

CHAPTER 369.*

An act to establish a Welfare and Institutions Code, thereby consolidating and revising the law relating to and providing for protection, care, and assistance to children, aged persons, and others specially in need thereof, and to repeal certain acts and parts of acts specified herein, declaring the urgency hereof, and providing that this act shall take effect immediately.

[Approved by the Governor May 25, 1937. In effect immediately.]

NOTE—The Welfare and Institutions Code, as prepared by the California Code Commission, consists of this chapter and chapters 374, 375, 376, and 464, all as originally enacted. As here set forth, chapter 369 contains the provisions of said chapters and also contains all of the amendments to the code made during the fifty-second session of the Legislature, namely, by chapters 380, 390, 392, 394, 397, 405, 406, 640, 674, 699, 869, and 885.

The chapters constituting the original code are in effect May 25, 1937, except chapter 464, which is in effect August 27, 1937. The effective dates of the amendatory chapters are indicated by notes. For approval dates, see the respective chapters in their numerical sequence.

See chapters 390, 392, 394, 405, 406, 674, and 869 for provisions thereof which were designed to affect existing laws which are codified and repealed by the code.

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

GENERAL PROVISIONS.

1. This act shall be known as the Welfare and Institutions Code Title
2. The provisions of this code, in so far as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations thereof, and not as new enactments. Continuation
of existing
law
3. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold the same according to the former tenure thereof. Tenure
4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible. Pending
proceedings
5. Unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this code. Construction
6. Division, part, chapter, article, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any division, part, chapter, article, or section hereof. Headings
7. Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by Delegation
of power

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

7508. No civil action shall be brought, without leave of the Controller, against the department, an officer or trustee of a State hospital, or a trustee, officer, or employee of the Pacific Colony because of any act done or failure to perform any act, while discharging official duties relating to the insane or to other incompetents. Any just claim for damages against the department, or any such officer or employee, for which the State would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane or other incompetents, or for the Pacific Colony, as the case may be.

Action against department, officer, etc

Payments of claim or damages

7509. The department shall biennially report to the Legislature its acts and proceedings for the two years ending the June thirtieth last preceding, with such facts regarding the management of the institutions for the insane and other incompetents as it deems necessary for the information of the Legislature, including estimates of the amounts required for the use of such hospitals and the reasons therefor, and including annual reports for each State hospital.

Biennial report to Legislature

7510. The department shall report to the Legislature the prospective needs for the care, custody, and treatment of the insane and other incompetent persons, together with its recommendations therefor. For the purpose of preventing overcrowding, it shall recommend to the Legislature the establishment of cottages at those State hospitals which, in its judgment, will best meet the requirements of such persons.

Recommendations.

DIVISION VII. INDIANS.

CHAPTER 1. ADMINISTRATION OF FEDERAL FUNDS.

8000. If provision is made by law of the United States for the administration by public agencies of this State of Federal appropriations for the welfare of the Indians in this State, such State agencies may administer the expenditure of such Federal appropriations within the scope of their legal powers.

Authority to administer expenditure of Federal funds for Indian welfare

The State Department of Public Health shall administer the expenditure of all such Federal appropriations for the care and hospitalization of, and for medical attention to, sick or injured Indians and for the control and prevention of communicable and infectious diseases and general sanitation among the Indians in this State.

State Department of Public Health

The State Department of Education shall administer the expenditure of such Federal appropriations for the construction and maintenance of schools and the education of the Indians in this State.

State Department of Education

The State Department of Social Welfare shall administer the expenditure of such Federal appropriations for the relief of aged, infirm, and indigent Indians in this State.

State Department of Social Welfare

Subject to such limitations as the law of the United States or the Secretary of the Interior lawfully imposes upon the administration of such funds, the State departments above mentioned may expend the same for the purposes within their

respective jurisdictions which the respective heads of the departments deem best to conserve the interests and welfare of all the Indians residing within the State.

Preparation and coordination of budgets

8001. If the law of the United States requires the submission of budgets to the Secretary of the Interior or to any other Federal agency before Federal funds may be expended the State agencies may prepare budgets showing the amounts necessary during each year to carry out the purposes for which such Federal appropriations are made, and shall submit such budgets when prepared to the State Department of Finance, who shall coordinate the same so far as possible and approve them before they are forwarded to the Federal agency charged with receiving them. Thereafter the State agencies shall account directly to the Federal disbursing and auditing officers for the expenditures of Federal funds made subject to their administration, and the officers and employees of each department shall be responsible upon their official bonds to the Federal disbursing and auditing officers for a proper accounting for all funds so disbursed.

Accounting for funds disbursed

CHAPTER 2. SUITS IN BEHALF OF INDIANS.

Suits in behalf of Indians

8025. If the Attorney General of this State is authorized by any law of the United States to institute suits in the court of claims in behalf of the Indians of this State, and if the law of the United States provides for reimbursement of this State for all necessary costs and expenses incurred by this State in the event that the court renders judgment against the United States, the Attorney General may, with the approval of the Governor, cause such suits to be instituted, employ special counsel to assist in the prosecution thereof, and pay all necessary expenses incident thereto from moneys appropriated to the Attorney General. No reimbursement shall be made to this State for the services rendered by its Attorney General in person.

DIVISION XX. REPEALS.

Repeals

20000. The following acts and sections, together with all amendments thereof and all acts supplementary thereto, are hereby repealed:

GENERAL LAWS.

Year	Ch.	Page	Year	Ch.	Page	Year	Ch.	Page
1850:	133:	408	1854:	2:	131	1855:	186:	238
1851:	27:	208		Special Law		1856:	44:	52
1851:	87:	384	1854:	7:	134	1856:	49:	60
1851:	130:	511		Special Law		1856:	56:	69
1853:	66:	93	1854:	60:	177	1856:	112:	134
1853:	149:	203		Special Law		1856:	142:	223
1853:	150:	208	1855:	23:	16	1857:	76:	72
1854:	2:	18	1855:	57:	67	1857:	164:	187
1854:	4:	18	1855:	90:	120	1857:	174:	198
1854:	62:	87	1855:	148:	188	1857:	211:	243