To appoint one of its members as president to hold office for such term as each such board or commission by its rules or regulations, not inconsistent with this charter, may prescribe.

(c) To establish such standing or special committees as it shall deem necessary.

(d) To receive, on behalf of the city and county, gifts, devises and bequests for any purpose connected with or incidental to the department or affairs placed in its charge, and to administer, execute and perform the terms and conditions of trusts or any gift, devise or bequest which may be accepted by vote of the people or by the board of supervisors for the benefit of such department or purpose, and to act as trustees, under any such trust, when so authorized to do by the board of supervisors. The title to all real and personal property now owned or hereafter acquired by gift, devise, bequest or otherwise, by and for the purposes of any board or commission shall vest in the city and county.

(e) To require such periodic or special reports of departmental operations, costs and expenditures under its control as may be necessary and, exclusive of the board of supervisors, to submit an annual report to the mayor.

(f) To hold meetings at regular fixed dates and at regular meeting places, which dates or places shall not be changed except as in the manner provided by section 10 for the meeting times and places of the board of supervisors. All such meetings shall be open to the public.

(g) To hold special meetings for the purposes and in the manner provided by the board of supervisors by ordinance, provided that no matter may be considered at any special meeting unless specifically designated in the notice calling such special meeting.

(h) To appoint a secretary, a superintendent, or other executive to be the administrative head of the affairs under its control, who, unless otherwise specifically provided, shall not be subject to the civil service provisions of this charter, and shall hold office at its pleasure.

(i) To require a bond or other security from each such executive officer and from any employee in such form as the board of supervisors may authorize and in such amount as the mayor, on the recommendation of the controller, may approve, the premiums on such bonds to be paid by the city and county.

A quorum for the transaction of official business shall consist of a majority of all the members of each board or commission, but a smaller number may adjourn from time to time and compel the attendance of absent members in the manner and subject to penalties to be provided by ordinance. A majority, two-thirds, three-fourths, or other vote specified by this charter for any board or commission shall mean a majority, two-thirds, three-fourths, or other vote of all the members of such board or commission. Each board or commission shall keep a record of the proceedings at each meeting and a copy thereof shall be forwarded promptly to the mayor.

Powers and Duties of Department Heads.

Section 20. Each elective officer in charge of an administrative office, the chief executive appointed by each board or commission, the controller, the chief administrative officer, and each department head appointed by the chief administrative officer shall have the powers and duties of a department head, except as otherwise specifically provided in this charter.

Department heads

Each appointive department head shall be immediately responsible to the chief administrative officer or the board or commission, as the case may be, for the administration of his department, and shall file an annual report and make such other reports, estimates and recommendations at the time and in the manner required by law, or as required by the chief administrative officer, board or commission.

He shall act as the "appointing officer" under the civil service provisions of this charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized. On the written recommendation of the department head concerned and the approval of the chief

administrative officer, board or commission to whom such department head is responsible, the head of any utility, institution, bureau or other subdivision of such department may be designated as the "appointing officer" for such utility, institution, bureau or other subdivision. Non-civil service appointments and any temporary appointments in any department or subdivision thereof, and all removals therefrom shall be made by the department head or bureau head designated as the appointing officer only with the approval of the chief administrative officer or the board or commission in charge, as the case may be.

He shall issue or authorize all requisitions for the purchase of materials, supplies and equipment required by such department, provided that, on the written approval of the chief administrative officer or the board or commission in charge of any department, the head of any utility, institution, bureau or other subdivision of a department may likewise be vested with such power. Each department head or the head of a utility, institution, bureau or other subdivision of each department shall be responsible for the proper checking of all materials, supplies and equipment ordered for its purposes, and for the approval or disapproval of bills for claims rendered for such materials, supplies or equipment.

The head of any department, through the chief administrative officer or the board or commission in charge thereof shall recommend to the board of supervisors such ordinances as may be required to carry out the powers vested and the duties imposed, and to establish or readjust fees or charges for permits issued to or work performed for persons, firms or corporations when these are subject to his or its jurisdiction.

Each department head may suggest the creation of positions subject to the provisions of this charter, and may reduce the forces under his jurisdiction to conform to the needs of the work for which he is responsible, any other provision of this charter to the contrary notwithstanding.

The mayor, the chief administrative officer, or the board or commission concerned, on the recommendation of any department head, or on his or its own motion, may combine or may transfer and redistribute among departments or offices under his or its authority, respectively, any function or duty assigned to or continued by this charter in any department.

Power of Hearing, Inquiry and Subpoena.

Section 21. The mayor, the board of supervisors, the chief administrative officer, the controller, or any board or commission appointed by the mayor relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operation and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the city and county, and for that purpose may hold hearings,

Power of
officers and
boards to
conduct
hearings

subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. It shall be the duty of the chief of police to designate a police officer to serve such subpoenas. Any person refusing to obey such subpoena and the other requirements hereof, or to produce such books, shall be deemed in contempt and subject to proceedings and penalties as provided by general law in such instances.

Non-interference in Administrative Affairs.

Section 22. Except for the purpose of inquiry, the mayor and the board of supervisors shall deal with the administrative service for which the chief administrative officer is responsible, solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible, solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned. Except for the purpose of inquiry, each board or commission, in its conduct of administrative affairs under its control, shall deal with such matters solely through its chief executive officer.

Division of powers

Neither the board of supervisors, nor its committees, nor any of its members shall dictate, suggest or interfere with appointments, promotions, compensations, disciplinary actions, contracts, requisitions for purchases or other administrative recommendations or actions of the chief administrative officer, or of department heads under the chief administrative officer, or under the respective boards and commissions. The board of supervisors, and each board or commission relative to the affairs of its own department, shall deal with administrative matters only in the manner provided by this charter, and any dictation, suggestion or interference herein prohibited on the part of any supervisor or member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this charter.

Administrative Code.

Section 23. The powers and duties of the departments and offices which by this charter are established or continued as departments or offices under elective officers, boards or commissions or the chief administrative officer, as such powers and duties exist at the time this charter shall go into effect, shall be continued as powers and duties of each such department or office, except as otherwise provided in this charter.

Publication of administrative code authorized.

The board of supervisors may enact and provide for the publication in printed form of an administrative code, which shall specify or detail the powers, duties, methods and procedure in the several departments and offices.

Permits and Inspections.

Section 24 The board of supervisors shall regulate, by ordinance, the issuance and revocation of licenses and permits

Permits and inspections

for the use of, obstruction of or encroachment on public streets and places, exclusive of the granting of franchises governed by other provisions of this charter; and for the operation of businesses or privileges which affect the health, fire-prevention, fire-fighting, crime, policing, welfare or zoning conditions of or in the city and county; and for such other matters as the board of supervisors may deem advisable. Such ordinance shall fix the fees or licenses to be charged, which shall be not less than the cost to the city and county of regulation and inspection; and shall specify which department shall make the necessary investigations and inspections and issue or deny and may revoke the permits and licenses therefor. The chief of police in the performance of police duties shall have power to examine at any time the books and the premises of pawnbrokers, peddlers, junk and second-hand dealers, auctioneers and other businesses designated by the board of supervisors, and the tax collector shall have power to examine the books of any business for which a license is issued and a fee charged on the basis of the receipts of such business, and for these purposes such officials shall have the power of inquiry, investigation and subpoena, as provided by this charter.

Permits and licenses shall be issued by the departments as designated by ordinance, only after formal application for such permit or license. No such permit or license that is dependent on or affected by the zoning, set-back or other ordinances of the city and county administered by the city planning commission shall be issued except on the prior approval of the city planning commission. If any application for a permit or license is denied by the department authorized to issue same, the applicant may appeal to the board of permit appeals.

No license tax shall be imposed on any seller or manufacturer of goods, wares or merchandise operating at a fixed place of business in the city and county, except such as require permits or licenses in accordance with or under authority of any local health, sanitary or other ordinance under the police power.

POWERS AND DUTIES OF ELECTIVE OFFICERS.

The Mayor.

Mayor

Section 25. The mayor shall be the chief executive officer of the city and county upon whom process issued by authority of law shall be served. He shall be an elective officer and shall be paid a salary of ten thousand dollars (\$10,000) per year. He shall furnish an official bond in the sum of twenty-five thousand dollars (\$25,000). He shall appoint, and at his pleasure may remove, an executive secretary and one confidential secretary, and one stenographer. The board of supervisors may annually appropriate additional sums to be expended by the mayor for purposes and duties incidental to the administration of the office of mayor, which shall be

subject to the provisions of this charter relative to appropriations and the payment of claims. He shall, at the first meeting of the board of supervisors in January of each year, communicate by message to the supervisors a general statement of the condition of the affairs of the city and county, and recommend the adoption of such measures as he may deem expedient and proper.

The mayor shall be responsible for the enforcement of all laws relating to the municipality and for the review and submission of the annual executive budget; he shall supervise the administration of all departments under boards and commissions appointed by him; he shall receive and examine, without delay, all complaints relating to the administration of the affairs of the city and county, and immediately inform the complainant of findings and actions thereon; and he shall coordinate and enforce cooperation between all departments of the city and county. The mayor shall have power to postpone final action on any franchise that may be passed by the supervisors until such proposed franchise shall have been voted on at the next election.

The mayor shall appoint such members of boards or commissions and other officers as provided by this charter. He shall also make an ad interim appointment of a qualified person to fill any vacancy occurring by reason of the expiration of a term. He shall appoint for the unexpired term of the office vacated, a qualified person to fill any vacancy occurring in any elective municipal office, including the office of municipal court judge.

The mayor shall have a seat but no vote in the board of supervisors and in any board or commission appointed by him, with the right to report on or discuss any matter before such board or commission concerning the departments or affairs in his charge. He shall have power to designate a member of the board of supervisors to act as mayor in his absence. Should he fail, neglect or refuse so to do, the supervisors shall elect one of their number to act as mayor during his absence. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired portion of the term by the supervisors. Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall have a seat in the board of supervisors and may participate in its debates, but shall not be entitled to a vote or to compensation.

In case of a public emergency involving or threatening the lives, property or welfare of the citizens, or the property of the city and county, the mayor shall have the power, and it shall be his duty, to summon, organize and direct the forces of any department in the city and county in any needed service; to summon, marshal, deputize or otherwise employ other persons, or to do whatever else he may deem necessary for the purpose of meeting the emergency. The mayor may

make such studies and surveys as he may deem advisable in anticipation of any such emergency.

City Attorney.

City
attorney

Section 26. The city attorney shall be an elective officer and shall receive an annual salary of ten thousand dollars (\$10,000). He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He shall appoint, and at his pleasure may remove, all assistants and employees in his office. He shall devote his entire time and attention to the duties of his office. He must, at the time of his election, be an elector of the city and county, qualified to practice in all the courts of this state, and he must have been so qualified for at least ten years next preceding his election.

The city attorney must represent the city and county in all actions and proceedings in which it may be legally interested, or, for or against the city and county, or, any officer of the city and county in any action or proceeding, when directed so to do by the supervisors, except where a cause of action exists in favor of the city and county against said officer. Whenever any cause of action exists in favor of the city and county, the city attorney shall commence the same when within his knowledge or when directed so to do by the supervisors. He shall give his advice or opinion in writing to any officer, board or commission of the city and county when requested. Except as otherwise provided in this charter, he shall not settle or dismiss any litigation for or against the city and county, unless, upon his written recommendation, he is ordered so to do by ordinance.

The city attorney shall prepare, or approve as to form, all ordinances before they are enacted by the supervisors. He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter or by ordinance before the same are submitted to the proper commission, board or office for final approval, and no such bonds shall be finally approved without such approval as to form by the city attorney. Except as otherwise in this charter provided, he shall prepare in writing the draft or form of all contracts before the same are executed on behalf of the city and county. He shall examine and approve the title of all real property to be acquired by the city and county.

He shall keep on file in his office copies of all written communications and opinions, also all papers, briefs and transcripts used in matters wherein he appears; and books of record and registers of all actions or proceedings in his charge in which the city and county or any officer or board thereof, is a party or is interested.

Taxpayers' Suits.

Section 27. In the event that a taxpayer of the city and county institute suit or other proceeding as provided by law against any officer, board or commission of the city and county in the name of said taxpayer on behalf of the city and county,

if judgment be finally entered in his favor he shall be allowed his costs and also such reasonable compensation for attorney's fees as may be fixed by the court.

Assessor.

Section 28. The assessor shall be an elective officer and shall receive an annual salary of eight thousand dollars (\$8,000). He shall furnish an official bond in the sum of fifty thousand dollars (\$50,000). He shall appoint, and at his pleasure may remove, one chief assistant or deputy and one confidential secretary. Assessor

District Attorney.

Section 29. The district attorney shall be an elective officer and shall receive an annual salary of eight thousand dollars (\$8,000). He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He must, at the time of his election, be qualified to practice in all the courts of this state and must have been so qualified for at least five years next preceding his election. He shall appoint, and at his pleasure may remove, all assistants and employees in his office. District attorney

The district attorney, either in person or by his assistants, shall prosecute all criminal cases in the municipal and superior courts, draw all complaints, and issue warrants for the arrest of persons charged with crime who are to be prosecuted in such courts.

Any amount required by the district attorney from time to time from the district attorney's special fund shall be requisitioned by the district attorney, stating the general purpose for which required, whereupon the controller shall draw his warrant therefor and the claim be paid as provided for payment of other warrants by the treasurer. All such sums may be used by the district attorney solely as provided by general law and he shall file vouchers with the controller at the end of each fiscal year showing what disposition he has made of any moneys received by him from such fund and the particular purpose for which it was disbursed, provided that, if a criminal proceeding be pending or under investigation, vouchers for moneys disbursed in such proceeding or investigation, need not be filed until the trial of the criminal proceeding be ended or the investigation concluded. No portion of the fund shall be used for compensation or remuneration of full-time assistants or employees.

Warrant and Bond Office.

Section 30. There shall be a warrant and bond office. The district attorney shall appoint an assistant to have charge of the warrant and bond office to be designated warrant and bond deputy, and such additional assistants and clerks as may be provided by the budget and appropriation ordinances. No person shall be appointed warrant and bond deputy who is not at the time of his appointment qualified to practice law in all the courts of this state. The warrant and bond deputy Warrant and bond office

shall keep his office open continuously night and day for the transaction of business; he shall draw and approve with his signature all complaints and warrants in criminal actions to be prosecuted in the municipal courts and any inferior court established by law in this city and county and possessing criminal jurisdiction; he shall have custody of all bail bonds and appeal bonds taken in such courts.

The warrant and bond deputy may issue bail bonds and appeal bonds and order the discharge from custody of the persons for whom such bonds are approved by a magistrate. He may fix cash bail in misdemeanor cases where arrests are made without warrants and may take cash bail in all cases arising in the municipal court and any inferior court established by law in this city and county and possessing criminal jurisdiction, and may order the discharge from custody of the persons for whom cash bail is deposited with him.

In the matter of fixing bail and ordering the release of prisoners the warrant and bond deputy shall be subject to the judges of the municipal court and the judges of any court in the city and county empowered by law to act as magistrates.

Treasurer.

Treasurer Section 31. The treasurer shall be an elective officer and shall receive a salary of eight thousand dollars (\$8,000) per year. He shall furnish an official bond in the sum of two hundred thousand dollars (\$200,000). He shall appoint, and at his pleasure may remove, one chief assistant.

Sheriff.

Sheriff Section 32. The sheriff shall be an elective officer and shall receive a salary of eight thousand dollars (\$8,000) per year. Said salary shall be exclusive of the compensation received by him from the state for the delivery of prisoners to the state prisons, and insane persons to the state asylums for the insane. He shall furnish an official bond in the sum of fifty thousand dollars (\$50,000). He shall appoint, and at his pleasure may remove, an attorney, one under-sheriff, and one confidential secretary.

Public Defender.

Public defender Section 33. The public defender shall be an elective officer and shall receive a salary of eight thousand dollars (\$8,000) per year. He shall furnish an official bond in the sum of ten thousand dollars (\$10,000). He must, at the time of his election, be qualified to practice in all the courts of this state and must have been so qualified for at least five years next preceding his election. He shall appoint, and at his pleasure may remove, such assistants and employees in his office as may be provided by budget and appropriation ordinances. He shall immediately upon the request of a defendant who is financially unable to employ counsel, or upon order of the court, defend or give counsel or advice to any person charged with the commission of a crime.

Assistants and Employees in Elective Offices.

Section 34. The elective officers of the city and county may ^{Assistants.} appoint such assistants and employees as are authorized by the supervisors upon the recommendation of the mayor, in the annual budget and annual or supplemental appropriation ordinances, and may discipline and remove the same, subject to the civil service provisions of this charter except as otherwise specifically exempted by the provisions of this charter. Each assistant attorney in the offices of the city attorney, the district attorney and the public defender must, at the time of his appointment, be qualified to practice in all courts of the state and must have been so qualified for at least two years next preceding his appointment. The salaries, wages and compensations of every kind and nature, except pensions and retirement allowances, for assistants and employees in such elective offices, shall be fixed as provided by the salary standardization provisions of this charter.

DEPARTMENTS UNDER MAYOR.

Police Department.

Section 35. The police department shall be under the ^{Police department} management of a police commission consisting of three members, who shall be appointed by the mayor, and each of whom shall receive an annual compensation of one thousand two hundred dollars (\$1,200). The term of each commissioner shall be four years, commencing at twelve o'clock noon on the 15th day of January in the years 1932, 1933 and 1934 respectively, and the mayor, after the 8th day of January, 1932, shall reorganize the commission to provide for the four-year terms of three commissioners, as specified in this section.

The chief of police in office at the time this charter shall take effect shall continue until the expiration of the term of his appointment, subject to removal for cause by the commission, and thereafter the commission shall appoint a chief of police who shall hold office at its pleasure. The commission may also appoint, and at its pleasure remove, one secretary and one police surgeon.

The police commissioners shall be the successors in office of the police commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof except as in this charter otherwise provided. They shall have power to regulate traffic, including the location and use of traffic control devices for that purpose.

All positions in the police department legally authorized shall be continued, and incumbents therein legally appointed thereto shall be continued as officers and employees of the department under the conditions governing their respective appointments and except as otherwise provided in this charter. The police force of the city and county shall not exceed one police officer for each five hundred inhabitants thereof. The annual compensations for the several ranks in the department

Same.

shall be as follows: Chief of police, \$7,200; captain of inspectors, formerly captain of detectives, \$5,000; captain of police for traffic, \$4,000; property clerk, chief clerk and captains, \$3,600, lieutenants, \$3,000; inspectors, formerly detective sergeants, \$2,760; photographer, \$2,700; sergeants, \$2,640; corporals, \$2,580; and police surgeon, police officers, police patrol drivers and women protective officers, \$2,400.

The chief of police may refuse to issue any permit that is subject to police department investigation and issuance, if it shall appear that the character of the business or the applicant requesting such permit does not warrant the issuance thereof, or he may revoke any such permit as soon as it shall appear that the business or calling of the person to whom it was granted is conducted in a disorderly or improper manner, or that the place in which the business is conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling.

In the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority, the chief of police, in the lawful exercise of his functions, shall have all the powers that are now or that may be conferred on the sheriff by the laws of this state.

The supervisors shall provide in the annual budget an amount not to exceed in any one fiscal year the sum of ten thousand dollars (\$10,000), to be known as the contingent fund of the chief of police. The chief of police may from time to time disburse such sums for contingent expenses of the department as in his judgment shall be for the best interests of the city and county, and the police commission shall allow and order paid out of such contingent fund, upon orders signed by the chief of police, such amounts as may be required.

At its discretion or upon the petition of any person, firm or corporation, the police commission may appoint, and at its pleasure remove, special police officers. Such officers shall be subject to all the rules and regulations of the commission.

The police commission may appoint, and, for cause, remove patrol special police officers. Each patrol special police officer shall be at the time of appointment, not less than twenty-one years of age nor more than forty-five years of age, and must possess such physical qualifications as may be required by the commission. Age qualifications shall not apply to patrol special police officers appointed and acting at the time this charter shall go into effect nor to their re-appointment.

On the recommendation of the chief of police, the commission may reward any member of the department for heroic or meritorious conduct. The form or amount of said award to be discretionary with the commission, but not to exceed one month's salary in any one instance.

The police commission shall have power, by regulation, to provide for the care and restitution of property that may come into possession of the department or any officer or employee thereof, or the sale, at annual public auction, of all

such unclaimed property and the disposition of such property as shall consist of weapons or articles used or that may be used in the commission of crime.

Fire Department.

Section 36. The fire department shall be under the management of a fire commission, consisting of three members, who shall be appointed by the mayor and each of whom shall receive an annual compensation of one thousand two hundred dollars (\$1,200). The term of each commissioner shall be four years, commencing at twelve o'clock noon on the 15th day of January in the years 1932, 1933 and 1934, respectively, and the mayor, after the 8th day of January, 1932, shall reorganize the commission to provide for four-year terms of three commissioners, as specified in this section. Fire department.

The fire commission shall appoint a chief engineer, a secretary and a department physician who shall hold office at its pleasure.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided. The commissioners shall have power, upon recommendation of the chief engineer, to send fire boats, apparatus and men outside the City and County of San Francisco for fire-fighting purposes.

Positions of officers and employees of the fire department legally authorized shall continue, and incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided. The annual compensations for the several ranks in the department shall be as follows: Chief engineer, \$7,200; first assistant and second assistant chief engineers, \$4,800; battalion chiefs, \$4,200; captains, \$2,820; lieutenants, \$2,670; engineers, \$2,640; chief's operators, \$2,520; drivers, stokers, tillermen, truckmen and hosemen, for first year of service, \$2,160; for second year of service, \$2,280; and for third year of service and thereafter, \$2,400; pilots of fire boats and marine engineers of fire boats, \$3,060; firemen of fire boats, \$2,460.

Each period of twenty-four hours shall be divided into two tours of duty, to-wit: from eight o'clock a. m. to six o'clock p. m., and from six o'clock p. m. to eight o'clock a. m. The uniformed force of the fire department shall be divided into two platoons, the officers and members assigned to which shall alternate on the tours of duty at intervals of not more than one week. No officer or member shall be required to remain on duty for more than fourteen consecutive hours, except when changing from one tour of duty to the other, or in case of a conflagration requiring the services of more than one-half of the force of the department.

On the recommendation of the chief engineer, the commission may reward any member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the commission, but not to exceed one month's salary in any one instance.

The chief engineer, or in his absence any assistant chief engineer, or in their absence any battalion chief in charge, may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

Fire Marshal.

Fire
marshal

Section 37. The chief of the fire department, with the approval of the fire commission, may appoint a fire marshal and assistants on the recommendation of the Underwriters Fire Patrol of San Francisco, to serve without compensation from the city and county. The board of supervisors may empower the fire marshal to sell property saved or salvaged from any fire and for which no owner can be found. The fire marshal may call upon police officers to assist in the protection or salvaging of property and shall have such other powers and duties as by ordinance may be prescribed relative to the protection of property at fires and the storage of property salvaged therefrom. He shall have such duties appertaining to the enforcement of laws relative to the storage, sale and use of oils, combustible materials and explosives as the fire commission by rule, or the supervisors by ordinance, may prescribe.

Fire Prevention.

Fire
prevention

Section 38. The bureau of fire prevention and public safety under the jurisdiction of the fire commission is hereby established. The commission shall detail to said bureau from the uniformed force of the department an officer to have charge of said bureau and such other personnel as it may deem necessary, who shall be paid the salary or salaries for their respective ranks in the fire department. The bureau shall inspect all structures and premises to determine whether or not compliance is being had with statutes and ordinances relative to fire prevention, fire protection and fire-spread control, and the protection of persons and property from fire. It shall enforce said statutes and ordinances and shall report violations to departments having jurisdiction.

The bureau shall examine the application, plans and specifications for the erection, and for alterations or repairs estimated to exceed \$1,000 in cost, of any structure or premises subject to the statutes and ordinances referred to in this section. The bureau shall by written report, filed with the superintendent of building inspection, approve such plans and specifications, or report to said superintendent the particulars wherein non-compliance exists, and upon modification of the application, plans and specifications to comply therewith, the bureau shall inform said superintendent of its

approval. No permit for alteration or repair exceeding \$1,000 in cost, or for erection, shall be issued unless said approval is given.

The fire commission, relative to permits subject to issuance or revocation by the chief engineer of the fire department, shall, by regulation, prescribe such duties of the bureau of fire prevention as it shall deem appropriate. Any structure or premises wherein there exists any violation of statutes and ordinances referred to in this section, or which is maintained or used in such manner as to endanger persons or property by hazard of fire, explosion or panic and any structure or premises hereafter constructed, altered or repaired in violation of said statutes and ordinances is hereby declared to be a public nuisance, and it shall be the duty of the bureau to prosecute abatement proceedings.

An appeal and advisory board is hereby created, consisting of the chief engineer of the fire department, who shall be the chairman, the fire marshal, and the heads of the bureau of building inspection and the department of electricity, and a lay member to be appointed by the mayor for a four-year term. Said board shall serve without compensation.

An appeal may be taken from any act, determination or order of the bureau, performed under this section, by filing a written appeal with the appeal and advisory board.

Pending action on such appeal, any construction, alteration or repair, embraced therein, may proceed if a building permit therefor has been issued, but no such permit may be issued while action on an appeal is pending. No certificate of completion or occupancy shall be issued by any officer or employee until said appeal has been determined. The advisory and appeal board may affirm, reverse or modify the act and determination of the bureau. If the appeal is determined adversely to the appellant, said structure or premises shall be made to comply with such decision. It shall require four votes of the board to reverse or modify the act, order or determination of the bureau.

Board of Permit Appeals.

Section 39. The mayor shall appoint five qualified electors, other than city and county officials or employees, for terms of four years, to constitute a board of permit appeals. The compensation for each member shall be fifteen dollars (\$15) per meeting of the board actually attended by such members provided that the total amount paid all members of the board shall not exceed five thousand dollars (\$5,000) per year. The persons first appointed shall determine their terms by lot so that one such term shall expire at twelve o'clock noon on the 15th day of January in each of the years 1933, 1934 and 1935, and the remaining two terms at twelve o'clock noon on the 15th day of January, 1936, and upon these and successive expirations the mayor shall appoint their successors for four-year terms.

Board of
permit
appeals.

Any applicant for a permit or license who is denied such permit or license by the department authorized to issue same, or whose license or permit is ordered revoked by any department, or any person who deems that his interests or property or that the general public interest will be adversely affected as the result of operations authorized by or under any permit or license granted or issued by any department, may appeal to the board of permit appeals. Such board shall hear the applicant, the permit-holder, or other interested parties, as well as the head or representative of the department issuing or refusing to issue such license or permit, or ordering the revocation of same. After such hearing and such further investigation as the board may deem necessary, it may concur in the action of the department authorized to issue such license or permit, or, by the vote of four members, may overrule the action of such department and order that the permit or license be granted, restored or refused.

Park Department.

Park
department

Section 40. The park department shall be under the management of a park commission consisting of five members who shall be appointed by the mayor and shall serve without compensation. The term of office of each commissioner shall be four years, provided that the commissioners in office at the time this charter shall go into effect shall be continued in office until twelve o'clock noon on the 15th day of January of the year of expiration of their terms, and thereafter their successors shall be appointed for four-year terms, commencing at twelve o'clock noon on the 15th day of January in such respective years.

The park commission shall appoint a secretary and a superintendent of parks, who shall hold office at its pleasure. The superintendent shall be the chief executive of the department. He shall appoint, and at his pleasure may discipline or remove, all employees of the park department.

The park commission shall be successors in office of the park commissioners holding office in the city and county at the time this charter shall go into effect and shall have all the powers and duties thereof, except ordinance-making powers and except as in this charter otherwise provided.

Control of Parks.

Control of
parks.

Section 41. The commissioners shall have the complete and exclusive control, management, and direction of the parks, squares, avenues, grounds and recreation centers, now or hereafter placed under charge of the commission, including exclusive right to erect and to superintend the erection of buildings and structures thereon, except as in this charter otherwise provided.

The commissioners shall not lease any part of the lands under its control nor permit the building or maintenance or use of any structure on any park, square, avenue or ground, except for recreation purposes, and each letting or permit shall be

subject to the approval of the board of supervisors by ordinance, but the commission may lease to the highest responsible bidder for a term not to exceed fifty years and upon such other terms and conditions as it may determine, subsurface space under any public park and the right and privilege to conduct and operate therein a public automobile parking station, provided that the said construction, when completed, and the operation will not be, in any material respect or degree, detrimental to the original purpose for which said park was dedicated or in contravention to the conditions of any grant under which said park might have been received. The revenues derived from any such lease shall be credited to the park fund.

The commission shall have power to lease any stadium or recreation field under its jurisdiction for athletic contests and exhibitions and may permit the lessee to charge an admission fee.

Recreation Department.

Section 42. The recreation department shall be under the management of a recreation commission consisting of seven members, five of whom shall be appointed by the mayor, and who shall serve without compensation. Three of the members appointed by the mayor shall be men and two shall be women. The superintendent of schools and the superintendent of parks shall be members of the commission ex officio. Recreation
department.

The terms of office of the commissioners shall be four years, commencing at twelve o'clock noon on the 15th day of January in the years 1932, 1933, 1934 and 1935, respectively. The mayor, after the 8th day of January, 1932, shall reorganize the commission to provide for one of each such terms to expire on the 15th day of January in the years 1933, 1934 and 1935, respectively, and two of such terms to expire on the 15th day of January, 1936.

The recreation commission shall appoint a superintendent, who shall hold office at the pleasure of the commission.

The recreation commissioners shall be the successors in office to the playground commissioners holding office at the time this charter shall go into effect. The powers and duties of the commissioners relative to the management and control of playgrounds and public recreation centers, exclusive of those located in public parks or delegated to the park commission, as such powers and duties exist at the time this charter shall go into effect, shall be continued as the powers and duties of the recreation commission under this charter, except as otherwise provided.

All positions in the recreation department, except that of superintendent and those in part time service, are hereby made subject to the civil service provisions of this charter, and all incumbents in such positions at the time this charter shall go into effect who have held such positions continuously for one year prior thereto are hereby declared appointed under civil service, and entitled to all rights and benefits thereof.

Library Department.

Library
department.

Section 43. The library department shall be under the management of a library commission consisting of eleven members who shall be appointed by the mayor and shall serve without compensation.

The eleven library trustees constituting the board of library trustees in office at the time this charter shall go into effect shall, by lot, classify their respective terms of office so that three of such terms shall begin at twelve o'clock noon on the 15th day of January, 1932, 1933 and 1934, respectively, and two such terms shall begin at twelve o'clock noon on the 15th day of January, 1935. The term of each commissioner shall be four years, at the expiration of which the mayor shall appoint his successor.

The library commission shall appoint a librarian and a secretary who shall hold office at its pleasure. The librarian shall be the chief executive of the department. He shall appoint, and at his pleasure may discipline and remove, all employees of the library department.

The library commission shall be the successors in office of the board of library trustees holding office at the time this charter shall go into effect and shall have all of the powers and duties thereof, except as in this charter otherwise provided.

War Memorial.

War
memorial

Section 44. The board of trustees of the San Francisco war memorial shall, under ordinance, have charge of the construction, administration and operation of said war memorial and of the grounds set aside therefor. The board shall consist of eleven members appointed by the mayor, subject to confirmation by the board of supervisors. The terms of office of the incumbent trustees shall expire as heretofore classified by lot, as follows: The terms of four of said trustees shall expire on the 2nd day of January, 1933; three on the 2nd day of January, 1935; and four on the 2nd day of January, 1937. Thereafter appointments to said board shall be for the term of six years. Vacancies on said board shall be filled by the mayor, subject to confirmation by the board of supervisors, for the unexpired term becoming vacant. In making appointments to said board, the mayor shall give due consideration to veterans of all wars in which the United States may have engaged, and to such other classes of persons who may have a special interest in the purpose for which said war memorial is to be constructed and maintained. The members of said board shall serve without compensation.

The board shall have the power to appoint a secretary and a managing director, each of whom shall hold office at its pleasure, and such other employees as may be provided by the annual budget and appropriation ordinance.

The board of supervisors shall annually appropriate to the war memorial board an amount sufficient to defray the cost of maintaining, operating and caring for said memorial.

Art Commission.

Section 45. An art commission for the city and county is hereby created, consisting of ten members appointed by the mayor and six ex officio members. The ex officio members shall be the mayor and the chairman of the following boards and commissions: Public library, park, city planning, de Young Memorial Museum and California Palace of the Legion of Honor. The mayor shall appoint three lay members, and an artist-painter, an artist-sculptor, a musician, a litterateur, two architects and one landscape architect. In appointing the seven professional members, the mayor shall solicit nominations from architectural, art, musical, literary and other cultural organizations of the city.

Art
commission.

The first appointments by the mayor shall be made not later than the 15th day of January, 1932, and shall be for the following terms, which shall expire at twelve o'clock noon on the 15th day of January in the respective years: One landscape architect and one lay member, one-year terms; one artist-sculptor and one architect, two-year terms; one musician and one lay member, three-year terms; one litterateur and one architect, four-year terms; and one artist-painter and one lay member, five-year terms. Upon the expiration of the terms, all successive appointments shall be for a period of five years.

The members of the commission shall serve without compensation. No member of this commission shall receive from the city and county, or from any trust, donation, or legacy, any compensation for any service as an artist for the benefit of the city and county.

Powers and Duties

Section 46. No work of art shall be contracted for or placed or erected on property of the city and county or become the property of the city and county by purchase, gift or otherwise, except for any museum or art gallery, unless such work of art, or a design or model of the same as required by the commission, together with the proposed location of such work of art, shall first have been submitted to and approved by the commission. The term "work of art" as used in this charter shall comprise paintings, mural decorations, stained glass, statues, bas reliefs or other sculptures; monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration. No existing work of art in the possession of the city and county shall be removed, relocated or altered in any way without the approval of the commission, except as otherwise provided herein. The commission shall have similar powers with respect to the design of buildings, bridges, viaducts, elevated ways, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the city and county, and concerning arches, bridges, structures and approaches which are the property of any corporation or

Art commis-
sion: powers
and duties.

private individual and which shall extend over or upon any street, avenue, highway, park or public place belonging to the city and county. Said commission shall so act and its approval shall be required for every such structure which shall hereafter be erected or contracted for, and may advise in respect to lines, grades and platting of public ways and grounds.

Nothing herein contained shall be construed to limit or abridge the legal powers of the governing boards of the war memorial, the M. H. de Young Memorial Museum or the California Palace of the Legion of Honor.

The commission shall supervise and control the expenditure of all appropriations made by the board of supervisors for music and the advancement of art or music.

The commission shall exercise all reasonable supervision of policy connected with the arts as may hereafter be assigned to it by ordinance or executive action.

The commission shall decide upon any expenditure of less than one thousand dollars (\$1,000) within fifteen days after submission, and upon any other matter within thirty days after submission. If it fails so to do, its decision shall be considered unnecessary.

The commission may volunteer advice or suggestion to the owners of private property in relation to the beautification of the same; and any person contemplating to erect any building or make any improvement may submit the plans and designs or sketches thereof to the art commission for advice and suggestions, for which no charge shall be made by the art commission.

Control of Harbor by City and County.

Harbor
control.

Section 47. In case the State of California shall grant and convey to the City and County of San Francisco all the property situated in the City and County of San Francisco now under the possession, control and management of the board of state harbor commissioners, and convey or transfer to the City and County of San Francisco possession and control of that portion of the Bay of San Francisco now operated, managed and controlled by the board of state harbor commissioners as the harbor of San Francisco, with authority to govern, administer and control the harbor, upon acceptance of the same as may be provided by ordinance and upon assumption by the city and county, subject to the bond issue procedure of this charter, of such state bonded indebtedness for harbor purposes as may be then outstanding, all powers and duties incident to such jurisdiction, government, administration and control thereof shall be vested in the board of harbor commissioners of the city and county.

Type of City and County Harbor Management to be Established.

Section 48. When the occasion as defined in section 47 of this charter shall arise, the mayor shall appoint three qualified persons as members of the harbor commission and such

appointees shall be subject to recall and to suspension and removal in the same manner as elective officials. The board of supervisors shall provide, by ordinance, for the jurisdiction, management and control of the harbor by said harbor commission, and the terms of office of the members thereof, which ordinance, in so far as may be practicable, shall establish the same type and procedure for harbor management under the harbor commission as is provided in this charter for the management and control of public utilities under a public utilities commission; for the direction of harbor affairs by a manager as the executive head of the harbor department in substantially the same manner as is provided for the executive direction of public utility affairs by a manager of utilities under the public utilities commission; to empower the harbor commission to fix and regulate tolls, rates and charges for harbor purposes, in substantially the same degree as is provided for the fixing of utility rates by the public utilities commission, to provide for the taking over under civil service of harbor employees in substantially the same manner as is provided for employees of any utility acquired by the city, and to bring such employments under the city and county civil service classification, salary standardization and pension and retirement provisions of the charter; and to provide that harbor revenues shall be applied exclusively for the purposes of harbor operation, repairs and maintenance expenses, the payment of interest on and the redemption of bonded indebtedness assumed by the city or authorized by the voters of the city and county. The said commission shall be vested with exclusive power to lease property and space under its jurisdiction on such terms and conditions as may be provided by ordinance

Other Departments Under Mayor.

Section 49. The mayor shall nominate members of the board of education for confirmation by the voters, and shall appoint two members of the retirement board, and shall also appoint members of the public utilities, city planning and civil service commissions, each of which said boards or commissions to have the membership, terms of members, and powers and duties as are provided in this charter.

SEPARATE BOARDS AND DEPARTMENTS.

California Palace of the Legion of Honor.

Section 50. The California Palace of the Legion of Honor shall be known as such in perpetuity. The management, superintendence, and operation thereof and the lands set aside therefor shall be vested in a board of eleven trustees, of which the mayor and the president of the park commission shall be ex officio members. All vacancies occurring in said board shall be filled by the vote of a majority of the remaining members thereof. None of said trustees shall receive any compensation for his or her services. Trustees need not be residents of the city and county.

California
Palace of
the Legion
of Honor.

The board shall have exclusive charge of the said memorial, the lands set aside therefor, and its affairs, and of all real and personal property thereunto belonging, or which may be acquired by loan, purchase, gift, devise, bequest or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise or bequest. It shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose. It shall appoint a director, a curator, and a secretary, and such other assistants and employees as may be necessary, who shall hold office at its pleasure. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings, and shall file annually a report with the controller. The trustees shall have power to insure loan exhibits against any risk.

The supervisors, for the purpose of maintaining, operating and superintending said memorial, and the purchase of objects of art, literary productions and other personal property, shall provide an amount sufficient for the maintenance, operation, and superintendence thereof, subject to the budget and fiscal provisions of this charter, and to that end shall levy a tax annually, the proceeds of which shall be credited to and deposited in a fund in the treasury of the city and county to be known as the "California Palace of the Legion of Honor Fund," and shall be used exclusively for the purposes thereof.

It is the intention that the administration and control of the California Palace of the Legion of Honor shall be continued with the powers granted and under the conditions imposed by the terms of the donation and accepted by the city and county.

M. H. de Young Memorial Museum.

Museum

Section 51. The M. H. de Young Memorial Museum shall be known as such in perpetuity. The museum and the grounds set aside therefor shall be under the management, superintendence, and operation of a board consisting of eleven trustees, of which the mayor and the president of the park commission shall be ex officio members. All vacancies occurring in said board shall be filled by the vote of a majority of the remaining members thereof. None of said trustees shall receive any compensation for his or her services.

The board shall have exclusive charge of the said memorial museum, the lands set aside therefor, and its affairs, and of all real and personal property thereunto belonging, or which may be acquired by loan, purchase, gift, devise, bequest, or otherwise, when not inconsistent with the terms and conditions of the loan, gift, devise, or bequest. The trustees shall have power to insure loan exhibits against any risk. The park commission shall maintain and care for the grounds of this memorial museum, and shall furnish the moneys for the

necessary repair and embellishment of the grounds and unoccupied parts.

The board of trustees shall have the power to maintain, repair or reconstruct existing buildings and construct new buildings and to make and enter into contracts relating thereto, subject, however, to the budget and annual appropriation ordinance. The supervisors, subject to the budget provisions of this charter, shall, for the purpose of maintaining said memorial museum, include in each annual budget of city and county expenditures an amount sufficient for the maintenance, operation and superintendence thereof, not less than forty thousand dollars (\$40,000) in each annual budget, and such additional amount as is necessary to take care of the increased demand for help, buildings, repairs, and care of said memorial museum. Such amount shall be credited to and deposited in the fund in the treasury of the city and county to be known as the "M. H. de Young Memorial Museum Fund." The board shall meet for its purposes at least once in three months, and at such other times as the president or any three members thereof may appoint, in a place to be provided for the purpose. It shall elect a director, a curator, and a secretary, and such other assistants and employees as may be necessary, who shall hold office at its pleasure. The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings, and shall file annually a report with the controller.

It is the intention that the administration and control of the M. H. de Young Memorial Museum shall be continued with the powers granted and under the conditions imposed by the terms of the donation and accepted by the city and county.

Steinhart Aquarium.

Section 52 The management, superintendence and operation of the Steinhart Aquarium shall be in charge and under the direction of the California Academy of Sciences of San Francisco. Necessary funds for the maintenance and operation of said aquarium shall be furnished by the city and county to the California Academy of Sciences of San Francisco, subject to the budget and fiscal provisions of this charter. Aquarium.

JUDICIAL DEPARTMENTS.

Municipal Court.

Section 53. The powers and duties of the municipal court of the city and county shall be as established by the constitution and general law, and said municipal court shall be as constituted and regulated by general law, except as otherwise provided in this charter. The municipal court shall consist of twelve judges, who shall be elected as provided by section 5 of this charter, and each of whom shall be paid a salary of six thousand dollars (\$6,000) per year. The compensation of said judges shall be in full for all services, and any fees required to be collected by law by the municipal court or the Municipal court

Same

clerk thereof, shall be paid into the treasury of the city and county. No judge of the municipal court shall practice law in or out of court during his continuance in office.

The judges of the municipal court shall annually choose one of their number to be presiding judge. The presiding judge shall have the general superintendence of the business of the court, shall classify and distribute the same, fix the vacations of the judges, and assign the judges to the several departments of the court; but any judge may proceed in any such department in the absence or the inability of the judge regularly assigned thereto. The presiding judge shall supervise and direct the work of the clerk of the municipal court, and shall be responsible for the proper keeping of records and making of reports by the clerk.

Municipal Court Regulations and Reports.

Section 54. The judges of the municipal court shall meet at least once in each month, and at such other times as the presiding judge may require, and shall prescribe rules and regulations not inconsistent with general laws as are necessary and proper for the advancement of justice and prevention of delay in the business of the court.

Not later than the tenth day of each month, the presiding judge, through the clerk of the municipal court, shall file with the board of supervisors, a consolidated report of the business of the court and the judges thereof for the preceding month. Copies of such reports shall be filed with the city attorney, the district attorney, the chief of police and the clerk of the municipal court. In January of each year, the presiding judge, through the clerk, shall file a similar report covering the preceding calendar year. The board of supervisors may cause copies of such annual reports to be printed for free distribution to citizens who request them.

Clerk of the Municipal Court.

Section 55. The clerk of the municipal court shall be appointed by the judges of the court, and shall hold office at their pleasure. The clerk shall appoint, subject to the civil service provisions of this charter, such clerks, stenographers, interpreters and other personnel as may be authorized by appropriation ordinances of the board of supervisors; provided, however, that the sheriff shall, on the order of the court, detail necessary bailiffs to the civil departments thereof, and shall execute the orders and processes issued by the court. The salaries of the clerk and the personnel of the clerk's office shall be fixed by the board of supervisors, as provided by this charter for other city and county employees. The clerk shall have charge, superintendence and control of said office and the personnel thereof, and be responsible for records and reports incidental to the business of the court. He shall have the powers and duties prescribed by general law not inconsistent with this charter.

Superior Court Appointments.

Section 56. The judges of the superior court of the city and county may appoint a secretary-jury commissioner, who shall hold office at the pleasure of the court. He shall have the powers and duties prescribed by general law, not inconsistent with this charter. His salary and the salaries of his assistants and employees shall be fixed by the board of supervisors as provided by this charter for other city and county employees. Subject to the approval of the court, he shall appoint and, at his pleasure, may remove his assistants and employees.

Secretary-jury commissioner

The San Francisco Law Library.

Section 57. The San Francisco Law Library, established under an act of the Legislature approved March 9, 1870, shall be under the management and control of the board of trustees, which shall consist of seven appointive members of the San Francisco bar, and the mayor, the presiding judge and the three judges of the appellate department of the superior court, ex officio. The board of trustees holding office at the time this charter shall go into effect shall continue as the board of trustees of said library. All vacancies on said board shall be filled by said board.

Law library

The board of trustees shall appoint and at its pleasure may remove a librarian, who shall be its executive officer, and such assistants as are necessary for the proper conduct and operation of the library. The salaries of the librarian and the assistants and employees shall be fixed by the board of supervisors as provided by this charter for other city and county employees.

The supervisors shall provide suitable and sufficient quarters for the law library, fit up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The library shall be so located as to be readily accessible to the judges and the officers of the court.

The county clerk and the clerk of the municipal court shall collect the fees provided for law libraries by general law and the fees so collected by such officers or by any officers under any other provisions of the law shall be paid to the treasurer of the law library monthly, and shall constitute a law library fund to be expended by the law library trustees in the purchase of books and periodicals, and in the establishment and maintenance of the law library.

The judiciary, city, county and state officials, members of the bar and all inhabitants of the city and county of San Francisco shall have free access, use and enjoyment of the law library, subject to rules and regulations of the board of trustees.

Probation Boards.

Section 58. The adult probation committee and the juvenile probation board or committee shall continue to exercise

Probation boards

Same. their respective powers and duties as fixed by state laws, except as in this charter otherwise provided.

The superior court judges of the city and county presiding in the department or departments for the hearing and disposition of criminal cases and proceedings shall, by order entered in the minutes of the court in the criminal department or departments thereof, appoint the adult probation officer.

The judge of the superior court of the city and county who has been, or who hereafter may be, designated the judge of the juvenile court, shall, by order entered in the minutes of the court, appoint the probation officer of the juvenile court.

The adult probation officer shall appoint such assistants, deputies and employees as may be allowed or provided by the board of supervisors, subject to confirmation by the adult probation board or committee created by state law.

The probation officer of the juvenile court shall appoint such assistants, deputies and employees as may be allowed or provided by the board of supervisors, subject to confirmation by the juvenile probation board or committee created by state law.

The salaries of the adult probation officer, the probation officer of the juvenile court, their assistants, deputies and employees shall be fixed by the board of supervisors in the same manner as for other officials and employees of the city and county.

The adult probation officer, the probation officer of the juvenile court and their assistants and deputies shall have the powers conferred upon adult probation officers, probation officers of the juvenile court, their assistants and deputies, by the laws of the State of California; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the board of supervisors.

The civil service provisions of this charter shall apply to and govern the assistants, deputies and employees of the adult probation officer and the probation officer of the juvenile court. For purposes of this charter the adult probation officer shall be the appointing officer as to his assistants, deputies and employees, subject to confirmation as aforesaid; and the said probation officer of the juvenile court shall be the appointing officer as to his assistants, deputies, and employees, subject to confirmation as aforesaid.

Any person who has served as an assistant, deputy or employee of such adult probation officer or probation officer of the juvenile court, or in the probation department of the city and county for a continuous period of one year immediately prior to the time this charter shall go into effect, and who shall be actually serving as such assistant, deputy, or employee at that time, is hereby declared to be appointed within the civil service provisions of this charter to the office or position in which he may then be serving; and shall be entitled to all the benefits of this charter thereafter.

The pension and retirement provisions of this charter shall apply to and govern the adult probation officer, the probation officer of the juvenile court, their assistants, deputies and employees.

DEPARTMENTS UNDER CHIEF ADMINISTRATIVE OFFICER.

Chief Administrative Officer.

Section 59. The mayor shall appoint as chief administrative officer a qualified person who shall have been a resident of the State of California for at least five years immediately preceding his appointment. The requisite qualifications of such appointee shall be administrative and executive ability and experience for the position to be filled. The first such appointment shall be made immediately after twelve o'clock noon on the 8th day of January, 1932. He shall be paid an annual salary of twelve thousand dollars (\$12,000).

Chief administrative officer

He shall be subject to suspension and removal in the same manner as elective officers. He shall also be subject to removal by a vote of not less than two-thirds of the board of supervisors, on the basis of written charges, and, if he so request, only after a public hearing on such charges before the board of supervisors not less than five days nor more than fifteen days after the filing thereof, and prior to the date on which the supervisors shall vote on the question of his removal, but on the filing of written charges, and pending and during such hearing, the supervisors, by majority vote, may suspend him from office. The written charges and any reply thereto by the chief administrative officer shall be entered at length in the journal of the board of supervisors. The action of the board of supervisors in removing the chief administrative officer shall be final.

Powers and Duties of Chief Administrative Officer.

Section 60. The chief administrative officer shall be responsible to the mayor and to the board of supervisors for the administration of all affairs of the city and county that are placed in his charge by the provisions of this charter and by ordinance, and to that end he shall have power and it shall be his duty to exercise supervision and control over all administrative departments which are under his jurisdiction; to appoint the heads of departments under his control and the members of advisory and other boards provided by this charter or by ordinance to be appointed by the chief administrative officer; to prescribe general rules and regulations for the administrative service under his control; to have a voice but no vote in the board of supervisors, with the right to report on or to discuss any matter before the said board concerning the affairs of the departments in his charge; to make such recommendations and propose such measures to the mayor, the board of supervisors, or committees thereof, concerning the affairs of the city and county in his charge as he may deem

Same powers and duties

necessary; to coordinate the functioning of the several departments of the city and county charged with powers and duties relating to control of traffic; and to provide for the budgeting and control of publicity and advertising expenditures of the city and county.

The chief administrative officer may designate an officer or an employee in any department under his jurisdiction to exercise the powers and perform the duties of any county office not specifically designated by this charter.

Administrative Departments Under Chief Administrative Officer.

Adminis-
trative
departments.

Section 61. From and after twelve o'clock noon on the 8th day of January, 1932, the functions, activities and affairs of the city and county that are hereby placed under the direction of the chief administrative officer by the provisions of this charter, and the powers and duties of officers and employees charged with specific jurisdiction thereof, shall, subject to the provisions of section 2 and section 20 of this charter, be allocated by the chief administrative officer, among the following departments:

Finance
and records.

Department of Finance and Records, which shall include the functions and personnel of the offices of tax collector, registrar of voters, recorder, county clerk and public administrator, and shall be administered by a director of finance and records who shall be appointed by the chief administrative officer and hold office at his pleasure. The public administrator shall appoint and at his pleasure may remove an attorney who shall be paid an annual salary of eight thousand dollars (\$8,000). He may also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

Purchasing

Purchasing Department, which shall include the functions and personnel of the bureau of supplies, the operation of central stores and warehouses, and the operation of central garages and shops, and shall be administered by the purchaser of supplies who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Real estate.

Real Estate Department, which shall include the functions and personnel of the office of the right-of-way agent as established in the bureau of engineering at the time this charter shall go into effect, and also the control, management and leasing of the exposition auditorium.

Public
works

Department of Public Works, which shall include the functions and personnel of the department of public works, as established at the time this charter shall go into effect, with the exception of functions and personnel which are established by this charter under the management, direction, and control of the public utilities commission, and which department shall also include the functions and personnel of the telephone exchange. This department shall be administered

by the director of public works, who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Department of Electricity, which shall include the func-^{Electricity}tions and personnel of the department of electricity as established at the time this charter shall go into effect. The department shall be administered by a chief of department who shall, from and after twelve o'clock noon on the 8th day of January, 1932, have the powers and duties of the joint board of fire and police commissioners composing the joint commission in charge of the department of electricity, at which time the joint commission shall be abolished. The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors, by ordinance upon the recommendation of the chief of the department.

Street Traffic Advisory Board, which is hereby created, and^{Traffic board.} which shall consist of the chief administrative officer as chairman, the chief of police, the director of public works, the chairman of the city planning commission, the superintendent of the department of electricity, the municipal judge presiding over the traffic court, and a member of the board of supervisors to be appointed by the president thereof. The board shall meet at least once a month. It shall have the power and duty of considering ways and means of effectively coordinating the activities of city and county departments having responsibilities relating to street traffic, to the end that street traffic congestion and hazards throughout the city and county shall be relieved so far as possible. The board shall hear and consider complaints of citizens with respect to street traffic matters. The recommendations of the board shall be made in writing and shall be available to the public.

Department of Public Health, which shall include the func-^{Public health}tions, institutions and personnel of the department of public health as existing at the time this charter shall go into effect, and which shall include also the maintenance and operation of the institution known as the juvenile detention home, and the personnel engaged in such maintenance and operation. Said department shall be administered by a director of health, who shall be a regularly licensed physician or surgeon in the State of California, with not less than ten years' practice in his profession immediately preceding his appointment thereto. He shall be appointed by the chief administrative officer and shall hold office at his pleasure, provided that the incumbent health officer at the time this charter shall go into effect shall

be deemed appointed to such office. The director of public health shall have and continue the powers and duties of the health officer and the board of health, from and after twelve o'clock noon on the 8th day of January, 1932, at which time the terms of members of said board shall terminate, and such board as theretofore existing shall be abolished.

There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and 1935, respectively, and the term of one member in 1936.

Such board shall consider and report on problems and matters under the jurisdiction of the department of public health and shall consult, advise with and make recommendations to the director of health relative to the functions and affairs of the department. The recommendations of such board shall be made in writing to the director of health and to the chief administrative officer.

County
welfare

County Welfare Department, which shall include the functions and personnel of the county welfare bureau as established at the time this charter shall go into effect.

Coroner.

Coroner's Office, which shall include the functions and personnel of the existing office of coroner as established at the time this charter shall go into effect.

Horticultural
Inspection.

Horticultural Inspection Department, which shall include the functions and personnel of the office of horticultural commissioner as established at the time this charter shall go into effect.

Weights and
measures.

Department of Weights and Measures, which shall include the functions and personnel of the office of sealer of weights and measures as established at the time this charter shall go into effect.

Section 62. Offices heretofore elective which are, by the provisions of this charter, made appointive, shall come within the civil service provisions of this charter and any incumbent in any such office at the time this charter shall be ratified by the State Legislature shall, if he has held such office for one year continuously prior thereto, be deemed appointed to such position, at his then existing salary, under the civil service provisions of this charter, and thereafter shall hold office under such provisions; provided that such salaries so continued shall apply only to such incumbents as long as they legally hold such positions and, on the appointment of a successor to any such incumbent, the salary of such position shall be subject to the salary standardization provisions of this charter and shall not in any case exceed six thousand dollars (\$6,000) per annum.

Other positions as heads of departments, bureaus, offices or institutions which have heretofore been exempt from charter civil service provisions, are hereby declared to be subject to the civil service provisions of this charter unless specifically exempted, and any incumbent in any such position at the time this charter shall be ratified by the State Legislature shall, if he has held office for one year continuously prior thereto, be deemed appointed to such position under the civil service provisions of this charter and thereafter shall hold office under such provisions.

CONTROLLER.

Controller—Appointment and Removal.

Section 63. There shall be a controller, who shall be appointed by the mayor, subject to confirmation and approval by the board of supervisors. Such appointment shall be made solely on the basis of qualifications by training and experience for the position to be filled. He may be removed by the supervisors by a two-thirds vote. He shall receive an annual salary of ten thousand dollars (\$10,000). Controller

The incumbent in the office of auditor on the 7th day of January, 1932, provided he has held such office for one year continuously prior thereto, shall be deemed appointed at his existing salary under the civil service provisions of this charter, to the position of county accountant, which position is hereby created.

General Powers and Duties of Controller.

Section 64. The controller shall be the successor of the auditor, and shall have the powers and duties of a county auditor, except as in this charter otherwise provided. He shall be the auditor and chief accounting officer of the city and county, and shall exercise general supervision over the accounts of all officers, commissions, boards and employees of the city and county charged in any manner with the receipt, collection or disbursement of city and county funds or of other funds, in their capacity as city and county officials or employees. He shall have the power and duty of prescribing the method of installing, keeping and rendering accounts of, and the financial reports to be rendered by, the several officers, boards and employees of the city. Controller
powers and
duties

The controller shall keep accounts showing the financial transactions of all departments, offices and other subdivisions of the city and county. Such accounts and the accounting procedure shall be adequate to record (a) all budgeted revenues and appropriations, together with additions or transfers thereto, and to show at all times the amount of encumbrances, expenditures or transfers therefrom, and the balances therein; (b) all revenues accrued and liabilities incurred; (c) all cash receipts and disbursements; and (d), in general, all transactions affecting the acquisition, custody or disposition of values.

Subject to the provisions of this section, the public utilities commission shall maintain separate accounts for each utility

in such manner as to exhibit exact and complete financial results of ownership, management and operation; the actual cost of each utility; all costs of maintenance, extension and improvement; all operating expenses of every description; the general expenses of the commission and bureaus thereof apportioned to each such utility; the amount paid or set aside for depreciation, insurance, interest and sinking fund; and estimates of the amount of taxes that would be chargeable against such property and the revenue thereof if privately owned and operated. All accounts shall be maintained in accordance with forms and requirements of the state railroad commission for public utilities engaged in like character of service, in so far as these shall be applicable to publicly owned and operated utilities.

It shall be the duty of the controller to determine, where practicable, the unit cost of work done by the city and county for the purpose of determining whether similar work could be done under public contract at a lower cost. The controller shall devise adequate systems of internal check of all departments and offices of the city and county relative to the custody, collection or disbursement of moneys.

Controller's Reports.

Monthly
reports

Section 65. The controller shall make a monthly report, not later than the 20th day of each month, showing a summary statement of revenues and expenditures for the preceding calendar month and for that portion of the fiscal year ending on the last day of such preceding month. Such statements shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds in such manner as to show the financial condition of the city and county and of each department, office, bureau or division thereof, for that portion of the fiscal year to and including the preceding calendar month, and with comparative figures for the similar period in the preceding fiscal year. The controller shall at the same time prepare statements showing the cash position of the city and county and the unencumbered balance in each fund. A copy of each such report and annual reports compiled therefrom, and special fiscal reports as requested, shall be transmitted to the mayor, the board of supervisors, the chief administrative officer and all department heads concerned, and to each local daily newspaper and shall be kept on file in the controller's office.

Audits by Controller.

Audits

Section 66. The controller shall audit the accounts of all boards, officers and employees of the city and county charged in any manner with the custody, collection, or disbursement of funds. The controller shall audit monthly all accounts of money coming into the hands of the treasurer. He shall make an audit monthly of each departmental revolving fund authorized by this charter or by the board of supervisors.

When requested by the mayor, the board of supervisors, the chief administrative officer, or any board or commission for its own department, he shall audit the accounts of any officer or department, and on the death, resignation, removal, expiration of term or retirement of the head of any department or office, or any officer or employee charged with the receipt, collection or disbursement of money, shall make an audit of the accounts of such department, officer or employee.

Custody and Examination of Official Bonds.

Section 67. The controller shall be the custodian of all official bonds, excepting the bond of the controller, which shall be in the custody of the mayor. The controller must at least once in every six months examine all official bonds and investigate the sufficiency and solvency of the sureties thereon, and forthwith report in writing the facts to the mayor. Upon receipt of such report, the mayor shall take such action as shall be necessary to protect the city and county, and may require new bonds and may suspend any officer or employee until a sufficient bond is filed and approved. The mayor shall make similar periodic examination of the controller's bond.

Annual Audits by Supervisors.

Section 68. The board of supervisors shall order an annual audit of the controller's books of accounts, records and transactions, to be made by one or more certified public accountants. The report of such auditor or auditors for the fiscal year shall be printed and a copy thereof furnished to the mayor, each member of the board of supervisors, the chief administrative officer, and the controller and to such citizens as may apply therefor.

BUDGET AND FISCAL PROCEDURE.

Budget Estimates.

Section 69. The fiscal year for the city and county shall begin on the 1st day of July of each year.

The budget estimate for every department and office of the city and county, whether under an elective or an appointive officer, or a board or commission, and separately for each utility under the control of the public utilities commission, shall be filed by the executive of such department with, and shall be acted upon by, such board or commission not later than the 1st day of March. All budget estimates shall be compiled in such detail as shall be required on uniform blanks furnished by the controller. The public utilities commission and the board of education must hold public hearings on their respective budget proposals. Each such elective and appointive officer, board or commission shall, not later than the 1st day of March of each year, file with the controller for check as to form and completeness two copies of the budget estimate as approved.

The chief administrative officer shall obtain in ample time to pass thereon budget estimates from the heads of depart-

ments or offices subject to his control, and, after adjusting or revising the same, not later than the 1st day of March he shall transmit such budget estimates to the controller.

The controller shall check such estimates and shall, upon his request, be furnished with any additional data or information. Not later than the 15th day of March of each year he shall consolidate such budget estimates and transmit the same to the mayor.

He shall at the same time transmit to the mayor a summary and recapitulation of such budget estimates, segregated by separate departments or offices and units thereof, or by purposes for non-departmental expenditures, and arrange according to classification of objects of expenditure, as required by the controller, to show the amount of proposed expenditures and estimated revenues in comparison with the current and previous fiscal year's expenditures and revenues.

He shall submit at the same time (1) statements showing revenues and other receipts, including the estimated unencumbered surplus in any item or fund at the beginning of the ensuing fiscal year, segregated according to specific or general purposes to which such revenues or receipts are legally applicable, for the last complete fiscal year and for the first six months of the current fiscal year, with estimates thereof for the last six months of the current fiscal year, together with estimates of such revenues and receipts for the ensuing fiscal year; (2) statements of the amounts required for interest on, and sinking fund or redemption of, each outstanding bond issue, and for tax judgments and other fixed charges, together with estimates of interest required on bonds proposed to be sold during the ensuing fiscal year, and statements of the city's authorized debt, and judgments outstanding at the time the budget estimates are submitted.

The mayor shall hold such public hearings on these budget estimates as he may deem necessary and may increase, decrease, or reject any item contained in the estimates, excepting that he shall not increase any amount nor add any new item for personal services, materials, supplies or contractual services, but may add to the requested appropriations for any public improvement or capital expenditure; provided, however, that the budget estimates of expenditures for any utility, within the estimated revenues of such utility, shall not be increased by the mayor or board of supervisors

Form of Budget Estimates.

Budget
estimate.

Section 70. The classification of proposed expenditures included in budget estimates shall be uniform for all departments, offices, bureaus, divisions and branches. The estimates shall include or be accompanied by the following information:

(1) An itemized estimate of the total expense of conducting each department, bureau, division, office or board for the ensuing fiscal year, together with a separate schedule of the proposed work program.

(2) Statements of the expenditures by items for the last complete fiscal year, and for the first six months of the current fiscal year, together with an estimate of probable expenditures by items for the last six months of the current fiscal year.

(3) The reasons for proposed increases or decreases, as compared with the current fiscal year, in any items of the proposed estimate.

(4) A schedule of positions and compensations showing any increases or decreases requested in the number of positions or rates of pay.

(5) Such other information as the mayor or the chief administrative officer may deem desirable.

Personal Service Estimates.

Section 71. All increases in salaries or wages of officers and employees shall be determined at the time of the preparation of the annual budget estimates and the adoption of the annual budget and appropriation ordinances, and no such increase shall be effective prior to the fiscal year for which the budget is adopted. Salary and wage rates for classes of employments subject to salary standardization, as in this charter provided, shall be fixed in the manner provided in this charter. Salary and wage rates for classes of employment not subject to salary standardization, exclusive of compensations fixed by this charter, shall be recommended by the officer, board or commission having appointive power for such employments, and fixed by the budget and the annual salary ordinance. Pending the adoption of salary standards as in this charter provided, the salary and wage rates for positions subject to such standardization shall be as recommended by the officer, board or commission having appointing power for such positions and fixed by the budget and annual salary ordinance; provided that any compensation paid as of January 1, 1931, to an incumbent who legally held a position in the city and county service at that time, shall not be reduced so long as such incumbent legally holds such position. No compensation shall be increased so as to exceed the salary or wage paid for similar services, and of like character and for like service and working conditions in other city departments or in private employments, nor so as to exceed the rate fixed for such service or position in the proposed schedule of compensations issued by the civil service commission under date of April 9, 1930, except as such proposed schedule or compensation is amended as provided in this charter, or extended by the civil service commission to include classifications not included therein.

Adoption of Budget and Appropriation Ordinance.

Section 72. Not later than the 1st day of May in 1932, and in each year thereafter, the mayor shall transmit to the board of supervisors a consolidated budget estimate for all departments and offices of the city and county for the ensuing

Salary and
wage
estimates

Adoption of
budget, etc.

Same

fiscal year, including a detailed statement of the estimated revenues and receipts of each department and an estimate of the amount required to meet bond interest, redemption and other fixed charges of the city and county, the revenues applicable thereto, and the estimated tax rate required by such proposed budget. He shall, by message accompanying such proposed budget, comment upon the financial program incorporated in such budget, the important changes as compared with the previous budget, and the bond issues, if any, recommended by him.

The mayor shall submit to the board of supervisors, at the time that he submits the annual budget estimate, a draft of the annual appropriation ordinance for the ensuing fiscal year, which shall be prepared by the controller. This shall be based on the proposed budget and shall be drafted in such detail as to furnish an adequate basis for accounting control by the controller of each appropriation item for the ensuing fiscal year. Upon submission it shall be deemed to have been regularly introduced and together with the proposed budget shall be published as required for ordinances.

The board of supervisors shall provide printed copies of the mayor's budget message and budget estimate thus prepared, including comparative expenditures and revenues for the current and the preceding fiscal years and other information transmitted therewith, for official use and public distribution.

The board of supervisors shall fix the date or dates, not less than five days after publication as in this section provided, for consideration of and public hearings on the budget estimates and proposed appropriation ordinance.

The board of supervisors may decrease or reject any item contained in the budget estimates, but shall not increase any amount or add any new item for personal services or materials, supplies, or contractual services for any department, unless requested in writing so to do by the mayor, on the recommendation of the chief administrative officer, board, commission or elective officer, in charge of such department.

The board of supervisors may increase or insert appropriations for capital expenditures and public improvements.

After public hearing, and not earlier than the 15th day of May, nor later than the 1st day of June, the board shall adopt the budget estimates as submitted or as amended and shall pass the necessary appropriation ordinance. If the budget is amended by the supervisors, it shall be readvertised prior to final reading or passage, in the manner required for ordinances and resolutions.

Any item in such appropriation ordinance except for bond interest, redemption or other fixed charges, may be vetoed in whole or in part by the mayor within ten days of receipt by him from the clerk of the board of supervisors of the ordinance as passed by the board, and the board of supervisors shall act on such veto not later than the 20th day of June.

The several amounts of estimated revenue and proposed expenditure contained in the annual appropriation ordinance as adopted by the board of supervisors shall be and become appropriated for the ensuing fiscal year to and for the several departments, bureaus, offices, utilities, boards or commissions, and for the purposes specified. The appropriation ordinance shall constitute authority for the controller to set up the required revenue and expenditure accounts. Each department for which an appropriation has been made shall be authorized to use the money so appropriated for the purposes specified in the appropriation ordinance, and within the limits of the appropriation. Appropriation items for bond interest, bond redemption, fixed charges and other purposes not allocated to a specific department shall be subject to the administration of and expenditure by the chief administrative officer for the respective purposes for which such appropriations are made.

Annual Salary Ordinance.

Section 73. The number and rates of compensation for all positions continued or created by the supervisors in adopting each annual budget, and each annual or supplemental appropriation ordinance, shall be established and enumerated in an ordinance continuing and creating positions in city and county departments and offices, and providing the rates of compensation therefor, which ordinance shall be passed or amended at the same time as the annual or supplemental appropriation ordinance is passed. Such ordinance shall be subdivided for each department or office and each organization subdivision thereof. The number of positions enumerated therein shall be segregated by classes according to the civil service classification of employments, and the positions in any department or office under any such class shall not be listed individually or subdivided, except where necessary to show varying rates of pay for employments included in any such class. Rates of compensation enumerated shall be those established by salary standardization schedules, and shall not be listed for individuals or individual positions, except where the compensation of incumbents is higher than the rate fixed by salary standardization, which compensations shall not be reduced so long as the incumbents legally hold such positions. Any increase in the number of positions allowed for any department or office, and seniority or other compensation increases authorized as provided elsewhere in this charter for officers or employees, may be covered by amendment of the appropriate section of the ordinance herein referred to, provided that any such amendment shall include the entire section of such ordinance relating to the department or office in which the increase in number of positions or compensations shall occur. The said ordinance shall constitute the legal basis for check by the civil service commission or the controller as to the legality of the

Annual
salary
ordinance

creation of any position in the city and county service and the rate of compensation fixed therefor.

Appropriations to Meet Utility Deficits.

Appropriations to meet utility deficits.

Section 74. In the event the public utilities commission and the mayor shall propose a budget for any utility which will exceed the estimated revenue of such utility, it shall require a vote of two-thirds of all members of the board of supervisors to approve such budget estimate and to appropriate the funds necessary to provide for the deficiency. No such budget of expenditures in excess of estimated revenues shall be so approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, which shall require financing by authorization and sale of bonds.

Departmental Revolving Funds.

Departmental revolving funds.

Section 75. The supervisors, on the recommendation of the mayor, in any proposed annual budget, may, in the approval of such budget and the annual appropriation ordinance therefor, establish departmental revolving funds to be used as petty cash funds for specific purposes and to be subject to settlement with, and audit by, the controller at least monthly, as provided in section 66. The mayor shall recommend and the supervisors shall establish revolving funds designated in this charter as the special election fund and the purchaser's revolving fund, and they shall respectively recommend and establish such revolving funds as may be necessary to facilitate the operation of each utility and institution of the city and county.

Appropriation Accounts—Designation of Funds.

Appropriation accounts—designation of funds.

Section 76. Accounts shall be kept by the controller showing the amount of each class or item of revenue as estimated and appropriated in the annual appropriation ordinance, and the amounts collected. Accounts shall also be kept by the controller of each expense appropriation item authorized by the board of supervisors. Every warrant on the treasury shall state specifically by title and number the appropriation item against which such warrant is drawn.

Each such revenue and expense account shall show in detail the amount of the appropriation or appropriations made therefor by the supervisors, the amount drawn thereon, the amount of encumbrance for purchase orders, contracts or other obligations theretofore certified by the controller as against it, and the unencumbered balance to the credit thereof. This balance shall be the "unencumbered balance" as this term is used in this charter.

Transfers.

Transfer of appropriations.

Section 77. Upon written recommendation of the chief administrative officer, or a board or commission for the use of which funds have been appropriated, and the approval of the mayor, the board of supervisors may transfer an unencumbered balance, or part thereof, of an appropriation made for

the use of one department, to another. No such transfer shall be made of utility, bond, school, pension or trust funds, except by way of loans as in this charter provided. On request of a department head and approval by the chief administrative officer, board or commission, respectively, and on the authorization of the controller, funds appropriated for a specific purpose of such department which become surplus may be transferred and used for another specific purpose within the department. The controller shall prescribe the method to be used in making payments for inter-departmental services.

Tax Levy.

Section 78. On or before the 15th day of September of each year, the board of supervisors by ordinance shall levy a tax, the estimated proceeds of which, together with the total amount of receipts and revenues estimated to be received from all sources, will be sufficient to meet all appropriations made by the annual appropriation ordinance. ^{Annual tax levy}

Revenue to meet current annual interest and redemption or sinking fund for outstanding bonds shall always be provided out of the tax levy; provided, however, that to the extent to which funds are appropriated by the public utilities commission, and available for annual interest and redemption or sinking fund on bonds issued for acquisition, construction or extensions of any utility, no tax shall be levied therefor.

The tax levy shall not exceed the rate of one dollar and sixty-five cents (\$1.65) on each one hundred dollars (\$100) valuation of the property assessed in and subject to taxation by the city and county, exclusive of the following items: (1) State taxes, and taxes for the interest and sinking fund on bonded indebtedness of the city and county; (2) the cost of constructing, maintaining and improving (a) schools, (b) libraries, which tax shall be not less than four cents on each one hundred dollars, (c) parks and squares, which tax shall be not less than ten cents on each one hundred dollars, (d) playgrounds, which tax shall be not less than seven cents on each one hundred dollars, (e) streets, sewers and buildings; (3) the cost of (a) elections, (b) civil service, which tax shall not be less than one-half cent on each one hundred dollars, (c) obligations imposed by state legislative or constitutional enactment and (d) obligations imposed by vote of the people of the city and county.

Emergency Reserve Fund.

Section 79. The tax-rate may be such as to produce, by a specifically designated rate, an amount not to exceed one per cent of the amount of the tax levy required to meet expense appropriations, as a reserve fund for any emergency as defined in section 25. Appropriations from such reserve fund shall be made only on the recommendation of the department head concerned, the approval of the chief administrative officer or the board or commission in charge of such department, the ^{Emergency reserve fund}

recommendation of the mayor to the board of supervisors that such appropriation be made, and the vote of three-fourths of the board of supervisors.

The balance in such reserve fund at the end of any year shall be maintained and carried forward. Balances created by unexpended appropriations or unappropriated revenues may, by order of the board of supervisors, be paid into such fund and subsequent annual levies may be made until the accumulated balance in the fund shall amount to a sum not to exceed three per cent of the tax levy required to meet expense appropriations in the then current fiscal year.

Fund Balances—Supplemental Appropriations.

Section 80. Unused and unencumbered appropriations or unencumbered balances in revenue or expense appropriations of the city and county for any fiscal year, exclusive of revenue or moneys required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes, and revenue collected during any fiscal year in excess of the estimated revenue as shown by the annual budget and appropriation ordinance for such fiscal year, shall be held as surplus.

Such surplus, if not appropriated to the emergency reserve fund as provided by section 79, shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing at any time during any fiscal year may be appropriated by the supervisors at the last meeting of such board in any month, by means of an ordinance designated as a supplemental appropriation ordinance, on the recommendation of the chief administrative officer, or any board, commission or elective officer, respectively, and the approval and submission by the mayor of a supplemental budget estimate or request, in the same manner and subject to the same conditions except time, as provided in this charter for the submission and approval of the annual budget and appropriation ordinance.

Tax Collection Reserves and Temporary Loans.

Section 81. The board of supervisors may create by annual tax levy and gradually build up and maintain a revolving fund to be used exclusively for paying that portion of the expenses of the city and county which becomes due and payable or which must be made prior to the receipt of tax payments for any fiscal year; provided that such fund shall be completely reimbursed each year from tax and other revenues not later than the 1st day of January of each fiscal year, and when so reimbursed, such fund shall not be used, drawn upon or borrowed for any further expenditure or other purpose during such fiscal year; and provided, further, that such revolving fund shall not at any time exceed the estimated expenditures for the first five months of the then current fiscal year, less the amount

Revolving
fund

of estimated revenues and receipts from sources other than tax-rate revenues.

In the event that funds are not available in such a revolving fund to meet authorized expenditures for the first six months of any fiscal year, the board of supervisors during the first six months thereof, on the recommendation of the controller, the chief administrative officer and the mayor and the written approval of the officer, board or commission responsible for the management and control of the fund from which it is proposed that the temporarily idle balances be borrowed, may, by ordinance, authorize the temporary borrowing of idle unencumbered balances in any fund except a pension fund, for a period of not to exceed six months, at not less than the then current rate of interest paid by the banks to the city and county on city and county funds deposited with such banks. Such approval shall specify that the amount proposed to be lent from such fund will not be needed for the purpose of such fund prior to the 1st day of January next ensuing. The fund from which such loan is made shall be charged or encumbered with the amount of such loan and such amount shall not be considered as available in such fund for any other appropriation or encumbrance until the loan is repaid.

Such loans shall be secured by, and made solely in anticipation of the collection of taxes levied or to be levied for the current fiscal year, and such loans shall constitute the first demand on, and shall be repaid from the first tax collections for, such current fiscal year.

Receipt, Custody and Deposit of Funds.

Section 82. Disbursement of all public or other funds in the custody of the treasurer, except reimbursement transfers between departments as provided in section 77, shall be made only on warrants drawn by the controller. All moneys and checks received by any officer or employee of the city and county for, or in connection with the business of, the city and county, shall be paid or delivered into the treasury not later than the next business day after its receipt, and shall be receipted for by the treasurer. Daily statements of such receipts and deposits shall be prepared and transmitted to the controller and the treasurer. All pension funds and securities shall be deposited with the treasurer.

Receipts and
deposits

The treasurer, with the written approval of the mayor, the controller and the president of the board of supervisors, may deposit funds in his possession in any licensed national bank or banks within this state, or in any bank or banks authorized to do a banking business and organized under the laws of this state. A depository bank shall furnish as security for such deposits bonds of the United States or of this state, or of any county, municipality, or school district within this state approved by the treasurer and the city attorney. The market value of bonds furnished as security shall be at least ten per cent in excess of the amount of the deposits secured thereby.

The market value of the securities shall be maintained in such proportion at all times and the treasurer is hereby charged with the responsibility of enforcing this requirement. The amount of the deposit shall not exceed the face value of such bonds.

All deposits shall be conditional upon payment of a reasonable rate of interest, not less than two per cent per annum on daily balances. The rate of interest shall be fixed annually in the month of January of each year for such calendar year by the treasurer, the controller and the mayor, and such rate shall be reported in writing forthwith to the board of supervisors. Interest on all moneys so deposited shall be payable quarterly to the treasurer.

No deposit in any bank shall at any time exceed fifty per cent of the paid up capital stock of such bank, and while there are other depository banks available, no deposit in any bank shall exceed ten per cent of the funds under the control of the treasurer available for deposit. Deposits shall be subject to withdrawal on joint demand of the treasurer and the controller. In the event of failure of any depository bank to repay on demand any moneys so held on deposit, the treasurer, with the written approval of the mayor, may, after ten days' written notice to such bank, proceed to sell at public or private sale, any or all of the bonds so held by him as security. Ten days' notice of such sale shall be given by publication. At any time before the sale of the bonds the bank may repay the money deposited, with interest thereon and any expense that may have been incurred by the treasurer relating to or incident to such sale, and the bonds shall not be sold.

The treasurer shall not be responsible for any loss of public moneys resulting from a deposit thereof made in accordance with the provisions of this section. The treasurer shall be responsible for the safe-keeping of all securities deposited by banks. The transfer of money for deposits shall be at the expense of the depository.

Funds received by donation, bequest or legacy for a specific purpose and held in trust for the benefit of the city and county may, with the approval of the controller, be invested by the officer, board or commission charged with control and administration of such trust or funds in securities legal for savings banks.

All interest on moneys so deposited shall accrue to the benefit of the city and county, except that interest derived from the deposit of any bond, utility, pension, trust or other fund created for a specific purpose shall accrue to such fund. Public money, other than that of the city and county, coming into the hands of the treasurer shall be kept as provided by law.

Custody of Moneys and Securities.

Section 83. The supervisors shall by ordinance provide for the safe custody of all money and property in the possession or under the control of the treasurer. Pending the adop-

tion of such ordinance, moneys and securities in possession of the treasurer shall be deposited in a joint custody safe with two combination locks, both of which must be unlocked to open the safe. The combination of one lock shall be known only to the treasurer and one deputy in his office selected by him, and the combination of the other shall be known only to the controller and such assistant in his office as shall be selected by him. The joint custody safe shall be opened only in the presence of the treasurer and either the controller or the assistant in his office having knowledge of the combination, or in the presence of the controller and either the treasurer or the assistant in his office having knowledge of the combination, and either the controller or the said assistant shall attend, at the request of the treasurer, to open the joint custody safe.

A complete record of moneys and securities on deposit in the joint custody safe shall be kept in a joint custody account and the record of any withdrawals shall be verified by the initials of the controller or his said assistant and the treasurer or his said assistant. Money required for current daily payments to be made from the treasury may be withdrawn from the joint custody safe and deposited in another safe, and the balance thereof shall be verified daily at the close of business hours by the treasurer and the controller.

Clearing House Representative.

Section 84. The board of supervisors, by ordinance, upon the recommendation of the mayor, the treasurer and the controller, may designate any bank qualified to be a depository under this charter to be the clearing house representative of the city and county, and the city and county may pay a reasonable fee for the service thereof. The necessary procedure shall be provided by ordinance.

Expenditures and Payment of Claims.

Section 85. No money shall be drawn from the treasury of the city and county, nor shall any obligation for the expenditure of any money be incurred except in pursuance of appropriations or transfers made as in this charter provided.

All salaries and wages shall be payable semi-monthly. No salary or wage shall be paid in advance. It shall be official misconduct for any officer or employee to present or approve a claim for full-time or continuous personal service other than in the manner provided by this charter.

All warrants shall be drawn by the controller, in payment of claims, prepared and signed by the responsible official, for service, supplies and other obligations against the city and county, supported by proper invoices, bills and other necessary data.

The controller shall audit such claims. If he finds the same to be correct and proper in all particulars, and clearly within the purposes for which the appropriation item to which it is charged was made, and that there is an adequate balance in

Payment
of wages
and salaries.

such appropriation item to meet the payment, he shall draw and approve the warrant therefor.

If all or any portion of the claim is not correct, or if all proceedings required incidental to such payment have not been followed, the controller may approve such part of such claim as he shall find correct and draw the warrant therefor, or he may return the claim to the department concerned with his disapproval.

Prior to his drawing any warrant therefor, the controller may, in addition to any other inspection required by any other official, make such investigation and inspection as he deems necessary as to the quality, quantity and condition of services, material, supplies or equipment received by any officer or department for which payment is to be made by such warrant. If, in his opinion, any claim is not legal, he shall withhold approval of the same and immediately return such claim, together with a statement of his action thereon and reason therefor, to the responsible official, or transmit the same to the mayor for instructions. No warrant shall be drawn in payment of a claim against a fund in which there is an insufficient unencumbered balance for the payment thereof. Such claims, if legal, shall be registered by the controller in the order of receipt by him, and shall be paid in such order as moneys to cover the same become available in the proper fund.

Limitation on Incurrence of Liabilities.

Section 86. No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the board of supervisors unless the controller first certify to such board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the controller, revenues as anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditure will be available in the treasury in sufficient amount to meet the same as it becomes due.

Certification
by con-
troller

No obligation involving the expenditure of money shall be incurred or authorized by any officer, employee, board or commission of the city and county unless the controller first certify that there is a valid appropriation from which the expenditure may be made, and that sufficient unencumbered funds are available in the treasury to the credit of such appropriation to pay the amount of such expenditure when it becomes due and payable.

Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city and county individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

Each such certification shall be immediately recorded by the controller. Each sum so recorded shall be an encumbrance for

the purpose certified until such obligation is fulfilled, canceled or discharged, or until the ordinance or resolution is repealed by the board of supervisors.

All obligations incurred, all ordinances passed, and resolutions and orders adopted, contrary to the provisions of this section, shall be void, and any claim or demand against the city and county based thereon shall be invalid.

Limitation on Claims for Damages.

Section 87. All claims for damages against the city and county must be presented to the controller within six months after the occurrence from which it is claimed the damages have arisen; otherwise there shall be no recovery thereon.

PURCHASING.

Purchase and Sale of Material, Supplies and Equipment.

Section 88. The purchaser of supplies shall purchase all materials, supplies and equipment of every kind and nature, and enter into agreements for all contractual services required by the several departments and offices of the city and county, except as in this section otherwise provided. Purchases of books, magazines and periodicals for the library departments, works of art for museums and other articles or things of unusual character as to the purchasing thereof, may, on the recommendation of a department head and the approval of the purchaser, be purchased directly by said department head.

Purchases for construction operations, or for any operations conducted outside the boundaries of the city and county may, on the recommendation of the department head in charge thereof and the approval of the purchaser of supplies, be made by the department head. All such purchases made by officials of departments other than the purchasing department shall be made in accordance with regulations established by the purchaser of supplies. The purchaser of supplies shall have authority to exchange used materials, supplies, and equipment to the advantage of the city and county, advertise for bids, and to sell personal property belonging to the city and county on the recommendation of a department head that such articles are unfit for use.

All purchases shall be by written purchase order or written contract. All purchases in excess of one thousand dollars (\$1,000) shall be by written contract, provided, however, that on the recommendation of the department head, in case of an emergency actually existing, the purchaser of supplies, with the approval of the chief administrative officer, may make such purchases in the open market on the basis of informal bids. At least three bids or quotations shall be secured on open market purchases and a permanent record of all such quotations shall be kept. All contracts and purchase orders in excess of two thousand dollars (\$2,000) for material, supplies or equipment shall require the signature of the chief administrative officer in addition

Same.

to the signature of the purchaser of supplies. The purchaser of supplies shall not enter into any contract or issue any purchase order unless the controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due.

The purchaser of supplies shall establish specifications and tests to cover all recurring purchases of material, supplies and equipment. He shall, as far as is practicable, standardize materials, supplies and equipment according to the use to which they are to be put, when two or more types, brands or kinds are specified or requested by individual departments.

Purchases of equipment shall be made in accordance with specifications furnished by the department requiring such equipment in case the use of such equipment is peculiar to such department. For patented or proprietary articles sold by brand name, the purchaser may require each department requisitioning same by such brand name, to furnish specifications of the article requisitioned and may advertise for bids on the basis of such specifications, under conditions permitting manufacturers of or dealers in other articles made and sold for the same purpose to bid on such specifications or on the specifications of their own product. If the purchaser of supplies recommends the acceptance of the lowest or best bid, stating his reasons in writing therefor, and if the department head concerned recommends the acceptance of any other bid on such proprietary articles, stating his reasons in writing therefor, the award shall be determined by the controller.

The purchaser of supplies shall require departments to make adequate inspection of all purchases, and shall make such other inspection as he deems necessary. He shall direct the rejection of all articles which may be below standards, specifications or samples furnished. He shall not approve any bill or voucher for articles not in conformity with specifications, or which are at variance with any contract.

He shall have charge of central storerooms and warehouses of the city and county. He shall also have charge of a central garage and shop for the repair of city and county equipment. All garages and shops heretofore maintained by departments for the construction, maintenance, and repair of departmental supplies and equipment, and the personnel assigned thereto, excepting the shop and personnel for fire alarm, police telegraph and traffic signal manufacture and repair operated by the department of electricity, are hereby transferred to said central garage and shop.

He shall, under the supervision of the controller, maintain an inventory of all material, supplies and equipment purchased for and in use in all departments and offices of the city and county. He shall be responsible for the periodic check of such property, and in case of loss or damage deemed by him to be due to negligence, he shall report thereon to the mayor, the chief administrative officer and the controller. He shall

have authority to require the transfer of surplus property in any department to stores or to other departments.

Purchasing Procedure.

Section 89. All purchase orders and contracts shall be based on written requisitions, or, for materials or supplies in common use in the various departments, on the purchaser's records of average use by all departments, when approved by the chief administrative officer. The purchaser of supplies shall approve all bills or vouchers for materials, supplies, equipment, and contractual services before the controller shall draw and approve warrants therefor. All contracts for the purchase of materials, supplies and equipment shall be made after inviting sealed bids by publication. All sealed bids received shall be kept on file. When an award of contract is made, notice that the same has been made shall be given by one publication, and any interested person may examine the bids and records at the purchaser's office.

Purchasing
procedure.

Purchaser's Revolving Fund.

Section 90. Appropriations for material, supplies, and equipment shall be segregated in each annual appropriation ordinance for each department or office. Any part of each such fund or appropriation may, on the recommendation of the purchaser of supplies and the approval of the controller, be transferred to or made available in the purchaser's revolving fund. Warrants shall be drawn against such fund by the controller on demand of the purchaser for the payment of bills on which discount for prompt payment may be secured, or for advantageous cash purchasing, under favorable or emergency market conditions, of materials or supplies for future departmental requisition and use. Discounts obtained by the use of the purchaser's revolving fund may be accumulated therein and the supervisors may make annual appropriations to such fund until a sufficient sum, as determined by the controller, is accumulated to meet the average purchasing and discount payment requirements of the city and county.

Purchaser's
revolving
fund

Purchase, Lease and Sale of Real Property and Improvements.

Section 91. The director of property shall be the head of the department of property. He shall have charge of the purchase of real property and improvements required for all city and county purposes, and the sale and lease of real property and improvements thereon owned by the city and county, except as otherwise provided by this charter. In the acquisition of property required for street opening, widening or other public improvements, the director of property shall make preliminary appraisals of the value of the property sought to be condemned or otherwise acquired, and report thereon to the responsible officer. It shall be his duty, in addition, to assist in such proceedings on the request of the responsible officer.

Director of
property.

He shall have charge of the management of the exposition auditorium.

Each department authorized by the approval of bond issues or by annual or supplemental appropriation ordinances to purchase or lease property or improvements needed for the purposes of such department shall make such purchases or leases through the director of property. He shall make a preliminary valuation of the property to be acquired or leased and report the same to the department requiring such property. For such purposes he may employ independent appraisers. He shall conduct negotiations with the owner or owners thereof, at the conclusion of which he shall report the terms on which such sale or lease may be concluded, together with his recommendations thereon. The head of the department concerned may report to the board of supervisors and recommend acceptance or that proceedings in eminent domain be instituted for the acquisition of such property.

Sale of Property.

Sale of city
property

Section 92. Any real property owned by the city and county, excepting lands for parks and squares, may be sold on the recommendation of the officer, board or commission in charge of the department responsible for the administration of such property. When the board of supervisors, by ordinance, may authorize such sale and determine that the public interest or necessity demands, or will not be inconvenienced by, such sale, the director of property shall make a preliminary appraisal of the value of such property. The director of property shall advertise by publication the time and place of such proposed sale. He shall forthwith report to the department head concerned and to the supervisors the amount of any and all tenders received by him. The supervisors may authorize the acceptance of the highest and best tender, or they may, by ordinance, direct that such property be sold at public auction, date of which shall be fixed in the ordinance. No sale other than a sale at public auction shall be authorized by the supervisors unless the sum offered shall be at least ninety per cent of the preliminary appraisal of such property hereinbefore referred to.

The proceeds of the sale of any property under the control of a department shall be applied by the supervisors to the purchase of additional land for the use of such department if required thereby. Otherwise such proceeds shall be applied to the purchase of additional real property for any city and county purpose, provided, however, that the proceeds of the sale of any property acquired for the use of any utility shall revert to the funds of said utility.

The director of property may, in lieu of sale, arrange for the trading of any real property proposed to be sold for other property required by the department in charge thereof, on the recommendation of the officer, board or commission in

charge of such property and the authorization, by ordinance, of the board of supervisors.

Lease of City Property.

Section 93. When the head of any department in charge of real property shall report to the board of supervisors that certain land is not required for the purposes of the department, the board of supervisors, by ordinance, may authorize the lease of such property. The director of property shall arrange for such lease for a period not to exceed twenty years, to the highest responsible bidder at the highest monthly rent. The director of property shall collect rents due under such lease.

The public utilities commission may provide, by resolution, that agricultural or other lands used and useful for water department purposes and at the same time available for leasing or rental for agricultural purposes shall be subject to lease and administration by the operating forces of the water department; provided, however, that no such lease shall be made to any other public utility without the approval of the board of supervisors by two-thirds vote thereof.

Records of Real Property.

Section 94. The director of property shall maintain complete records and maps of all real property owned by the city, which shall show the purchase price, if known, and the department in charge of each parcel, with reference to deeds or grants establishing the city's title.

He shall annually report to the mayor, the controller, the chief administrative officers, and the supervisors the estimated value of each parcel and improvement. He shall make recommendations to the mayor and chief administrative officer relative to the advantageous use, disposition, or sale of real property not in use.

CONTRACTS.

Public Works and Purchasing Contracts.

Section 95. The construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements, and the purchasing of supplies, materials and equipment, when the expenditure involved in each case shall exceed the sum of one thousand dollars (\$1,000), shall be done by contract, except as otherwise provided by this charter. It shall constitute official misconduct to split or divide any public work or improvement or purchase into two or more units for the purpose of evading the contract provisions of this section. In an emergency, provided an actual emergency be declared by the board of supervisors to exist, and when authorized by resolution of said board, any public work or improvement may be executed in the most expeditious manner.

Any public work or improvement estimated to cost less than one thousand dollars (\$1,000) may be performed under contract or written order or by the employment of the necessary

Same.

labor and purchase of the necessary materials and supplies directly by the city and county. Any public work or improvement executed by the city, other than routine repair work, shall be authorized by the chief administrative officer or by the heads of departments not under the chief administrative officer, only after detailed estimates have been prepared and submitted by the head of the department concerned. There shall be separate accounting for each work or improvement so executed, which accounting shall include all direct, indirect and supervisory elements of cost chargeable to such work or improvement, and each cost accounting shall be reported to the chief administrative officer, or to the mayor when such work shall have been performed by departments not under the chief administrative officer. All such accounts shall be reported to the controller. Any public work or improvement costing less than one thousand dollars (\$1,000) and not performed by the use of city and county labor, materials, and supplies shall, if not performed under contract, be covered by written order or agreement which shall be based on not less than three bids, notice of which shall be given by three days' posting. Records of such bids shall be kept by the department.

When the expenditure for any public work or improvement shall exceed the sum of one thousand dollars (\$1,000), the same shall be done by contract, except as otherwise provided in this charter. The head of the department in charge of or responsible for the work for which a contract is to be let, or the purchaser of supplies in the case of purchases of materials, supplies and equipment, shall let such contract to the lowest reliable and responsible bidder not less than ten days after advertising by publication for two consecutive days for sealed proposals for the work, improvement or purchase contemplated. Each such advertisement shall contain the reservation of the right to reject any and all bids. The officer responsible for the awarding of any such contract shall require from all bidders information concerning their experience and financial qualifications, as provided by general law relative to such investigations authorized by departments of public works.

The purchaser of supplies with the approval of the chief administrative officer, or the department head concerned with the approval of the board or commission to which he is responsible, may reject any and all bids and readvertise for bids.

The department head or the purchaser of supplies, as the case may be, shall have power to sign such contract for the estimated expenditures thereunder not in excess of two thousand dollars (\$2,000). Any contract involving the expenditure of over two thousand dollars (\$2,000), if for the purchase of materials, supplies or equipment, shall require the joint approval of the purchaser of supplies and the chief administrative officer. If such contract is for any public work or improvement, it shall require the joint approval of the department head and the chief administrative officer relative to departments under his jurisdiction, or the signature of the

department head and the approval by resolution of the board or commission concerned for departments not under the chief administrative officer.

The board of supervisors, by ordinance, shall establish procedure whereby appropriate city and county departments may file sealed bids for the execution of any work to be performed under contract. If such bid is the lowest, the contract shall be awarded to the department. Accurate unit costs shall be kept of all direct and indirect charges incurred by the department under any such contract, which unit costs shall be reported to and audited by the controller monthly and on the completion of the work.

In any case where the lowest gross price or unit cost bid is not accepted, and a contract is entered into with another bidder, written report shall be made to the chief administrative officer, the mayor and the controller by the officer authorized to execute the contract, with the reasons for failure to accept such lowest bid.

Progressive Payments.

Section 96. Any contract may provide for progressive payments, if the advertisement for sealed proposals shall so specify. No progressive payments under any contract shall be made which, with prior payments, shall at any time exceed in amount ninety per cent of the value of the work and labor and materials furnished, and no contract shall authorize or permit the payment of more than ninety per cent of the total contract price before the completion of the work required by such contract and the acceptance thereof by the head of the department concerned.

Contracts
progressive
payments.

Penalties and Extras.

Section 97. If so specified in the published notice soliciting sealed bids for any public work or improvement, any contract therefor may be let for a gross price or on a basis of cost per unit of work to be performed, and may also provide for liquidated damages to the city and county for every day during which the contract is uncompleted beyond such specified date. In awarding any contract, the department head concerned is authorized to compare bids on the basis of time of completion. When any award of contract has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the time within which the contractor shall start work shall be fixed and the performance within such time limits shall be covered by the bond required of the contractor, and no extension may be granted on such contract beyond the date specified for completion, unless the liquidated damages for each day the work is uncompleted beyond the specified date shall be collected; provided, however, that this shall not apply to unavoidable delays due to act of God.

Penalties
and extras.

If it becomes necessary, in the prosecution of any work or improvement under contract, to make alterations or modifica-

tions, or provide for extras in such contract which shall increase the contract cost, such alterations, modifications or extras shall be made only on the written recommendation of the department head responsible for the supervision of the contract, together with the approval of the chief administrative officer or the board or commission, as the case may be, and also the approval of the controller. No such alteration, modification or extra shall be valid, unless the increased price to be paid under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the department head concerned, and approved as hereinbefore provided. In the performance of any contract awarded on the unit and the unit-cost basis, if the department head concerned ascertains that the amount of work done or to be done shall exceed the estimated amount of the contract by ten per cent, or more, the excess shall be provided for as prescribed by section 80 relative to supplemental appropriations.

Contractors' Working Conditions.

Contractors'
working
conditions

Section 98. Every contract for any public work or improvement, exclusive of purchases, to be performed at the expense of the city and county, or paid out of moneys deposited in the treasury, whether such work is to be done directly under contract awarded, or indirectly by or under sub-contract, sub-partnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide: (1) That in the performance of the contract and all work thereunder, eight hours shall be the maximum hours of labor on any calendar day; (2) that any person performing labor thereunder shall be paid not less than the highest general prevailing rate of wages in private employment for similar work; (3) that any person performing labor in the execution of the contract shall be a citizen of the United States; (4) that all laborers employed in the execution of any contract within the limits of the city and county shall have been residents of the city and county for a period of one year immediately preceding the date of their engagements to perform labor thereunder; provided, however, that the officer empowered to award any such contract may, upon application of the contractor, waive such residence qualifications and issue a permit specifying the extent and terms of such waiver whenever the fact be established that the required number of laborers and mechanics possessing qualifications required by the work to be done cannot be engaged to perform labor thereunder.

The board of supervisors shall have power and authority to make and enforce regulations in the premises not in conflict with the provisions hereof.

Contract Procedure by Ordinance.

Contract
procedure by
ordinance

Section 99. The board of supervisors shall, by ordinance, establish the necessary procedure to be followed in the advertising for bids, the award of contracts, the supervision of contract work, and the acceptance thereof on completion; also

for the security to be given on the filing of bids to guarantee the execution of the contract if awarded, and for the security to be given on the award of contract for the faithful performance thereof and to guarantee the payment of wages for services engaged and of bills contracted for material, supplies and equipment used in the performance of the contract.

Collusion.

Section 100. If any party or parties to whom a contract has been awarded has been guilty of collusion with any officer or representative of the city and county, or any other party or parties, in the submission of any bid or in preventing of any other bid being made, or in knowingly receiving preferential treatment by any officer or an employee of the city and county, then any contract so awarded, if not completed, may be declared null and void by the board of supervisors on the recommendation of the purchasing agent or the department head concerned, as the case may be, and the purchaser of supplies or the department head concerned shall thereupon readvertise for bids for said work for the uncompleted portion thereof. If the work under such contract shall have been completed, the matter shall be referred to the city attorney for such action as may be necessary. Any party or parties guilty of such collusion shall not be permitted to participate in or to bid on any future public work, improvement or purchase to be made by the city and county.

Penalty for
collusion

BOND ISSUE PROCEDURE.

General Laws Applicable.

Section 101. The general laws of the State of California authorizing the incurring and establishing the procedure for the creation of bonded indebtedness and authorizing and establishing the procedure for the issuance of bonds to refund indebtedness of municipalities in force at the time any bonded indebtedness is created or refunded by the city and county shall, except as otherwise provided in this charter, be applicable to the creation of bonded indebtedness and the issuance of refunding bonds by the city and county.

Bond Issue
procedure

Interest on Bonds During Construction.

Section 102. In any case where bonds have been authorized for the acquisition, construction or completion of a public utility or of extensions thereto, interest which may become due on said bonds during the actual period of construction of said utility, or of extensions of an existing utility, as the case may be, and during the period of six months immediately following the completion of the same may be paid out of the proceeds of sale of the bonds authorized and sold for such purpose, if such method of payment of interest be expressly provided for in the proceedings authorizing such bond issue.

Bonds for Street and Other Public Work—Revolving Fund.

Section 103. A municipal indebtedness may be authorized to be incurred by the voters, in the manner now or hereafter provided by the general laws of the State of California, for the purpose of financing public improvements the cost of which is to be assessed against private property benefited thereby, and bonds may be authorized by the voters to be issued therefor, the proceeds of which shall be used as a "Revolving Fund" to be applied to the payment of incidental and other expenses, the progressive payments on the work or works or to pay the principal or interest of bonds, securities or other evidences of debt issued against said special assessments or to purchase any bonds or coupons issued against such special assessments.

Bonded Debt Limit.

Section 104. No bonded indebtedness shall be incurred by the city and county which together with the amount of bonded indebtedness outstanding shall exceed twelve per cent of the assessed value of all real and personal property in the city and county subject to taxation for city and county purposes; provided, however, that bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes, bonded indebtedness created pursuant to section 103 hereof and bonded indebtedness heretofore created in aid of the Panama-Pacific International Exposition shall be exclusive of the limitation on the amount of bonded indebtedness of the city and county contained in this section.

Bond Election for the Acquisition of Public Utilities to Be Called by the Board of Supervisors Upon Petition of Electors.

Bond
election

Section 105. In addition to the method prescribed by the other provisions of this charter, the proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public utility or utilities may also be initiated by electors in the manner following: Whenever a petition, signed by qualified electors of the city and county equal in number to fifteen per cent of the electors who voted for all candidates for the office of mayor at the last general election at which a mayor of the city and county was elected, requesting the board of supervisors to submit to the electors of the city and county a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utility or utilities shall be filed in the office in which initiative petitions are required by this charter to be filed, the board of supervisors shall, as soon thereafter as in its judgment shall be practicable, proceed to call an election and submit to the electors of the city and county the proposition or propositions of incurring bonded indebtedness of the city and county for the purpose or purposes set forth in said petition. Neither errors nor informalities in said petition or in the signatures thereto nor the failure of the per-

centage of electors herein specified to sign the same, nor any delay in submitting said proposition or propositions to the electors shall invalidate any bonds which may be issued and sold pursuant to the provisions hereof. The provisions of this charter relating to the filing, verification and certification of initiative petitions shall be applicable to the petition herein referred to. Such election shall be called and held in the same manner as other bond elections of the city and county, and all proceedings for the issuance of bonds for the acquisition, construction or completion of such public utility or utilities, excepting only as otherwise provided in this section, shall be taken in accordance with the provisions hereinbefore set forth in this charter.

PUBLIC WORKS AND IMPROVEMENTS

Director of Public Works.

Section 106. The department of public works shall be in charge of a director of public works, who shall be paid an annual salary of eight thousand dollars (\$8,000). He shall be appointed by and hold office at the pleasure of the chief administrative officer. The director of public works shall appoint a city engineer, who shall hold office at the pleasure of said director. He shall possess the same power in the city and county in making surveys, plats and certificates as is or may from time to time be given by law to city engineers and to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of city engineers and county surveyors.

Director
of public
works
powers and
duties

The director of public works shall have and succeed to the powers and duties of the board of public works from and after twelve o'clock noon on the 8th day of January, 1932, except as otherwise provided in this charter, at which time the terms of members of the board of public works shall terminate, and such board as theretofore existing shall be abolished.

All examinations, plans and estimates required by the supervisors in connection with any public improvements, exclusive of those to be made by the public utilities commission, shall be made by the director of public works, and he shall, when requested to do so, furnish information and data for the use of the supervisors.

General Law and Ordinance Procedure for Public Works.

Section 107. Where a procedure for the exercising of any rights and powers belonging to a city, or a county, or a city and county, relative to the establishment or change of grades and the lay-out, extension, opening, widening, changing, closing, vacating, paving, repaving or otherwise improving streets and highways and public places, and constructing sewers, drains, conduits and culverts, subways, tunnels, viaducts and bridges, or other public improvements incidental or appurtenant thereto, to planting trees, constructing parking and

removing weeds or the executing of any other public work or improvement hereby or hereafter placed under the jurisdiction of the department of public works, and the payment of damages, or levying of special assessment to defray the whole or part of the cost of such works or improvements is provided by statute of the State of California, such procedure shall control and be followed, unless a different procedure is provided in or under authority of this charter or by ordinance continued by this charter or any such ordinance hereafter amended or by ordinance passed by the board of supervisors, and the board of supervisors is hereby empowered to provide by ordinance for any such purpose.

The department of public works shall semi-annually notify the tax collector of the amount of each assessment that becomes delinquent and the lot and block number against which such assessment is levied, and it shall be the duty of the tax collector to note such delinquency on each annual tax bill.

Repair of Accepted Streets.

Section 108. When any street or portion thereof has been paved in accordance with the specifications of the department of public works, and is in good condition, and sewer, gas and water pipes have been laid therein, the same shall be accepted by the supervisors by ordinance on the written certificate of the city engineer, and thereafter such street or portion thereof shall be kept in repair and improved by the city and county.

Specified Types of Street Construction.

Section 109. No patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the city and county all right to use of the same therein, with the privilege to any person to manufacture and lay same upon the streets under any contract that may be awarded to or entered into by him with the city and county.

Financing Special Assessment Projects.

Section 110 The board of supervisors shall establish a public improvement revolving fund to which the board may make appropriations from tax levies thereto for the purpose of such fund, and may establish procedure for the use of the credit of the city and county for the establishment of said revolving fund, to be used solely for the purpose of financing all or part of the initial cost of public improvements to be paid in whole or in part from the proceeds of special assessments levied against the property deemed to be benefited. A bond issue or issues may be proposed, as authorized elsewhere in this charter, the proceeds of which shall be paid into said revolving fund for the financing of public improvements, provided that said revolving fund shall be reimbursed as prescribed in this section by the levy and collection of special assessments and that the interest and redemption or sinking

Public Improvement revolving fund.

fund charges on any bonds authorized for such purpose shall be paid from the proceeds of such levy. Same.

On the recommendation of the director of public works and the chief administrative officer, sufficient bonds may be sold at one time to provide funds for the estimated cost of financing special assessment projects for a period of not to exceed one year. When any public improvement is to be financed in whole or in part from the proceeds of special assessments levied against the land deemed to be benefited, the director of public works, subject to the approval of the chief administrative officer, shall report to the controller the estimated cost of such improvement, the amount thereof to be levied by special assessment and the estimated amount of the appropriation to be made from the public improvement revolving fund to meet the initial cost of the project, including progressive payments and other direct or indirect costs chargeable to such project, and shall recommend the appropriation of the necessary sum from such revolving fund.

The supervisors, by ordinance, may provide for the amount to be added to the contract price and other costs of the work, as interest for the use of the revolving fund moneys in financing the cost of the improvement. Interest at the rate of not more than seven per cent may be charged on the unpaid balances of special assessments in cases where the owners of property against which such assessments are levied elect to pay such assessments in installments.

The amount of all special assessments levied for the payment of work financed out of the public improvement revolving fund, together with all interest accruing thereon, shall be credited as collected to such revolving fund. The board of supervisors may prescribe the duties of any city and county officer or department in maintaining accounts of and collecting assessments for each such improvement.

Limitation on Special Assessments.

Section 111. Special assessments shall not exceed fifty per cent of the assessed value of the land on which the special assessment is levied, except that when such assessments are authorized to be paid in installments over a period not to exceed ten years, no annual installment payment shall exceed twenty-five per cent of the assessed value of the land on which the special assessment is levied.

Sewer, Water and Other Connections.

Section 112. The director of public works shall have authority, in the manner provided by ordinance by the board of supervisors, (1) to order the laying of sewer, water, gas and other mains, conduits or connections, whenever, in view of contemplated street improvements or as a sanitary regulation, such construction is recommended by the city engineer, and (2) to order that excavations, fences, embankments or grades on private property in a condition deemed by him as endangering the persons or property of those using the abutting

streets, shall be put in such condition as to insure the safety of the public

Liability for Damages by Reason of Defective Sidewalks, etc.

Damages for
defective
sidewalks

Section 113. If any portion of any sidewalk or street in the city and county which has been accepted as provided by law shall be in such defective condition as to endanger persons or property and through the official negligence of the director of public works, such defect remains unremedied, unrepaired or unbarriaded, and in consequence thereof damage or loss to person or property is sustained or suffered, the said director shall be liable to the party injured for the damage sustained; provided that a notice in writing directing attention to the existence of such defect, and specifying the particular street and block thereof whereon or wherein such defect exists shall have been served upon such director at least five days before such damage shall have been sustained; and provided further, that there are at such times funds available to the said director for repairing or remedying such defects or barricading the same.

Spur Tracks.

Section 114. The board of supervisors shall refer all requests for spur track permits to the director of public works who shall grant such permits in all cases where the spur track is to be located within a heavy industrial zone, as classified by the city planning commission, provided that such spur track shall be so constructed and operated as not to establish an unreasonable interference with the public use of the streets affected. The board of supervisors shall refer all other requests for spur track permits to the director of public works for report thereon, which shall be submitted by him within ten days after such reference, and shall not grant permission to lay any spur track until a report thereon shall have been received from said director, to the effect that such construction and operation will not create an unreasonable interference with the public use of the streets affected.

CITY PLANNING.

City Planning Commission.

City
planning
commission

Section 115. The city planning commission shall consist of five members who shall be appointed by the mayor. The terms of members of the commission shall be four years from and after the date of their respective appointments, provided that the mayor, after the 8th day of January, 1932, shall reorganize the terms of the commission so that one such term shall expire at 12 o'clock noon on the 15th day of January in the years 1933, 1934 and 1935, respectively, and the remaining two terms shall expire at 12 o'clock noon on the 15th day of January, 1936, and upon the expiration of the term of each of said commissioners, the mayor shall appoint his successor to serve for the full term of four years. The compensation of members of said commission shall be fifteen dollars (\$15)

for each meeting of the commission actually attended by said members, provided that the aggregate amount paid all of the members shall not exceed five thousand dollars (\$5,000) per year.

Powers and Duties of Commission.

Section 116. The commission may appoint a city planning engineer who shall hold office at its pleasure and who shall be a person of expert and technical training, with at least five years' experience in engineering. The commission may also contract with architects, city planners, engineers or consultants for such services as it may require.

City
planning
commission.
powers
and duties

The commission shall succeed in office the city planning commission now existing, and shall have all the powers and duties thereof, except as in this charter otherwise provided, and all matters pending before the existing commission shall have the same status before the commission herein continued. All zoning classifications and building set-back lines in effect at the time this charter becomes effective shall remain in force and effect unless and until changed as provided in section 117.

It shall be the duty of the commission to make, maintain, and adopt, including necessary changes therein, a master plan of the physical development of the city and county, which plan, including maps, plats, charts and descriptive matter, shall make recommendations for the development of all areas within the city and county and for three miles outside of the boundaries thereof, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, boulevards, parkways, playgrounds, parks, squares, aviation fields and other public ways, grants and open spaces, the general location of public buildings and other public property and the removal, relocation, widening, narrowing, vacating, abandonment or extension of any of the foregoing ways, grants, open spaces or buildings. In the preparation of such plans the commission shall consult and cooperate with all other departments of the city and county which, by this charter, are vested with responsibility for or control over any of the matters hereinbefore enumerated, and shall make such additional studies as it may deem necessary. The commission shall also act in an advisory capacity to the supervisors and other departments of the city and county in all matters affecting the general location and extent of public improvements, ways and structures. All departments and officials of the city and county shall, upon request, furnish to the commission such information as it may require for its work and the commission shall, whenever possible, furnish to all departments and officials such information as said departments and officials may require

Zoning and Set-Back Lines.

Section 117. The city planning commission, from time to time, shall consider and hold hearings on proposed changes in the classification of the use to which property in the city and county may be put, and the establishment or changing of

building set-back lines, in either case, on its own motion or on the application of an interested property owner.

Procedure
for estab-
lishing zones
and set-back
lines

The board of supervisors, by ordinance, shall establish procedure for action on such matters, which ordinance must provide, among other things, that the commission shall give notice of time, place and date of hearing by posting throughout the area and by publication not less than twenty days prior thereto; that the commission shall notify, in writing, not less than ten days prior to said hearing, applicants for proposed changes, and all persons whose names and addresses are shown on the assessment roll as owners of property within three hundred feet of all exterior boundaries of the area affected by the proposed changes and the time and the place of hearing, which names, addresses and other information shall be furnished by the applicant in the form required by the commission; that the commission, after hearing, shall, by resolution, approve or disapprove the proposed change which, if approved, shall not become effective for thirty days; that appeal may be taken from the ruling of the commission by filing written protest with the board of supervisors, and if such protest is subscribed by the owners of twenty per cent of the property affected, the supervisors shall fix a time and a place for hearing such objections which shall be not less than ten nor more than thirty days after such filing, and must decide thereon within ten days of the start of such hearing; that the supervisors, by not less than two-thirds vote, may disapprove the action of the commission, provided, however, that any change in zoning, classification or building set-back lines made by the commission on its own motion shall require approval of the supervisors by a two-thirds vote; that in case of disapproval by the commission or by the supervisors on appeal of a proposed change, such proposed change may not be resubmitted to or reconsidered by the commission for at least one year.

No ordinance shall be considered by the supervisors, the purpose or intent of which is the classification, regulation or control of the height, area, bulk, location or use of any building or buildings, or premise or premises, and classifying any property into any district or zone for such purposes, or establishing a set-back line or lines along any street or portion thereof in the city and county without being first submitted to the city planning commission for report and recommendation. If the commission disapprove any such ordinance, the supervisors may adopt the same only by an affirmative vote of at least two-thirds of its entire membership. The failure of the commission to act within sixty days from and after the date of official submission of any proposed zoning, classification or set-back line by the board of supervisors shall be deemed to be approval of such classification or proposed set-back line by the commission.

Plats and Subdivisions.

Section 118. All plats or replats of subdivisions of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city and county limits, shall be submitted by the department of public works to the city planning commission, which shall report its recommendations thereon in writing to the department of public works.

PUBLIC UTILITIES AND FRANCHISES.

Public Utility Policy.

Section 119. It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the city and county. Whenever the board of supervisors, as provided in sections 101 to 104, inclusive, of this charter, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the city and county, or whenever the electors shall petition the supervisors, as provided in sections 105, 179 and 180 of this charter, for the acquisition of any public utility or utilities, the supervisors must procure a report from the public utilities commission thereon.

Public utilities and franchises declaration of policy.

Public Utilities Commission.

Section 120. A public utilities commission is hereby created, which shall consist of five members, who shall be appointed by the mayor and who shall be subject to recall and to suspension and removal in the same manner as elective officers. The term of each commissioner shall be four years, provided that the five commissioners first appointed by the mayor after twelve o'clock noon, on the 8th day of January, 1932, shall, by lot, classify their terms so that the term of one commissioner shall expire at twelve o'clock noon on the 15th day of January in each of the years 1933, 1934, and 1935, respectively, and that the terms of two other commissioners shall expire at twelve o'clock noon on the 15th day of January, 1936, and on the expiration of these and successive terms, the mayor shall appoint their successors for four years. The compensation of each commissioner shall be one hundred dollars (\$100) per month.

General Powers and Duties of Commission.

Section 121. The public utilities commission shall have charge of the construction, management, supervision, maintenance, extension, operation and control of all public utilities and other properties used, owned, acquired, leased or constructed by the city and county, including airports, for the purpose of supplying any public utility service to the city and county and its inhabitants, to territory outside the limits of the city and county, and to the inhabitants thereof.

Public utilities commission: powers and duties.

The commission shall locate and determine the character and type of all construction and additions, betterments and extensions to utilities under its control, and shall determine the policy for such construction or the making of such additions, betterments and extensions from the public funds under its jurisdiction; provided that in each such case it shall secure the recommendation of the manager of utilities, which shall be presented in writing and shall include analyses of cost, service and estimated revenues of all proposed or feasible alternatives in cases where it is deemed by the manager that such alternatives exist.

The commission shall also have power to enter into contract for the furnishing of heat, light and power for municipal purposes, and to supervise the performance and check the monthly bills under such contract.

The commission shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning or having jurisdiction or poles, conduits, towers, stations, aqueducts, reservoirs and tracks for the operation of any of the utilities under its jurisdiction. It may make such arrangements as it shall deem proper for the exchange of transfer privileges with any privately owned transportation company or system which shall tend toward the betterment of transportation service.

The commission shall observe all city and county ordinances and the regulations of the department of public works relative to utility openings, structures and poles in streets and other public places, as well as all ordinances and regulations relative to barricades, construction lights, refilling excavations and replacing and maintaining street pavements; and in connection with all such matters the said commission shall be subject to the same inspection rules and pay fees to the proper department in the same manner and at the same rates as any private person or corporation.

The commission shall have charge of all valuation work relative or incidental to purchase proceedings initiated by the city and county for the acquisition of any public utility.

Foreign trade zones, as may be authorized by acts of Congress to be located in the city and county, are hereby declared to be public utilities within the meaning of this charter. A bonded indebtedness for the construction, completion or acquisition of foreign trade zones and the acquisition of necessary lands, buildings and equipment authorized by the electors in accordance with the provisions of this charter shall be exclusive of the bonded indebtedness of the city and county limited by this charter.

Utility Departments and Bureaus.

Utility de-
partments
and bureaus

Section 122. The San Francisco municipal railway, the San Francisco water department, the Hetch Hetchy project until the completion thereof when it shall be merged with the water

department, the airport, and any other public utility hereafter acquired, shall each be designated as a department under the commission, and, in addition, the commission may create a bureau of engineering, and such other bureaus as it may deem necessary for the handling of matters that do not pertain exclusively to any one utility or department. The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific utility shall be apportioned fairly among the utilities under the control of the commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such utilities.

Referendum on Any Lease or Sale of Public Utility Property.

Section 123. The board of supervisors shall have power to lease or sell any public utility or any part thereof; provided that any ordinance or other measure involving the lease or sale of any public utility or part thereof, except as provided in sections 92 and 93 of this charter, or any ordinance granting any new franchise for the operation of any public utility whose franchise has expired, or is about to expire, must be referred and submitted to a vote of the electors of the city and county at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

Manager of Utilities and Other Executive Heads.

Section 124. The public utilities commission shall appoint a manager of utilities who shall be the chief executive of the commission and shall, subject to the approval of the commission, have the management of all utilities, bureaus and operations under its jurisdiction. He shall be paid an annual salary of twelve thousand dollars (\$12,000). He shall hold office at the pleasure of the commission. Subject to the approval of the commission, he shall appoint or remove the heads of departments and bureaus under the commission, exclusive of the civil service provisions of this charter. The manager of utilities and the heads of departments and bureaus shall each possess the necessary executive, administrative and technical qualifications for their respective offices. The manager shall have full power to administer the affairs of the commission as chief executive officer and may, with the consent of the commission, act as the head of any department or bureau created by this charter or by the commission. The salaries of the manager and heads of separate utilities and bureaus shall not exceed prevailing salaries paid those holding similar positions in comparable private employment.

Employments.

Section 125. All employees engaged in public utility work at the time this charter shall go into effect, and who have been permanently appointed to their respective positions in conformity with the civil service provisions of this charter, shall become employees of the public utilities commission under the classification held by each such employee at such time. All persons

employed in the operating service of any public utility hereafter acquired by the city and county at the time the same is taken over by the city and county, and who shall have been so employed for at least one year prior to the date of such acquisition, shall be continued in their respective positions and shall be deemed appointed to such positions, under, and entitled to all the benefits of, the civil service provisions of this charter; provided, however, that no person who is not a citizen of the United States shall be so continued in or appointed to his position. All persons residing outside the city and county claiming the benefit of this provision and who are not engaged on such utility work outside of the limits of the city and county shall be allowed a reasonable time, not exceeding one year, to become residents of the city and county.

Persons employed as platform men or bus operators in the operating department of the municipal railway system shall be subject to the following conditions of employment: The basic hours of labor shall be eight hours, to be completed within ten consecutive hours; there shall be one day of rest in each week of seven days; all labor performed in excess of eight hours in any one day, or six days in any one week, shall be paid for at the rate of time and one-half.

Positions and employments in the municipal airport, which airport by this charter is placed under the jurisdiction of the public utilities commission, shall be continued and the employees thereof shall, subject to the approval of the commission, be appointed by and hold office at the pleasure of the manager of utilities.

Legal Work of Commission.

Section 126. The city attorney, as the legal adviser of the commission, may, with the approval of the commission, compromise, settle or dismiss any litigation or proceedings which may be pending for or on behalf of or against said commission relative to any matter or property under its jurisdiction. He shall detail to the commission such attorneys as the commission may deem necessary, subject to the approval of the commission as to each such attorney or assistant so assigned. The commission shall have authority, subject to the approval of the mayor, to appoint special counsel for temporary purposes. The compensation of all such attorneys shall be paid by the commission from the revenues of the utilities under its jurisdiction.

Special
attorneys

Operating Expenses and Reserves.

Section 127. Receipts from each utility operated by the commission shall be paid into the city and county treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named, viz: (a) for the payment of operating expenses, pension charges, and proportionate payments to such compensation and other insurance and accident reserve funds as the commission may estab-

lish or the board of supervisors may require; (b) for repairs and maintenance; (c) for depreciation as hereinafter described; (d) for the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions; (e) for extensions and improvements; and (f) for a surplus fund.

Depreciation.

Section 128. For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the commission, the commission must create and maintain a depreciation reserve fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character. The commission, on the basis of an appraisal of the estimated life and the then current depreciated value of the several classes of property in each utility, shall determine the amount of reasonable annual depreciation of such utility, which shall be the amount necessary to appropriate annually to provide for said reconstruction and replacement. At least every five years thereafter, the commission shall cause an examination to be made of the depreciation reserve funds of each such utility and the reconstruction and replacement expenditures therefrom. The commission, at the same time, shall make an appraisal or may revise the last preceding appraisal of the value and probable useful life of each of the several classes of property of each utility, and shall, on the basis of said appraisal redetermine the amount of the reasonable annual depreciation requirements of each utility. The commission shall pay monthly in cash into each such depreciation fund one-twelfth of the annual amount estimated on the basis herein provided as necessary to meet said depreciation, and each such depreciation fund shall be used for no other purpose. Pending the appraisement of properties as herein provided, there shall be paid each month one-twelfth of the annual amount estimated as necessary to provide for reconstruction and replacements on the basis of the past experience of each utility.

Depreciation
fund for
each utility.

Utility Surpluses.

Section 129. If any accumulation in the surplus fund of any utility shall, in any fiscal year, exceed twenty-five per cent of the total expenditures of such utility for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the board of supervisors to the general fund of the city and county, and such amount shall be deposited by the commission with the treasurer to the credit of such general fund.

Rates.

Section 130. The commission shall have power to fix, change and adjust rates, charges or fares for the furnishing of service by any utility under its jurisdiction, and to collect

Power to
fix rates.

by appropriate means all amounts due for said service, and to discontinue service to delinquent consumers, and to settle and adjust claims arising out of the operation of any said utilities.

Rates may be fixed at varying scales for different classes of service or consumers. The commission may provide for the rendition of utility service outside the limits of the city and county and the rates to be charged therefor which may include proportionate compensation for interest during the construction of the utility rendering such service.

Before adopting or revising any schedule of rates or fares, the commission shall publish in the official newspaper of the city and county for five days notice of its intention so to do and shall fix a time for a public hearing or hearings thereon, which shall be not less than ten days after the last publication of said notice, and at which any resident may present his objection to or views on the proposed schedule of rates, fares or charges.

Rates for each utility shall be so fixed that the revenue therefrom shall be sufficient to pay, for at least the succeeding fiscal year, all expenses of every kind and nature incident to the operation and maintenance of said utility, together with the interest and sinking fund for any bonds issued for the acquisition, construction or extension of said utility; provided that, should the commission propose a schedule of rates, charges or fares for said utility which shall not produce such revenue, it may do so with the approval of the board of supervisors, by a two-thirds vote and it shall thereupon be incumbent to provide by tax levy for the additional amount necessary to meet such deficit. All other changes in rates, charges or fares as proposed by the commission shall be submitted by the commission to the board of supervisors for approval, and, except as in this section otherwise provided, it shall require a two-thirds vote of the board of supervisors to reject the rate changes as proposed by the commission, and if so rejected, such proposed changes in schedules of rates, charges or fares shall be returned to the commission for revision. If the supervisors shall fail to act on any such proposed schedule within thirty days, the schedule shall thereupon become effective.

Street Railway 25-Year Operating Permit.

Street
railways

Section 131. Any person, firm or corporation, hereinafter called declarant, engaged in operating a street railway in the City and County of San Francisco, may, at any time within twelve months after this section takes effect, make and file with the clerk of the board of supervisors of said city and county a written declaration of surrender to the City and County of San Francisco of all rights, franchises, privileges, permits or resolutions theretofore granted to or held by declarant, or its predecessors in interest, to operate said street railway under said rights, franchises, privileges, permits and resolutions over the streets, avenues and highways in the City and County

of San Francisco set forth in said declaration of surrender, and, in consideration and by reason thereof, declarant shall, upon making and filing such declaration of surrender as aforesaid, immediately and automatically by operation of law and without further act on the part of such declarant or by the city and county, have and hold, in place thereof, an operating permit from the city and county giving and granting unto such declarant, its successors or assigns, the right, until such operating permit is revoked in the manner hereinafter set forth, to operate its cars by means of the overhead electric system, by cables running under the ground and moved by stationary engines, or electric motors, or by such other means as the law may permit, and buses, over the streets and highways in the city and county set forth and enumerated in said declaration or surrender, whether under then existing franchises, or otherwise, and to conduct in the city and county the same railway business theretofore conducted therein by such declarant and, for that purpose, to have the use of the streets, roads, highways, and avenues in the city and county and of the same or like tracks, roadbeds, and other structures and rights of way therein, but upon all the terms and conditions contained in the rights, franchises, privileges, permits and resolutions existing as of February 15, 1929, and in the orders, resolutions and ordinances referred to in such declaration of surrender except that the term or condition as to the period of duration of any right, franchise, privilege, permit or resolution applicable to any operating permit or to any right thereunder, shall be for twenty-five years from the date of the filing of the declaration of surrender by declarant herein referred to. Said permit shall apply only to streets, avenues or highways over which the declarant operated its railway at any time during the year 1930.

The provisions of this section shall not apply to the franchises granted under the following named ordinances of the city and county, namely, Ordinance Number 288 (New Series) approved October 17, 1907, and Ordinance Number 425 (New Series) approved May 12, 1908, commonly known as the Parkside franchises, and Ordinance Number 1196 (New Series) approved June 14, 1910, commonly known as the Gough Street franchise, and Ordinance Number 1460 (New Series) approved January 23, 1911, commonly known as the Parnassus and Ninth Avenue franchise, nor to that portion of the franchise granted under Order Number 1532, approved November 28, 1879, for the operation of a railway on Howard street from Steuart street to Twenty-sixth street, nor to that portion of the franchises granted under Order Number 1890, approved December 27, 1886, for the operation of a railway commencing at the intersection of Post street with Market street, thence along and upon Post street to Leavenworth street.

Such declaration of surrender shall be executed by the declarant and acknowledged and certified in the manner provided by law for the conveyances of real property. Upon the

Declaration
of surrender

presentation to the clerk of the board of supervisors of such declaration of surrender executed, acknowledged and certified, as aforesaid, it shall be the duty of the clerk of the board of supervisors to file the same and to endorse thereon the fact and date of such filing and to sign such endorsement and to deliver to the declarant a true and correct copy of such declaration of surrender so filed with him, with his certificate attached thereto signed by him and attested by the seal of the city and county to the effect that the same is a true and correct copy of the declaration of surrender so filed with him and stating therein the date of such filing and the name of the declarant executing such declaration and such certificate shall be conclusive evidence of the facts therein recited.

Twenty-five
year permit

Every permit, given and granted as in this section provided, shall be for the period of twenty-five years, as hereinbefore stated, and shall be subject always to the right of the city and county at any time to acquire and possess the operative railway property of the holder of said permit upon paying the fair value therefor, hereinafter referred to as compensation.

The compensation to be paid for the property to be acquired, as aforesaid, shall be fixed and determined by agreement by and between the owner of such property and the board of supervisors, authorized by ordinance, or by the owner of such property and any other governmental body with legal and proper authority, and, in case of their failure to agree, the said compensation to be paid as aforesaid shall be fixed in any manner provided by law, whether by condemnation proceedings in the exercise of the power of eminent domain or otherwise. The compensation herein referred to shall not include any claim for going concern value or any other like intangible by any declarant.

Whenever the city and county desires to acquire said railway property, the city and county shall give the holder of said permit written notice, duly authorized by ordinance, of its intention to take over and acquire said properties on a date to be stated in said notice, but in no event less than three months nor more than fifteen months from the date of said notice; and, upon payment or tender of said compensation on the date so noticed, together with compensation for the cost, less accrued depreciation, of any additions or betterments to said property since the date of filing said declaration of surrender, said permit shall be thereby revoked and the holder thereof shall immediately deliver said property to the city and county, and transfer the same by appropriate deeds of grant, bargain and sale, and other assurances of title.

Failure of the city and county to pay or tender said compensation, as aforesaid, shall not prevent said city and county from thereafter, at such time as it shall deem proper, taking proceedings to purchase, acquire and possess said operative properties, as in this section provided.

None of the provisions of this charter concerning or relating to the granting of franchises to operate street railways shall

be applicable to the permits given and granted under the provisions of this section or under the provisions of section 132 of this charter or to any right thereunder, it being the purpose and intention of said two sections to provide for permits and rights thereunder which can be used and exercised by the holder thereof, its successors or assigns, without reference to any of the terms or conditions under which franchises may be granted under this charter, until such time as the city and county shall purchase, take over and acquire the operative railway property of such holder.

Street Railway Extensions and Abandonments.

Section 132. The board of supervisors shall have power to grant by ordinance to any holder of a permit, secured as provided in section 131 of this charter, supplemental permits authorizing such holder, its successors or assigns, to construct and operate in conjunction with its existing lines upon, over or under any of the streets, roads, highways, and avenues of the city and county, an extension or extensions of an existing street railway or bus line in the same manner and subject to the same terms and conditions under which the said line from which it is proposed to make the extension, is operated, when such supplemental permit is granted. Every such supplemental permit shall expire concurrently with the permits granted upon the filing of the declaration of surrender provided in section 131 of this charter, and shall be subject always to the aforesaid right of the city and county to acquire and possess the operative railway property of the holder of such supplemental permit as provided in section 131 of this charter. No line of street railway in the city and county, or any portion thereof, operated under authority of any permit, authorized by the provisions of this charter, shall be abandoned unless the holder of such permit shall, by written petition to the board of supervisors, request authority to make such abandonment, and unless the board of supervisors, upon receiving such a petition, shall authorize such abandonment by ordinance and shall first find that the public interest will not be injured or suffer by such abandonment and shall so recite in the ordinance authorizing such abandonment.

Supplemental permits

Abandonment petitions.

Regulation of Street Railways.

Section 133. The public utilities commission, subject to the provisions, limitations and restrictions in this charter contained, shall have power to regulate street railroads, cars and tracks; to permit two or more lines of street railways operating under different management to use the same street, each paying an equal portion for the construction and repair of the tracks and appurtenances used by the said railways jointly for such number of blocks consecutively, not exceeding ten blocks; to regulate rates of speed and propose such ordinances to the board of supervisors as are necessary to protect the public from danger or inconvenience in the operation of such roads.

Regulation of street railways

No person, firm or corporation shall ever be granted the exclusive right to operate a street or other railroad through, in or under any tunnel, subway or viaduct constructed or acquired by the levy, in whole or in part, of special assessment upon private property for such construction or acquisition. Two or more lines of street railways operated under different management may use such tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly. The city and county in the operation of a municipal railway may use any such tunnel, subway or viaduct either singly or jointly with any privately operated railway for the entire length thereof and for any number of blocks approaching each end thereof; and in case of joint use of tracks, shall pay an equal portion of the expense for the construction, maintenance and repairs of the tracks and appurtenances used by said railways jointly.

SCHOOLS.

The Board of Education.

Schools

Section 134. All of the public schools of the school district of the city and county shall be under the control and management of a board of education, composed of seven commissioners, who shall be nominated by the mayor and be subject to confirmation or rejection by vote of the electors as in this section provided, and who shall be subject to recall, and to suspension and removal in the same manner as elective officers, as provided by this charter. The term of each member shall be five years, commencing on the 8th day of January following their respective nominations, provided that each such five-year term shall begin at the expiration of the respective terms of members as existing at the time this charter shall go into effect. The compensation of each member shall be fifteen dollars (\$15) per day when the board is in session and ten dollars (\$10) per day while engaged in committee work under the direction of the board, provided that the total amount for such session and committee work for the whole board shall not exceed six thousand dollars (\$6,000) for any fiscal year, and that only those actually attending a session or doing such committee work shall be entitled to compensation therefor.

Nominations of members of the board of education shall be made, subject to confirmation by the electors, by the filing by the mayor, with the registrar of voters between the 1st and the 10th day of September in each year prior to the expiration of the term or terms of members, the name of one qualified citizen, or two, as the case may be, to serve as a member or members, respectively, of said board for the regular term or terms commencing on the 8th day of January in the succeeding year.

The form of ballot shall be as provided in section 184 of this charter and if a majority of the qualified electors voting on said

nomination or nominations shall vote in favor thereof, said nomination shall be confirmed and the person or persons named shall take office on the 8th day of January next following. If a majority of the electors vote "No," the nomination shall stand rejected, and such person shall not be eligible for nomination as a member of the board of education for a period of at least three years. Vacancies occurring on said board shall be filled by the mayor for the unexpired term.

Powers and Duties of Board of Education.

Section 135. In addition to the powers conferred by the general laws of the state and other provisions of this charter, the board of education shall have power to establish and maintain such schools as are authorized by the laws of the state as the board may determine, and to change, modify, consolidate or discontinue the same as the public welfare may require.

Board of
education.
powers
and duties

The board shall also have power to employ such teachers and other persons as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensations, except as in this charter otherwise provided, and to withhold for good and sufficient cause the whole or any part of the wages, salary, or compensation of any person or persons employed as aforesaid; and to promote, transfer and dismiss teachers, but no teacher shall be dismissed from the department except for insubordination, immoral or unprofessional conduct, or evident unfitness for teaching. Appointment, promotion, assignment and transfer of deputy superintendents, principals, assistants, teachers and all other certificated employees, shall be made by the board of education upon the recommendation of the superintendent of schools. All promotions of teachers shall be based solely on merit. Nothing in this section shall be construed to prevent the board from removing teachers as provided in this charter and the laws of the state. Charges against teachers must be made in writing by the superintendent after investigation and shall be finally passed upon by the board after giving the accused teacher a fair and impartial hearing before said board.

All teachers, heads of departments, vice-principals, principals, supervisors and directors shall be classified as permanent employees in their respective positions after they have been successfully employed in such positions in the school department for a probationary period of three years. In the absence of any action to the contrary by the board of education at the end of the third year of such employment, the classification shall be considered as permanent. A deputy superintendent shall be classified as a permanent employee in such position in the school department in which he was permanently employed immediately prior to his appointment as deputy.

Non-teaching and non-technical positions, and positions not required by law to be filled by a person holding a teaching or other certificate as required by law, shall be employed under the civil service provisions of this charter and the compensa-

tions of such persons shall be fixed in accordance with the salary standardization provisions of this charter.

The board of education shall have power to grant and to renew, and, for insubordination, immoral or unprofessional conduct, or unfitness for teaching, to revoke teachers' certificates.

The board shall establish regulations subject to the approval of the controller for the disbursement of all moneys belonging to the school department or the school fund or funds, and to secure strict accountability in the expenditure thereof, and to provide for the prompt payment of all salaries due and allowed to officers, teachers and other employees of the school department.

The board shall, between the 1st and 21st days of May of each year, adopt a schedule of salaries for the next ensuing fiscal year for teachers and other employees of the school department. Compensations of non-teaching and non-technical employees shall be fixed in accordance with the salary standardization provisions of this charter.

Superintendent of Schools.

Superintendent of schools powers and duties

Section 136. The superintendent of schools shall be the executive officer of the board of education. He shall be appointed by said board to serve at its pleasure, and he shall receive such salary as may be fixed by the board. He shall have the powers and duties specified by this charter for department heads, in addition to such powers and duties as are fixed by general law.

The positions of superintendent and deputy superintendent shall be held only by persons of expert or technical training, but shall not be subject to any provisions of this charter prescribing a residence qualification for officers or appointees, provided, however, that during their incumbency appointees to such positions shall reside in the city and county, and in case any appointee shall fail so to do, his appointment shall at once be revoked by the board.

Deputy Superintendents.

Section 137. The superintendent shall appoint such deputy superintendents as shall be authorized by the board of education, and in case of vacancy, such vacancy shall be filled by the superintendent. Such appointments of deputy superintendents shall require the confirmation of the board of education and the appointees shall serve during the pleasure of the superintendent and the board of education. Deputy superintendents shall have had at least five years experience as teachers. Should it be advantageous to appoint one or more deputy superintendents to supervise a special line of educational work, such appointment may be made regardless of teaching experience by an affirmative vote of five members of the board, but the appointee must have had five years experience in the line of work which he will be called upon to supervise.

Duties of Superintendent.

Section 138. In addition to the duties imposed by the general laws of the state, it shall be the duty of the superintendent to observe and enforce the regulations of the board of education and to see that no religious or sectarian books or teachings are allowed in the schools; to report to the board of education annually, on or before the 1st day of October, and at such other times as the board may require, all matters pertaining to the condition and progress of the public schools of the city and county during the fiscal year, with such recommendations as he may deem proper; to inform the board of the condition of schools, school houses and of other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city and county and for the care and improvement of the property of the school department; to visit and examine, with the assistance of his deputies, all the schools at least twice a year and determine their condition and needs and to report to the board once a month upon the standing of schools examined by him and his deputies; to recommend rules for the promotion of pupils from grade to grade, from school to school, and for the transfer and graduation of pupils; to recommend to the board the courses of study, the text books and books for supplementary use in the public schools, and the purchase of such apparatus, books, stationery and other classroom supplies as may be required in the schools.

City Board of Examination.

Section 139. The superintendent and the deputies shall constitute the city board of examination and shall have power to recommend to the board of education the issuance of teachers' certificates in accordance with the laws of the state, and, for immoral or unprofessional conduct, profanity, intemperance or evident unfitness for teaching, to recommend to the board of education the revocation of any certificates previously granted by the board.

CIVIL SERVICE.

Civil Service Commission.

Section 140. There is hereby established a civil service commission which is charged with the duty of providing qualified persons for appointment to the service of the city and county. All appointments in the public service shall be made for the good of the public service and solely upon merit and fitness, as established by appropriate tests, without regard to partisan, political, social or other considerations. Civil service.

The civil service commission shall consist of three members, appointed by the mayor. The commissioners in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were appointed, and their successors shall be appointed for terms of six years beginning on the 1st day of July of each odd-numbered year.

The persons so appointed shall, before taking office, make under oath and file in the office of the county clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of civil service commissioner in the spirit of this declaration." A commissioner may be removed only upon charges preferred, in the same manner as in this charter provided for elective officers. Each of the commissioners shall receive a monthly salary of one hundred dollars (\$100).

The commissioners shall appoint a secretary, who shall be the executive officer of the commission.

Special meetings of the commission for the purpose of considering and adopting examination questions shall not be open to the public.

Powers and Duties.

Civil service
commission
powers
and duties

Section 141. The civil service commission shall be the employment and personnel department of the city and county and shall determine appointments on the basis of merit and fitness, as shown by appropriate tests. The commission shall classify, and from time to time may reclassify, in accordance with duties and responsibilities of the employment, and training and experience required, all places of employment in the departments and offices of the city and county not specifically exempted by this charter from the civil service provisions thereof, or which may be created hereafter by general law and not specifically exempted from said civil service provisions. The commission shall likewise classify all other positions or other places of employments in the city and county service specifically exempted from the civil service provisions of this charter, but which, by the provisions of section 151, thereof, are made subject to classification for salary standardization purposes on the basis of duties and responsibilities of the employment, and training and experience required. The civil service commission shall be the judge of such classifications.

The commission shall also, in accordance with duties and responsibilities, allocate, and from time to time may re-allocate, the positions to the various classes of the classification. The allocation or re-allocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. No person shall hold a position outside of the classification to which he has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which his chief may temporarily assign him.

The class titles and class numbers assigned to positions by the commission shall be used in all records, reports, statements and communications, including the compensation schedule, annual budget and salary ordinance, payrolls, and appropriation ordinances.

The commission shall adopt rules to carry out the civil service provisions of this charter and, except as otherwise provided in this charter, such rules shall govern applications;

examinations; eligibility; duration of eligible lists; certification of eligibles; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment, or completion of work; the filling of positions, temporary, seasonal and permanent; classification; approval of payrolls; and such other matters as are not in conflict with this charter. The commission may, upon one week's notice, make changes in the rules, which changes shall thereupon be published, and be in force; provided that no such change in rules shall affect a case pending before the commission. The secretary may certify eligibles and payrolls and conduct examinations under the rules of the commission.

The commissioners shall have power to institute and prosecute legal proceedings for violations of any of the civil service provisions of this charter.

Positions.

Section 142. All positions in all departments and offices of the city and county, including positions created by laws of the State of California, where the compensation is paid by the city and county, shall be included in the classified civil service of the city and county, and shall be filled from lists of eligibles prepared by the civil service commission, excepting ^{Civil service lists.} (1) positions in which attorneys and physicians are employed in their professional capacity to perform only duties included in their professions, but exclusive of any administrative or executive position for which such professional status constitutes only part of the qualifications therefor; (2) inmate or institutional help, or part-time services, where the compensation including the value of any allowances in addition thereto is less than eighty dollars (\$80) per month; and (3) such positions as, by other provisions in this charter, are specifically exempted from, or where the appointment is designated as exclusive of, the civil service provisions of this charter.

The civil service rights, acquired by persons under the provisions of the charter superseded by this charter, shall continue under this charter.

Where existing positions that have heretofore been exempt from civil service examinations are now made subject to examination by this charter, the incumbents of such positions who have held such positions for a period of one year continuously next preceding the time that this charter shall go into effect, shall be continued in their positions as if appointed thereto after examination and certification from a list of eligibles and shall be governed thereafter by the provisions of this charter.

Any person holding a salaried office under the city and county, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this state, or who shall hold any other salaried office connected with the government of the city and county, or who shall become a member

of the Legislature, shall be deemed to have thereby vacated the office held by him under the city and county.

Creation of Positions.

Creation of
positions by
ordinance

Section 143. Positions in any department or office of the city and county may be created, as provided by this charter, by appropriation ordinance of the board of supervisors. Copy of each such ordinance creating or abolishing positions shall be filed, on the approval thereof, with the civil service commission by the clerk of the board of supervisors. Before the appointing officer shall make recommendation for the creation of any new or additional position in any department or office, he shall request and receive from the commission the proper designation and classification of such position based on the duties and responsibilities thereof, and if such position is included in the classified civil service, the commission may, in writing, express to the appointing officer its opinion as to whether or not such position is needed.

Immediate notice in writing shall be given to the civil service commission by the appointing officer of each department and office of the city and county of the creation or abolition of any position, or of any change in duties if the position is included in the classified civil service, or of any appointment, resignation, suspension, dismissal or other creation of vacancy therein, with the date of any such change. If said appointing officer is also empowered to establish compensation rates or make changes therein, he shall notify the commission of any such rate or change therein. The commission shall maintain a record of all such notifications.

The term "appointing officer" as used in this charter shall also include any board or commission in the exercise of its power to appoint a department head or other officer or employee designated by this charter as appointive by such board or commission.

Applications.

Civil service
examina-
tions

Section 144. Any citizen having the qualifications prescribed by section 7 of this charter may submit himself for any examination under conditions established by the civil service commission. The commission shall advertise in the official paper the time, place and general scope of all examinations for entrance into the public service and may take further appropriate means to interest suitable applicants. When examinations for promotion are to be held, the commission shall give notice thereof to all persons in positions entitling them under the civil service rules, to participate in such examination, by posting information thereof in the office of the commission for a period of ten days and notifying the departments concerned.

Qualifications and Tests.

Qualifica-
tions and
tests

Section 145. All applicants for places in the classified service shall submit to tests, which shall be competitive and

without charge to the applicants. The commission shall control all examinations and may employ suitable persons in or out of the public service to act as examiners. The tests may be written, oral, mechanical or physical, or any combination of them, practical in character and related to matters fairly to test the relative capacity of applicants for the positions to be filled. The commission shall be the sole judge of the adequacy of the tests to rate the capacity of the applicants to perform service for the city and county. The commission may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles. The commission shall prepare from the returns of the examiners the list of eligibles, arranged in order of relative excellence. No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations. Same.

Applicants for entrance positions in the uniformed forces of the fire and the police departments shall be not less than twenty-one years of age, nor more than thirty-five years of age at the time of appointment, and shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps.

Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be demonstrated by such evidence and in such manner as the commission may direct, and such applicants may be submitted to such further tests as the commission may require. Examinations of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the register in order of priority of application.

The commission may remove all names from the list of eligibles after they have remained thereon for more than two years and all names thereon shall be removed at the expiration of four years. The commission may, however, provide in the scope-circular of any examination that the list of eligibles secured thereby shall automatically expire at a date not less than two nor more than four years after the adoption of such list.

Veterans with thirty days or more actual service, and widows of such veterans, who become eligible for appointment by attaining the passing mark in any examination, shall be allowed an additional credit of five per cent in making up the list of eligibles secured by such examination. The term "veteran" as used in this section shall be taken to mean any person who has been mustered into, or served in, the Army, or enlisted in, or served in, the Navy or Marine Corps, of the United States, in time of war and received an honorable discharge or certificate of honorable active service. In the case of promotive examinations, when the passing mark has been attained, a credit of three per cent shall be allowed to veterans or to widows of such veterans. No more than one such

entrance preference, or one such promotive preference may be allowed to any one person. The civil service commission may, for services or employment specified by the commission, allow general or individual preference, but not less than ten per cent, for entrance appointment of veterans who have suffered permanent disability in line of duty, provided that such disability would not prevent the proper performance of the duties required under such service, or employment, and provided that such disability is of record in the United States Veterans Bureau.

Promotions.

Promotions Section 146. Whenever it deems it to be practicable, the commission shall provide for promotion in the service on the basis of such examinations and tests as the commission may deem appropriate, and shall, in addition, give consideration to ascertained merit and records of city and county service of applicants. The commission shall announce in the examination scope-circular the next lower rank or ranks from which the promotion may be made. All promotions in the police and fire departments, respectively, shall be made from the next lower rank on the basis of examinations and tests, seniority of service and meritorious public service being considered.

No Aid, Hindrance, Fraud or Collusion Permitted

Section 147. No person or officer shall, by himself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of commission rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Requisition, Certification and Appointment.

Section 148. Whenever a position controlled by the civil service provisions of this charter is to be filled, the appointing officer shall make a requisition to the civil service commission for a person to fill it. Thereupon, the commission shall certify to the appointing officer the name and address of the person standing highest on the list of eligibles for such position. In case the position is promotive, the commission shall certify the name of the person standing highest on such list. In making such certification, sex shall be disregarded except when a statute, a rule of the commission or the appointing officer specifies sex.

From the requisition of the appointing officer or otherwise, the commission shall determine whether the position is, in character, temporary, seasonal or permanent, and shall notify the candidate in accordance therewith to the end that the candidate may have knowledge of the probable duration of employment. The commission shall provide for such waiver of temporary or seasonal employment as it may deem just to candidates.

Any appointment to a position declared permanent by the commission shall be on probation for a period of six months. At any time before the expiration of six months the appointing officer may terminate the appointment. The commission shall inquire into the circumstances and may declare such person dismissed, or may return the name to the list of eligibles for certification to another department. Immediately prior to the expiration of the six months' probationary period, the appointing officer shall report to the civil service commission as to the competence of the probationer for the position and, if competent, shall recommend permanent appointment.

Emergency Appointments.

Section 149. When no list of eligibles is available for a position requisitioned by an appointing officer, the commission may certify for emergency appointment eligibles from another list deemed by the commission to be suitable to temporarily provide the service desired, or may authorize the appointing officer to make an emergency appointment thereto for a period not exceeding sixty days and only until regular appointments under the provisions of this charter can be made. The commission shall immediately hold an examination and establish an eligible list for such position or positions. If its annual appropriation is insufficient to meet the cost of said examination, it shall report to the mayor the estimated cost thereof, and the mayor shall request and the supervisors shall make supplemental appropriation therefor in the manner provided herein for supplemental appropriations. No person shall be compensated under any emergency appointment or appointments as authorized by this section for a period exceeding ninety days in any fiscal year, and no claim or warrant therefor shall be approved, allowed or paid for any compensation in excess of such ninety days.

Emergency
appoint-
ments.

Verification of Payrolls.

Section 150. All personal services shall be paid by warrants on the basis of a claim, bill, timeroll or payroll approved by the head of the department or office employing such service. The claims, bills or payrolls, hereinafter designated as payrolls, for salaries, wages or compensation for personal services of all officers, assistants and employees of every class or description, without regard to the name or title by which they are known, for each department or office of the city and county shall be transmitted to the civil service commission before presentation to the controller.

The secretary of the commission shall examine and approve such payroll for all persons legally appointed to or employed in positions legally established under this charter. The payrolls thus approved, with notation of any item thereof disapproved, shall be then certified by the secretary of the commission and transmitted by him to the controller. The controller shall not approve and the treasurer shall not pay any claim for personal services, or pay check or warrant for salary, wages or compensation unless the same shall have been approved by the said secretary.

For the purpose of the verification of claims, bills, timerolls, or payrolls, contractual services represented by teams or trucks hired by any department head or other officer of the city and county shall be considered in the same manner as personal service items and shall be included on payrolls as approved by said department heads or other officers, and shall be subject to examination and approval by the secretary of the civil service commission and the controller in the same manner as payments for personal services.

The salary, wage or other compensation fixed for each officer and employee in, or as provided by this charter, shall be in full compensation for all services rendered, and every officer and employee shall pay all fees and other moneys received by him, in the course of his office or employment, into the city and county treasury except as provided in section 32 of this charter.

No officer or employee shall be paid for a greater time than that covered by his actual service.

Standardization of Compensations.

Standard-
ization of
compensa-
tions.

Section 151. The board of supervisors shall have power and it shall be its duty to fix by ordinance from time to time, as in this section provided, all salaries, wages and compensations of every kind and nature, except pension or retirement allowances, for the positions, or places of employment, of all officers and employees of all departments, offices, boards and commissions of the city and county in all cases where such compensations are paid by the city and county.

Compensations specified in this charter shall not be subject to the provisions of this section. Compensations of the teaching and other technical forces of the school department, librarians and technical assistants of the library department, employees of the California Palace of the Legion of Honor, the M. H. de Young Memorial Museum, Steinhart Aquarium, park and law library departments, construction employees engaged outside of the city and county, part-time employees, and inmate and institutional help receiving less than fifty dollars (\$50) per month, shall be fixed by the department head in charge thereof, with the approval of the board or commission, if any, in charge of the department concerned and subject to the budget and appropriation provisions of this charter; provided that part-time employees shall be recorded

as such by a department head, only with the approval of the civil service commission and, when so recorded, shall be noted as part-time on payrolls, budget estimates, salary ordinances and similar documents.

In fixing schedules of compensation, as in this section provided, the board of supervisors, through the civil service commission, shall cause a schedule of compensations to be proposed, based upon the classification as provided in section 141, under which like compensation shall be paid for like service, with due regard to the seniority of the personnel included in each class, and with regard also to other compensations in the city and county service not subject to salary standardization. Such compensations shall be not higher than prevailing rates for like service and working conditions in private employment or in other comparable governmental organizations in this state.

Schedule of
compensa-
tions.

The board of supervisors may approve, amend or reject the schedule of compensations proposed by the civil service commission; provided that any proposed amendment by the board of supervisors shall, before adoption, be referred to the civil service commission for report as to what other changes, and the cost thereof such proposed amendment would require to maintain an equitable relationship with other rates in such schedule.

Where any compensation paid on January 1, 1931, is higher than the standard compensation fixed as provided in this section for such position or employment, said compensation shall be continued to the incumbent of such position as long as he legally holds said position, and department heads, in cooperation with the civil service commission where said commission has jurisdiction, shall continuously offer all possible opportunities to said incumbents to assume duties and responsibilities in higher classifications consistent with the higher rates of compensation hereby continued. New entrants to such positions shall be paid at the rates fixed for such duties, responsibilities and positions by the schedule of compensations hereinbefore in this section referred to.

Pending the adoption of salary standards as provided in this section, no increases in compensation shall be allowed other than as authorized in section 71 of this charter.

Where compensations for services commonly paid on an hourly or a per diem basis are established on a weekly, semi-monthly or monthly salary basis for city and county service, such salary shall be based on the prevailing hourly or per diem rate, where this can be established, and the application thereto of the normal or average hours or days of actual working time, in the city and county service, including an allowance for annual vacation. Every person employed in the city and county service shall, after one year's service, be allowed a vacation with pay of two calendar weeks, annually, as long as he continues in his employment.

Service Records.

Service
Records

Section 152. The civil service commission shall establish an inspection service for the purpose of investigating the conduct of and action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the commission in making its investigations and any person hindering the commission or its agents shall be subject to suspension.

Leaves of Absence.

Leaves of
absence

Section 153. Leaves of absence to officers and employees of the city and county shall be governed by rules established by the civil service commission, provided that leave of absence to any officer or employee for the purpose of leaving the city and county, taking a position outside of the city and county service, or accepting a position in some department or office of the city and county other than the one in which he is employed and where the duties are in no way related to the duties covered by his civil service classification, shall be limited to six months; and provided, further, that no limit shall be placed on a leave of absence granted to enable an officer or employee to accept promotion to a non-civil service position in the same department in which he holds civil service status, or promotion to co-related work in another department or office of the city and county.

Leaves of absence shall be granted to officers, employees and persons on eligible lists for terms of service in the Army, the Navy or the Marine Corps, in time of war and for such time thereafter as may be provided by rule of the commission, but not to exceed two years after the proclamation of peace, except in case of disability incurred in line of duty, when such disability shall extend beyond such period. If a person on such leave has been appointed to a permanent position, he shall be entitled to resume such position at the expiration of his leave, and if any civil service rights accrue to any appointee by reason of seniority, the term of service shall be reckoned a part of his service under the city and county, exclusive of service under the retirement provisions of this charter. If persons on such leave have standing on an eligible list, they shall retain their places thereon, and upon presenting an honorable discharge from such wartime service shall be preferred for appointment in the order of standing upon such register at the time of enlistment and before candidates securing standing through an examination held subsequent to such enlistment.

The civil service commission, by rule and subject to the approval of the board of supervisors by ordinance, shall provide for leaves of absence due to illness or disability, which leave or leaves may be cumulative, if not used as authorized, provided that the accumulated unused period of sick leave shall not exceed six months, regardless of length of service, and provided further that violation or abuse of the provisions of said rule and ordinance by any officer or employee shall be deemed an act of insubordination and inattention to duties.

Suspension and Dismissal for Cause.

Section 154. No person employed under the civil service provisions of this charter, exclusive of members of the police and fire departments as provided under section 155, hereof, in a position defined by the commission as "permanent" shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defence. Pending such hearing, the appointing officer may suspend the person so accused; but such suspension shall not be valid for more than thirty days, unless hearing upon the charge shall be delayed beyond such time by the act of the accused person. When charges are made, the appointing officer shall, in writing, notify the person accused of the time and place when the charges will be heard, by mailing such statement to his last known address. The appointing officer shall publicly hear and determine the charges, and may exonerate, suspend or dismiss the accused. The civil service commission shall immediately be notified of the charges when made, of the hearing, and of the finding thereon. The finding of the appointing officer shall be final, unless within thirty days therefrom the dismissed employee appeals to the civil service commission. The appeal and all proceedings shall be in writing and shall briefly state the grounds therefor. The civil service commission shall examine into the case and may require the appointing officer to furnish a record of the hearing and may require in writing any additional evidence it deems material, and may, thereupon, make such decision as it deems just. The order or decision of the commission upon such appeal shall be final and shall forthwith be enforced by the appointing officer. If the civil service commission shall reverse or alter the finding of the appointing officer it may, in its discretion, order that the employee affected be paid salary from the time of his discharge or suspension.

Suspension and dismissal of employees.

The civil service commission may hear and determine any charge filed by a citizen or by the authorized agents of the commission when the appointing officer neglects or refuses to act. Removal or discharge may be made for any of the following causes: incompetence, habitual intemperance, immoral conduct, insubordination, discourteous treatment of the public, dishonesty, inattention to duties, or engaging in prohibited political activities.

Nothing in this section shall limit or restrict rules adopted by the commission governing lay-offs or reduction in force.

The appointing officer may, for disciplinary purposes, suspend a subordinate for a period not exceeding thirty days; and suspension shall carry with it the loss of salary for the period of suspension.

Fire and Police Disciplinary Procedure.

Section 155. Members of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any

Fire and police penalties for violation of rules and regulations.

offense, or by suspension for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments.

Members of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense.

Transfer of Disabled.

Section 156. When a civil service employee other than a member of the police and fire department, who has served not less than three years in his position has become incapable through age, accident or other disability of performing the duties of his position, the civil service commission may, with the consent of the appointing officer, transfer him to a position within his capacities, whether or not within the class for which he qualified for appointment; but such position shall be one having a lesser compensation than the one from which he may be transferred, and his compensation shall not thereafter be increased.

Prohibition of Political Activity.

Section 157. Active participation in city and county politics, relative to the election or appointment of public officials, by civil service employees and eligibles of the city and county, is subversive of the best interests of the merit system and, therefore, persons holding positions in the classified civil service or on eligible lists for such positions shall take no active part in such political campaigns, or in soliciting votes, or in levying, contributing or soliciting funds or support, in each case for the purpose of favoring or hindering the appointment or election of candidates for city and county offices. Violation of the provisions of this section shall be deemed an act of insubordination and considered good cause for suspension or dismissal from position or removal from eligible list.

PENSIONS AND RETIREMENT.

Retirement System for Officers and Employees.

Pensions and
retirement
system
created

Section 158. In order to continue in force, with modifications as are set forth in this charter, provisions already existing for retirement and death benefits for officers and employees of the city and county, the San Francisco City and County Employees' Retirement System, hereinafter referred to as the retirement system or the system, is hereby created. Elective officers and members of boards and commissions shall not be

eligible to the benefits of said retirement system. Officers who are made appointive by this charter, as well as officers and employees of offices heretofore not under the retirement system and who are brought under the said system by this charter, who shall have attained the age of at least seventy years on the date said charter becomes effective, shall not become members of the retirement system. Such officers and employees who shall not have attained the age of seventy years on such date shall become members of said retirement system on the date this charter becomes effective and any benefits granted on account of service excluding service rendered as lawful members of the retirement system, rendered by said officers and employees to the city and county prior to such date shall be provided by contributions of the city and county.

Ordinance No 5561 (New Series) and amendments thereto, now establishing the employees' retirement system, shall continue in force until amended or revoked by the board of supervisors as provided in this section. The board of supervisors is hereby empowered to enact, by a vote of three-fourths of its members, any and all ordinances necessary to carry into effect the provisions of sections 158 to 172, both inclusive, of this charter; provided that the board of supervisors shall secure, through the retirement board, an actuarial report of the cost and effect of any proposed change in the benefits under the retirement system, before enacting an ordinance or before voting to submit any proposed charter amendment providing for such change.

Retirement Board.

Section 159. The retirement system shall be managed by a retirement board, which is hereby created, and which shall be the successor and have the powers and duties of the board of administration, the board of trustees of the police relief and pension fund and the board of fire pension fund commissioners. The retirement board shall consist of the president of the board of supervisors, the city attorney, a resident official of a life insurance company, and an officer of a bank to be appointed by the mayor, and three members elected from the active members, who shall not include retired persons of the retirement system, provided that the city attorney may designate, by written document filed with the said retirement board, an assistant city attorney to attend meetings of the said board and to act for him and in his place. The term of office of the five members, other than the ex officio members, shall be five years, one term expiring each year and the terms of such five members now holding office being unchanged by this section. The members of the retirement board shall serve without compensation. The board shall appoint an actuary, who shall hold office at its pleasure, and may appoint a secretary, provided that the positions of secretary and actuary may be consolidated into one position by the said board, and the board may employ a consulting actuary from time to time. The

Powers and
duties of
retirement
board

secretary or actuary shall have the power to administer oaths and affirmations in all matters pertaining to the business of the retirement system.

The retirement board shall be the sole authority and judge, under such general ordinances as may be adopted by the supervisors, as to the conditions under which members may receive and may continue to receive benefits of any sort under the retirement system, and shall have exclusive control of the administration and investment of such fund or funds as may be established, provided that all investments shall be of the character legal for insurance companies in California

Actuarial Tables, Rates and Valuations.

Section 160. The mortality, service and other tables and the rates of contribution for members as recommended by the actuary and the valuations determined by him and approved by the retirement board shall be conclusive and final, and the retirement system shall be based thereon. The total amount, as determined by the actuary and approved by the board, of the contributions required during any fiscal year of the city and county under the retirement system shall be paid into the retirement system by the city and county during such year. Liabilities accruing under the retirement system because of service rendered to the city and county by persons prior to the date their respective classes become eligible for membership in the system, and administrative costs under the system, shall be met by contributions to the retirement system by the city and county, in addition to any amounts contributed to meet liabilities accruing because of service rendered by such persons after becoming members of the system, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall not be less than the amount disbursed during that year on account of prior service.

Contributions to the retirement system required of the city and county shall be charged by the controller against the general fund or the school, utility, bond or other special fund under which the service was rendered, on account of which the contribution is required; provided that contributions required on account of service rendered by any person prior to becoming a member of the system, under a temporary fund, such as bond or county roads funds, or a fund then no longer existing, may be charged against the general fund, and provided, further, that any contributions required on account of persons receiving benefits under subdivision (c) of section 165, shall be charged against the general fund.

Continuous Service.

Section 161. Continuous service shall be defined by the board of supervisors, but the absence of any officer or employee of the city and county from service caused by reason of the

Definition
of continu-
ous service

service of such officer or employee in the military or naval forces of the United States in any war in which the United States has engaged or may become engaged, shall not be deemed to be such an absence from service as shall break the continuity of service required of such officer or employee to entitle him to a pension or retirement allowance as provided under the retirement system, but the period of such absence in such military or naval service shall not be deemed service for the city and county.

Definition, Members of Fire and Police Departments.

Section 162. For the purposes of the retirement system, any officer or employee of the police or the fire departments whose employment therein began prior to January 1, 1900, or whose employment therein began on or shall begin after that date and was or shall be subject to a charter maximum age at the time of employment of not over thirty-five years, shall be considered to be a member of the police department or the fire department, respectively. Any fire or police service outside the limits of the city and county performed by a member of the retirement system and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

Pensions of Retired Persons.

Section 163. No person retired for service or disability and in receipt of a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section. Pensions

Should any retired person, except persons retired for service prior to January 8, 1932, and persons retired because of disability incurred in the performance of duty, engage in a gainful occupation prior to attaining the age of sixty-two, the retirement board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the city and county, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the compensation on the basis of which his pension or retirement allowance was determined.

Contributions to Retirement Fund.

Section 164. The city and county shall contribute jointly with the members of the retirement system to meet the liabilities accruing under the system because of service rendered to the city and county by persons after becoming members of the system. Members of the system shall contribute not to exceed ten per cent of their salaries or wages, provided that members may, at their option, elect to contribute at rates in addition to (Contributions to retirement fund)

those fixed as normal by the retirement board. The city and county shall contribute an amount equal to normal contributions of members as provided for in the preceding sentence, but the city and county shall not contribute any amount because of additional contributions by members.

Miscellaneous Officers and Employees.

Retirement
system
provision:
as to mem-
bership

Section 165. Officers and employees of the city and county, except members of the police and the fire departments, shall become members of the retirement system subject only to the following provisions, in addition to the provisions contained in sections 158 to 164, of this charter, both inclusive:

(a) The system shall be applied to such offices, departments, bureaus, or classes of officers or employees of the city and county, including teachers in the San Francisco school department, as the supervisors shall determine; provided, however, that the contributions to be made by said teachers and the benefits to be received by said teachers under said retirement system shall be based upon the proportion of the salaries of said teachers which have been and shall be paid out of funds contributed by the city and county, excluding therefrom the portion of such salaries which have been or shall be paid out of funds contributed by the State of California; and in determining such proportion it shall be taken to be the same proportion which the whole amount of money contributed by the city and county to the common school fund in any fiscal year bears to the whole amount of money contributed to such fund in such year by the state and by the city and county; and provided, further, that nothing herein contained shall be construed to deprive any teacher of the right to receive benefits under any pension or retirement system now or hereafter established by the State of California.

(b) No member of the retirement system shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of sixty-two years and completed ten years of continuous service, but retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service; the benefits at retirement in such cases to be determined, because of retirement at an age below sixty-two, in accordance with the tables recommended by the actuary and approved by said retirement board.

(c) All persons who were retired prior to October 1, 1925, from service as teachers in the public schools of San Francisco, under the provisions of the law of 1913, establishing the California Public School Teachers' Retirement Salary Fund, shall be entitled to and shall receive retirement allowances, to be calculated on the same basis as that established for determining the retirement allowances provided for members of the said retirement system.

Present Police Department Members.

Section 166. Persons who are members of the police department on the 8th day of January, 1932, shall become members of the Retirement System on that date, subject only to the following provisions in addition to the provisions contained in sections 158 to 163, both inclusive, of this charter:

Retirement system provisions as to members of police department

(a) Any member of the department who has arrived or shall arrive at the age of sixty-two years, and who has completed thirty years of continuous service as an active member of the department next preceding his retirement, may retire from service at his option, provided that retirement shall be compulsory at the age of seventy years. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half of the amount of the monthly salary attached to the rank held by him three years prior to the date of his retirement, hereinafter referred to in this section and section 167 as a "pension."

Before the first payment of the pension is made, such retired member may elect to receive the actuarial equivalent of his pension, partly in a pension to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount of such other benefits.

(b) Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, may be retired upon a monthly pension, as defined in subdivision (a), of this section, payable throughout his life. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

(c) The family of any member of the department who may be killed or injured while in the performance of his duties, and who shall have been continuously incapacitated from the performance of any duties and who shall have died as the result of such injury, shall receive the following benefits and the receipt by such member of a pension under this section during his lifetime shall not bar the said family from such benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, such widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury; provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or such children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child or children collectively shall receive a monthly pension

Same.

equal to one-half of the salary attached to the rank held by their father at the time of his said injury until the youngest attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury during such time as the retirement board may unanimously determine its necessity.

(d) A sum equal to the contributions, with interest, made by persons who become members of the retirement system under this section to any other pension fund shall be paid by the city and county to the retirement system. Each member of the department shall contribute two dollars (\$2) per month to the retirement system to be applied on the cost of the benefits at death and retirement provided under this section. Should a member be separated from city service through any cause other than death or retirement, then such contributions with interest shall be refunded to him under such conditions as may be fixed by the board of supervisors for the refund of contributions of other members of the retirement system.

(e) When any member of the department shall die from natural causes and before retirement, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

(f) In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which, together with the members' contributions provided for in subdivision (d) of this section, shall be equal to the liabilities accruing under the retirement system because of service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contribution by the city and county, together with the members' contributions, was not sufficient to meet such liability, then the city and county shall make such additional contribution as may be necessary to make up the deficit.

(g) No benefits shall be provided under the retirement system for, nor shall any contribution be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section.

That portion of any pension payable because of the death or retirement of any of such persons which is provided by contributions of the city and county shall be reduced, in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the work-

men's compensation insurance and safety law of the State of same. California.

(h) Persons who are members of the police department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of July, 1932, of becoming members of the retirement system under the provisions of section 168, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then they shall not receive any benefit or make any contribution under this section, but shall become members of the retirement system and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to the 8th day of January, 1932, by contributions of the city and county and such members' contributions as are transferred from other pension funds, which pension shall be the same percentage, regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of such service, as the contributions of the member and the city and county are calculated to provide upon retirement at age sixty-two for each year of service rendered as a member of the retirement system.

Present Retired Members and Present Beneficiaries, Police Department.

Section 167. Any member of the police department who shall have been retired and shall be receiving a pension on the 8th day of January, 1932, and any widow, child, children or parents of a deceased member of the department, who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension, subject to the provisions of section 166 governing the payment of pensions. Such pension shall be paid by the retirement system, but no other benefits shall be provided for such retired members, widows, children, or parents.

Future Members of Police Department.

Section 168. Persons who become members of the police department after the 8th day of January, 1932, shall become members of the retirement system subject only to the following provision in addition to the provisions contained in sections 158 to 164, both inclusive, of this charter: No such member of the retirement system shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of sixty-two years, and completed twenty-five years of continuous service, except that retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service, the benefits

at retirement in such cases to be determined, because of retirement at an age below sixty-two, in accordance with the tables recommended by the actuary and approved by said retirement board.

Present Members of Fire Department.

Retirement
system
provisions as
to members
of fire
department

Section 169. Persons who are members of the fire department on the 8th day of January, 1932, shall become members of the retirement system on that date, subject only to the following provisions, in addition to the provisions contained in sections 158 to 163, both inclusive, of this charter:

(a) Any member of the fire department who shall have completed twenty-five years of continuous service as a member of the fire department next preceding the date of his retirement, or any member of the fire department who shall have reached the age of fifty-five years and shall have completed twenty years of continuous service as a member of the fire department next preceding the date of his retirement, may retire from service at his option. Any member of the fire department who shall become physically disabled by reason of any bodily injury received in the performance of his duty may be retired from service on satisfactory proof thereof. The retirement board, by unanimous vote, may retire from service any aged, disabled or infirm member of the fire department who has arrived at the age of sixty years and who has completed twenty years of continuous service as a member of the department next preceding such age, who may be ascertained to be, by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half the amount of the salary attached to the rank held by him three years prior to the date of his retirement hereinafter referred to as "pension" in this and following sections; provided that where such retirement is based on disability alone, in case the disability of such member shall cease, his pension shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. Should any said retired member die leaving a widow, who shall have been married to the decedent at least one year prior to the date of his retirement, such widow shall, as long as she may live and remain unmarried, be paid said pension; provided further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall continue to be paid such child or such children collectively until the youngest child arrives at the age of sixteen years; and provided, further, that should said retired member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or children collectively shall receive said pension until the youngest child attains the age of sixteen years.

(b) The family of any member of the fire department who shall die as a result of any injury received during the performance of his duty, or from sickness clearly, unmistakably and

directly caused by and resulting from the discharge of such ^{Same} duty, or while eligible to a pension on account of years of service in the department, or who has served twenty consecutive years in the department and attained the age of fifty-five years, shall receive the following benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, his widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child or such children collectively shall receive said pension until the youngest child attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents dependent solely upon him for support, such parents so depending shall collectively receive said pension during such time as the retirement board may unanimously determine its necessity.

(c) When any member of the department shall die from natural causes and before retirement, and when no pension is payable to his widow or children, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

(d) In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which shall be equal to the liabilities accruing under the retirement system because of service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contribution by the city and county was not sufficient to meet such liability, then the city and county shall make such additional contribution as may be necessary to make up the deficit.

(e) No benefits shall be provided under the retirement system for, nor shall any contributions be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section. Any pension payable because of the death or retirement of any of such persons shall be reduced, in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the workmen's compensation insurance and safety law of the State of California.

(f) Persons who are members of the fire department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of July, 1932, of becoming members of the retirement system under the provisions of section 171, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then they shall not receive any benefit under this section, but shall become members of the retirement system and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to the 8th day of January, 1932, by contributions of the city and county, which pension shall be the same percentage, regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of such service, as the contributions of the member and the city and county are calculated to provide upon retirement at age fifty-five for each year of service rendered as a member of the retirement system.

Present Retired Members and Present Beneficiaries, Fire
Department.

Retired
members.

Section 170. Any member of the fire department who shall have been retired on or after January 21, 1925, or prior to January 1, 1900, and shall be receiving a pension on the 8th day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension subject to the provisions of section 169 governing the payment of pensions to retired members, widows, children and parents. Any member of the fire department who shall have been retired on or after the 1st day of January, 1900, and prior to the 21st day of January, 1925, and shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension throughout his life, subject to the provisions of section 169 governing the payment of pensions granted because of disability incurred in the performance of duty, including the payment of such pensions to widows, children and parents of deceased members who had been retired because of such disability. Such pensions shall be paid by the retirement system, but no other benefits shall be provided for such retired members, widows, children, or parents.

The supervisors shall appropriate to the retirement system not to exceed the sum of five thousand dollars (\$5,000) a year for the relief of aged, indigent and infirm exempt firemen who served in the Volunteer Fire Department between the years of 1850 and 1866.

Future Members of Fire Department.

Section 171. Persons who become members of the fire department after the 8th day of January, 1932, shall become members of the retirement system subject only to the following provision in addition to the provisions contained in sections 158 to 164, both inclusive, of this charter: No member of the retirement system shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of fifty-five years and completed twenty years of continuous service, except that retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service; the benefits at retirement in such cases to be determined, because of retirement at an age below fifty-five, in accordance with the tables recommended by the actuary and approved by said retirement board.

Compensation Insurance Payments.

Section 172. The benefit provisions of the workmen's compensation insurance and safety law of the State of California, as they affect the benefits provided for or payable to or on account of officers and employees, including teachers of the city and county, shall be administered exclusively by the retirement board, provided that the retirement board shall determine whether the city and county, through the retirement system, shall assume the risks under the said law, in whole or in part, or whether it shall reinsure such risks, in whole or in part, with the State Compensation Insurance Fund. Benefits under such risks as may be assumed by the city and county, and premiums under such risks as may be re-insured shall be paid by the retirement system, and an amount equal to the total of such benefits and premiums, as determined by the actuary for any fiscal year, including the deficit brought forward from previous years, shall be paid during such fiscal year to the retirement system by the city and county.

Compensation
insurance

Every patrol special police officer, as referred to in section 35 of this charter, who is an independent contractor, shall be entitled, under this section, to the benefits of such compensation law, if injured while performing regular city and county police duties, which shall include only duties performed while preventing the commission of a crime or apprehending the person or persons committing such crime, and shall not include duties of any character performed for private employers either on or off the premises of such employers; provided that any patrol special police officer who shall be entitled to the benefits of such compensation law as the employee of a person, persons or corporation acting as a contractor to furnish auxiliary police service, shall not receive any benefit under this section.

ELECTIONS.

Registrar of Voters.

Elections.
Registrar
of voters
powers
and duties.

Section 173. The conduct, management and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the city and county shall be vested exclusively in the registrar of voters. Except as in this charter otherwise provided, he shall succeed to the powers and duties of the board of election commissioners at twelve o'clock noon on the 8th day of January, 1932, at which time the terms of the members of said board shall terminate, and such board as theretofore existing shall be abolished. He shall establish precincts in the city and county as provided by law. The regular and temporary forces under the registrar, and the temporary forces, shall be appointed by him subject to the civil service provisions of this charter.

Municipal Elections.

Section 174. On Tuesday after the first Monday in November in 1931 and every second year thereafter, there shall be held in the city and county an election to be known as the general municipal election, at which the electors of the city and county shall choose such officers as are required by this charter to be elected at that time. Special municipal elections shall be called by the registrar when required by this charter on the filing of appropriate initiative, referendum or recall petitions, as provided by this charter, and may be called by the supervisors for bond issues, declarations of policy, or for the voting on candidates for city and county offices not subject to election at general municipal elections.

All provisions of the general laws of this state, including penal laws, respecting the registration of voters, initiative, referendum and recall petitions, elections, canvass of returns and all matters pertinent to any and all of these, shall be applicable to the city and county, except as otherwise provided by this charter or by ordinance adopted by the board of supervisors as authorized by this charter relative to any rights, powers or duties of the city and county or its officers. When not prohibited by general law, the supervisors by ordinance may provide that the publication of precincts and polling places shall be by posting only.

Nomination of Elective Officers.

Declaration
of candidacy

Section 175. The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten nor more than twenty sponsors shall have been filed on his behalf, and when the nomination shall be made in the following manner: The candidate, not more than fifty days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications in not to exceed one hundred words, subscribed by him before the

registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy the sum of thirty dollars (\$30). After said declaration shall have been signed, certified and filed, and not later than thirty-five days before said election in November, not less than ten nor more than twenty sponsors for the said candidate, who are electors of the city and county qualified to vote at the said municipal election, shall appear before the registrar and shall certify under oath to the qualifications of the said candidate on a form of certificate prescribed by the registrar for all sponsors of all candidates.

In the event the registrar shall refuse to file such declaration of candidacy or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than thirty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The registrar shall preserve in his office for a period of four years all candidates' declarations and all sponsors' certificates filed in accordance with this section.

Material to Be Mailed to Voters.

Section 176. The registrar shall, before each municipal election, cause to be printed in pamphlet form and mailed to each registered voter with the sample ballot, a copy of all declarations and statements of qualifications of candidates received by him, to be followed by the names and addresses and occupations of all sponsors of all officers to be voted for in said city and county.

Sample
ballot, etc.
to be mailed
to voters

The registrar shall cause ballots to be printed identical with the ballot to be used in each assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all said sample ballots shall have been mailed at least eight days before said election. The rotation of names of candidates on ballots shall be as provided by general law.

Precinct Boards of Election.

Section 177. The registrar shall, at each municipal or special election, prepare lists for and appoint for each election

Precinct
boards

precinct a precinct board of election officers to hold and conduct such election at the precinct for which said board is appointed. Such board shall consist of one inspector, one judge and two clerks, who shall perform all the duties required by law at such polling place, except as in this charter provided. When voting machines are used one inspector and two judges shall be appointed. The general law as to the appointment of election officers shall apply when not otherwise provided herein. The registrar is authorized to withhold the pay of any election officer who neglects, disregards or violates the election laws.

Determining Result of Election—Failure of Persons Elected to Qualify.

Canvass of
election
results

Section 178. The canvass of voters, canvass of returns, declaration of election and certificate of election shall be made as provided by general law. If a person elected fails to qualify, the office shall be filled as in this charter provided for a vacancy in such office.

Initiative, Referendum and Recall.

Section 179. The registered voters shall have power to propose by petition, and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the board of supervisors to enact, or any legislative act which is within the power conferred upon any other board, commission or officer to adopt, or any amendment to the charter. Such ordinance, act, charter amendment or other measure may be so proposed by filing with the registrar a petition setting forth said measure in full, signed by registered voters of the city and county as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of mayor cast at the last preceding regular municipal election.

Declaration
of policy
to be sub-
mitted to
electors

Any declaration of policy may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the qualified electors voting on said declaration, it shall thereupon be the duty of the board of supervisors to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of this charter.

Any ordinance which the supervisors are empowered to pass may be submitted to the electors by a majority of the board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one-third of the supervisors or by the mayor, and when so proposed shall be submitted to the electors at the next succeeding general election. No ordinance passed by the supervisors granting any public utility franchise or privilege, shall go into effect until the expiration of sixty days from the date it becomes final. At the end of such sixty days such ordinance shall be in force and effect, unless within such

period there shall be filed with the registrar a petition signed by registered voters equal in number to five per cent of the entire vote cast for mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

Any elective official, the chief administrative officer, the controller or any member of the board of education or the public utilities commission may be recalled by the electors. The procedure to effect such recall shall be as follows: A petition demanding the recall from office of the person sought to be recalled shall be filed with the registrar. Said petition shall contain a statement of the grounds on which the recall is sought. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. No recall petition shall be filed against any officer until he has held his office for at least six months.

Petitions.

Section 180. The filing, verification and certification of initiative, referendum and recall petitions shall be in accordance with general law, and rules and regulations of the registrar of voters relative to details not covered by general law, except as otherwise provided by this charter. Any signer to a petition may withdraw his name from the same by filing with the registrar of voters a verified revocation of his signature before the filing of the petition. No signature can be revoked after the petition has been filed. Unless and until it be proven otherwise by official investigation by the registrar, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of registered voters, and after an election based thereon, the sufficiency of such petition shall not be questioned.

Initiative
referendum
and recall
petitions

If any signature be questioned, the registrar shall mail notice to such purported signer, stating that his or her name is attached to such petition and citing him or her to appear before said registrar forthwith, naming the time and place. Said citation shall enclose a blank affidavit, which may be used to deny that the affiant signed such petition. If such person does not desire to attend in person, he may swear to such affidavit of denial before any officer authorized to take oaths, and mail the same to the registrar. If he does not so attend and deny such signature in person or by making and mailing such affidavit of denial before the time when the registrar must, under general law, make final determination, the signature to such petition must be treated as genuine. The registrar shall keep a list of the names of all purported signers who appear before him and deny their signature under oath, and also file and keep such affidavits for at least one year.

Special Election Fund.

Election
fund.

Section 181. The board of supervisors, in the first annual budget to be hereafter adopted by said board, shall appropriate not less than fifty thousand dollars to be known as the special election fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of all special elections initiated by petition of the electorate, including recall elections. In the event of the expenditure of any of said fund, the board of supervisors in the next succeeding annual budget shall appropriate a sum sufficient to reimburse said special election fund.

Time of Election.

Calling of
special
election

Section 182. If the petition accompanying a proposed initiative measure, declaration of policy, or recall be signed by registered voters equal in number to ten per cent of the entire vote cast for mayor at the last preceding general municipal election and contains a request that said measure, policy or recall be submitted forthwith to a vote of the electorate at a special election, then the registrar shall forthwith call a special election, which shall be held at a date not less than thirty nor more than forty days from the date of calling the same, at which said measure or policy, without alteration, or said recall shall be submitted to a vote of the electorate, unless within sixty days of a general or primary election, in which event it shall be submitted at such general or primary election.

If the petition accompanying a proposed initiative measure or declaration of policy be signed by registered voters equal in number to five per cent but less than ten per cent of the said entire vote, then such measure or measures, without alteration, shall be submitted by the registrar to a vote of the electorate at the next general state or municipal election that shall occur at any time after thirty days from the date of the certificate of sufficiency attached to the petition accompanying such measure, unless the board of supervisors, by ordinance, direct that the measure or policy be voted on at a special election prior thereto.

Measures and Arguments to Be Mailed to Voters.

Election
material to
be mailed
voters

Section 183. Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the registrar shall cause the measure or policy to be printed on sheets measuring six by nine inches, and shall mail the same with a sample ballot to each voter, at least five days prior to the election. This printed copy may be attached to any other matter required to be printed and mailed.

With or upon the sample ballot mailed to each voter prior to a recall election, there shall be transmitted the reasons for demanding the recall of the officer as set forth in the recall petition, printed in not more than three hundred words, and with or upon the same ballot the printed statement of the officer

in not more than three hundred words justifying his course in office.

If the proposition be submitted to the registered voters upon an initiative, referendum or recall petition, the persons filing said petition shall have the right to present to the registrar at any time twenty-five days prior to said election, copies of printed arguments favoring their petition, and the registrar shall not accept arguments favoring said petition without the approval of those filing said petition. If said proposition be submitted by the mayor or by the board of supervisors, or by one-third of the board of supervisors, they shall have a similar right to present copies of printed arguments. Said arguments, for or against, shall be printed and shall not exceed four pages, six by nine inches in size, for each proposition. Any person, committee or organization opposing the measure, policy, charter amendment, or recall placed before the voters may present, in like manner and of the same form and size and within the same time, printed arguments opposing said proposition. Copies of said arguments shall be delivered to the registrar equal in number to five per cent in excess of the total number of registered voters. The registrar shall cause one copy of each of said arguments to be mailed with the copy of the measure or the amendment.

Form of Ballot—Majority Vote.

Section 184. The ballots used when voting upon any proposed measure, referendum, policy, recall or confirmation shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure, referendum, policy, recall or confirmation shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count. The general statement or question provided for in this section shall be prepared by the city attorney and shall consist of not over thirty words.

If the official proposed to be removed at any recall election shall, as the result of said election, be recalled, the mayor shall appoint his successor for the unexpired term and the officer so recalled shall be ineligible to hold any city and county office for two years; should said officer be retained in his office, he shall be reimbursed out of the special election fund for his expenses in such recall election; provided that such payment shall not exceed the amount he is permitted to spend under the Purity of Elections Act now in force.

Competing and Conflicting Measures—Repeal.

Section 185. When two or more proposed measures are of the same general purpose, the registrar shall so declare, and shall cause the ballots to be so printed that the voter, first, may choose between any measure or none, and, secondly, may express his preference for any one. If a majority of the votes

on the first question is affirmative, then the measure receiving the highest number of votes shall become law and the others fail of passage. In case two or more measures are tied for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more charter amendments adopted at the same election, then the measure or charter amendment receiving the highest affirmative vote shall prevail.

No initiative, ordinance or measure or declaration of policy approved by the electorate under the provision of this charter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

Substantial Compliance.

Section 186 No informalities in conducting municipal, special, initiative, referendum or recall elections shall invalidate such elections if they have been conducted fairly and in substantial compliance with and conformity to the requirements of this charter.

SAN FRANCISCO-SAN MATEO CONSOLIDATION.

Consolidation of San Mateo County.

San Fran-
cisco-San
Mateo con-
solidation

Section 187. In the event that all or any part of the area of the County of San Mateo shall be consolidated with the city and county in accordance with law and the constitution of the state, the provisions of sections 187 to 218, inclusive, of this charter shall become effective on the effective date of such consolidation and all other provisions of this charter in conflict with the provisions of said sections shall be thereupon and thereby superseded.

Provisions
to become
effective in
event of con-
solidation

Definitions.

Section 188. The following terms as used in sections 187 to 218, inclusive, in this charter, to-wit: "city and county", "county", "city", "governmental agency", "consolidate", and "consolidation", unless the context clearly indicates otherwise, shall have the same meanings as in that certain act of the Legislature of the State of California known as the San Francisco-San Mateo Consolidation Act of 1929, approved June 11, 1929. The term "voter" as used in said section means a qualified and registered elector who is a resident of the city, county, city and county, borough, or other territory concerned.

Continuation of Offices, Officers, Employees and Services.

Section 189. Upon the consolidation of the county as a whole, the offices of assessor, auditor, coroner, county clerk, district attorney, recorder, sheriff, tax collector, and treasurer of said county shall become branch offices of the corresponding respective offices of the city and county, and the incumbents thereof shall become deputies in the said respective offices of the city and county, and shall continue as such to

the end of the terms for which they were respectively elected or appointed.

The departments and offices of the city and county shall establish such branch offices in the territory consolidated as shall be necessary or convenient and as directed by the board of supervisors, but with no less amount of service in the said territory than shall have been provided by the county, or any city, or governmental agency of the county just prior to the time consolidation shall become finally effective.

Any full-time incumbent appointive officer or employee of the county, or any city, or governmental agency of the county, who shall have held such office or employment continuously for one year next prior to consolidation and whose duties shall be assumed by the city and county, shall become an employee of the department or office of the city and county assuming said duties and he shall, as such employee, thereafter be subject, without examination, to the civil service provisions of this charter, if any, applying to said employment.

Retirement Rights.

Section 190. Any policeman or fireman of the county, or any city, or governmental agency of the county, who shall become an employee of the police or fire department of the city and county, and who may participate in any pension or retirement system of the city and county, shall receive credit for his prior continuous full-time service to said county, city or governmental agency.

Municipal Court.

Section 191. All cases pending in any justices' court, police court or court of any recorder or other judicial municipal magistrate or office of the county, or any city, or governmental agency of the county consolidated with the city and county shall ipso facto be deemed to be and be transferred to the municipal court of the city and county. Such municipal court shall hold regular sessions in such borough or boroughs as the board of supervisors may, by ordinance, direct, and at least one such borough shall be so designated.

Recording.

Section 192. Any instrument or judgment affecting the title to or the possession of real property situated in the territory of the county which may be consolidated with the city and county must be recorded in the branch office of the recorder of the city and county located in the territory so consolidated and all records in said branch office shall for all purposes be deemed records in the office of the recorder of the city and county.

Establishment of Boroughs.

Section 193. Any territory included in the area that has become a part of the city and county by consolidation and which at that time is not already within a borough may be ^{Boroughs}

organized into a borough in the manner hereinafter set forth, provided such territory contain at least 3000 population, as determined by ordinance of the board of supervisors. Any incorporated city included in the area that has become a part of the city and county by consolidation, which was such a city on or prior to January 1, 1931, shall automatically become a borough when consolidation becomes effective.

New Boroughs, Consolidation, Change in Boundaries,
and Disestablishment of Boroughs.

New
boroughs

Section 194 Any new borough may be established, any two or more boroughs may be consolidated, the boundaries of any borough may be enlarged or diminished, or a borough may be disestablished, provided a majority of the voters of a borough, or boroughs, and/or of the territory concerned, voting on such a proposition at an election called for the purpose, shall first have voted in favor thereof; provided, further, that no borough shall be disestablished nor the boundaries of a borough diminished, unless the same be approved by the board of supervisors by ordinance, or a majority of the voters of the city and county voting thereon at an election called for the purpose, shall first have voted in favor thereof. Such elections shall be called by the board of supervisors upon receiving the report of the borough commission hereinafter provided for, and at any time thereafter upon receiving a petition of at least twenty-five per cent of the voters of the borough or boroughs or the territory concerned. If any petition of voters requests the establishment of a new borough or any change in the boundaries of an existing borough, the supervisors, before calling an election thereunder, must set the petition for public hearing and give notice thereof by publication at least once a week for two weeks in a newspaper published in the city and county. Upon such hearing, the board of supervisors shall have power to change and determine the boundaries as set forth in any such petition. No new borough shall be established, nor shall two or more boroughs be consolidated, nor shall the boundaries of a borough be enlarged or diminished, nor shall a borough be disestablished, unless a majority of the voters of the borough, or boroughs, or the territory concerned, voting on such a proposition, shall first have voted in favor thereof.

Within thirty days after consolidation is effective, every borough council must appoint one member to a commission to be known as the borough commission. The commission shall be charged with the duty of studying the boundaries of all boroughs within the city and county and of making recommendations to the board of supervisors concerning consolidation, disestablishment, or any change in boundaries of any borough or boroughs. This report shall be submitted to the board of supervisors within two years from the time consolidation shall become effective. Upon receiving the report of the commission, the board of supervisors shall without delay

call an election or elections and submit appropriate propositions in accord with the recommendations of the commission to a vote of the voters of the territory concerned.

Upon the consolidation of two or more boroughs, all property thereof shall belong to the consolidated borough and such borough shall become responsible for all the debts and obligations of the boroughs consolidated. Upon a change of boundaries or disestablishment of a borough, the board of supervisors shall provide for the equitable adjustment and payment of any borough debts.

The board of supervisors, by ordinance, shall provide for the method and manner of calling and holding elections provided for in this section and for the canvassing of the returns thereof.

Borough Powers.

Section 195. Every borough shall have and may exercise, subject to the provisions of this charter, the following powers and duties which shall be exclusive within borough limits except as otherwise provided herein: Powers of boroughs.

(1) To create districts for the purpose of regulating the location, height, area, bulk, and use of buildings, lands and premises, and to exercise zoning and planning powers.

(2) To maintain public libraries and reading rooms.

(3) To maintain parks, playgrounds and other recreational facilities, and to construct and maintain buildings and works appurtenant thereto, except parks, playgrounds and recreational facilities maintained by the city and county.

(4) To construct, improve and maintain streets and the bridges, sidewalks, street signs, lighting fixtures and all other appurtenances incident thereto; except highways maintained by the state or any joint highway district and any highway or street which the board of supervisors shall declare to be a major highway to be maintained by the city and county.

(5) To construct and maintain local sewers, sewage disposal plants, storm drains, and outfalls.

(6) To collect garbage and other wastes and to dispose of the same within or without borough limits, except as the board of supervisors shall otherwise provide for such disposal. Permission to dispose of garbage and other wastes outside of borough limits shall be first obtained from the city and county or the borough having jurisdiction of the territory in which such disposal is made.

(7) To erect, maintain and repair public buildings, and improve and maintain public property within borough limits devoted exclusively to borough uses; provided a borough shall maintain at least one public building, which the borough council shall select and in which the borough council shall meet.

(8) To have and exercise the same power within limits of a borough to open, widen, narrow, or close public streets and highways, and to establish the grades thereof, as is possessed by the city and county, except no borough shall close or narrow

Same

any highway maintained by the city and county without the approval of the board of supervisors.

(9) To exercise the powers of eminent domain whenever necessary to acquire property and easements for streets, highways, or other public purposes.

(10) To issue permits for any privilege in or on any street, within the jurisdiction of the borough, and to make regulations with regard to advertising by signs, billboards, banners, placards, posters, or pictures on any street, sidewalk, or private property, or upon any buildings, poles, or fences thereof, except within two hundred feet of any street or highway not under its jurisdiction.

(11) To issue permits for spur tracks.

(12) To establish fire limits for the regulation of building and construction of buildings.

(13) To license for purpose of regulation only such occupations as shall require regulation in the interest of public peace, health, or safety, and to prescribe the terms and conditions under which such licenses shall issue.

(14) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, by suit or otherwise.

(15) To enact local police ordinances, not inconsistent with the laws of the state or ordinances of the city and county, and to make rules and regulations for the exercise of any power conferred herein on boroughs and to provide penalties for the violation thereof, provided such penalties shall not exceed the penalty limits applicable by law or under this charter to city and county ordinances; such local police ordinances to have all the force and effect within the limits of the borough of an ordinance of the city and county and as though passed and adopted by the board of supervisors.

(16) To create and define the powers and duties of all borough offices and employments, not established by this charter, necessary for the purpose of carrying out the provisions of this charter and executing the powers and duties of a borough; and to fix the compensation of all officers and employees of the borough not fixed by this charter.

(17) To call and hold borough elections whenever necessary.

(18) To levy borough taxes.

(19) To prepare and adopt an annual budget of estimated borough expenditures and to exercise control of all borough funds.

(20) To incur indebtedness for the purpose of carrying out any of the powers conferred on the borough.

(21) To create special districts for the purpose of defraying the cost of any public improvement which the borough is authorized to make, and to levy special assessments upon property materially benefited by such public improvement, and to issue bonds to represent or be secured by such assessments.

(22) To contract for such supplies, services, or labor, and to enter into such contracts as may be necessary.

(23) To employ a qualified person or persons to make an independent audit of borough funds and financial transactions of all kinds as the borough council may direct. If an audit is not made by the city and county, then the borough council shall provide for such an audit at least once in every two years.

(24) To accept devises, bequests, legacies, donations or services to or for the use of the borough and to administer the same in accordance with the conditions thereof.

(25) To issue subpoenas for the attendance of witnesses or the production of books or documents for the purpose of producing evidence or testimony in any matter pending before the borough council.

(26) To employ legal counsel.

(27) To change the name of the borough, by ordinance, provided the ordinance making such change in name shall first be approved by a majority of the voters of the borough voting thereon.

(28) To provide, by ordinance, for civil service for borough employees under such conditions as are hereinafter provided, provided such ordinance shall first be approved by a majority of the borough voters voting thereon.

(29) To provide, by ordinance, for a system of retirement allowances for old age and disability and death benefits to dependents, applicable to officers and employees of the borough under conditions hereinafter provided, provided such ordinance shall first be approved by a majority of the borough voters voting thereon.

(30) To appropriate borough funds for supplementing any city and county service or function within the borough; such appropriations to be expended through the appropriate departments of the city and county.

(31) To enter into an agreement with any other borough or boroughs for the joint undertaking of any power conferred on a borough herein.

(32) To have and exercise all appropriate municipal powers which may be necessary or proper to the exercise of the foregoing powers or to the discharge of the foregoing duties, and which are not inconsistent with the other provisions of this charter.

Transfer of Borough Powers.

Section 196. Any power over which a borough shall have exclusive jurisdiction within its limits, as herein provided, may be transferred to the city and county by a borough by ordinance of the borough council thereof, but not unless a majority of the voters of the borough, voting on the question of the transfer of such power, shall first have voted in favor thereof; provided, that no such power shall be transferred to the city and county unless such transfer is also approved by ordinance of the board of supervisors.

Transfer of
borough
powers.

Borough Elective Officers and Terms.

Borough
elective
officers

Section 197. The voters of a borough shall elect five members of the borough council, except as otherwise provided; and also a borough controller, unless a borough shall, by ordinance of the council approved by a majority of the voters thereof voting on such ordinance, vest the powers of borough controller in a borough manager. Except as otherwise provided, borough elective officers shall be elected to serve for terms of four years and until their successors are elected and qualify.

Within fifteen days after the establishment of a new borough created upon petition as herein provided, the mayor of the city and county shall appoint five qualified residents of the borough as members of the council to serve until their successors are elected and qualify. At the next succeeding general borough election, the voters thereof shall elect three members of the council to serve for terms of two years, and two members to serve for terms of four years, beginning at twelve o'clock noon on the 8th day of January following the date of their election.

The council of a borough which by consolidation is automatically established, shall consist of the same number of members as shall compose the council of the city at the time consolidation becomes effective. The city councilmen in office at the time of such consolidation shall continue in office as borough councilmen until the end of the terms for which they were respectively elected, and thereafter until twelve o'clock noon on the 8th day of January of the first succeeding even-numbered year. At the general borough election immediately preceding the expiration of the terms of any such members of a borough council, the voters of the borough shall elect their successors to serve for terms of four years. At every borough general election the successors to those elective borough officers whose terms are next expiring shall be elected to serve for terms of four years.

At the first meeting of the council, it shall appoint a borough controller to serve until his successor is elected and qualifies. At the next succeeding general borough election, the borough voters shall elect a borough controller to serve for a term of four years, beginning at twelve o'clock noon on the 8th day of January following the date of his election; provided, however, that if a majority of the members of the council are elected at the same time, the borough controller shall be elected to serve for a two-year term, and thereafter his term shall be for four years.

A candidate for any elective borough office shall have been an elector of the borough, or of the area comprising the same, for a period of at least five years prior to the date of election at which he is a candidate. No person who shall hold an elective or appointive office of the city and county shall hold any elective borough office.

A borough council may fill any vacancy in an elective office of a borough for the unexpired term thereof.

Duties, Meetings, and Compensation of Borough Councilmen.

Section 198. The council shall constitute the legislative body of the borough and, except as otherwise provided, shall exercise the powers thereof. Borough
council

The council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called, provided, however, that there shall be at least two regular meetings in each month. The first meeting shall be held within thirty days after its establishment at the time and place upon which a majority of the council shall in writing agree upon. All legislative sessions of the council, whether regular or special, shall be open to the public. A majority of all members of the council shall constitute a quorum for the transaction of business. All borough records shall be open to the public.

No member of the borough council shall receive compensation for his services unless an ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon; provided, however, that councilmen of a borough automatically established shall continue to receive the same compensation as provided for councilmen by the city which it succeeds at the time consolidation becomes effective, until the borough provides otherwise by ordinance approved by a majority vote of the vote cast thereon.

The council shall by ordinance determine what bonds, if any, are to be given by the elective and appointive officers of the borough, and shall fix their amounts and form, and such bonds shall be approved in the case of a borough controller by the council and in the case of all other officers by the borough controller, and the premiums thereon shall be paid by the borough.

Borough President.

Section 199. The council shall choose one of its own number as president to serve at its pleasure. The president shall be the executive head of the borough upon whom process issued by authority of law shall be served. In the name and on behalf of the borough he shall sign all legal instruments and documents to which the borough is a party except where otherwise provided herein or by ordinance. He shall have such other powers and perform such other duties as may be prescribed by law, or by ordinance or resolution of the council. Borough
officers

Borough Controller.

Section 200. The borough controller shall have in addition to such duties as are prescribed by this charter, such other duties as may be prescribed by borough ordinance. No borough funds shall be drawn from the treasury of the city and county except by warrant issued or countersigned by him, and he shall countersign no such warrant until he has satisfied himself that the claim is a legal obligation of the borough. He shall keep in his office sufficient and proper records and accounts of the financial transactions of the borough. Such

Same.

records and accounts shall be kept in the forms and manner as prescribed by the controller of the city and county. He shall have access at all times for himself, or for any person designated by him, to books, records and cash in any office of the city and county and/or of the borough in which accounts are kept or money handled on behalf of the borough. He shall have power to inquire into all contracts, including the performance thereof and into all proceedings involving the expenditure of public funds to which the borough is a party, and into the financial transactions of all officers and employees of the borough. For this purpose he may administer oaths, summon witnesses and order the production of relevant books and papers. If any person fails to obey such summons or order or refuses to answer any proper question, the borough controller may petition a court of competent jurisdiction for an order directing such person to comply with said summons or order or to answer such questions. He shall have power to employ such expert accountants or other agents as he may deem necessary to carry out his powers, and the council shall appropriate such funds as may be needed for this purpose.

Borough Clerk.

Section 201. When consolidation becomes effective, the clerk of any city which is automatically established as a borough shall continue in office as borough clerk thereof until the expiration of the term for which he may be elected or appointed, and thereafter the council shall appoint a borough clerk who shall act as clerk of the council. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter, or by ordinance, or order of the council.

Borough Planning Commission.

Section 202. The council may provide, by borough ordinance, for a borough planning commission of five members. The ordinance shall provide for the qualifications, manner of appointment, terms, and compensation of the members of such commission, but no compensation shall be paid any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon. Said ordinance shall provide that the borough planning commission shall have and exercise within the borough such powers and duties as shall correspond to, so far as possible, the powers and duties of the planning commission of the city and county.

Until a borough planning commission is provided, the council shall have and exercise within the borough such powers and duties of a planning commission as the council, by ordinance, may provide.

The borough planning commission, or the council, as the case may be, shall have such advisory powers relating to any planning matter of the city and county affecting any property,

streets, public work or public improvement of or within the borough, as may be provided by ordinance of the board of supervisors.

The borough planning commission, or the council, as the case may be, shall have power to recommend changes in or the repeal of any city ordinance establishing zones for the uses of property within the borough which may be continued in effect upon consolidation. In the determination of which class of occupation zones the property within a borough may be divided, or in the modification of any city zoning ordinance continued in effect, the borough planning commission, or the council, as the case may be, shall accept the classification of occupation zones which the board of supervisors, by ordinance, shall establish for the city and county.

Borough Library Board.

Section 203. The council may provide, by ordinance, for a borough library board of five members. The ordinance shall provide for the qualifications, manner of appointment, terms and compensation of the members of such board, but no compensation shall be paid to any member unless the ordinance providing for such compensation shall first have been approved by a majority of the borough voters voting thereon.

The borough library board shall have control and management of the borough library and the funds provided for same and shall have power to make such rules and regulations as necessary for the conduct of its affairs, but the treasurer of the city and county shall have custody of such funds.

Borough Manager.

Section 204. The council may appoint a borough manager, provided, however, that no borough manager shall be appointed unless an ordinance creating such office shall first have been approved by a majority of the borough voters voting thereon, and which ordinance, when so approved, shall not be amended or repealed except by ordinance also approved by a majority of the borough voters voting thereon. The city manager of a city automatically established as a borough shall continue to hold such office as borough manager until removed by the council, and the council may appoint his successor.

The borough manager shall be chosen by the council without regard to political consideration and solely with reference to his executive and administrative qualifications. Residence within the borough shall not be a qualification for his appointment; but promptly thereafter during his term of office, he shall become and shall remain an actual resident of the borough.

The powers and duties of the borough manager shall be as follows:

(a) To act as administrative head of the borough government.

(b) To see that all borough ordinances are enforced.

Powers and
duties of
borough
manager

(c) To appoint, remove, and have control of all subordinates and employees, except as otherwise provided by this charter or by ordinance of the borough.

(d) To see that all permits and privileges granted by the borough are observed and to report any violations thereof to the council

(e) To attend meetings of the council.

(f) To advise the council on the needs of the borough.

(g) To devote his entire time to the interests of the borough.

(h) To have general supervision of borough parks and playgrounds.

(i) To appoint such advisory boards as he may deem desirable to advise and assist him in his work; provided such boards shall not receive any compensation.

(j) To prepare the annual budget, as herein provided.

(k) From time to time, in order to facilitate the prompt, economical and efficient dispatch of borough business, to assign assistants, deputies or employees from any office or department of the government to perform work or service in any other office or department thereof, or to work in more than one of said offices or departments.

(l) To possess such additional powers and duties as may be provided in this charter or by ordinance.

The borough manager shall have the right to take part in the discussion of all matters coming before the council, but shall have no vote therein.

In case of the absence or disability of the borough manager, the council may designate some qualified person to perform the duties of the office temporarily.

No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the borough manager in making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for borough manager, or discuss, directly or indirectly, with any such candidate the matter of appointments to borough offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the council, who may be removed therefrom by the council or by any court of competent jurisdiction.

No persons related to a borough manager by blood or by marriage shall be eligible for borough employment.

A borough manager may, by written agreement of the councils of the boroughs interested, act as joint manager for two or more boroughs, in which case he shall become a resident of one of the boroughs so interested and shall devote his entire time to the interests of such boroughs.

Borough Legislation.

Section 205. The council shall act in legislative matters by ordinance only. Other action of the council, unless otherwise provided, may be taken by resolution, motion or order. No

ordinance or resolution or order for the expenditure of money shall be passed without receiving the affirmative votes of a majority of all members of the council.

The enacting clause of all borough ordinances shall be as follows: "The people of the Borough of _____ (inserting the name of the borough) of the City and County of San Francisco do ordain as follows." No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the president and attested by the borough clerk and shall be published at least once in some newspaper of general circulation established, printed and published in the borough, and if there be no such newspaper they shall be posted in at least three public places in the borough before becoming effective.

Every ordinance passed by a council shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance and as otherwise provided herein. Ordinances declared by the council to be necessary as emergency measures for the immediate preservation of public peace, health, or safety, containing a statement of the reasons for their urgency, and ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the council.

Borough Fiscal Procedure.

Section 206. Within the time limits fixed by this charter for the preparation and adoption of the budget of the city and county, every borough shall cause to be prepared and shall adopt a borough budget which shall be a complete statement of the estimate of the revenues and expenditures of the borough departments for the ensuing year. Such budget shall be prepared substantially in the same manner and in such detail as required for the budget of the city and county so far as the same may be applicable. Upon the adoption of the budget, it shall take effect at the same time and shall be binding upon the borough in substantially the same degree and in the same manner as the city and county budget shall be effective and binding upon the city and county.

Borough
fiscal
procedure

The fiscal year of a borough shall be the same as for the city and county.

Within the time limits fixed by law or by this charter for the city and county, the borough council may levy a borough tax sufficient to raise the amount estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue; but such levy, exclusive of the tax to pay the interest

Same.

and maintain the sinking funds of the bonded indebtedness of the borough, and exclusive of special assessment and district taxes and of the library tax, shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the taxable property within the borough. Should the council fail to fix the tax rate within the time prescribed, then the borough tax rate of the previous year shall constitute the rate of the current year. The council, by ordinance, may provide for a higher tax limit, but such tax limit shall not be effective unless the ordinance fixing such tax limit shall first have been approved by a majority of the borough voters voting thereon.

All borough taxes levied, together with interest thereon and any percentage imposed for delinquency and the cost of collection, which shall be those prescribed in this charter for the city and county, shall constitute liens on the property assessed, which taxes, interest, penalties and charges shall be collected in the same manner as is provided for the collection of city and county taxes, and which liens may be foreclosed upon in the same manner as is provided for the foreclosure of liens for city and county taxes.

All borough taxes shall be levied on the valuation of the taxable property within the borough as shall be fixed by the assessor of the city and county for city and county tax purposes.

There shall be a borough fund for each borough. All borough taxes shall be collected by the tax collector of the city and county and shall be paid into the city and county treasury to the credit of the borough concerned, together with all revenues of a borough received from fines, licenses, and other sources of revenue, except as otherwise provided. Money shall be payable from a borough fund only on warrants drawn with the approval of a borough council by such borough officer as the council may authorize, and when countersigned by the borough controller.

The manner and time within which deposits of borough moneys received from taxes, licenses, fees, fines, penalties, forfeitures, and all moneys accruing to a borough from any source shall be made and the transfer and disposition of all surplus funds, shall be provided for by ordinance of the board of supervisors, and shall be uniform for all boroughs.

The council shall not create, audit, or permit to accrue, any debt or liability in excess of the available money in the borough fund of the borough that may be legally apportioned and appropriated for such purpose; provided that taxes levied though uncollected are deemed available income and revenue for the year for which levied; and provided, that any borough, during the first year of its existence, may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year, nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the borough

fund legally applicable to the payment of the same, except as hereinafter provided. When any order or demand is presented to the borough controller for approval and is not approved for want of funds and the amount of said order or demand does not exceed the income and revenue for the year in which the indebtedness was incurred, such borough controller must indorse thereon the words, "not approved for want of funds," with the date of presentation and shall, in attestation thereof, affix his signature thereto; and shall number such indorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum. Such orders or demands, so registered as herein provided, shall be paid in the order in which the same are registered.

All license taxes collected by the city and county within the limits of any borough shall be credited to the borough fund of such borough by the treasurer of the city and county.

Borough Tax Subventions.

Section 207. For those boroughs which shall within their own boundaries perform municipal functions concerned with the maintenance of streets, sewers, parks, libraries, and playgrounds, which would otherwise be the municipal obligation of the city and county, the board of supervisors shall by ordinance provide for a system of subventions to such boroughs from tax funds of the city and county, provided that in no event shall such subvention to any borough in any one fiscal year either exceed the amount which such borough shall appropriate out of borough funds in that year for such municipal functions, or exceed the amount which the city and county shall raise in that year by city and county taxes for similar municipal purposes of the city and county upon the assessed valuation of taxable property within such borough. Such system of subventions may be modified from time to time by the board of supervisors by ordinance, but all ordinances providing for such a system shall apply generally to all boroughs.

Borough Bonded Indebtedness.

Section 208. A borough may incur an indebtedness, exceeding in any year the income and revenue provided for such year, for the purposes of paying the cost of any borough improvement or acquisition within the power of the borough to make or acquire and may issue and sell borough bonds for such purposes, provided said indebtedness and bonds are authorized as herein provided by ordinance or resolution of the borough pledging the faith and credit of the borough therefor. Such ordinance or resolution shall be adopted and the proposition for the issue and sale of such bonds shall be submitted to a vote of the voters of the borough in substantially the same form and manner and according to the same procedure as is provided in this charter for the issue and sale

of bonds by the city and county, or in the manner and form and according to the procedure provided in any general law of the State of California in force at the time governing the issue and sale of bonds by municipalities, so far as the same may be applicable.

No such debt shall be incurred and no such bonds shall be issued by any borough without the assent of two-thirds of the voters thereof voting thereon at an election to be held for that purpose, nor unless before or at the time of incurring said debt or issuing said bonds provision shall be made for the collection of an annual tax sufficient to pay the interest on such debt or bonds as it falls due and provision shall also be made to constitute a sinking fund for the payment of the principal thereof on or before maturity.

In no case shall borough bonds be issued for a term which shall exceed the estimated life of the work or improvement for the payment of which they are issued as certified by the council in the ordinance calling the bond election, nor for a term to exceed forty years.

No bond shall be issued on the faith and credit of the borough which will increase the bonded indebtedness thereof beyond five per cent of the assessed valuation of the property within the borough subject to direct taxation as shown by the last preceding assessed valuation.

The proceeds from the sale of borough bonds shall be applied exclusively to the purposes and objects to which the voters of the borough have assented, until such purposes and objects have been accomplished, after which the surplus, if any, shall be transferred to the bond interest or redemption fund of the borough.

Borough bonds shall not constitute a debt or general obligation of the city and county.

Borough Special Assessments.

Special assessments.

Section 209. In the exercise of its power to provide for the payment of the cost of any public improvement in whole or in part by special assessment levied against the property benefited thereby, a borough acting through its council may establish local improvement districts and levy and collect special assessments and reassessments to pay the costs and expenses of such improvements, which expenses shall be made and assessments levied and collected in conformity with the procedure set forth in this charter for the city and county, or with the procedure set forth in any ordinance passed or adopted thereunder, or with the procedure set forth in any one or more of the general laws of the State of California in force at the time of the improvement relating to the doing of public work or the making of public improvements in municipalities or in counties, so far as the same may be applicable. The council may provide in accordance with the procedure set forth in said charter or said ordinance or general law or laws for the issuance, sale, payment and redemption of interest bearing

bonds to represent or to be secured by such assessments or any reassessments remaining unpaid after a certain period, either singly or in the aggregate, and may provide that such assessments or reassessments may be paid in installments and be collected in the same manner in which city and county taxes are collected or otherwise, and for the sale of lands burdened by such assessments or reassessments and for the purchase of same on behalf of the borough in event of nonpayment, and may provide other or alternative methods for such collection by foreclosure or otherwise. Such work or improvements are any permitted to be done by boroughs under this charter or by the city and county or by any such procedure, ordinance or general law.

Nothing contained herein shall prevent the board of supervisors from establishing similar local improvement districts where the same shall cover territory in two or more boroughs or parts thereof, or cover territory lying partly within and partly without a borough, or from levying and collecting special assessments and reassessments to pay the cost and expenses of such local public improvements.

Borough Contracts and Official Advertising.

Section 210. In the preparation of estimates, calling for bids, advertising, and awarding of contracts for supplies, materials, labor, official advertising, or for any public work, a borough shall be subject to the provisions of any ordinance as the board of supervisors shall provide to be applicable uniformly to all boroughs. Such ordinance shall follow as closely as practicable the provisions of this charter relating to such matters applicable to the city and county and shall charge borough officers with appropriate duties in the premises.

Contracts for the official advertising of a borough shall be let as this charter provides for the letting of contracts for official advertising of the city and county, provided that any such contract shall be let to a daily or weekly newspaper of general circulation established, printed, and published in the borough, if any such there be. If there be no such newspaper, then such contract shall be let to a daily or weekly newspaper of general circulation established, printed and published in the city and county.

Any newspaper of general circulation which for one year next prior to consolidation was established, printed and published in the territory consolidated with the city and county shall thereafter be deemed to have been so established, printed and published as a newspaper of general circulation for said period of one year within said city and county for all purposes of official publication or advertising.

The advertising of the delinquent borough tax list of the property within a borough shall be let by the board of supervisors to the lowest responsible bidder for publication in a newspaper of general circulation printed and published within such borough, if any such there be, and otherwise in such a

newspaper printed and published in the city and county and such delinquent tax list shall be published in such newspaper at least once.

Interest in Borough Contracts.

Section 211. No officer or employee of a borough shall be or become directly or indirectly interested in any contract of such borough. Any such officer or employee violating the provisions of this section shall forfeit his office or place of employment and be disqualified from being elected, appointed or employed in the service of such borough, or the city and county, or any other borough thereof, and such contract shall be void.

Borough Civil Service.

Civil service Section 212. Whenever the voters of a borough shall approve an ordinance of the council providing for civil service for officers and employees of the borough, the council shall enter into an agreement with the civil service commission of the city and county for the administration of the civil service system of the borough, and it shall provide in the borough budget for the payment to the city and county of the costs of such services.

In any such ordinance it shall be provided that all borough officers and employees, not otherwise exempt as herein provided, shall be subject to the civil service provisions of this charter as far as they may be consistently applicable to such officers and employees. Such ordinance shall further provide that there shall be no exemption of any borough officers or employees from the borough civil service system except in the case of elective borough officers, appointees to any borough board or commission not required to give full-time service, and the borough manager, if any. Such ordinance may also provide that any borough officer or employee, who shall be subject to the borough civil service system and who has been continuously employed full-time for one year prior thereto by the borough or by the city automatically established as such borough, shall without any examination be deemed appointed within the civil service provisions of this charter to the position to which he may be assigned and entitled to all the benefits of said civil service provisions thereafter.

Borough Pensions.

Pensions Section 213. Whenever the voters of a borough shall approve an ordinance of the council providing for retirement allowances and death benefits applicable to officers and employees of the borough, the council shall enter into an agreement with the retirement board of the city and county for the administration of the borough retirement allowances and death benefits, and for contributions by the borough and the borough officers and employees to the retirement system of the city and county in like manner as is provided for such administration and contributions by the city and county and city and county officers and employees.

The right of borough officers and employees to participate in such a retirement system, the manner in which they may participate, and the benefits they may enjoy, shall be those provided by the retirement system for officers and employees of the city and county.

In any such borough ordinance it may be provided that any officer or employee participating in its benefits shall receive credit for his prior continuous full-time service to the borough and/or to the city automatically established as such borough, and all liabilities accruing under such system because of such prior service shall be met by the borough.

Borough Elections.

Section 214. The primary and general elections of a ^{Elections.} borough shall be held at the time provided in this charter for municipal primary and general elections of the city and county. Except as otherwise provided in this charter, the council by ordinance shall call any special borough election and notice of such special election shall be given by proclamation issued by the president of the council and posted and published as the council may direct for the period of at least thirty days next preceding the date of such election. Any borough election shall be conducted and canvassed in the same manner as an election of the city and county, but the cost of any special election shall be borne by the borough. A borough special election may be called to be held on any day appointed for any primary or general election of the city and county.

Borough Initiative, Referendum, and Recall.

Section 215. The voters of a borough may invoke the initiative provisions of this charter to apply to any borough ordinance, and they may also invoke the referendum provisions of this charter to apply to any ordinance, act or measure of a borough council. The council may submit any ordinance it is empowered to pass to a vote of the borough voters. The voters of a borough may invoke the recall provisions of this charter to apply to any elective borough officer. It shall be the duty of the board of supervisors, by ordinance uniformly applicable to all boroughs, to make the provisions of this section effective.

Interchange of Services.

Section 216. Any department, officer, or employee of a borough may be permitted to perform services for any department or office of the city and county, and may be compensated for such services by the city and county, provided approval thereof is first obtained from the proper borough authority.

Borough Continuation of Employees, Contracts, and Ordinances.

Section 217. Except as otherwise provided, any employee of a city consolidated with the city and county, who shall be in the employ of any department or office of such city, the power over which shall be conferred upon a borough automatically

established as successor to any such city, shall continue in the position to which he may be assigned in the employ of the borough until the end of his term or if without a term until removed by the authority to whom power of removal is committed.

All contracts for materials, supplies and labor, and all public works, special assessments or similar proceedings entered into or undertaken by a city consolidated with the city and county in force or in course of performance when consolidation becomes effective, shall be continued and perfected by the borough automatically succeeding any such city, provided the borough shall have jurisdiction in the matter for which such contracts were entered into or over such public works, special assessment or similar proceedings, and otherwise by the city and county.

All ordinances of a city consolidated with the city and county which are not inconsistent with the provisions of this charter or with any ordinance of the city and county shall, until repealed or amended by borough ordinances, be continued in force as ordinances of the borough automatically succeeding such city.

General Legislation for Boroughs.

Section 218. The board of supervisors shall have general power to enact all legislation necessary to permit boroughs to exercise their powers or perform their duties under any provisions of this charter and not otherwise provided for herein. Such legislation shall be consistent with the provisions of this charter relating to the city and county or to boroughs and shall be uniform for all boroughs.

MISCELLANEOUS.

Per Diem and Mileage.

Section 219. Except in the discharge of routine duties, traveling and payment of expenses therefor shall be authorized only by ordinance; provided, that allowances therefor shall not exceed cost of transportation, including Pullman charges, if any, and a reasonable amount per diem for necessary expenses, which per diem shall be fixed annually by ordinance and shall be applicable to all officers and employees.

Office Hours.

Section 220. Except where otherwise provided by law, all public offices shall be open for business every day, except legal holidays, from eight thirty o'clock A. M. until five o'clock P. M. The supervisors by ordinance may provide that any office shall be kept open for a longer time, when necessary for the accommodation of the public.

Civil Service Exemptions.

Section 221. References throughout this charter to the exclusion or the exemption from the civil service provisions of this charter shall be construed to mean, exclusive of those

civil service provisions that relate to examination, appointment and removal.

Prohibited Practices of Officers and Employees.

Section 222. No member of any board or commission shall accept any employment relating to the business or the affairs of any person, firm or corporation which are subject to regulation by the board or commission of which he is a member. No supervisor and no officer or employee of the city and county, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes and assessments, or by virtue of legal process at the suit of the city and county; nor shall any person in this section designated during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right or privilege granted by the city and county, unless the same shall be devolved upon him by law; nor shall any person mentioned in this section give or promise any money or other valuable thing, or any portion of his compensation, in consideration of his nomination, appointment, or election to any city and county office or employment; or accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for a position as employee or subordinate under him. Violation of any of the provisions of this section shall constitute official misconduct.

Certain
practices
prohibited.

Penalty for Official Misconduct.

Section 223. Any person found guilty of official misconduct shall forfeit his office, and shall be forever after debarred and disqualified from being elected, appointed or employed in the service of the city and county.

Penalty.

Publication.

Section 224. Whenever advertising or publication is required by the provisions of this charter, it shall mean one publication in the official newspaper of the city and county, unless a greater number of publications is specifically required; provided that notices inviting bids shall be published for at least three consecutive days, except as provided in section 95 of this charter.

Headings and Captions.

Section 225. Headings and captions used in this charter, whether the same occur between sections or immediately preceding section numbers, are hereby declared to be for no other purpose than the convenient indication of the general subject matter of the provisions which follow, and they shall not be

Construction

considered or construed in connection with the text of this charter in any way so as to alter or modify the meaning or intent of the provisions of this charter, as such meaning or intent would be determined if such headings and captions were not used.

Constitutionality.

Constitutionality

Section 226. If any section, subsection or subdivision, sentence, clause or phrase of this charter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion or portions of this charter. The people of the City and County of San Francisco hereby declare that they would have ratified and adopted, and the Legislature hereby declares that it would have approved, this charter, and each section, subsection or subdivision, sentence, clause and phrase hereof as the charter of the City and County of San Francisco, irrespective of the fact that any one or more other sections, subsections or subdivisions, sentences, clauses or phrases be declared unconstitutional.

SCHEDULE.

This charter shall take effect at twelve o'clock noon on the 8th day of January, 1932, except as otherwise specifically provided in this charter; provided, however, that offices which, under the charter superseded by this charter, shall have been filled by vote of the electors of the city and county, and which, by this charter, are made appointive offices shall not be filled by vote of the electors at the general municipal election of 1931. Upon its approval by the Legislature of the State of California, this charter shall take effect as herein provided and shall supersede the charter of the said city and county in force at the time immediately preceding such approval.

CERTIFICATE.

Certificate.

We, the undersigned members of the board of freeholders of the City and County of San Francisco, in the State of California, elected at a special election held in the said city and county on the 26th day of August, 1930, to prepare and provide a charter for the said city and county, under and in accordance with the provisions of the constitution of this state, have prepared, and we do hereby propose the foregoing, as and for a charter for said city and county.

In witness whereof, we hereunto sign our names in duplicate ^{Same}
this 19th day of January, 1931.

LEWIS F. BYINGTON
President
F. V. KEESLING
Vice-President
ARTHUR W. BROUILLET
Secretary
STEPHEN MALATESTA
JULIUS S. GODEAU
THOS. DOYLE
THOMAS P. GARRITY
HUGH GALLAGHER
THOMAS DANFORTH BOARDMAN
JOHN H. MCCALLUM
ADOLPH UHL
C. HAROLD CAULFIELD
LEO A. CUNNINGHAM
JOHN S. DREW

The Board of Freeholders of the City and County of San Francisco hereby requests the board of supervisors of said city and county to cause the publication of the foregoing proposed charter in the manner provided by law and fixes Thursday, the 26th day of March, 1931, as the date for holding a special municipal election in said city and county, at which the said charter shall be submitted to the electors of said city and county for their ratification and adoption.

Dated, January 19, 1931.

LEWIS F. BYINGTON
President
F. V. KEESLING
Vice-President
ARTHUR W. BROUILLET
Secretary
STEPHEN MALATESTA
JULIUS S. GODEAU
THOS. DOYLE
THOMAS P. GARRITY
HUGH GALLAGHER
THOMAS DANFORTH BOARDMAN
JOHN H. MCCALLUM
ADOLPH UHL
C. HAROLD CAULFIELD
LEO A. CUNNINGHAM
JOHN S. DREW
Freeholders of the City and
County of San Francisco.

Filed, January 19, 1931.

EXHIBIT "E."

AUTHORIZING THE PUBLICATION OF THE CHARTER PREPARED BY THE BOARD OF FREEHOLDERS IN THE CHRONICLE, THURSDAY, JANUARY 22, 1931.

Resolution No. 33778.

(New Series.)

Authority
to publish.

Resolved, That the Charter prepared by the fifteen freeholders who were chosen by the electors of the City and County of San Francisco, State of California, on the 26th day of August, 1930, and which Charter was duly signed by a majority of said freeholders and filed in the office of the Clerk of the Board of Supervisors of the said City and County of San Francisco on the 19th day of January, 1931, be published once, as provided by law, in the official newspaper of said City and County, and that said publication be made on Thursday, the 22nd day of January, 1931.

Adopted—Board of Supervisors, San Francisco, Jan. 19, 1931.

Ayes: Supervisors Andriano, Canepa, Colman, Gallagher, Havenner, Hayden, McGovern, McSheehy, Miles, Peyser, Roncovieri, Shannon, Spaulding, Stanton, Suhr.

Absent: Supervisor Power.

J. S. DUNNIGAN, Clerk.

Approved, San Francisco, Jan. 20, 1931.

ANGELO J. ROSSI, Mayor.

EXHIBIT "F."

State of California, }
City and County of San Francisco. } ss.

I, the undersigned Registrar of Voters of the City and County of San Francisco, State of California, do hereby certify that I am the custodian of all records, files, papers and documents regarding elections held within the City and County of San Francisco; that on the 26th day of March, 1931, and pursuant to the order and direction of the Board of Freeholders elected to prepare and propose a new charter for the City and County of San Francisco, a special municipal election was held in said City and County of San Francisco for the purpose of approving and ratifying said charter prepared and proposed and filed by said Board of Freeholders; that said election was duly noticed and advertised for the time and in the manner approved by law and that at said election the question of the ratification and approval of said proposed charter was duly submitted to the electors of the City and County of San Francisco and upon the conclusion of said election and within the time provided by law the vote cast at said election was duly canvassed by the Board of Election Commissioners of the City and County of San Francisco and said Board of Election Commissioners did on the 6th day of April, 1931, declare the result of said vote and did find and declare the vote upon the approval and ratification of said proposed charter to be

as follows, to wit: In favor of the ratification of said proposed charter 59,084; against the ratification and approval of said charter 45,741, and said Board of Election Commissioners did thereupon certify and declare that a majority of the qualified voters voting upon the question of the ratification and approval of said charter at the election held as aforesaid voted in favor of said proposed charter and that said charter had been duly ratified and approved by the electors of the City and County of San Francisco.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City and County of San Francisco, State of California, this 11th day of April, 1931.

[SEAL]

C. J. COLLINS,
Registrar of Voters of the City
and County of San Francisco,
State of California.

WHEREAS, Said proposed charter of the city and county of San Francisco, State of California, has been submitted to the Legislature of the State of California for approval or ratification, as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter of the city and county of San Francisco as proposed to and adopted and ratified by the electors of said city and county as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as the charter of the city and county of San Francisco. Ratification.

CHAPTER 57.

Assembly Concurrent Resolution No. 23—Relative to adjournment.

[Filed with Secretary of State May 5, 1931.]

Resolved by the Assembly, the Senate concurring, That the forty-ninth session of the Legislature of the State of California shall adjourn sine die at four o'clock p.m. Friday, May 15, 1931. Adjournment
of Legis-
lature.

CHAPTER 58.

Senate Concurrent Resolution No. 10—Relative to the orderly addition of new roads to the state highway system, after

engineering and economic studies by the California highway commission and the department of public works.

[Filed with Secretary of State May 7, 1931.]

Additions
to secondary
state high-
way system.

WHEREAS, It appears that some highways not now in the state highway system are carrying a volume of state traffic that far exceeds the local traffic carried on said roads thus placing upon the counties in which these roads are located an undue and heavy maintenance burden; and

WHEREAS, A preliminary investigation by the California highway commission and department of public works indicates that there is at the present time a decidedly greater mileage of such roads in the south, as compared with those in the north, carrying this excessive state traffic; and

WHEREAS, An executive message was transmitted to the Legislature under date of March 12, 1929, in which was suggested certain underlying principles to be observed in the inclusion of new secondary roads within the state highway system; now therefore be it

Resolved by the Senate, the Assembly concurring, That the principles enunciated in said executive message be observed in the inclusion of new roads within the state highway system, and that the California highway commission and the department of public works be, and they are hereby directed to observe the following principles in the inclusion of new roads within the state highway system:

1. Additions may during the next two years be made to the secondary state highway system totaling not more than fifteen per cent of the existing secondary state highway mileage as now constituted under chapter 794, statutes of 1927, approved May 26, 1927 (state highway classification act), said mileage to be added in the ratio of not less than three nor more than four miles in the south to one mile in the north.

2. For budgetary purposes, this mileage shall be included as a part of the state highway system by the California highway commission when the necessary surveys are completed; provided, however, no money be expended on same until they have been finally included in the system by legislative act.

3. There shall be no change in the present statutory division of secondary highway funds; and, be it further

Study of
highway
traffic.

Resolved, That the California highway commission and the department of public works be and they are hereby directed to make a careful study of the state highway system to ascertain and determine routes not now in the system which, either by reason of the large volume of state traffic that they are now carrying, or by reason of the relief that they would afford to heavy traffic upon present state highways, or as highways serving as important interstate links, might properly be included and added to the state highway system; and be it further

Resolved, That this study shall, in accordance with the above mentioned executive message, include an investigation into the engineering, economic and traffic facts involved in the matter; that a comprehensive report shall be made to the fiftieth Legislature embodying such recommendations as the investigation may disclose as proper and a recital of such facts as may have been taken into account; that this investigation shall begin not later than May 1, 1931, and that this report shall be completed and made public not later than August 1, 1932, and that pending the adoption of such report authority be hereby given to the California highway commission to take into consideration for its next budget such roads as it is thus designating and bringing to the attention of the Legislature at its next session.

CHAPTER 59.

Assembly Concurrent Resolution No. 12—Relative to stimulation of California industry in the interests of relief of unemployment.

[Filed with Secretary of State May 12, 1931.]

WHEREAS, The Political Code of the State of California, section 3247, establishes the duty of purchasing agents of the state, and all of its political subdivisions, "where quality, price and fitness are equal" to give preference to California "goods or produce," and

Purchase of
California
"goods or
produce."

WHEREAS, California producers employ California labor, thereby giving employment to hundreds and thousands of California residents and homeowners; and therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the press of the state be requested to give the widest possible publicity to this resolution to the end that the consumption to California "goods and produce" be increased, and be it further

Resolved, That all residents of California be urged to give to California "goods and produce" the same preference "where quality, price and fitness are equal."

CHAPTER 60.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the constitution of the state by adding a new section to article four thereof to be numbered twenty-five

and three-quarters, relating to boxing, sparring and wrestling matches or exhibitions.

[Filed with Secretary of State May 12, 1931]

Constitution:
Art. IV,
Sec. 25½.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California an amendment to the constitution of this state by adding a new section to article four thereof, to be numbered 25½ to read as follows:

Boxing, etc.,
exhibitions

Sec. 25½. The Legislature may provide for the supervision, regulation and conduct, in such manner as it may determine, of wrestling matches or exhibitions and of boxing and sparring matches or exhibitions; provided, that no boxing or sparring match or exhibition shall be of more than twelve rounds in length, such rounds to be of not more than three minutes for each round. All moneys, except such sum as the Legislature shall appropriate annually to defray the expenses of the state athletic commission of California and to pay the salaries of officers and employees as provided by law, received by the state from license fees, taxes or other means, on or in relation to boxing, sparring and wrestling matches or exhibitions, shall be and are hereby appropriated for the purpose of maintaining such homes for the care of veterans of any war of the United States as may be existing at the time this amendment becomes effective, or that may be established by the laws of this state. Such moneys shall be apportioned as the Legislature of the State of California may direct.

The Legislature in the exercise of the power granted herein may amend, revise, or supplement any part of that certain initiative act approved by the electors November 4, 1924, entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to twelve rounds; to create an athletic commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases wherein an admission fee is charged spectators to witness such amateur boxing contests."

The Legislature shall, however, have no power to take away the effect of the provisions of the initiative act hereinabove cited which allow wrestling and twelve-round boxing contests in the State of California. The repeal either in fact or effect of the sections of the above cited act shall rest entirely in the hands of the people of the State of California as heretofore.

CHAPTER 61.

Assembly Concurrent Resolution No. 29—Relative to the National Editorial Association.

[Filed with Secretary of State May 14, 1931.]

WHEREAS, The National Editorial Association, composed of more than two thousand small city and country town newspaper editors and publishers of the United States, holds annual meetings in various parts of the nation; and

Invitation to
National
Editorial
Association.

WHEREAS, It is understood that this association will be invited to meet in California in June, one thousand nine hundred thirty-two, the invitation to be extended by the California Newspaper Publishers Association and various civic and commercial organizations throughout the state; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the State of California does hereby join in this invitation to the newspaper editors of America, assuring them that the Golden State desires to be their host during the time of their 1932 annual convention and outing, and that nothing will be left undone to show this body of journalists the beauty and the prowess of our commonwealth, its commanding position in agriculture and industry, its maritime importance, its charm of mountains, sea and desert—the great Pacific Empire, builded by American brain and brawn; and be it further

Resolved, That an engrossed copy of this resolution, signed by the speaker of the Assembly and the president of the Senate, be forwarded by the chief clerk of the Assembly to the president of the National Editorial Association.

CHAPTER 62.

Senate Joint Resolution No. 3—Relative to hours of employment of persons on interstate carriers.

[Filed with Secretary of State May 14, 1931.]

WHEREAS, Under the provisions of the laws of the United States persons employed on interstate railroads are required to remain on duty sixteen consecutive hours; and

Hours of
labor on
interstate
carriers.

WHEREAS, Such extended period of continuous employment tends to the physical exhaustion and the consequent inefficiency of such employees, increasing the danger of mishap; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this state hereby urges upon the congress of the United States the adoption of a law limiting the hours of employment of such persons to twelve consecutive hours in any twenty-four consecutive hours, and declaring that such employees shall remain off duty at least twelve consecutive hours.

CHAPTER 63.

Senate Joint Resolution No. 4—Relative to the interstate commerce commission urging upon the railroad companies the necessity of through passenger car service between the Atlantic and Pacific coasts.

[Filed with Secretary of State May 14, 1931.]

Through passenger car service between Atlantic and Pacific coasts.

WHEREAS, The State of California and the entire Pacific coast is anticipating the entertainment of large groups of visitors to the Olympic games to be held in this state in 1932; and

WHEREAS, Many of such visitors will be from foreign lands, unfamiliar with our language, our customs, and the intricacies of our railroad systems; and

WHEREAS, The necessity of all such visitors to change cars at Chicago, en route to the Pacific coast will cause them unnecessary discomfort and confusion; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly. That we hereby urge upon the interstate commerce commission of the United States that it bring to the attention of the railroad companies the necessity to provide for the immediate assumption of through passenger car service between the Atlantic and Pacific coasts.

CHAPTER 64.

Senate Concurrent Resolution No. 28—Relating to a survey and an estimate of the cost of reconstructing the committee rooms in the state capitol building.

[Filed with Secretary of State May 14, 1931.]

Report on reconstruction of committee rooms

WHEREAS, The committee rooms in the state capitol building are entirely inadequate to meet the present needs of the Legislature when any considerable number of people are present; and

WHEREAS, The poor and insufficient lighting and total absence of any ventilating system make confinement in committee rooms for any period of time extremely fatiguing, and create a serious menace to the health and welfare of committee members and spectators in attendance at committee meetings; and

WHEREAS, It is unjust and unfair to the members of the Legislature and their constituents who attend committee meetings to allow such a condition to continue; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the chief of the bureau of building and grounds, the state architect and the director of finance be, and they are hereby directed to make a survey and an estimate of the cost of reconstruction of

the committee rooms in the state capitol building, with particular reference to proper ventilation and lighting, and report their findings to the Legislature.

CHAPTER 65.

Assembly Joint Resolution No. 18—Relating to an immediate survey of forest insect conditions and for the control of forest insects.

[Filed with Secretary of State May 14, 1931]

WHEREAS, The forests of California are seriously threatened with great losses due to the activities of bark beetles and other forest insects; and Control of bark beetles, etc.

WHEREAS, In parts of California forest insects have killed over one-half of all commercial timber with annual losses in excess of ten per cent of the entire stand, and

WHEREAS, Forest insects also threaten timber of high value in recreational areas, having in past years killed all timber on some twenty thousand acres within the Yosemite national park, and

WHEREAS, Forest insect losses are always greatest in years of deficient rainfall, and

WHEREAS, California is now confronted with a year of sub-normal precipitation, and

WHEREAS, In past years funds for forest insect control have been largely diverted to use in other states in protecting timber of less value than timber in California, and

WHEREAS, The United States owns many millions of acres of timberland in California, upon which lands the insects are causing heavy losses to timber, and

WHEREAS, The owners of private lands adjoining such federal lands are unable to control forest insects unless the federal government also carries on control work, and

WHEREAS, For the control of forest insects there are now available federal funds that have not yet been allotted to other states; it is

Resolved by the Assembly and the Senate, jointly, That one hundred thousand dollars of the federal fund should be allotted to California for making an immediate survey of forest insect conditions and for the control of forest insects where the survey shows the work to be most needed; and be it further

Resolved, That the chief forester of the United States, who has the authority to make the above allotment, be, and hereby is, urged to make the allotment to California; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, and to the secretary of the department of agriculture and to the chief forester of the United States.

CHAPTER 66.

Assembly Concurrent Resolution No. 21—Relative to the revision and rearrangement of the fish and game law by the California Code Commission.

[Filed with Secretary of State May 15, 1931.]

Revision and rearrangement of fish and game laws.

WHEREAS, There appears to be a serious need for the revision and rearrangement of the laws of the State of California relating to fish and game; and

WHEREAS, It is highly desirable that the members of the Legislature and other interested persons be given an opportunity to carefully consider any such revision or rearrangement at the earliest possible date to the end that any necessary or desirable changes therein may be incorporated before the convening of the fiftieth session of the Legislature; now, therefore, be it

Resolved by the Assembly, the Senate concurring. That the California code commission be, and it is hereby requested and directed as one of its first pieces of work to undertake and prepare a fish and game law including therein all of the provisions of the law of the State of California relating to the division of the state into fish and game districts and to the preservation and regulation of the taking or destruction of fish and game; and be it further

Resolved, That the fish and game law so prepared be printed as soon as possible after the first day of January, 1932, and that said law contain supplementary and explanatory notes indicating where the provisions of the existing statutes may be found in said law and from what provisions of the existing statutes the several sections and divisions of the proposed fish and game law are derived; and be it further

Resolved, That copies of the law so prepared be distributed at the earliest possible date to the governor, all members of the Legislature, to the heads of all state departments, and to any and all other interested persons.

CHAPTER 67.

Assembly Joint Resolution No. 21—Relative to memorializing congress to provide compensation, in lieu of taxes, for certain lands of the United States within the borders of the several states.

[Filed with Secretary of State May 14, 1931.]

Compensation for federal withdrawal of forest land from taxation.

WHEREAS, The United States government has withdrawn and set apart within permanent national parks or forests, enormous tracts of land, approximately nineteen million acres in the State of California alone; and

WHEREAS, Among other reasons, this has been made possible by the owners of timber land trading in their "cut-over" lands to the government for selected "cuttings"; and

WHEREAS, The United States government pays no taxes on such lands resulting in throwing a heavy tax burden on privately owned property in the same political subdivision; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That congress is urgently requested to appropriate sufficient money so that a sum of five cents per acre per year may be paid, in lieu of taxes, to the political subdivisions in which such lands belonging to the United States are situated.

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the speaker of the house of representatives and each of the members from California of the senate and house of representatives of the United States.

CHAPTER 68.

Assembly Joint Resolution No. 22—Relative to memorializing and petitioning the President of the United States and congress to take steps to prevent the importation into the United States of products produced by Russian convict labor.

[Filed with Secretary of State May 14, 1931]

WHEREAS, There is at this time being imported into the United States large quantities of a variety of products produced by Russian convict labor; and

Importation
of products
of Russian
convict
labor

WHEREAS, The importation and distribution of such products is extremely detrimental to the sale of American free labor produced products in the United States; and

WHEREAS, As a result, the economic and financial stability of some of the leading American industries and interests are being threatened; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That we, the members of the Legislature of the State of California, urgently request the President of the United States and congress to take steps to prevent the importation of products produced by Russian convict labor, and to that end, place an embargo upon the importation of such products into the United States; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the speaker of the house of representatives and each of the members from California of the senate and house of representatives of the United States.

CHAPTER 69.

Assembly Joint Resolution No. 25—Relative to requesting the secretary of the navy to name the dirigible ZRS5 to be stationed at the Sunnyvale air base, "Palo Alto."

[Filed with Secretary of State May 14, 1931.]

Naming
dirigible
ZRS5
"Palo
Alto."

WHEREAS, The federal government pursuant to an act of congress is to erect at Sunnyvale, California, a naval dirigible base at which will be stationed the navy dirigible ZRS5; and

WHEREAS, It is desirous that a name be selected for the dirigible ZRS5 to be stationed at the said base, that will be typical of California and in harmony with the location of the base; and

WHEREAS, It is the opinion of the Legislature of the State of California that "Palo Alto" would be a fitting and proper name to carry out the sentiment herein expressed; now therefore, be it

Resolved by the Assembly and Senate, jointly, That the secretary of the navy is respectfully urged and requested to name the dirigible ZRS5 to be stationed at the Sunnyvale dirigible base. "Palo Alto"; and be it further

Resolved, That the Governor is respectfully requested to forward a copy of this resolution to the President of the United States, Vice President, secretary of the navy and to all senators and representatives of California in congress.

CHAPTER 70.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by amending section 16½ of article eleven of the constitution of the State of California, relating to the deposit of public moneys in banks.

[Filed with Secretary of State May 14, 1931.]

Constitu-
tion:
Art. XI,
Sec. 16½.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, in regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by amending section 16½ of article eleven thereof to read as follows:

Deposit of
public
moneys in
banks.

Sec. 16½. All moneys belonging to, or in the custody of, the state, or any county, city and county, city, town, municipality or other public or municipal corporation, within this state may be deposited in any national bank or banks within this state, or in any bank or banks organized under the laws

of this state, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each house of the Legislature and approved by the governor and subject to the referendum; provided, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; and provided, further, that the state or any county, city and county, city, town, municipality or other public or municipal corporation, issuing bonds under the laws of this state, may deposit moneys in any bank or banks outside this state for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

CHAPTER 71.

Senate Concurrent Resolution No. 38—Providing for the appointment of a joint committee on legislation pertaining to water resources.

[Filed with Secretary of State May 15, 1931]

WHEREAS. Reports have heretofore been submitted to the Legislature by the legislative committees, executive commissions and departments of the state government relating to the water resources of this state and a proposed plan for the conservation, development and distribution thereof; and

Joint committee on water resources legislation

WHEREAS, It appears necessary and advisable that future studies relating thereto, particularly with reference to the economic, legal, statutory and constitutional questions relating thereto be continued to the end that a definite program be submitted for the consideration by a future session of the Legislature; and

WHEREAS, It is deemed advisable that a committee of the Legislature be appointed to consider such matters wherein all sections of the state, so far as practicable, may be represented; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That a committee of fourteen members, consisting of seven members of the Assembly, to be appointed by the speaker thereof, and seven members of the Senate, to be appointed by the president thereof, as herein suggested, to report its findings and recommendations, if practicable, as to the economic phases involved in said plan and particularly to prepare and submit such proposed legislation, resolutions and constitutional amendments as may be necessary and advisable to carry into effect a coordinated plan for the conservation, development and distribution of the water resources of this state; and be it further

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and by the

election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

Resolved, That each department, board, commission or officer of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require; and be it further

Resolved, That said committee is hereby authorized to hold public hearings at any place in the State of California at which hearings the people shall have opportunity to present their views to the committee; and be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind; to issue subpoenas and to compel the attendances of witnesses, and to procure testimony. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article eight of chapter two title one, part three of the Political Code of the state relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution. The said committee is hereby given leave to sit during the sessions of the Legislature, during the recess thereof and during the interval between sessions thereof, at any place in the state as said committee shall from time to time determine; and be it further

Resolved, That the sum of twenty thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the Senate and of the Assembly and the state controller is hereby authorized and directed to draw his warrants in favor of the person entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee and the said treasurer is hereby authorized and directed to pay the same.

CHAPTER 72.

Senate Constitutional Amendment No 3—A resolution to propose to the people of the State of California an amendment to section 1 of article four of the constitution of said state, relating to the submission of drafts of initiative and referendum measures to the attorney general, and to the filing of initiative or referendum petition.

[Filed with Secretary of State May 15, 1931]

Constitution
Art IV,
Sec. 1.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-ninth regu-

lar session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 1 of article four of the constitution of said state be amended to read as follows:

Section 1. The legislative power of this state shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the constitution, set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve-point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the secretary of state, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the state equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law set forth in full in said petition, the secretary of state shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in

such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve-point black-face type the following: "Initiative measure to be presented to the Legislature."

Referendum

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the secretary of state within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected, asking that any act or section or part of any act of the Legislature be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Effect of initiative and referendum measures

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law

or amendment to the constitution, initiated or adopted by the people, shall be subject to the veto power of the governor, and no act, law or amendment to the constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by those in favor of, and those opposed to, it shall be mailed to each elector in the same manner as now provided by law as to amendments to the constitution, proposed by the Legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Failure to
submit at
election

Prior to circulation of any initiative or referendum petition for signatures thereof, a draft of the said petition shall be submitted to the attorney general with a written request that he prepare a title, and summary of the chief purpose and points of said proposed measure, said title and summary not to exceed one hundred words in all. The persons presenting such request to the attorney general shall be known as "proponents" of said proposed measure. The attorney general shall preserve said written request until after the next general election.

Preparation
by attorney
general

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent

Sections of
petition

to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistance for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the secretary of state and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid.

Supple-
mental
petition

The right to file the original petition shall be reserved to its proponents, as defined herein and any section thereof or supplement thereto presented for filing by any person or persons other than the proponents of a measure or by persons duly authorized in writing by such proponents shall be disregarded by the county clerk or registrar of voters.

The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the secretary of state.

When the secretary of state shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the secretary of state upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

Certification
to secretary
of state

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the state to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or counties and counties having charters adopted under the provisions of section 8 of article eleven of this constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this state, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

Local leg-
islation

CHAPTER 73.

Senate Constitutional Amendment No 6—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one and one-quarter of article thirteen, relating to exemptions of property on account of military service.

[Filed with Secretary of State May 15, 1931]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-ninth regular session commencing on the fifth day of January, one thousand nine hundred thirty-one, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of Cali-

Constitu-
tion—
Art. XIII,
Sec. 13.

for California that section one and one-quarter of article thirteen of the constitution of this state be amended to read as follows:

Tax exemp-
tion for
military
service

Sec. 14. The property to the amount of one thousand dollars of every resident of this state who has served in the army, navy, marine corps or revenue marine service of the United States in time of war, and received an honorable discharge therefrom, or who after such service of the United States in time of war has continued in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars of the widow resident in this state, or if there be no such widow, of the widowed mother resident in this state, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this state, of soldiers, sailors and marines who served in the army, navy or marine corps or revenue marine service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not legal resident of the state; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

CHAPTER 74.

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to section 31, article four, of the constitution of said state, relating to certain payments by the city of Glendale.

[Filed with Secretary of State May 15, 1931.]

Constitu-
tion
Art. IV,
Sec. 31.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, that section 31 of

article four of the constitution of said state be amended to read as follows:

Sec 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Legislature not to give or lend public credit, etc

Provided, further, that nothing contained in this constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

Veterans' farm and home loans exempted

The California veterans' welfare bond act of 1921 (statutes of 1921, chapter 578), as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of state bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California veterans' welfare act, providing land settlement for veterans (statutes of 1921, chapter 580), and the provisions of the "veterans' farm and home purchase act," providing farm and home aid for veterans (statutes of 1921, chapter 519) is hereby approved, adopted, legalized,

California veterans' welfare bond act of 1921 approved

validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such veterans' welfare bond act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

Temporary transfers of funds in local treasurer's office allowed.

And provided, still further, that notwithstanding the restrictions contained in this constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed eighty-five per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

City of Glendale expenditures authorized

And provided, further, that the city of Glendale, of Los Angeles county, may, when authorized so to do, by a majority of the voters thereof voting at an election held for that purpose, pay from the surplus of the public service department of said city the amount of any assessment or assessments levied by said city between the eleventh day of May, 1921, and the ratification of this amendment, for the replacement of water mains, to the person or persons owning the property so assessed at the time said payment is so authorized; and that no statute of limitations shall apply in any manner.

CHAPTER 75.

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by amending section 8½ of article eleven of the constitution of said state, relating to city charters and to the mode of elections held thereunder.

[Filed with Secretary of State May 15, 1931.]

Constitution
Art XI,
Sec 8½

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, two-thirds of

the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the constitution of said state be amended by amending section 8½ of article eleven thereof to read as follows:

Sec. 8½. It shall be competent, in all charters framed under the authority given by section 8 of this article, to provide, in addition to those provisions allowable by this constitution, and by the laws of the state as follows: County charters

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of municipal courts and judges thereof, with such civil, criminal and magisterial jurisdiction as by law may be conferred upon inferior courts and judges thereof; and for the manner in which, the times at which and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches: provided, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law. Courts

In any city or any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court, and all records of such inferior court shall thereupon be and become the records of such municipal court.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards. Boards of education

3. For the manner in which, the times at which and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force. Police commissioners

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election. Election.

Judges

It shall be competent in any charter framed in accordance with the provisions of this section, or section 8 of this article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employees whose compensation is paid by such city or city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

It shall be competent in such charters to provide any mode for the nomination and/or election of the officers of such city or city and county, and to adopt and provide for any system of proportional representation on the legislative body thereof, also the manner of voting under such system.

Separation
of city and
county

5. It shall be competent in any charter or amendment thereof, which shall hereafter be framed under the authority given by section 8 of this article, by any city having a population in excess of fifty thousand ascertained as prescribed by said section 8, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such charter, and to have combined powers of a city and county, as provided in this constitution for consolidated city and county government, and further to prescribe in said charter the date for the beginning of the official existence of said consolidated city and county.

Consolidation
of city
and county

It shall also be competent for any such city, not having already consolidated as a city and county to hereafter frame, in the manner prescribed in section 8 of this article, a charter providing for a city and county government, in which charter there shall be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

Addition of
territory

If no additional territory is proposed to be added, then, upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in section 8 of this article, said charter shall be deemed adopted and upon the date fixed

therein said city shall be and become a consolidated city and Same. county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city so proposing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and the approval of said charter by the Legislature, as prescribed in section 8 of this article, said charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed, and upon the date fixed in said charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

“Shall the territory (herein designate in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of the said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms reference to any debts to be assumed, and if none insert ‘none’)?”

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

“Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain charter, to be

prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none') ?”

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of said district so proposed to be added, and upon the approval of said charter by the Legislature, as prescribed in section 8 of this article, said charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date fixed in said charter, such district and such city shall be and become one consolidated city and county.

Annexation
of territory.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situate in different counties, said annexed territory to be an integral part of such city and county; provided, that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed, together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated territory, is proposed to be annexed

to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed, and at the time stated in such proposal, such additional territory and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto. Same.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question -

“Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to wit (herein insert in general terms, reference to any debts to be assumed and if none insert ‘none’) ?”

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows

“Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consolidated city and county government, and that such

Same

district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none') ?”

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation proposal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such territory proposed to be annexed to said city and county is located, and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation, and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed, then, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town, as above provided, there shall be published, for at least five successive publications, in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed, as above referred to, unless such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at

which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published. Same.

If, by the adoption of any charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision five or six of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a freeholders' charter, as provided for in this constitution, to determine in said charter any and all matters elsewhere in this constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section 2 of this article, and also those provisions of section 3 of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, and to the reducing of the population of any county upon the establishment of a new county, and to the minimum population on the forming of a new county, shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties, nor to the formation of new counties, nor to the annexation of existing counties, as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately

prior to its adoption of a charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

Borough system.

It shall be competent in any charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such municipal powers as may be granted thereto by such charter, and for the organization, regulation, government and jurisdiction of such boroughs; provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered, nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction, as the case may be, shall each have consented thereto, by the vote of a majority of the voters in each and every such borough, voting at an election or elections called and held for such purpose in each of the boroughs so affected.

Taxation

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

Bonded indebtedness

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this constitution, and the provisions of section 18 of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions five and six of this section, including any such general or special act as may be necessary to permit

a consolidated city and county to submit a new charter or charter amendment to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and, also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new charter or charter amendment.

CHAPTER 76.

Senate Concurrent Resolution No. 31—Relating to the Marshall monument at Coloma, El Dorado county.

[Filed with Secretary of State May 15, 1931.]

WHEREAS, It is an established historical fact that the first piece of gold picked up by James W. Marshall at Sutter's Mill, Coloma, was a "flake"; and Change in Marshall monument at Coloma.

WHEREAS, This "flake" with the letter and records proving its authenticity is in the Smithsonian Institute at Washington, D. C.; and

WHEREAS, It appears on the Marshall monument at Coloma, El Dorado county that the first piece of gold picked up by James W. Marshall was a "nugget"; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That it is the intention of the Legislature to have this error corrected, and to that end the chief of the division of parks in the department of natural resources is hereby directed to have the necessary change made so that the inscription on the monument will conform with the historical facts by changing the word "nugget" to "flake."

CHAPTER 77.

Senate Concurrent Resolution No. 32—Relative to leaves of absence of the governor, lieutenant governor and the members of the Senate and Assembly of the forty-ninth session of the Legislature of the State of California.

[Filed with Secretary of State May 15, 1931.]

Resolved by the Senate, the Assembly concurring, That leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to His Excellency James Rolph, Jr., governor of the State of California, to Frank F. Merriam, lieutenant governor of the State of California; and to the following members Leaves of absence to governor, lieutenant governor and members of Senate and Assembly.

of the Senate and Assembly of the forty-ninth session of the Legislature of the State of California:

Senators: James M. Allen, C. C. Baker, Arthur H. Breed, David F. Bush, Henry E. Carter, Bert A. Cassidy, E. H. Christian, George C. Cleveland, Ralph H. Clock, B. S. Crittenden, Charles H. Deuel, Walter H. Duval, Nelson T. Edwards, H. J. Evans, Roy Fellom, William E. Harper, Ray W. Hays, R. R. Ingels, J. M. Inman, Herbert C. Jones, Thomas A. Maloney, Thomas McCormack, J. W. McKinley, Frank W. Mixter, John L. Moran, H. C. Nelson, J. L. Pedrotti, W. P. Rich, Joe Riley, George W. Rochester, Andrew R. Schottky, Will R. Sharkey, Herbert W. Slater, Ralph E. Swing, Timothy E. Treacy, Tallant Tubbs, J. I. Waggy, Dan E. Williams and Sanborn Young.

Assemblymen: Emory J. Arnold, Willard E. Badham, Willis M. Baum, George M. Biggar, Roy Bishop, George R. Bliss, William G. Bonelli, George B. Bowers, Archibald E. Brock, C. Todd Clark, Harold C. Cloudman, F. C. Cloudsley, Lawrence Cobb, Edward Craig, Frank Lee Crist, Melvyn I. Cronin, Ernest C. Crowley, Charles W. Dempster, H. E. Dillinger, Robert P. Easley, Dan W. Emmett, Walter W. Feeley, B. J. Feigenbaum, Charles W. Fisher, Robert F. Fisher, John E. Frazier, George F. Gillett, Joseph P. Gilmore, Milton M. Golden, Frank L. Gordon, Sam M. Greene, Fred C. Hawes, J. P. Hayes, Ed. L. Head, Ben A. Hill, William W. Hoffman, Arthur R. Honnold, William B. Hornblower, Frederick F. Houser, Frank S. Israel, Chris N. Jespersen, Augustus F. Jewett, Isaac Jones, William P. Jost, Sarah E. Kellogg, Chester M. Kline, Edgar C. Levey, Walter J. Little, Harry Lyons, Edwin A. McDaniel, Henry McGuinness, M. S. Meeker, Eleanor Miller, James A. Miller, Harry F. Morrison, Roy J. Nielsen, Charles A. Oliva, Harry L. Parkman, Robert Lincoln Patterson, Lucius Powers, Jr., James L. Quigley, James K. Reid, Charles F. Reindollar, Harry B. Riley, Frederick M. Roberts, C. Ray Robinson, Samuel E. Robinson, Eugene W. Roland, Hubert B. Scudder, Jerrold L. Seawell, Harry F. Sewell, Bert B. Snyder, James E. Stockwell, Clarence N. Wakefield, Percy G. West, George H. Wilber, Ray Williamson, Clifford Wixson, T. M. Wright, and E. H. Zion.

CHAPTER 78.

Senate Concurrent Resolution No. 36—Relative to investigation and report upon acquisition by the state of the toll bridge across Carquinez straits.

[Filed with Secretary of State May 15, 1931]

Acquisition
of Carquinez
toll bridge.

WHEREAS, It is the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the state with the end in view of ultimately eliminating all toll charges thereon; and

WHEREAS, The privately owned toll bridge extending across Carquinez straits, near Crockett, California, constitutes in fact an important connecting link between highways of the state; and

WHEREAS, The acquisition of said toll bridge by the state at the earliest possible date is in conformity with said established policy; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the California toll bridge authority is hereby authorized and requested to conduct a survey and investigation of said toll bridge with a view to the acquisition thereof by the state, which investigation and report shall comprehend the appraisal of the value of the structure to the state in case of the acquisition by the latter; the amount of compensation to the owner which in the judgment of said authority the state should pay on the basis of the value of the structure and the length of time which the franchise has yet to run; the feasibility of providing funds for such acquisition by issuing and selling revenue bonds; the rate of tolls by it estimated as necessary for the state to collect pending the retirement of such revenue bonds, and the reduction, if any, in the rate of tolls which the state may be able to effect immediately upon acquisition of said toll bridge, and report thereon at the next session of the Legislature.

CHAPTER 79.

Assembly Concurrent Resolution No. 24, relative to amendment of the joint rules of Senate and Assembly.

[Filed with Secretary of State May 15, 1931.]

Resolved by the Assembly, the Senate concurring, That rules 9, 21 and 22 of the joint rules of the Senate and Assembly be amended to read as follows: Joint rules
of Senate
and
Assembly.

Sec. 9. In case of a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics and the matter to be omitted shall be printed in canceled or "strikeout" type. When bills are amended to provide for the amendment of other or additional sections of the codes or the general laws, other than those contained in the original bill the changes proposed to be made in such sections shall be shown in the same manner as if they had been contained in the original bills. Rule 9.

Sec. 21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments, originating in or acted upon by the respective houses. Rule 21

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed by the secretary of the Senate and chief clerk of the Assembly and no other form shall be used. There may however be printed on each day of the last fourteen days of the session a complete history.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess

Rule 22

Sec. 22. The superintendent of state printing shall not print and charge to legislative printing any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the Senate or the chief clerk of the Assembly, and delivered to him prior to beginning the work or printing. The secretary of the Senate and the chief clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

These rules so far as they relate to the pre-printing of bills or other printing or other duties of the officers shall remain in effect until the convening of the next regular session of the Legislature

CHAPTER 80.

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to the constitution of said state by adding to article four thereof a new section to be numbered 31b, relating to the release of lien for taxes in certain cases.

[Filed with Secretary of State May 15, 1931]

Constitution:
Art. IV,
Sec 31b.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its forty-ninth regular session, two-thirds of all the members elected to each of the two houses of the Legislature voting in favor thereof, that the constitution of said state be amended by adding to article four thereof a new section to be numbered 31b and to read as follows:

Release of
lien for
taxes.

Sec. 31b. No provision of this constitution shall be construed as a limitation upon the power of the Legislature to provide that the lien of every tax, whether heretofore or hereafter attaching, shall cease to exist for all purposes after thirty years from the time such tax became a lien, or to provide that every tax whether heretofore or hereafter levied shall be conclusively presumed to have been paid after thirty years from the time the same became a lien unless the property subject thereto has been sold in the manner provided by law for the payment of said tax.

CHAPTER 81.

Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section thereto to be known as and numbered section 31b of article four of the constitution of the State of California, relating to the ownership by the City of Escondido, California, of stock in a mutual water company.

[Filed with Secretary of State May 15, 1931.]

The Legislature of the State of California, at its regular session commencing on the fifth day of January, 1931, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes an amendment to the constitution of said state by adding a new section thereto to be known as and numbered section 31b of article four of the State of California to read as follows:

Constitution
Art. IV,
Sec. 31b.

Sec. 31b. Nothing contained in this constitution shall preclude the city of Escondido, California, from acquiring or holding shares of the capital stock of any mutual water company or corporation, when such stock is so acquired or held for the purpose of furnishing a supply of water for public or municipal purposes or for the use of the inhabitants of the city and the city is hereby authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges, and subject such holder to the obligations and liabilities as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held.

Acquisition
of stock in
mutual water
company by
city of
Escondido

CHAPTER 82.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by adding to article eleven thereof, a new section to be numbered 7½, relative to the drafting of charters for counties by boards of supervisors.

[Filed with Secretary of State May 15, 1931.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the constitution of said state be amended by adding to article eleven thereof, a new section to be numbered 7½, and to read as follows:

Constitution
Art. XI,
Sec. 7½

Sec. 7½ The board of supervisors of any county may draft a proposed charter for the county as if said board were a

Supervisors
may propose
county
charter.

board of freeholders elected under the provisions of section 7½ of this article, and the provisions of said section shall otherwise apply in every respect to such proposed charter.

CHAPTER 83.

Assembly Concurrent Resolution No. 4—Providing for the appointment of a committee to investigate the California state civil service commission and its conduct in the examinations given for state positions.

[Filed with Secretary of State May 15, 1931]

Legislative
committee to
investigate
civil service
commission.

WHEREAS, The state civil service commission is charged with the duty to classify positions to be held under state authority; and

WHEREAS, It is the function of the state civil service commission to establish grades within the different state departments to the end that proper and equitable salaries shall be paid for similar work in all departments and to designate maximum and minimum salaries for each grade; and

WHEREAS, The said commission is authorized to hold examinations for the purpose of determining efficiency and capability and thereby prepare lists of eligible applicants from which appointments to state service, with certain exceptions may be made; and

WHEREAS, Complaints have been made by certain citizens of the State of California to the effect that serious misconduct is chargeable against the present civil service commission with respect to the holding of such said examinations; now therefore be it

Resolved by the Assembly, the Senate concurring, That a committee of six members be appointed, consisting of three members of the Assembly to be appointed by the speaker of the Assembly, and three members of the Senate, to be appointed by the president of the Senate, for the purpose of investigating said civil service commission, its administration and its practices, and it is hereby authorized and empowered to prepare and submit to the next session of the Legislature of the State of California, its findings and make such recommendations as it may deem necessary and proper for the proper administration of the state civil service commission; and, be it further

Resolved, That each department, board, commission or officer of the State of California, whenever requested to do so by the said committee shall furnish to said committee such assistance as it may require and that the expenses incurred in such investigation, not to exceed the sum of two thousand five hundred dollars shall be paid equally by the Senate and the Assembly out of the respective contingent funds; and, be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and it is hereby authorized and empowered to issue subpoenas and to compel the attendance of witnesses and to procure testimony. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article eight, chapter two, title one, part three of the Political Code of the state relative to the attendance and assemblage of witnesses before the Legislature and committees thereof shall apply to the committee appointed under this resolution. The said committee is hereby given leave to sit during the session of the Legislature, and during the interval between sessions thereof at any place in the state as said committee shall from time to time determine.

CHAPTER 84.

Assembly Concurrent Resolution No. 20—Relative to the maintenance of joint quarantine and motor vehicle examination or registration stations.

[Filed with Secretary of State May 15, 1931.]

WHEREAS, The department of agriculture now maintains stations for the inspection of plant life that is brought into the state, while at the same time the division of motor vehicles also operates stations on the highways for the purpose of examining motor vehicles entering or leaving the state; and

Joint stations for quarantine and motor vehicle examination.

WHEREAS, The important work carried on by these departments could better be done if the state agencies operated them jointly; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the director of agriculture and the chief of the division of motor vehicles be urged to consolidate their operations wherever feasible and that the expense of maintaining buildings be divided between the department of agriculture and the division of motor vehicles in such proportion as the director of the department and the chief of the division, with the approval of the department of finance, shall deem proper; and be it further

Resolved, That the persons vested with the authority of operating these stations be urged to keep them open continuously both day and night and to distribute to each non-resident driver of a motor vehicle entering the state a pamphlet containing a map of this state and the principal state and county highways and their condition, a digest of the motor vehicle laws of importance to visitors in this state and such other information as the chief of the division of motor vehicles shall deem advisable.

CHAPTER 85.

Assembly Concurrent Resolution No. 34—Relative to a coordinated state-wide plan for highway beautification.

[Filed with Secretary of State May 15, 1931.]

State-wide
highway
beautifica-
tion plan

WHEREAS, The matter of roadside beautification is coming to be a subject of discussion by the United States bureau of public roads in its relation to the United States highway system; and

WHEREAS, Various women's clubs and other civic organizations in California are earnestly working for the beautification of areas immediately adjacent to our state and county highways; and

WHEREAS, The division of highways of the department of public works and the division of parks of the department of natural resources have been in the past and now are interesting themselves, each in its own sphere, in making the highways and by-ways of California more attractive, and it is desirable that a state-wide plan be developed whereby the work of the various groups and agencies concerned may the better be coordinated; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the division of highways and the division of parks be, and they hereby are, requested to consider the development of a coordinated and cooperative plan through which they may supply a definite leadership in the matter of roadside beautification and the development of small roadside parking and recreational areas and the making accessible of such recreational areas, and be it further

Resolved, That the division of highways and the division of parks be, and they are hereby requested to formulate a suitable roadside beautification plan as set forth herein; and that the United States bureau of public roads, through its regional office in San Francisco be invited to cooperate with these state agencies and, be it further

Resolved, That the division of highways of the department of public works and the division of parks of the department of natural resources shall make a concurrent report to the Assembly during the month of January, 1933, showing what progress has been made in carrying out the provisions of this resolution.

CHAPTER 86.

Assembly Constitutional Amendment Number 31—A resolution to propose to the people of the State of California, an amendment to section 8, of article eleven of the constitu-

tion of the State of California, relating to the drafting of a charter by the board of freeholders.

[Filed with Secretary of State May 15, 1931.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-ninth session, commencing on the fifth day of January, 1931, two-thirds of all of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 8, of article eleven of the constitution of the State of California, be amended to read as follows:

Constitution:
Art. XI,
Sec. 8.

Sec. 8 Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city, or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one (1) year after the result of the election is declared, prepare and propose a charter for the government of such city. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall, within fifteen (15) days after such filing, cause such charter to be published once in the official newspaper of said city and each edition thereof, during the day of publication (or in case there be no such official newspaper, in a newspaper of general circulation within such city and all the editions thereof issued during the day of publi-

Drafting of
freeholders'
charters for
cities and
counties

Same.

cation) and in any city or city and county with over fifty thousand population shall cause copies of such charter to be printed in convenient pamphlet form and in type of not less than ten point and shall cause copies thereof to be mailed to each of the qualified electors of such city, and shall, until the day fixed for the election upon such charter, advertise in one or more newspapers of general circulation in said city a notice that copies thereof may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city, or city and county and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder in the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city, or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city, or city and county not less than sixty days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city, or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city, or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the

legislative body of such city, not less than forty, and not more than sixty, days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof, it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city, or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city, or city and county.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section

CHAPTER 87.

Assembly Concurrent Resolution No. 37—Relative to revision of the motor vehicle laws of California.

[Filed with Secretary of State May 15, 1931]

WHEREAS, Motor vehicle legislation in California is amended at each session of the Legislature due to improvements in motor car manufacture, highway extension, traffic development and street and highway safety needs; and

Joint legislative committee for revision of motor vehicle legislation.

Same.

WHEREAS, The Legislature of California, at each session is required to consider many measures, frequently conflicting, dealing with the use and operation of motor cars; and

WHEREAS, The division of motor vehicles is constantly in touch with the practical application of existent laws and has an attorney conversant with the laws which control motor car dealers and the motor car owning public in their ownership and use of motor cars; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That there shall be and there hereby is created a committee of five members, consisting of three members of the Assembly to be appointed by the speaker of the Assembly and two members of the Senate to be appointed by the president of the Senate, for the purpose of studying motor vehicle legislation effective on the statute books of California and recommending such revision of or additions to such laws as they may find to be necessary and proper; and be it further

Resolved, That such committee, upon appointment, shall proceed to organize by electing one of its members as chairman and by election of a secretary and shall then, at such times and places as it may deem necessary, hold meetings and proceed to carry out the purposes of this resolution, and shall, through the news columns of the public press, invite motor car dealers, automobile clubs, truck and stage operators and motor car users to attend such meetings and cooperate with it in discussing and, if possible, suggesting improvements to existing laws relating to the use and operation of motor vehicles; and be it further

Resolved, That the department of public works of the State of California is hereby requested to provide a place of meeting for such committee and through the division of motor vehicles shall furnish and is hereby authorized to furnish, when requested by such committee, such assistance and advice as the said committee may require and the said division of motor vehicles may legally supply; and be it further,

Resolved, That the committee herein provided for shall hold at least one meeting in Los Angeles and one meeting in San Francisco prior to the convening of the fiftieth session of the Legislature of the State of California and shall prepare its report which shall comprehend its suggestions in the form of a bill, or bills, to be concurrently presented in the Senate and Assembly of California during the first half of the session of the fiftieth Legislature; and be it further,

Resolved, That the sum of two thousand dollars, or so much thereof as may be necessary be reserved and appropriated out of the respective contingent funds of the Assembly and the Senate which may have heretofore or may hereafter be appropriated for the contingent expenses of the Assembly and the Senate by the Legislature of California, said sum to be payable one-half from the contingent fund of the Assembly and one-half from the contingent fund of the Senate for the purpose of meeting the expenses of said committee, and said pay-

ments shall be disbursed from time to time, not to exceed the sum total of two thousand dollars, by controller's warrants drawn upon such contingent funds upon the written orders of the chairman of said joint committee; and be it further,

Resolved, That the division of highways of the department of public works and the railroad commission of the State of California are hereby invited and authorized to cooperate with the committee in matters relating to the use and operation of motor vehicles upon the highways, state and county, of California; and be it further,

Resolved, That all meetings of the committee herein authorized shall be public hearings open to all persons interested in the revision or extension of California's existent motor vehicle regulations and laws.

CHAPTER 88.

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to section 23a of article four of the constitution of said state, relating to officers, employees and attaches.

[Filed with Secretary of State May 15, 1931]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-ninth regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 23a of article four of the constitution of said state be amended to read as follows:

Constitution
Art IV.
Sec. 23a

Sec. 23a. Each house of the Legislature may by resolution provide for the employment of help, prescribe the duties and fix the compensation thereof; but in no case shall the total expense for officers, employees and attaches exceed the sum of four hundred dollars per day for the Senate and four hundred fifty dollars per day for the Assembly at any regular session, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly, who shall each receive such salary as shall be fixed by resolution, and also exclusive of the salaries and expenses of employees of any interim committee of the Legislature, or of either house thereof, appointed pursuant to resolution adopted thereby, nor the sum of one hundred fifty dollars per day for each house at any special or extraordinary session, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly. Except as herein otherwise specified, the provisions of this section shall be self-executing.

Legislative
help.

CHAPTER 89.

Senate Concurrent Resolution No. 39—Relating to the dedication of the Lassen volcanic national park.

[Filed with Secretary of State May 15, 1931]

Invitation to
President
Hoover and
others to
join in dedi-
cation of
Lassen
volcanic na-
tional park

WHEREAS, The people of California, through the sponsorship and under the direction of the California State Chamber of Commerce, are making elaborate plans for the formal dedication of Lassen volcanic national park on July 24, 25, and 26 of this year; and,

WHEREAS, This great national park is destined to become one of the foremost scenic and recreational playgrounds of the nation by reason of its being the site of the only living volcano on the mainland of the United States, and thus an invaluable asset to the national park system of the United States of America as well as the source of constant pride to the people of California; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California join with the sponsors of this dedication in welcoming visitors from all other western states; and be it further

Resolved, That the Legislature urges the people of California to join in the dedication ceremonies as a mark of appreciation to the national government in providing this great natural wonderland for the benefit and enjoyment of the people of this nation; and be it further

Resolved, That the Legislature of the State of California join with the California State Chamber of Commerce in inviting and urging the Honorable Herbert Hoover, President of the United States to grace this dedication ceremony with his presence on Saturday, July 25, 1931, and, be it further

Resolved, That the governor is respectfully requested to forward a copy of this resolution to the President of the United States.

CHAPTER 90.

Senate Concurrent Resolution No. 40—Providing for the appointment of a commission on legislation pertaining to water resources.

[Filed with Secretary of State May 15, 1931]

Recommend-
ing appoint-
ment of
California
water
resources
commission

WHEREAS, Reports have heretofore been submitted to the Legislature by the legislative committees, executive commissions and departments of the state government relating to the water resources of this state and a proposed plan for the conservation, development and distribution thereof; and

WHEREAS, It appears necessary and advisable that further studies relating thereto, particularly with reference to the economic, legal, statutory and constitutional questions relating

thereto be continued to the end that a definite program be submitted for consideration by a future session of the Legislature; and ^{Same.}

WHEREAS, It is deemed advisable that a commission be appointed to consider such matters wherein all sections of the state, so far as practicable, may be represented; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That it is recommended a commission, to be known as the California water resources commission, consisting of nine members, be appointed by the governor, the commissioners to be selected from representative areas and the chairman to be designated by the governor, to study and report upon the conservation, development and distribution of the water resources of the state, including particularly findings and recommendations as to the economic phases involved in said plan and such proposed legislation, resolutions and constitutional amendments as may be necessary and advisable to carry into effect a coordinated plan for the development and distribution of the water resources of this state; and, be it further

Resolved, That in selecting the members of the commission the governor may designate thereto state officers other than members of the Legislature or the judiciary as well as other persons, and the commission shall meet with and collaborate with any joint legislative committee created by resolution adopted at the forty-ninth session of this Legislature for the purpose of considering and reporting to the Legislature at the next session thereof, with reference to the economic, legal, statutory and constitutional questions relating to the conservation, development and distribution of the water resources of this state; and be it further

Resolved, That said commission cooperate and confer with the President of the United States and any board, commission, congressional committee or other agency of the government of the United States which may be designated by the President or by law to have charge of activities of the United States government in respect to water conservation, utilization, flood control or navigation; and be it further

Resolved, That each department, board, commission or officer of the state, whenever requested to do so by the commission hereby created, shall furnish to said commission such assistance as it may require; and be it further

Resolved, That said commission is hereby authorized to hold public hearings at any place in the State of California, at which hearings the people shall have an opportunity to present their views to the commission; and be it further

Resolved, That said commission is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of and report upon the matters herein referred to.

CHAPTER 91.

Assembly Joint Resolution No. 26—Relative to changing the official name of Goat island to Yerba Buena island.

[Filed with Secretary of State May 15, 1931]

Changing
name of
Goat island
to Yerba
Buena
island

WHEREAS, At the time of the American occupation of California, and for many years prior thereto, the island in San Francisco bay known as Goat island was known as Yerba Buena island; and

WHEREAS, The original historic name of said island is more euphonious and in keeping with the nomenclature of historic landmarks in California and no good reason appears for the change which has been made; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California respectfully urges the National Geographic Board to resume the use of Yerba Buena as the official designation of said island; and be it further

Resolved, That the chief clerk of the Assembly is hereby directed to transmit copies of this resolution to said National Geographic Board at Washington, D. C.

CHAPTER 92.

Assembly Joint Resolution No. 24—Relative to acceptance of Greek flag presented to the State of California.

[Filed with Secretary of State May 15, 1931]

Acceptance
of flag of
Greece

WHEREAS, The year 1930 marked one hundred years of the independence of Greece; and

WHEREAS, During the struggle for independence the Greeks appealed to the United States for moral support; and

WHEREAS, President Monroe, Daniel Webster, Henry Clay, Edward Everett and Dr. Samuel Howe, raised their voices in the senate of the United States and outside of government circles, in behalf of the liberties of a people to whom the entire civilized world owes an everlasting debt of gratitude; and

WHEREAS, Last August American Legionnaires visited Athens to pay tribute to the memory of the American patriots who struggled for Greek independence and attended the unveiling of a great memorial statue to their memory, erected by the contribution of every Greek school child in Greece; and

WHEREAS, The governors of the states of America, as a token of the continued friendship of the United States with Greece, sent with the Legionnaires excursionists their respective flags to be presented to the Greek Republic; and

WHEREAS, The Greek government in gratitude for this token of friendship has sent with the Legionnaires forty-eight Greek flags, one for each state, as a token of the love of the

Greek people for the people of the several states of the Union ;
and

WHEREAS, The five hundred thousand citizens of Greek origin have brought to us traditions and a belief in the form of government from which the drafters of our immortal constitution copied abundantly; and

WHEREAS, During the Great war the citizens of Greek origin volunteered in the number of sixty thousand and distinguished themselves for valor and devotion to their adopted country; therefore, be it

Resolved by the Assembly and Senate, jointly. That the representatives of the people of the State of California accept with deep appreciation the Greek flag sent by the President of the Republic of Greece as a token of the common ideals that united the two republics during the recent war;

That the governor be and is hereby empowered to accept the flag and deposit it in the capitol and display it on all proper occasions;

That the clerk of the Assembly be and is hereby requested to transmit a copy of this resolution to the President of the Greek republic through the Greek minister at Washington.

CHAPTER 93.

Assembly Concurrent Resolution No. 45—Relative to reports of the department encampment of the Grand Army of the Republic.

[Filed with Secretary of State May 15, 1931.]

Resolved by the Assembly, the Senate concurring, That there shall be printed as a public document five hundred copies of the sixty-fourth session of the department encampment of the Grand Army of the Republic for the year 1931, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official rolls, two hundred fifty copies for the use of the Assembly and two hundred fifty copies for the use of the Senate. Annual cost not to exceed six hundred dollars, payable from legislative printing appropriation.

Printing of
department
encampment
of Grand
Army of the
Republic

CHAPTER 94.

Assembly Concurrent Resolution No. 19—Relative to the American Legislators' Association and the Interstate Legislative Reference Bureau.

[Filed with Secretary of State May 15, 1931.]

WHEREAS, All experienced persons know that in each state legislative problems continually increase, both in number and in complexity; and

Approval of
Inter-state
Legislative
Reference
Bureau

Same.

WHEREAS, It is obvious that in order to solve such problems most effectively, each Legislature must give systematic, scientific and business-like consideration to the actual facts which have a bearing upon each question—to the extent that such facts have been determined by reliable research; and

WHEREAS, Each Legislature must give similar consideration to the methods and experience of other jurisdictions in dealing with problems similar to its own; and

WHEREAS, No such problems can be dealt with adequately until facilities are established to assist every inquiring legislator to secure the most accurate information and the most expert advice which are available; and

WHEREAS, Experience indicates the necessity for an interstate legislative reference bureau to serve as a clearing house of information between all of the legislative reference services which are now being conducted by numerous states, and also to serve as a clearing house of information between the legislatures and all other agencies which are engaged in the study and analysis of legislative problems, such as governmental departments, political science departments of universities, competent reputable associations, and all other sources of information; and

WHEREAS, Experience also indicates that in certain states which do not maintain substantial legislative reference services, there is an imperative need for such an interstate legislative reference bureau, which will assist the legislators of those states to secure whatever information they desire in analyzing the legislative problems which they must determine, and to make more readily accessible for them, without cost, the valuable material which is at all times available from the legislative reference libraries and bureaus of various other states, and from many other reliable sources; and

WHEREAS, Every individual legislator in the United States shares the responsibility for improving the present inadequate and unsatisfactory condition of the legislative processes, but neither any individual legislator, nor any group of legislators from one state, can bring about such improvement without the cooperation of legislators of other states; and

WHEREAS, Such an interstate legislative reference bureau can not be maintained by any one state alone, without the cooperation of the legislatures of other states; and

WHEREAS, In order to set the machinery in motion to secure the necessary cooperation of the forty-eight Legislatures, members of each Legislature are working together in the development of the project of the American Legislators' Association; and

WHEREAS, The said American Legislators' Association has now established in the vicinity of the University of Chicago, the Interstate Legislative Reference Bureau, which by explicit pledge is without color of politics, partisanship or propaganda, is conducted without profit, and is engaged upon three principal purposes:

First: To procure promptly for all inquiring state legislators, and their agents, whatever information or advice they desire in connection with any legislative problem, primarily by assisting them to secure, without cost, the benefit of all researches conducted by governmental departments, universities, associations, legislative reference bureaus, and other agencies throughout the United States.

Second: To conduct a systematic study of the legislative processes of each of the states, in order to ascertain the practices which contribute most to efficient and economical organization and procedure; and to render all possible assistance to each legislature—and to each legislative reference bureau—which is endeavoring to improve its organization.

Third: To publish for the benefit of all state legislators the monthly magazine, state government, as well as special bulletins, and thus to disseminate information which will be helpful to all conscientious students of legislation; and

WHEREAS, The American Legislators' Association is promoting acquaintance and mutual understanding among all individuals and organizations officially concerned with the impartial and scientific functioning of the legislatures of the various states, by the organization of standing committees and advisory boards, and otherwise; and

WHEREAS, The character and project of the American Legislators' Association have the endorsement, and its organization has the active cooperation, not only of its membership, which consists entirely of members and ex-members of state legislatures, but also of numbers of other responsible citizens, many of whom, having specialized knowledge, are serving on the association's advisory boards; now, therefore, be it

Resolved by the Assembly, the Senate concurring. That the organization of the American Legislators' Association and of the Interstate Legislative Reference Bureau are hereby commended as legitimate and constructive efforts to assist the legislatures of the various states in the efficient performance of their work.

CHAPTER 95.

Assembly Concurrent Resolution No. 36—Relative to leaves of absence of the state controller and the attorney general.

[Filed with Secretary of State May 15, 1931]

Resolved by the Assembly, the Senate concurring. That leave of absence from the State of California for a period longer than sixty days during the years 1931 and 1932 is hereby granted to Rav L. Riley, controller of the State of California, and to U. S. Webb, attorney general of the State of California, during the period from October 1, 1931, to December 30, 1932.

Leaves of
absence to
controller
and attorney
general

CHAPTER 96.

Assembly Joint Resolution No. 17—Relative to memorializing and petitioning congress to enact legislation transferring certain oil lands in Kern county, California, from the jurisdiction of the navy department to the jurisdiction of the department of the interior.

[Filed with Secretary of State May 15, 1931]

Kern county
transfer of
oil lands

WHEREAS, On September 27, 1909, by presidential executive order of that date, certain lands in Kern county, California, were withdrawn from entry and, by presidential executive order of September 2, 1912, Naval Petroleum Reserve No. 2 was created therefrom embracing originally 31,181 acres, of which 19,620 acres were or have been patented to private parties, and 9,991 acres have been leased to private parties for operation and are being operated under the provisions of the general leasing act of February 25, 1920, (c. 85, 41 stats 450) and 570 acres remain unleased; and

WHEREAS, Section 35 of the said general leasing act provides that thirty-seven and one-half per cent (37½%) of all amounts derived by the federal government from bonuses, royalties and rentals on leased oil or gas lands or deposits within the public domain shall be paid, at stated intervals, by the secretary of the treasury to the state within the boundaries of which such leased lands or deposits are located, for the use by said state, or the subdivisions thereof, for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, and that all moneys accruing to the federal government from bonuses, royalties and rentals from naval petroleum reserve lands shall be deposited in the United States treasury as "miscellaneous receipts"; and

WHEREAS, Neither the State of California, nor Kern county, California, nor the navy department of the United States, receives any benefit from or part of the amounts derived by the federal government from bonuses, royalties or rentals on said lands within said Naval Petroleum Reserve No. 2; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California earnestly memorializes and petitions congress to enact legislation transferring the aforesaid lands now within Naval Petroleum Reserve No. 2 from the jurisdiction of the navy department to the public domain under the jurisdiction of the department of the interior; and, be it further

Resolved, That a copy of this joint resolution be transmitted to the President of the United States, to the Vice President of the United States, and to each member of the senate and the house of representatives of the United States.

CHAPTER 97.

Assembly Joint Resolution No. 27—Relating to memorializing the President of the United States by appropriate means to put the United States on record as requesting the permanent opium committee of the League of Nations, Geneva, Switzerland, to urge upon the governments of certain nations the immediate necessity of limiting the production of all habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes at the forthcoming opium conference of the League of Nations.

[Filed with Secretary of State May 15, 1931]

WHEREAS, The report of the head office of the federal police ^{Narcotic control} of Vienna to the League of Nations, June 16, 1930, states:

“The United States are the final goal of the big consignments of narcotics. All the big alkaloid factories seem to be working for that country;”

and

WHEREAS, Illicit drugs formerly smuggled into the United States in ounce and pound lots are now coming in in tons; and

WHEREAS, The continuance of the sale and transportation of enormous quantities of these drugs results in the diversion of large quantities thereof into the channels of illegal international traffic, which illicitly brings into the United States, and here sells for unlawful purposes, preparations made therefrom, such as morphine, cocaine and heroin; and

WHEREAS, The United States of America, in dealing with the traffic in all habit-forming narcotic drugs within its own territories and cooperating sympathetically with the efforts of the government of China, has always been committed, without regard to revenue, to a program aiming at the complete suppression and prohibition of the production and sale of all narcotic drugs except for medicinal and scientific purposes; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the State of California, through its Legislature, hereby respectfully urges that the President of the United States by appropriate means put the United States on record as requesting the permanent opium council of the League of Nations, Geneva, Switzerland, to urge the adoption of the scheme of stipulated supply; and be it further

Resolved, That the governor is respectfully requested to send copies of this resolution to the President of the United States and to the senators and representatives of the State of California in Congress.

CHAPTER 98.

Senate Joint Resolution No. 14.—Relative to memorializing and petitioning congress to enact legislation to eliminate the restrictions which now attach to the taxation of national banking associations, and creating a committee to further such purpose.

[Filed with Secretary of State May 15, 1931]

Taxation
of national
banks.

WHEREAS, The joint legislative committee on taxation of the forty-eighth session of the California Legislature has filed its report with the Senate and Assembly and sets forth the necessity of an amendment to section 5219 of the revised statutes of the United States, which statute is the sole authority for states to tax national banking associations and has recommended that the Legislature of the state take appropriate action designed to secure an amendment to section 5219 so that the state will be permitted greater latitude in the taxation of national banks; and

WHEREAS, It appears from such report that the present provisions of the said section 5219 so restrict the power of the states that this state is unable to enact a measure for the taxation of national banks that is capable of producing adequate revenues from such associations, and the state is required, in order to tax such associations, to adjust a large portion of its tax system to conform to the method selected for the taxation of national banking associations; and

WHEREAS, The forty-ninth session of the Legislature of the State of California approves recommendation number six of the said joint legislative committee on taxation as expressed in its report, and believes that such an amendment is essential before any revision of the state's tax system to distribute more equitably the tax burden can be achieved; now, therefore, be it

Resolved, That the Legislature of the State of California petitions the seventy-second session of the congress of the United States to enact legislation to so amend section 5219 of the revised statutes of the United States that the states will be permitted greater latitude in the taxation of national banks; and be it further

Resolved, That the Legislature of the State of California requests the honorable senators and representatives in the national congress representing this state in the senate and the house of representatives of the United States to use every honorable means to secure such an amendment to section 5219; and be it further

Committee
to further
such
taxation

Resolved, That a committee of four members, consisting of two members of the Assembly, one of whom shall be the speaker of the Assembly and the other shall be appointed by the speaker of the Assembly, and two members of the Senate, to be appointed by the president of the Senate, be appointed to attend the hearings of the senate and the house committees on

banking and currency, or such other hearings and take such other action as said committee hereby authorized may deem necessary, to urge the national congress to adopt such an amendment to section 5219 as is herein advocated; and be it further

Resolved, That the sum of four thousand dollars, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the legislative contingent funds of the Senate and Assembly which may have heretofore or may hereafter be appropriated for the contingent expenses of the Senate and Assembly by this session of the Legislature, said sum to be payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly but not exceeding the sum of four thousand dollars in all, for the purpose of paying the expenses incurred by the committee herein designated under the authority hereof, and for the purposes herein set forth, and said payments shall be disbursed from time to time by controller's warrants to be drawn against such contingent funds upon the written orders of the members of said committee herein provided for; and be it further

Resolved, That the secretary of the Senate be, and he is hereby directed to send copies of this resolution to each member of the senate and the house of representative committees on banking and currency of the seventy-second congress, and to each member of the senate and house of representatives from the State of California.

CHAPTER 99.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment of the constitution of said state by amending section 15 of article XIII thereof, relating to revenue and taxation.

[Filed with Secretary of State May 15, 1931]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1931, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 15 of article XIII of the constitution of the State of California be amended to read as follows:

Sec. 15. Taxes levied, assessed and collected as hereinafter provided upon companies owning, operating or managing any automobile, truck or auto truck, jitney bus, stage or auto stage used in the business of transportation of persons or property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route, other than busses used exclusively for the transporta-

Constitu-
tion
Art XIII,
Sec 15

Truck, bus
and stage
taxes.

tion of pupils to or from any public school, when owned or operated by the school or school district, shall be entirely and exclusively for state purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies," as used in this section, shall include persons, partnerships, joint stock associations, companies and corporations.

Gross
receipts

(a) All such companies engaged in the business of transportation of persons, or persons and baggage, or persons and express, or persons, baggage and express where the same is transported on the same automobile, jitney bus, stage or auto stage transporting said persons shall annually pay to the state a tax upon their franchises, cars, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to four and one-quarter per cent of the gross receipts from operations of such companies, and each thereof, within this state.

All such companies operating trucks or auto trucks engaged in the business of transporting property shall annually pay to the state a tax upon their franchises, trucks or auto trucks, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to five per cent of the gross receipts from operations of such companies, and each thereof, within this state.

When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies; provided, that nothing herein shall be construed to release any such company from the payment of any amount to be paid or required by law to be paid for any special privilege or franchise heretofore granted by any of the municipal authorities of this state.

Allocation of
tax moneys

One-half of the revenues from the taxes provided for in this section shall be deposited in the general fund, and the remaining one-half shall be apportioned among the respective counties of this state, in the proportion that the number of motor vehicles registered within such county for the preceding calendar year bears to the total number of motor vehicles registered in the State of California under the motor vehicle act of such state for the preceding year, and such sums so paid to said counties shall be devoted exclusively to the maintenance and repair of public highways within such county. In the event that all other state revenues are at any time deemed insufficient to meet the annual expenditures of the state, there may be levied in the manner to be provided by law, a tax, for state purposes, on all the property in the state, including the classes

of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township, or district on the first day of October, one thousand nine hundred and twenty-five. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes hereunder.

(b) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for the valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the state board of equalization and any other officers in connection with the administration thereof. Effect of section

The rates of taxation fixed in this section shall remain in force until changed by the Legislature. two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section.

(c) No injunction shall ever issue in any suit, action or proceeding in any court against this state or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such a manner and at such time as may now or hereafter be provided by law. Recovery of illegally paid taxes